

New Zealand Transport Agency (Transport Registry Centre Palmerston North)

Decision on an application for resource consents to **undertake vegetation clearance, land disturbance, discharge to water and drilling in the bed of a river for geotechnical investigations in and around the Manawatū River, Parahaki Island, and At-Risk, Rare and Threatened habitats adjacent to the Manawatū River, associated with Te Ahu a Tūranga - Manawatū Gorge Replacement at SH3, Palmerston North**

Application Reference: APP-2019202606.00

Decision Date: 26 February 2020

Expiry Date: 26 February 2022

Application Summary

Proposal

The New Zealand Transport Agency (the Applicant) has applied for resource consents to enable geotechnical investigations to inform the design and construction of the Te Ahu a Turanga (Manawatū Tararua Highway project).

The Applicant has requested that the works be considered as two distinct locations as follows:

1. Up to six boreholes located to the immediate east of Parahaki Island, within the bed of the Manawatū River and the true left bank of the Manawatū River; and
2. Up to 13 boreholes located on land on the true right of the Manawatū River, and adjacent land on Raupo dominated seepage wetland and within Old Growth forest, which are considered to be At-Risk, Rare or Threatened habitats in Schedule F of the One Plan.

The application notes that for some locations, 2-3 boreholes maybe required, with the final number being dependent on the geotechnical findings.

The proposed location of the bore holes are shown in Figure one below.

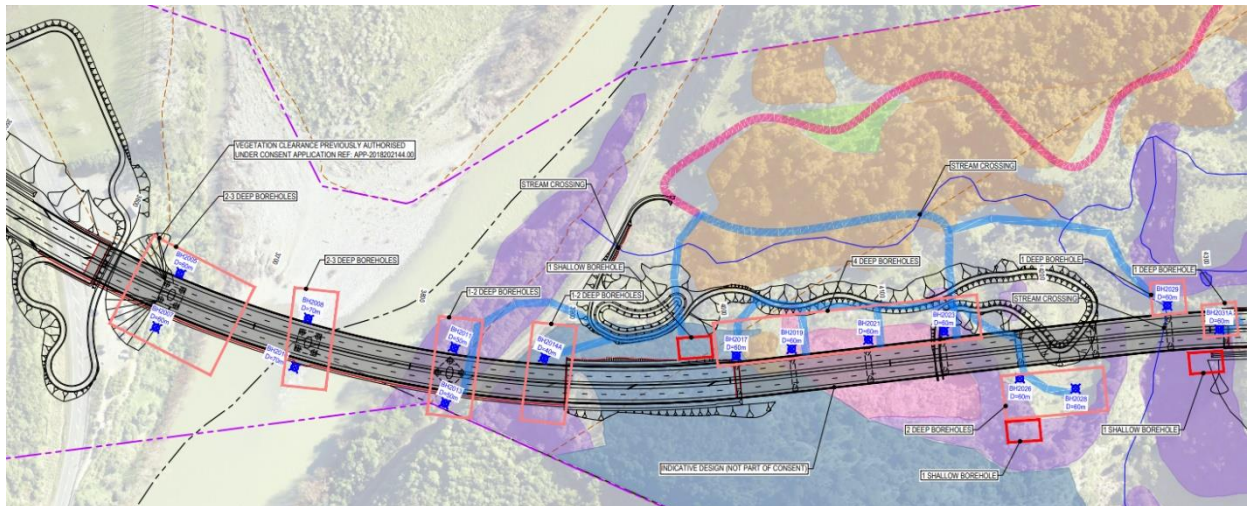


Figure 1 - Borehole locations

The proposed boreholes are proposed to range between 0-70m in depth, with a casing size of 102mm. Each borehole will take approximately 7-8 working days to complete.

For works within the bed and the true left bank of the Manawatū River, access will be via the access track authorised by APP-2018202144.01. No additional vegetation clearance is proposed on the true left bank.

Water required for drilling will be taken from the Manawatū River, which a daily volume to not exceed 6 cubic metres per day (m^3/day), and a maximum instantaneous rate of 2 litres per second (L/s).

Drilling within the bed of the Manawatū River may result in the potential for drilling fluids to be discharged to water. The Applicant is proposing to construct water tight bunds around the bores proposed to be constructed on the true left bank to collect the drilling slurry. This is proposed to be collected and disposed of to an approved collection facility. For those bores to be constructed in the bed of the River, no bunding is proposed.

For the works on the northern side of the Manawatū River a crawler drilling rig will be moved onto the site via Track 1 authorised by APP-2019202470.00). From there the rig will be moved to the various bore locations. At the end of Track 1, the rig will be required to cross a stream in two locations. A small amount of vegetation trimming maybe required to allow the rig to move past low hanging branches.

No vegetation clearance associated with moving the drilling rig within any At-Risk, Rare or Threatened habitat is proposed. An ecologist will be on site when the drilling rig is moved to each site in identified sensitive areas.

To allow access to bore holes BH2011 and BH2013, $185m^2$ of vegetation clearance is required within secondary broadleaved and scrubland habitat. The Applicant considers this vegetation to not be an At-Risk, Rare or Threatened habitat.

To access boreholes within the short length of Raupo dominated seepage wetland, $60m^2$ of Raupo (Rare habitat) may need to be cut of a minimum height of 0.5m above ground level. To minimise damage to the Raupo, swamp mats are proposed to be used. Any trimming of Raupo fronds will be supervised by an ecologist.

The Applicant has proposed a comprehensive suite of proposed consent conditions as part of their application.

The Applicant is seeking the following consents:

- Discharge Permit for the discharge of drilling fluid to water as a Discretionary Activity under Rule 14-30;
- Land Use Consent for drilling within the bed of the Manawatū River, which holds a Schedule B value of Site of Significance – Cultural as a Discretionary Activity under Rule 17-3;
- Land Use Consent for vegetation clearance for access as a Discretionary Activity under Rule 13-7 as vegetation clearance will be required within 10m of the bed of a permanently flowing river;
- Land Use Consent for land disturbance (drilling of boreholes) and associated discharge of artesian water to water within At-Risk habitats as a Discretionary Activity under Rule 13-8; and

- Land Use Consent for land disturbance (drilling of boreholes) and associated discharge of artesian water to water within Rare and Threatened habitats as a Non-Complying Activity under Rule 13-9.

Water is proposed to be abstracted from surface water to support the drilling. Given this is estimated at 6m³/day and at an instantaneous rate at or below 2L/s. This meets the Permitted Activity Rule 16-1, no consent is required for this abstraction.

The Applicant is seeking a term of 2 years for these consents.

Activity Summary

Activity Description	Status	Authorisation Number
Land Use Consent, River and Lake Beds, Te Ahu a Tūranga Geotechnical Investigations	Discretionary Activity (Rule 17-3)	ATH-2019203034.00
Discharge Permit, To Water, Te Ahu a Tūranga Geotechnical Drilling Discharge	Discretionary Activity (Rule 14-30)	ATH-2019203119.00
Land Use Consent, Land, Te Ahu a Tūranga Vegetation Clearance and Land Disturbance	Non-Complying Activity (Rules 13-7, 13-8 and 13-9)	ATH-2019203121.00

Bundling Principle

The Applicant has requested that the activities be considered as two distinct sites, works to be undertaken on in the bed of the Manawatū River and the true left bank, and works to be undertaken on the true right bank and within at-risk, rare and threatened habitats. I agree with the Applicant that the two sites can be considered distinct from each other and they also trigger separate rules under the One Plan. On that basis, the bundling principle is considered to relate to the separate sites. The bundling principle requires the most onerous activity status to be applied to the proposed activities. On this basis, the works on the true left and bed of the Manawatū River will be considered on a Discretionary basis, and the works on the true right and within at-risk, rare and threatened habitats will be considered on a Non-Complying Activity basis.

Assessment Summary

The application has been assessed by James Lambie, Consultant Ecologist on behalf of the Manawatū-Whanganui Regional Council with respect to terrestrial ecology effects and Logan Brown, Manager Freshwater and Partnerships, Manawatū-Whanganui Regional Council. The following assessment is based on their reviews.

1.1 Environmental Effects (Section 104(1)(a))

Actual and Potential Environmental Effects

Terrestrial Ecology

Mr Lambie advises that the geotechnical investigations involve a number of habitats of significance relating to the maintenance of indigenous biodiversity, namely:

- The riparian margin of the true right bank of the Manawatu River, which holds a Schedule B value of Site of Significance – Riparian for black fronted and banded dotterel;
- Kanuka forest (Threatened habitat as defined in Schedule F of the One Plan);
- Alluvial Old Growth Forest, consistent with Kahitakea-pukatea-tawa forest (Threatened habitat as defined in Schedule F of the One Plan);
- Raupo dominated seepage wetland, consistent with Seepage and spring wetland (Rare habitat as defined in Schedule F of the One Plan).

Mr Lambie notes that the indigenous habitat ‘secondary broadleaved forest and scrubland’ is habitat for the relict fern *Adiantum formosum* and this species is limited in its distribution in New Zealand as it is mainly confined to the Manawatu area. The Applicant considers that given the habitat type is not listed in Schedule F of the One Plan, it does not meet the criteria for significance under Policy 13-5, and draws attention to the definition of ‘At-Risk habitat’s which is:

“At-Risk habitat means an area determined to be an at-risk habitat in accordance with Schedule F and, for the avoidance of doubt, excludes any area in Table F.2(b).”

I agree with the Applicant that if the habitat type is not detailed in Schedule F, then it is unable to be considered an At-Risk habitat. However, the clearance of the secondary broadleaved forest and scrubland requires consent as a Discretionary Activity given it is proposed to occur within 10m of the bed of the Manawatu River. On this basis I consider there to be scope to consider the effects of this vegetation clearance.

The application summarises the habitats to be found within the project area and Mr Lambie concurs with this assessment and considers no additional rare, threatened or at-risk habitats are involved. Mr Lambie also considers Appendix C of the application provides a good account of the values and effects of the proposal. The Applicant considers that the anticipated changes to the habitats will be discernible but

localised. Mr Lambie also agrees with the Applicant that with the proposed effects management regime in place, such changes will not diminish the overall characteristics or viability of the affected ecosystems.

Mr Lambie agrees that the unavoidable effects are likely to be low (no more than minor) if the proposed management measures to mitigate potential effects are implemented. Mr Lambie considers the conditions proposed by the Applicant with respect to biodiversity to be sufficient and recommends their adoption.

Conditions 12 and 13 in the application's proposed suite of consent conditions set out how any unanticipated effects will be assessed post-work. These effects are proposed to be compensated for through the provision of in-situ like-for-like habitat replacement. Mr Lambie notes that the use of the word 'compensation' is an unfortunate use of a word that has come to define the lowest and worst-case outcome (with the exception of no management) for managing effects on biodiversity. Mr Lambie does not consider the proposal to be compensatory in terms of biodiversity hierarchy, rather he considers the approach offered is remediation of unanticipated effects, with consideration of increase the area of habitat to mitigate a short time lag between effect and restoration (2 years). Mr Lambie notes that the Applicant has not provided any empirical evidence that the proposed ratio of 1:4 ha for raupo wetland and 1:3 ha for secondary broadleaf shrubland would adequately cater for the time lag.

Mr Lambie has utilised a simple biodiversity offsetting model that balances the loss of habitat area with improvement of habitat quality and additional new area to check whether the ratios result in a like-for-like biodiversity outcome. He has made an assumption that the habitat rehabilitation will result in optimal habitat condition, while knowing that their present quality is sub-optimal. Mr Lambie advises that the ratios result in a net gain. He notes that given the replanting is considered a remedy and mitigation rather than a biodiversity offset. In this scenario, the replanting would be considered as a biodiversity offset. Mr Lambie considers that assessment for net gain is needed simply to confirm this consent can stand on its own and satisfy the requirements of Policy 13-4, which Mr Lambie considers it does.

In this light, Mr Lambie notes that if the highway project proceeds, any ecological effects resulting from the geotechnical testing will be subsumed by the greater effect of habitat disturbance arising from forming the bridge piers. Mr Lambie has assumed that the delay between the geotechnical testing and the pier formation won't be more than a few years, and is therefore satisfied that should the highway proceed, any remediation of the effects of the geotechnical testing can be incorporated into the effects of the wider highway project. It is noted that the Applicant has proposed a consent condition which covers replanting irrespective of if the wider project does not proceed. Mr Lambie confirms this approach to be acceptable, and considers, from a technical perspective, that the anticipated environmental outcomes of this enabling consent and the main consent do not need to be considered independently.

To this end, Mr Lambie is satisfied by the approach in the Applicant's proposed conditions 12 and 13 and considers it caters for each eventuality where the management of effects is either in accordance with a certified management plan that manages the effects of the highway construction (via the future consent yet to be lodged) or stands alone with the ratios applied as discussed above.

Overall, Mr Lambie is satisfied this application has fully considered the effects on terrestrial and wetland indigenous ecosystems and proposes management regimes and conditions that will ensure those effects are adequately managed.

On the basis of Mr Lambie's assessment, the effects of the proposed works on indigenous biodiversity are considered to be no more than minor.

Water Quantity Effects

The site is located within the Middle Manawatu (Mana_10) Water Management Zone and the Middle Manawatu (Mana_10a) Water Management Sub-Zone. The site specific values for the reach of the Manawatu River at the proposed works are Site of Significance – Riparian (Gravel and sand dotterel), Site of Significance – Cultural and Other Trout Fishery.

The Applicant advises that drilling fluid is a biodegradable substance comprising of a bentonite clay gel and additives such as barium sulphate, calcium carbonate and hematite. It is anticipated that a freshwater mud based drilling fluid with a pH of 7 – 9.5 will be used. The Applicant considers that as this substance is water soluble and capable of breaking down within the receiving environment, the effects of the activity will be intermittent and isolated. All discharges are limited to the 7-8 operational days that the borehole is drilled (per hole).

The Applicant proposes to capture the drilling fluid as it is ejection within both the bed and the true left bank of the Manawatu River, and dispose of it at an approved disposal facility. However it is likely that drilling fluid will enter surface water. The Applicant considers that given the solubility of the drilling fluid, the temporary nature of the discharge and the proposed methods to capture and dispose of drilling fluid, the effects have been minimised.

With respect to the drilling of bores within At-Risk, Rare or Threatened habitats, it is anticipated that artesian groundwater will be encountered during drilling. In response to a further information question on the volume and quality of the artesian water, specifically dissolved oxygen, the Applicant proposed a condition to manage this potential effect. The Applicant proposes to monitor the artesian water discharged from the geotechnical bores for dissolved oxygen and cease the discharge of artesian water if the dissolved oxygen is less than 70% SAT. Mr Brown agrees with the intent of the proposed condition, but recommends including specific monitoring details be included in the condition.

Mr Brown advises that with respect to the assessment of effects on water quality, he agrees with the conclusions reached by the Applicant. On this basis, the effects of the proposed discharges are considered to be no more than minor.

Cultural Effects

The Applicant has undertaken consultation with Rangitāne o Manawatū, Rangitāne o Tamaki nui-ā-Rua, Ngāti Kahungunu ki Tāmaki nui-a-Rua and Ngāti Raukawa. These groups form part of the Alliance that are working with the Applicant to inform the resource consent applications and the wider project.

The Applicant recognises that the proposed works have the potential to effect tikanga, taonga mauri and kaitiakitanga, including:

- Temporary and permanent adverse effects of construction activities on the spiritual and cultural landscape of the swamp maire through the desecration of potentially unknown heritage sites and irreversible changes to the environment;
- Disturbance and/or adverse effects of construction activities on indigenous flora and fauna; and
- The excessive movement and use of natural and physical resources such as land and water.

Rangitāne o Manawatū

Rangitāne o Manawatū have acknowledged the impact the proposed works will have on the Manawatū River, Papatuanuku and the children of Tane mahuta. The Manawatū River and its tributaries are also subject to a Statutory Acknowledgement under the Rangitāne o Manawatū Claims Settlement Act 2016.

The Applicant and Rangitāne o Manawatū have collectively agreed upon a Cultural Environmental Design Framework.

The Applicant acknowledges that the works are proposed be undertaken within a significant Rangitāne o Manawatū landscape, with the holistic health of the river being of vital importance to Rangitāne o Manawatū. Rangitāne o Manawatū also have a spiritual associated within the adjacent land, biodiversity and wāhi tapu. The Applicant advises and proposes for Rangitāne o Manawatū kaumātua will undertake karakia prior to the beginning of works, and will induct contractors to the cultural landscape.

The Applicant will work with Te Ao Turoa staff to distribute natural vegetation materials to the wider iwi, to support cultural activities. The Applicant considers the proposed provides for whakapapa and the narrative of cultural history to be embedded in subsequent phases of the project design, but also in the precautionary approach to minimising impacts on biodiversity.

The Applicant advises that taonga species will be protected through proposed consent conditions, including the Lizard Management Plan.

Mauri tu (environmental health) is proposed to be provided for by mitigation measures including the wetland matting and leaving Raupo rhizomes intact for recovery, minimisation of vegetation to be removed, laying of tyres for stream crossings and monitoring requirements.

Siobhan Lynch-Karaitiana, Environmental Planner for Rangitāne o Manawatū advises that Rangitāne o Manawatū support the application, and any effects on cultural values will be less than minor as a result of the partnership between NZTA and Rangitāne o Manawatū, and the agreed upon actions contained within the consent application.

On the basis of the information contained in the application and feedback from Ms Lynch-Karaitiana, the cultural effects on Rangitāne o Manawatu are considered to be less than minor.

Rangitāne o Tamaki nui-ā-Rua

The Applicant advises that Rangitāne o Tamaki nui-ā-Rua supports and recommends the proposed approach of treading lightly, avoiding and remedying effects. Rangitāne o Tamaki nui-ā-Rua also recommends that resources derived from vegetation removal should be distributed to Rangitāne

weavers, carvers and schools etc. The Applicant advises that Rangitāne o Tamaki nui-ā-Rua concluded support for the proposed works but requested the opportunity to make further recommendations. Hineirangi Carberry, from Rangitāne o Tamaki nui-ā-Rua advised that as a result of a site visit on 4 February, further discussion Rangitāne o Tamaki nui-ā-Rua supports the proposed geotechnical investigations. Ms Carberry notes that wetlands and environments of the like were used by their ancestors, including the storing of Taonga. Given their strong cultural and historic connection with this area, Ms Carberry advises that the project treading lightly is of vital importance. As a result Ms Carberry requests that a Rangitāne o Tamaki nui-ā-Rua representative is present, to be included in the Accidental Discovery Protocol. The Applicant has proposed consent conditions which cover these requests.

On the basis of the information contained in the application and feedback from Ms Carberry, the cultural effects on Rangitāne o Tamaki nui-ā-Rua are considered to be less than minor.

Ngāti Kahungunu ki Tāmaki nui-a-Rua

The application states that representatives from Ngāti Kahungunu ki Tāmaki nui-a-Rua have visited the site and advised they support the proposed works in general. Ngāti Kahungunu ki Tāmaki nui-a-Rua subsequently advised that they provided conditional support to NZTA for the enabling works provided their cultural values, interests and taonga within the whenua, the ngahere and the awa are addressed and provided for. They advise that they expect their kaitiakitanga over these to be further enabled, based on taonga protection and enhancement, with engagement proceeding in a structured and timely manner so Ngāti Kahungunu ki Tāmaki nui-a-Rua can adequately represent the interests of their whanau and hapu. The Applicant has provided a copy of the Cultural Values Assessment undertaken by Ngāti Kahungunu ki Tāmaki nui-a-Rua, and has proposed consent conditions which cover the actions requested.

On the basis of the information contained in the application and feedback from Ngāti Kahungunu ki Tāmaki nui-a-Rua, the cultural effects on Ngāti Kahungunu ki Tāmaki nui-a-Rua are considered to be less than minor.

Ngāti Raukawa

The Applicant advised that Ngāti Raukawa are satisfied that effects on ecology are being minimised, where it is necessary for damage or removal, it is being satisfactorily mitigated. They advise that Ngāti Raukawa are happy for the application to be lodged subject to the following conditions:

- All iwi concerns having been addressed; and
- The geotechnical works will be subject to iwi arrangements regarding cultural monitoring.

At the time of lodgement, Ngāti Raukawa advised the Applicant that cultural monitoring arrangements have not yet been agreed, and the format for monitoring has not yet finalised.

Jessica Kereama, Pou Taiao from Ngāti Raukawa subsequently advised that the concerns raised have been resolved by the conditions proposed by the Applicant in the consent application. She advises that with cultural monitoring on site, Ngāti Raukawa support the proposed works and provide their approval to the application.

On the basis of the information contained in the application and feedback from Ngāti Raukawa, the cultural effects on Ngāti Raukawa are considered to be less than minor.

CONCLUSION

On the basis of the information contained in the application, including proposed consent conditions, the assessments undertaken by Mr Lambie and Mr Brown, and the feedback received from Rangitāne o Manawatū, Rangitāne o Tamaki nui-ā-Rua, Ngāti Kahungunu ki Tāmaki nui-a-Rua and Ngāti Raukawa, the effects of the proposed works are overall considered to be no more than minor.

1.2 Relevant Provisions (Section 104(1)(b))

Relevant Provisions

National Environmental Standard for Sources of Drinking Water (21 December, 2007)

- OBJECTIVE 01 Potential to Affect Certain Drinking-Water Supplies (Water and Discharge Permits)
- OBJECTIVE 02 Permitted Activity Rules with Potential to Affect Certain Drinking-Water Supplies

NATIONAL ENVIRONMENTAL STANDARD CONSIDERATIONS

The nearest water supply is Palmerston North City Council's Ashhurst Pump Station located approximately 2.2km west of the site for the proposed works. This water supply supplies a population of 2,800 people. Given the effects on water quality is considered to be less than minor, and this water supply is groundwater, set back from the river and accessing groundwater from a confined aquifer, it is considered that section 7 and 8 of the NES are not relevant to this application.

National Policy Statement for Freshwater Management (7 September, 2017)

- OBJECTIVE AA1 Consider & Recognise Te Mana o te Wai in the Management of Fresh Water
- OBJECTIVE A4 Enable Communities in Sustainable Management of Freshwater Quality
- OBJECTIVE A2 Overall Fresh Water Quality Maintained or Improved
- OBJECTIVE A1 Safeguard Life-Supporting Capacity & Health of Communities

NATIONAL POLICY STATEMENT CONSIDERATIONS

Objective AA1 seeks to consider and recognise Te Mana o te Wai in the management of freshwater. The Applicant has consulted with and offered up consent conditions which give effect to iwi's requests. Objective A1 of the National Policy Statement for Freshwater Management (NPSFM) seeks to safeguard the life supporting capacity, ecosystem processing and indigenous species, and the health of people and communities when sustainably managing the use and development of land. Based on the assessment of effects above, the proposed activities will be consistent with this Objective, subject to adhering to the

recommended consent conditions. Objective A2 seeks to ensure that the overall quality of freshwater is within a freshwater management unit is maintained or improved. The proposed discharge to water from the drilling and the associated discharge of artesian water has been assessed as having no more than minor effects given the consent conditions and methodology proposed by the Applicant and the recommended consent conditions. The proposed activities will provide for the economic wellbeing of the Applicant by enabling the investigation to be carried out for the wider project of the Te Ahu a Turanga while protecting the life supporting capacity of the waterways. The proposal is considered to be consistent with the relevant Objectives and Policies of the NPSFM

One Plan, Regional Policy Statement, 2018

OBJECTIVE 2-1	Resource Management
POLICY 2-1	Hapu & Iwi Involvement in Resource Management
POLICY 2-4	Other Resource Management Issues
OBJECTIVE 4-2	Regulating Potential Causes of Accelerated Erosion
POLICY 4-2	Regulation of Land Use Activities
OBJECTIVE 5-1	Water Management Values
OBJECTIVE 5-4	Beds of Rivers and Lakes
POLICY 5-1	Water Management Zones and Values
POLICY 5-2	Water Quality Targets
POLICY 5-4	Enhancement where Water Quality Targets are not Met
POLICY 5-9	Point Source Discharges to Water
POLICY 5-23	Activities in Sites with a Value of Natural State, Sites of Significance (Cultural), or Sites of Significance (Aquatic)
OBJECTIVE 6-1	Indigenous Biological Diversity
POLICY 6-2	Regulation of Activities affecting Indigenous Biological Diversity

REGIONAL POLICY STATEMENT CONSIDERATIONS

Objective 2-1 seeks to have regard to the mauri of natural and physical resources and enable hapū and iwi to provide for their social, economic and cultural wellbeing. It is implemented by Policies 2-1 and 2-4 which seeks to encourage resource consent applicants to consult directly with iwi and hapū and to address issues raised by iwi and hapū in a specific manner. In this case the Applicant has consulted with and incorporated key matters raised within the design and proposed consent conditions. Rangitāne o Manawatū, Rangitāne o Tamaki nui-ā-Rua, Ngāti Kahungunu ki Tāmaki nui-a-Rua and Ngāti Raukawa have provided feedback on the application. The majority of the recommendations made have been incorporated into the application, and the remainder have been recommended as consent conditions. On that basis, the application is considered to be consistent with this Objective and Policies.

Objective 4-2 seeks to ensure land is used in such a manner which avoids, remedies or mitigated accelerated erosion and increased sedimentation as a result of vegetation disturbance. It is supported by Policy 4-2 which ensures Regional Council regulates land disturbance to minimise the risk of accelerated erosion, minimise discharge of sediment to water and maintain the benefits of riparian

vegetation for waterbodies. The proposed land disturbance has been assessed as having a less than minor effect with respect to water quality.

Objective 5-1 seeks to manage surface waterbodies in a manner which safe guards their life supporting capacity and recognises and provides for the values in Schedule B. Objective 5-4 seeks to manage the beds of rivers and lakes in a manner which safeguards their life supporting capacity, provides for instream morphological components of natural character, recognises and provides for Schedule B values and provides for infrastructure and flood mitigation. These Objectives are supported by Policies 5-1, 5-2, 5-4, 5-9 and 5-23. These seek to maintain or enhance water quality, manage point source discharges to water, and manage activities in the beds of rivers and lakes valued for Site of Significance - Cultural in a specific manner. Given the water soluble nature of the drilling muds, the proposal to capture as much drilling bud as possible, the proposal to manage dissolved oxygen in any artesian water discharge, the temporary nature of the discharges and the review undertaken by Mr Brown, the effects of these discharges are considered to be consistent with Objective 5-1 and Policies 5-1, 5-2, 5-4 and 5-9. With respect to Policy 5-23, the Applicant has consulted with Rangitāne o Manawatū, for whom the Site of Significance – Cultural is identified.

Objective 6-1 seeks to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna, and maintain indigenous biological diversity, including enhancement where appropriate. This Objective is supported by Policy 6-2 which seeks to manage biological diversity in a specific manner. Given land disturbance, in the form of geotechnical bores are proposed to be undertaken in Rare and Threatened habitats, these are considered to be an area of significant indigenous vegetation. Policy 6-2 requires rare and threatened habitats to be protected though decisions on resource consents, but also allows for the consideration of biological diversity offsets in appropriate circumstances as defined in Policy 13-4. As Mr Lambie notes in his assessment, the proposed re-planting is considered a remedy and mitigation rather than a biodiversity offset.

The proposed activities are considered to be consistent with the relevant Objectives and Policies of the Regional Policy Statement.

One Plan, Regional Plan, 2018

OBJECTIVE 12-2	Consent Duration, Review and Enforcement
POLICY 12-5	Consent Durations
POLICY 12-6	Consent Review
POLICY 12-7	Sites with Multiple Activities, and Activities covering Multiple Sites
OBJECTIVE 13-1	Accelerated Erosion – Regulation of Vegetation Clearance, Land Disturbance, Forestry and Cultivation
OBJECTIVE 13-2	Regulation of Activities Affecting Indigenous Biological Diversity
POLICY 13-2	Consent Decision Making for Vegetation Clearance, Land Disturbance, Forestry and Cultivation
POLICY 13-4	Consent Decision Making for Activities in Rare, Threatened and At-Risk Habitats

POLICY 13-5	Criteria for Assessing the Significance of, and the Effects of, Activities on an Area of Habitat
OBJECTIVE 14-1	Management of Discharge to Land and Water and Land Uses Affecting Groundwater and Surface Water Quality
POLICY 14-1	Consent Decision-Making for Discharges to Water
POLICY 14-4	Options for Discharges to Surface Water and Land
POLICY 14-9	Decision Making Requirements from National Policy Statement for Freshwater Management
OBJECTIVE 17-1	Regulation of Structures and Activities in Artificial Watercourses and in the Beds of Rivers and Lakes and Damming
POLICY 17-1	Consent Decision-Making for Activities In, On, Under, or Over the Beds of Rivers and Lakes (including Modified Watercourses)

REGIONAL PLAN CONSIDERATIONS

Objective 12-2 and Policies 12-5, 12-6 and 12-7 provide guidance on duration and review frequency of consents. These provisions are discussed further in Section 1.3 below.

Objective 13-1 and Policy 13-2 provides guidance on the matters which Regional Council must consider when assessing an application for land disturbance, including avoiding increased sedimentation in waterbodies and the assessment of erosion and sediment control measures. These matters have been considered in the assessment of this application. Mr Lambie has assessed the vegetation clearance and considers the proposed mitigations and offered replanting of secondary broadleaf shrubland at a rate of 1:3 ha for secondary broadleaf shrubland will remedy any effects of the clearance.

Objective 13-2 and Policies 13-4 provides guidance on the matters which Regional Council must consider when assessing an application for activities in a Rare, Threatened or At-Risk habitat, including the potential adverse effects on the significance of the area of habitat in terms of its representativeness, rarity and distinctiveness, and ecological context. Consents must not be granted for activities in a Rare or Threatened habitat which is assessed to be an area of significant indigenous vegetation or significant habitat or indigenous fauna under Policy 13-5 unless the hierarchy of avoid, remedy, mitigate or offset to result in a net biodiversity gain is utilised. In this case, Mr Lambie considers the proposed replanting at a ratio of 4 hectares for each 1 hectare of disturbed Raupo is classified as remediation of any unanticipated effects (given the Applicant considers there to be a high likelihood the Raupo will regrow), with consideration of an increase in the area of habitat to mitigate a short time lag between effect and restoration (2 years).

With respect to Policy 13-5, the Applicant has assessed the different habitat types and considers that the Kanuka Forest is a Threatened habitat type and meets the criteria to be considered significant given Kanuka is classified as threatened by the New Zealand Threat Classification System. The Raupo dominated seepage wetland is a Rare habitat type and meets the criteria to be considered significant given it was originally (i.e. pre-human) uncommon within New Zealand, supports and indigenous species or community of indigenous species. The alluvial old growth forest is a Threatened habitat type and is considered to be significant given it comprises indigenous habitat type that is under-represented (20% or less of known or likely former cover). Policy 13-5 requires consideration of the potential adverse effects

of an activity on these habitats to be determined by the degree to which the proposed activities will diminish any of the characteristics that make it significant, while having regard to any additional ecological values, and the ecological sustainability of that habitat. The Applicant considers the potential adverse effects to be low and result in a 'not net loss' of ecological value. Mr Lambie has agreed with this assessment.

Objective 14-1 and Policies 14-1 and 14-4 provides guidance on the matters which the Regional Council must consider when assessing an application for discharges to water. This includes avoiding discharges with persistent contaminants which accumulate in the water body or its bed, the appropriateness of adopting the best practicable option to prevent or minimise effects, and the relevant Objectives and Policies of the Regional Policy Statement and Regional Plan. These matters have been considered in the assessment of this application. The proposed discharge is not considered to give rise to these effects and the effects have been assessed as being less than minor.

Objective 17-1 and Policy 17-1 provides guidance on the matters which Regional Council must consider when assessing an application for activities in the beds of rivers, including effects on Schedule B values, consistency with best management practices, avoiding effects on other lawful activities, the Objectives and Policies in Chapters 2, 3, 5, 6, 9 and 12 to the extent they are relevant and the matters in Policy 14-9 with respect to the NPSFM. These matters have been considered in the assessment of this application. The effects on the Manawatū River and its life supporting capacity have been assessed as no more than minor.

The proposed activities are considered to be consistent with the relevant Objectives and Policies.

CONCLUSION

Based on the assessment above, the proposal is considered to be consistent with the relevant Objectives and Policies of the National Policy Statement for Freshwater Management and the One Plan.

1.3 Section 104D

Relevant Matters

The land disturbance within Rare, Threatened or At-Risk habitat, associated discharge of artesian water to water and vegetation clearance within 10m of the Manawatu River has been bundled as a Non-Complying Activity. Section 104D(1) of the Resource Management Act states: *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.

In this case, it is considered that both gateway tests are met, as the effects are considered to be no more than minor and the proposal is consistent with the relevant Objectives and Policies. Therefore there is no reason the application cannot be processed under section 104D

1.4 Matters Relevant to Certain Applications (Section 105)

Relevant Matters

The provisions of Section 105 of the Resource Management Act 1991 (RMA) have been met as it has been determined that there are no significant effects on the receiving environment. It has been assessed that the Applicant's explanations for the proposed choice of discharge are appropriate.

1.5 Discharge Permit Restrictions (Section 107)

Relevant Matters

The proposed discharge of contaminants, in this case, the discharge of drilling muds and artesian water to water. In this case, the discharge has been assessed by Mr Brown, and the effects are considered to be no more than minor. If the activity is undertaken in accordance with the methodology provided by the Applicant and the conditions of consent, it is not expected to result in any of the effects set out in s107.

1.6 Duration and Reviews

Relevant Matters

The proposed activities will occur within the Middle Manawatū (Mana_10) Water Management Zone. The common catchment expiry dates for Middle Manawatū Water Management Zone is July 2023. The Applicant has sought a term of two years for the consents Policy 12-5(a) states that other than provided for in (b), consents will generally grant resource consents for the term sought by the applicant. Policy 12-5(b) states that consents issued under s13, 14 and 15 of the RMA will generally be set to the next common catchment expiry date or in 10 year increments where a term longer than 10 years can be granted. In this case, a term of two years with an expiry date of ... February 2022 is considered appropriate for these consents.

1.7 Purpose and Principles (Resource Management Act Part 2)

Principles

Part 2 of the Resource Management Act 1991 outlines the purpose and principles of the Act. Following the Davidson Decision (*RJ Davidson Family Trust v Marlborough District Council* [2018] NZCA 316) the Court identified there is the ability to recourse to Part 2 when it is appropriate to do so. In this case, recourse to Part 2 is not required as it is not considered there is any illegality, uncertainty or incompleteness in the

relevant part of the One Plan 2018. Recourse to Part 2 would not provide any further guidance to the decision maker for this consent. Further no such issues have been identified and as such no further assessment against Part 2 of the Resource Management Act, 1991 is considered necessary for this consent.

Recommendation

It is recommended that the resource consent application by **New Zealand Transport Agency (Transport Registry Centre Palmerston North)** to undertake vegetation clearance, land disturbance, discharge to water and drilling in the bed of a river for geotechnical investigations in and around the Manawatū River, Parahaki Island and At-Risk, Rare and Threatened habitats adjacent to the Manawatū River associated with Te Ahu a Tūranga - Manawatū Gorge Replacement at SH3, Palmerston North be granted, subject to the conditions outlined in the attached condition schedules for the following reasons:

- a. the activities have been assessed by James Lambie, Consultant Ecologist on behalf of the Manawatū-Whanganui Regional Council. Based on his assessment, I am satisfied the proposal will have minor actual or potential adverse effects on the environment;
- b. the activities have been assessed by Logan Brown, Manager Freshwater and Partnerships, Manawatū-Whanganui Regional Council. Based on his assessment I am satisfied the proposal will have less than minor effects on the Site of Significance – Riparian value and minor actual or potential adverse effects on water quality; and
- c. based on the application and feedback received from Rangitāne o Manawatū, Rangitāne o Tamaki nui-ā-Rua, Ngāti Kahungunu ki Tāmaki nui-a-Rua and Ngāti Raukawa, the effects on cultural values are considered to be less than minor; and
- d. the activity is consistent with the relevant Objectives and Policies of the NPS-FM and the One Plan.

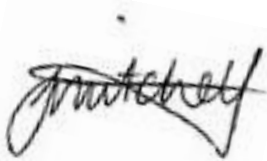


Sara Westcott

SENIOR CONSENTS PLANNER

Decision

The Manawatū-Whanganui Regional Council Team Leader Consents, grants resource consent for the reasons stated in the recommendation, to **New Zealand Transport Agency (Transport Registry Centre Palmerston North)** under sections 104, 104B, 104D and 108 of the Resource Management Act 1991 to undertake vegetation clearance, land disturbance, discharge to water and drilling in the bed of a river for geotechnical investigations in and around the Manawatū River, Parahaki Island and At-Risk, Rare and Threatened habitats adjacent to the Manawatū River associated with Te Ahu a Tūranga - Manawatū Gorge Replacement at SH3, Palmerston North for a term expiring on **26 February 2022** subject to the conditions outlined in the attached condition schedules.



Jasmine Mitchell

Team Leader Consents

Made Under Authority Delegated to the Team Leader Consents

26 February 2020

1. Land Use, River and Lake Beds, Te Ahu a Tūranga Geotechnical Investigations

The following details the location, classifications and conditions associated with the activity.

Authorisation Number	ATH-2019203034.00
Activity Type	Land Use, River & Lake Beds
Activity Class	Discretionary Activity
Primary Activity Purpose	Land Disturbance, Drilling, Exploration
Secondary Activity Purpose	Infrastructure, Construction, Road, Public Network

Location

The following summarises the authorised location for the consented activity.

Activity Location Description	985 SADDLE ROAD ASHHURST, NAPIER ROAD ASHHURST
Valuation Number	14450 003 01, 14020 281 01
Legal Description	LOT 2 DP 84523 BLKS I III IV GORGE SD PARAHAKI BLOCK -
Map References	LOC-2019803840 (Centroid: BM35:354-345)

Classifications

The following summarises the classifications associated with the application activity.

Groundwater Management Zone	Manawatu
Water Management Zone	Manawatu Catchment, Middle Manawatu, Middle Manawatu (Mana_10a)
Associated River	MANAWATU RIVER (325000)

Activity Specific Conditions - ATH-2019203034.00

Descriptive Specification

1. This consent authorises the drilling of geotechnical bores in the riparian bank and bed of the Manawatū River on the property legally described as River Parcel, LOT 2 DP 84523 BLKS I III IV GORGE SD PARAHAKI BLOCK, and shown in Site Plan APP-2019202606A attached to and forming part of this resource consent.

2. The consent holder must undertake the activity in general accordance with the consent application including all accompanying plans and documents first lodged with the Manawatū-Wanganui Regional Council on **28 November 2018**;
 - a. further information received on **18 January 2019** via email being water quality, biodiversity and cultural information;
 - b. further information received on **31 January 2020** via email being feedback from Ngāti Raukawa; and
 - c. further information received on **11 February 2020** via email being feedback from Rangitāne o Tamaki nui-ā-Rua; and
 - d. further information received on **14 February 2020** via email being Cultural Values Assessment by Ngāti Kahungunu ki Tāmaki nui-a-Rua and proposed consent conditions.

Where there may be inconsistencies between information provided by the Applicant and conditions of the resource consent, the conditions of the resource consent apply.

ADVICE NOTE: Any variance from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.

Pre-Development Assurance

3. The consent holder shall contact the Manawatū-Wanganui Regional Council's Consents Monitoring Team at least **forty-eight (48) hours** prior to the commencement of the works authorised by this consent and within **twenty-four (24) hours** of the completion of the works.

ADVICE NOTE: The Consents Monitoring Team can be contacted on 0508 800 800, -OR- compliance.shared@horizons.govt.nz.

4. The consent holder shall, at least **two (2) working days** prior to the commencement of the works, prepare and submit a flood contingency plan to the Manawatū-Wanganui Regional Council's Consents Monitoring Team. This plan shall describe the measures to be implemented to ensure machinery is not placed at risk during any event exceeding the precipitation limits as described in **Condition 5**, for the duration of the drilling activities.

5. The consent holder shall only commence works in the bed of the **Manawatū River** where there is at least **four (4) days** of settled weather forecast by the New Zealand Meteorological Service (MetService) for the water body's catchment.

ADVICE NOTE: Settled weather is defined as sunny, partially cloudy or overcast and light precipitation of less than 2mm/hour but does not include precipitation of greater than 2mm/hour.

6. The bore shall be designed, constructed and operated in a manner that prevents:
 - a. contaminants from entering the bore from the land surface; and
 - b. the wastage of water in artesian situations.

7. The consent holder shall install a backflow preventer to ensure that bore drilling fluids or water abstracted during construction of the bore do not flow back into the groundwater aquifer.

Environmental Standards

8. Existing Public access to the **Manawatū River** will be maintained, except when necessary for public safety reasons, in which case public access must be re-established within **five (5) working days** of completing the geotechnical bore investigation works.

9. The activity authorised by this consent must not result in suspended sediment being conspicuous during Saturdays, Sundays and Public Holidays during 1st December to 28th February (inclusive).

ADVICE NOTE: Any change in horizontal visibility that is greater than a 20% change in visual clarity will be considered conspicuous.

10. The consent holder shall ensure that:
 - a. machinery or vehicles entering the river should have had a stand down of at least **forty-eight (48) hours** since being in contact with another water body other than the upstream catchment of the **Manawatū River**; and
 - b. machinery or vehicles used at the proposed site should be stood down for **forty-eight (48) hours** prior to use in any catchment other than the **Manawatū River** upstream of the site; and
 - c. standard check, clean and dry procedures should be adopted for any vehicles, equipment, clothing or footwear that has been in contact with a water body other than the upstream catchment of the **Manawatū River** within the past 48 hours.

11. The consent holder shall ensure that any materials, machinery or equipment from the activities authorised by this consent (including any temporary structures), shall:
 - a. be removed after completion of the activity; and
 - b. are disposed of in an appropriate manner where it will not adversely affect the stream channel or impede the flow of water.

For the purposes of clarification, the retention of the drilling rig in accordance with **Conditions 1 and 2**, shall be excluded from the above restrictions for the duration of the drilling activities.

ADVICE NOTE: Materials includes stockpiles, mounds, depressions, trees/vegetation, excavated material, holes or surplus materials.

12. The consent holder shall comply with all notices and guidelines issued by Biosecurity New Zealand (refer to www.biosecurity.govt.nz/didymo) in relation to avoiding the spread of the pest organism *Didymosphenia Geminata* (known as 'Didymo').

13. The activity shall be undertaken in a manner that provides for the passage of fish both upstream and downstream, including past any temporary structure or machinery.

14. The construction activities must not result in any damage to Manawatū-Wanganui Regional Council's stop banks or river protection works. In the unlikely event that any damage does occur, then the consent holder shall immediately notify the Manawatū-Wanganui Regional Council's Area Engineer Central. Immediate repair is to be implemented at the consent holders' expense, and the stop bank and/or river protection works shall be returned to the same standard and condition existing prior to any damage.

15. The bore shall be cased, screened and sealed to ensure aquifer cross-connection, and leakage from the ground surface into ground water must not occur.

Operational Restrictions

16. Prior to any works being carried out in the bed of the Manawatū River during the period **1 July to 31 March**, the Consent holder shall ensure that:
 - a. A suitably qualified and experienced ecologist inspects the proposed area of works no earlier than **eight working days** prior to any works being carried out, and locates any banded dotterel breeding or nesting sites; and
 - b. If banded dotterel or black fronted dotterel breeding or nesting sites are found within a 50 metre radius of the construction area, construction activities within that 50 metre radius shall be postponed until such times as all nests are abandoned or the chicks have hatched and birds have been moved to other parts of the island. Any movement of chicks to outside of the 50 metre radius would be undertaken in accordance with the dotterel mitigation memorandum submitted as part of APP-2018202144.01; or
 - c. If no banded dotterel or black fronted dotterel are found appropriate mitigation is installed to deter any dotterels from entering the construction area; and
 - d. Tangata Whenua Kaitiaki shall be informed not less than 48 hours prior to the works outlined in a-c being undertaken and provided with the opportunity to be onsite alongside the ecologist(s) to undertake inspections of the proposed area of works and any works undertaken in accordance with the dotterel mitigation memorandum.

ADVICE NOTE: Once Dotterel chicks have hatched foraging chicks can be gently moved to other parts of the island. The technical memorandum letter dated 15 November 2019 from Josh Markham to Lorraine Pennington entitled 'Measures to manage and mitigate actual and potential effects on nesting dotterels during geotechnical investigations.

17. In situations where the location of the works is not subject to an archaeological authority (sought under section 44(a) and granted under section 48 of the Heritage New Zealand Pouhere Taonga Act 2014) and an archaeological site, waahi tapu or koiwi being discovered or disturbed during the activities authorised by this consent, the consent holder shall immediately cease further work and inform:
 - a. Rangitāne o Manawatū;
 - b. Rangitāne o Tamaki nui-ā-Rua;
 - c. Ngāti Kahungunu Tāmaki nui-a-Rua;

- d. Ngāti Raukawa;
- e. Te Apiti Ahu Whenua Trust, as representatives of Parahaki Island Trustees;
- f. the Manawatū-Wanganui Regional Council's Regulatory Manager; and
- g. Heritage New Zealand.

Further work in the immediate vicinity of the accidental discovery shall be suspended while iwi carry out their procedures for removal of taonga. The Manawatū-Wanganui Regional Council's Regulatory Manager will advise the consent holder when work at the site may recommence.

ADVICE NOTE: In the event that human remains (koiwi) are found the police should be contacted immediately and all works shall cease until advice is given that works can recommence.

ADVICE NOTE: A **Rangitāne o Manawatū** representative can be contacted, at the time of granting of these consents, on the following numbers: Paul Horton, 021 180 5197 or 06 353 1881 (Option 1).

ADVICE NOTE: A **Rangitāne o Tamaki nui-ā-Rua** representative can be contacted, at the time of granting of these consents, on the following numbers: 06 374 4185.

ADVICE NOTE: A **Ngāti Kahungunu Tāmaki nui-a-Rua** representative can be contacted, at the time of granting of these consents, on the following numbers: 06 374 9224.

ADVICE NOTE: A **Ngāti Raukawa** representative can be contacted, at the time of granting of these consents, on the following numbers: 027 349 2872.

ADVICE NOTE: A **Te Apiti Ahu Whenua Trust** can be contacted, at the time of granting of these consents, on the following numbers: 027 668 8926 or 021 709 083.

ADVICE NOTE: The Manawatū-Wanganui Regional Council's Regulatory Manager can be contacted on 0508 800 800.

ADVICE NOTE: A Heritage New Zealand representative can be contacted, at the time of granting of these consents, on the following number: 04 472 4341.

Post Development Assurance

18. Within **twenty (20) working days** of completion of the activity, the consent holder shall stabilise and re-contour any disturbed areas within the bed and riparian margin of the **Manawatū River**.

ADVICE NOTE: This condition is to minimise sediment runoff to the **Manawatū River** and to allow for the site to be stabilised.

ADVICE NOTE: For the purposes of this condition, 'bed' is defined as the space of land which the waters of the river cover at its annual fullest flow without overtopping its banks.

19. The works shall remain the responsibility of the consent holder and shall be maintained so that any erosion, scour or instability of the stream bed or banks that is attributable to the works carried out as part of this consent is remedied by the consent holder within **ten (10) working days**.
20. The consent holder shall keep a log for each borehole authorised under this resource consent. Each log shall contain (but is not limited to):
 - a. the location of the hole/bore;
 - b. date of completion;
 - c. duration of drilling;
 - d. depth and diameter of the hole/bore;
 - e. the method of drilling;
 - f. full construction details;
 - g. the subsurface geology;
 - h. full results of any tests (e.g. well yield, temperature, water quality) undertaken on the drilled hole/bore; and
 - i. a site diagram.
21. The consent holder shall submit this log to the Manawatū-Wanganui Regional Council's Consents Monitoring Team within **two (2) months** of the drilling being completed.

ADVICE NOTE: The Consents Monitoring Team can be contacted via compliance.shared@horizons.govt.nz.

Monitoring Provision

22. The consent holder shall invite Rangitāne o Manawatū, Rangitāne o Tamaki nui-ā-Rua, Ngāti Kahungunu ki Tāmaki nui-a-Rua and Ngāti Raukawa to undertake Cultural Health Monitoring according to their respective tikanga. If the engagement is accepted, the consent holder must commission iwi to undertake Cultural Health Monitoring.
23. Not less than **48 hours** prior to works commencing in the river bed, the Consent Holder shall invite Tangata Whenua Kaitiaki to attend the site toolbox training session regarding environmental controls for the site.

ADVICE NOTE: Toolbox training outlines incident and accident management protocols for the site, including reporting in accordance with environmental management plans for the site. Toolbox training shall also include site induction to allow for Kaitiaki to be observer's onsite. Any observer onsite will be required to comply with all Health and Safety requirements for the site.

24. The consent holder shall provide Tangata Whenua Kaitiaki with weekly updates regarding drilling operations onsite. The consent holder shall inform Tangata Whenua Kaitiaki no less than **48 hours** prior to intending drilling activities to commence and allow for the opportunity of Kaitiaki to be present as observers during drilling operations.

ADVICE NOTE: While every endeavour will be made for allowance of observations of drilling to occur, in order to minimise the length of time the drilling rig would be in-situ the bed drilling activities would not cease to allow for observers to arrive at the site.

Duration and Lapsing

25. The resource consent will expire on **26 February 2022**.

2. Discharge Permit, To Water, Te Ahu a Tūranga Geotechnical Drilling Discharge

The following details the location, classifications and conditions associated with the activity.

Authorisation Number	ATH-2019203119.00
Activity Type	Discharge to Water
Activity Class	Discretionary Activity
Primary Activity Purpose	Land Disturbance, Drilling, Exploration
Secondary Activity Purpose	Infrastructure, Construction, Road, Public Network

Location

The following summarises the authorised location for the consented activity.

Activity Location Description	River Parcel
Valuation Number	River Parcel
Legal Description	River Parcel
Map References	LOC-2019804098 (Centroid: BM35:354-345)

Classifications

The following summarises the classifications associated with the application activity.

Groundwater Management Zone	Manawatu
Water Management Zone	Manawatu Catchment, Middle Manawatu, Middle Manawatu (Mana_10a)
Associated River	MANAWATU RIVER (325000)

Activity Specific Conditions - ATH-2019203119.00

Descriptive Specification

1. This consent authorises the discharge of drilling fluids to water on the property legally described as River Parcel at approximate map reference NZTopo50 BM35:354-345 which is shown in Site Plan APP-2019202606A attached to and forming part of this resource consent.

2. The consent holder must undertake the activity in general accordance with the consent application including all accompanying plans and documents first lodged with the Manawatū-Wanganui Regional Council on **28 November 2019**;
 - a. further information received on **18 January 2019** via email being water quality, biodiversity and cultural information;
 - b. further information received on **31 January 2020** via email being feedback from Ngāti Raukawa; and
 - c. further information received on **11 February 2020** via email being feedback from Rangitāne o Tamaki nui-ā-Rua; and
 - d. further information received on **14 February 2020** via email being Cultural Values Assessment by Ngāti Kahungunu ki Tāmaki nui-a-Rua and proposed consent conditions.

Where there may be inconsistencies between information provided by the Applicant and conditions of the resource consent, the conditions of the resource consent apply.

ADVICE NOTE: Any variance from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.

Environmental Standards

3. The activity authorised by this consent must not result in suspended sediment being conspicuous during Saturdays, Sundays and Public Holidays during 1st December to 28th February (inclusive).

ADVICE NOTE: Any change in horizontal visibility that is greater than a 20% change in visual clarity will be considered conspicuous.

4. The consent holder shall ensure that:
 - a. Drilling fluid is captured as it is ejected, and disposed of off-site to an approved facility;

- b. All working equipment is maintained to reduce the risk of any malfunctions; and
 - c. Spill kits are maintained, and records of spills are kept with each drilling rig.
5. In the event that any spills occur during the geotechnical drilling authorised under these consents, the consent holder must notify the Manawatū-Whanganui Regional Council Consents Monitoring immediately and provide records upon request.

Monitoring Provision

6. The consent holder shall invite Rangitāne o Manawatū, Rangitāne o Tamaki nui-ā-Rua, Ngāti Kahungunu ki Tāmaki nui-a-Rua and Ngāti Raukawa to undertake Cultural Health Monitoring according to their respective tikanga. If the engagement is accepted, the consent holder must commission iwi to undertake Cultural Health Monitoring.
7. Not less than **48 hours** prior to works commencing in the river bed, the Consent Holder shall invite Tangata Whenua Kaitiaki to attend the site toolbox training session regarding environmental controls for the site.

ADVICE NOTE: Toolbox training outlines incident and accident management protocols for the site, including reporting in accordance with environmental management plans for the site. Toolbox training shall also include site induction to allow for Kaitiaki to be observer's onsite. Any observer onsite will be required to comply with all Health and Safety requirements for the site.

8. The consent holder shall provide Tangata Whenua Kaitiaki with weekly updates regarding drilling operations onsite. The consent holder shall inform Tangata Whenua Kaitiaki no less than **48 hours** prior to intending drilling activities to commence in the river bed and allow for the opportunity of Kaitiaki to be present as observers during drilling operations.

ADVICE NOTE: While every endeavour will be made for allowance of observations of drilling to occur, in order to minimise the length of time the drilling rig would be in-situ the bed drilling activities would not cease to allow for observers to arrive at the site.

Duration and Lapsing

9. The resource consent will expire on **26 February 2022**.

3. Land Use, Land and Vegetation Clearance, Te Ahu a Tūranga Vegetation Clearance

The following details the location, classifications and conditions associated with the activity.

Authorisation Number	ATH-2019203121.00
Activity Type	Land Use, Land
Activity Class	Non-Complying Activity
Primary Activity Purpose	Land Disturbance, Drilling, Exploration
Secondary Activity Purpose	Infrastructure, Construction, Road, Public Network

Location

The following summarises the authorised location for the consented activity.

Activity Location Description	SADDLE ROAD ASHHURST, 985 SADDLE ROAD ASHHURST
Valuation Number	14020 281 01, 14020 237 10
Legal Description	PT SEC 1 SUB X DP 239 LOT 2 DP 84523 BLKS I III IV GORGE SD
Map References	LOC-2019804101 (Centroid: BM35:354-349)

Classifications

The following summarises the classifications associated with the application activity.

Groundwater Management Zone	Manawatu
Water Management Zone	Manawatu Catchment, Middle Manawatu, Middle Manawatu (Mana_10a)
Associated River	MANAWATU RIVER (325000)

Activity Specific Conditions - ATH-2019203121.00

Descriptive Specification

1. This consent authorises land disturbance and associated discharge of artesian water to water within At-Risk, Rare and Threatened habitats and vegetation clearance on the property legally described as PT SEC 1 SUB X DP 239 LOT 2 DP 84523 BLKS I III IV GORGE SD at approximate map reference NZTopo50 BM35:354-349 which is shown in Site Plan APP-2019202606A attached to and forming part of this resource consent.

2. The consent holder must undertake the activity in general accordance with the consent application including all accompanying plans and documents first lodged with the Manawatū-Wanganui Regional Council on **28 November 2019**;
 - a. further information received on **18 January 2019** via email being water quality, biodiversity and cultural information;
 - b. further information received on **31 January 2020** via email being feedback from Ngāti Raukawa; and
 - c. further information received on **11 February 2020** via email being feedback from Rangitāne o Tamaki nui-ā-Rua; and
 - d. further information received on **14 February 2020** via email being Cultural Values Assessment by Ngāti Kahungunu ki Tāmaki nui-a-Rua and proposed consent conditions.

Where there may be inconsistencies between information provided by the Applicant and conditions of the resource consent, the conditions of the resource consent apply.

ADVICE NOTE: Any variance from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.

Pre-Development Assurance

3. The consent holder shall contact the Manawatū-Wanganui Regional Council's Consents Monitoring Team at least **forty-eight (48) hours** prior to the commencement of the works authorised by this consent and within **twenty-four (24) hours** of the completion of the works.

ADVICE NOTE: The Consents Monitoring Team can be contacted on 0508 800 800, -OR- compliance.shared@horizons.govt.nz.

4. The bore shall be designed, constructed and operated in a manner that prevents:
 - a. contaminants from entering the bore from the land surface; and
 - b. the wastage of water in artesian situations.
5. The consent holder shall install a backflow preventer to ensure that bore drilling fluids or water abstracted during construction of the bore do not flow back into the groundwater aquifer.

Environmental Standards

6. Land disturbance and vegetation trimming associated with the initial site access shall be under the supervision of a suitably qualified and experienced ecologist. The ecologist will ensure that no unmapped At-Risk, Rare or Threatened habitats are affected and/or damaged by drilling rigs and accompanying equipment.
7. Prior to undertaking any vegetation clearance or trimming during bird breeding season (September to December), the consent holder shall ensure that a suitably qualified and experienced ecologist has surveyed the area to ensure there are no nesting birds present.
8. The consent holder shall deploy swamp mats within the Raupo dominated seepage wetlands prior to the establishment of drilling rigs.

ADVICE NOTE: Swamp mats are a proprietary device that are used to minimise potential effects on ecologically sensitive areas.

9. The bores shall be cased, screened and sealed to ensure aquifer cross-connection, and leakage from the ground surface into ground water must not occur.
10. Drilling fluids from geotechnical drilling operations shall be collected and removed to a disposal site that is authorised to accept such material.
11. There shall be no discharge of artesian water to the unnamed tributary of the Manawatū River, from the drilling of bores within the Raupo wetland, unless the dissolved oxygen (DO) levels of artesian water are greater than 70% SAT. The consent holder shall measure, and record DO levels of artesian water and undertake appropriate management measures to ensure the water is deoxygenated if required. Monitoring shall commence within an hour of water starting to flow from the bore, and shall be undertaken at a minimum of 15 minute intervals for a minimum of two hours from the monitoring commencing. If management measures are required to be implemented, then the

consent holder shall monitor the DO of the water after measures have been implemented to ensure that the DO is above 70%.

ADVICE NOTE: Management measures could include the implementation of a riffle or cascade system to allow for re-oxygenation.

Operational Restrictions

12. In situations where the location of the works is not subject to an archaeological authority (sought under section 44(a) and granted under section 48 of the Heritage New Zealand Pouhere Taonga Act 2014) and an archaeological site, waahi tapu or koiwi being discovered or disturbed during the activities authorised by this consent, the consent holder shall immediately cease further work and inform:

- a. Rangitāne o Manawatū;
- b. Rangitāne o Tamaki nui-ā-Rua;
- c. Ngāti Kahungunu Tāmaki nui-a-Rua;
- d. Ngāti Raukawa;
- e. Te Apiti Ahu Whenua Trust, as representatives of Parahaki Island Trustees;
- f. the Manawatū-Wanganui Regional Council's Regulatory Manager; and
- g. Heritage New Zealand.

Further work in the immediate vicinity of the accidental discovery shall be suspended while iwi carry out their procedures for removal of taonga. The Manawatū-Wanganui Regional Council's Regulatory Manager will advise the consent holder when work at the site may recommence.

ADVICE NOTE: In the event that human remains (koiwi) are found the police should be contacted immediately and all works shall cease until advice is given that works can recommence.

ADVICE NOTE: A **Rangitāne o Manawatū** representative can be contacted, at the time of granting of these consents, on the following numbers: Paul Horton, 021 180 5197 or 06 353 1881 (Option 1).

ADVICE NOTE: A **Rangitāne o Tamaki nui-ā-Rua** representative can be contacted, at the time of granting of these consents, on the following numbers: 06 374 4185.

ADVICE NOTE: A **Ngāti Kahungunu Tāmaki nui-a-Rua** representative can be contacted, at the time of granting of these consents, on the following numbers: 06 374 9224.

ADVICE NOTE: A **Ngāti Raukawa** representative can be contacted, at the time of granting of these consents, on the following numbers: 027 349 2872.

ADVICE NOTE: A **Te Apiti Ahu Whenua Trust** can be contacted, at the time of granting of these consents, on the following numbers: 027 668 8926 or 021 709 083.

ADVICE NOTE: The Manawatū-Wanganui Regional Council's Regulatory Manager can be contacted on 0508 800 800.

ADVICE NOTE: A Heritage New Zealand representative can be contacted, at the time of granting of these consents, on the following number: 04 472 4341.

Post Development Assurance

13. Within **one year** of works being completed, the consent holder must complete a survey of the Raupo vegetation, to be undertaken by a suitably qualified and experience ecologist to determine if the disturbed vegetation has recovered. If the Raupo has failed to recover to a pre-works standard, the consent holder shall re-plant the loss of Raupo either:
- a. In accordance with a certified Ecological Management Plan required by the conditions of the designation for the Te Ahu a Turanga: Manawatū Tararua Highway Project; or
 - b. Where an Ecological Management Plan is not certified, replanting shall occur in the first planting season following the survey at a ratio of four hectares for every hectare that does not recover, with planting on the property subject to this consent and the planting shall be eco-sourced.

ADVICE NOTE: Condition 24 that is imposed on the designation for the Project requires preparation of an Ecological Management Plan. This Plan will detail how replacement planting is to be provided for as a comprehensive ecological mitigation package to be developed as part of the Project property.

14. Within **one year** of works being completed, the consent holder must re-plant for the clearance of secondary broadleaved forest and scrubland habitat authorized by this consent either:
- a. in accordance with a certified Ecological Management Plan required by the conditions of the designation for Te Ahu a Turanga; Manawatū Tararua Highway Project; or
 - b. where an Ecological Management Plan is not certified, replanting shall occur in the first planting season following the survey at a ratio of 3 hectares for every hectare cleared, with planting on the property subject to this consent and the planting shall be eco-sourced.

ADVICE NOTE: Condition 24 that is imposed on the designation for the Project requires preparation of an Ecological Management Plan. This **Plan** will detail how replacement planting is to be provided for as a comprehensive ecological mitigation package to be developed as part of the Project property.

15. The consent holder shall keep a log for the boreholes authorised under this resource consent. Each log shall contain (but is not limited to):
- a. the location of the hole/bore;
 - b. date of completion;
 - c. duration of drilling;
 - d. depth and diameter of the hole/bore;
 - e. the method of drilling;
 - f. full construction details;
 - g. the subsurface geology;
 - h. full results of any tests (e.g. well yield, temperature, water quality) undertaken on the drilled hole/bore; and
 - i. a site diagram.
16. The consent holder shall submit these logs to the Manawatū-Wanganui Regional Council's Consents Monitoring Team within **two (2) months** of the drilling being completed.

ADVICE NOTE: The Consents Monitoring Team can be contacted via compliance.shared@horizons.govt.nz.

Monitoring Provision

17. The consent holder shall invite Rangitāne o Manawatū, Rangitāne o Tamaki nui-ā-Rua, Ngāti Kahungunu ki Tāmaki nui-a-Rua and Ngāti Raukawa to undertake Cultural Health Monitoring according to their respective tikanga. If the engagement is accepted, the consent holder must commission iwi to undertake Cultural Health Monitoring.
18. Not less than **48 hours** prior to works commencing in the river bed, the Consent Holder shall invite Tangata Whenua Kaitiaki to attend the site toolbox training session regarding environmental controls for the site.

ADVICE NOTE: Toolbox training outlines incident and accident management protocols for the site, including reporting in accordance with environmental management plans for the site. Toolbox training shall also include site induction to allow for Kaitiaki to be observer's onsite. Any observer onsite will be required to comply with all Health and Safety requirements for the site.

19. The consent holder shall provide Tangata Whenua Kaitiaki with weekly updates regarding drilling operations onsite. The consent holder shall inform Tangata Whenua Kaitiaki no less than **48 hours** prior to intending drilling activities to commence in the river bed and allow for the opportunity of Kaitiaki to be present as observers during drilling operations.

ADVICE NOTE: While every endeavour will be made for allowance of observations of drilling to occur, in order to minimise the length of time the drilling rig would be in-situ the bed drilling activities would not cease to allow for observers to arrive at the site.

Duration and Lapsing

20. The resource consent will expire on **26 February 2022**.

**RESOURCE CONSENT DECISION
GRANTED**

New Zealand Transport Agency

Decision on an application for resource consent to **drill two geotechnical bores in the bed and riparian bank of the Manawatu River associated with the proposed Manawatu River Bridge: Te Ahu A Turanga: Manawatu Tararua Highway Project**

Application Reference: APP-2018202144.00
Decision Date: 21 March 2019
Expiry Date: 21 March 2020

Application Summary

Proposal

The New Zealand Transport Agency (hereafter the **Applicant**) has applied for resource consent to undertake geotechnical bore testing in the bed and riparian bank of the Manawatu River. The purpose of the proposed works will enable geotechnical investigations and gathering of information from core samples on the nature of the underlying soils, sediments and aggregates of the Manawatu River. This information will be used to inform a detailed design for the new Manawatu River Bridge and Te Ahu A Turanga: Manawatu Tararua Highway Project.

The proposal involves drilling two geotechnical boreholes – Borehole 202 (hereafter **BH202**) and Borehole 203 (hereafter **BH203**) to a depth of approximately 50m; the potential discharge of drilling fluid to water; widening an existing public access track; and clearing vegetation in an at-risk habitat for access purposes. Each proposed borehole is expected to take no more than seven working days to complete and will comprise of the following timeframes:

- 1 working day to establish access tracks (where required) and clear vegetation;
- 1 working day to establish an engineered drilling pad and import the drilling rig;
- 3.5 working days to complete the drill cores and sample collection; and
- 1.5 working days to demobilise the drilling rig and engineered platform and rehabilitate all of the earth-worked access track(s).

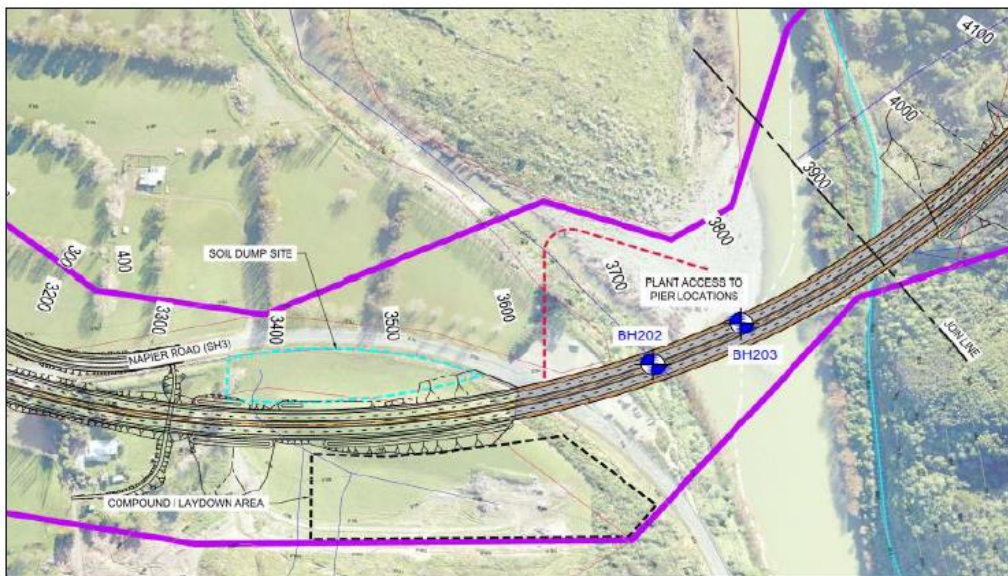


Figure 1: Location of proposed geotechnical boreholes in relation to new Manawatu River Bridge (sourced from document titled “Te Ahu A Turanga: Manawatu Tararua Highway Project: Geotechnical Investigations within the Bed of the Manawatu River” prepared by Stephen Gascoigne, Bloxam Burnett & Olliver Limited)

To gain access for BH202, the Applicant has proposed to clear and widen an existing access track on the riparian bank directly from the rest area to the site. The Applicant has proposed to utilise a hydraulic excavator and bunding material to the edge of the track for ease of access during rehabilitation. In addition, the excavator will be required to clear a flat site into the riverbank as a stable platform for the mobile drilling rig. Earthworks are estimated at 40m³ of cut and placement as a containment bund around the site and 20m³ of imported aggregate fill to stabilise the access track prior to reinstatement. Additional vegetation clearance of native shrubs, exotic plants and pest vegetation over an approximate 375m² area is required for site clearance prior to the commencement of drilling activities.

To gain access for BH203, the Applicant has proposed to access the site via new tracking from BH202 across the bank and gravel shoal to Parahaki Island in the bed of the Manawatu River. Currently, this surface is an un-trackable drop to meet the shoal which does not easily enable access for the sonic rig. The proposed accessway will involve earthworks to create a gradual batter over a height of 1.5m within the area covered by the earthworks platform to be constructed for BH202 and will link that borehole to the level of the shoal. The proposed accessway will allow the machinery to cross the wetted channel to Parahaki Island.

To support their application, the Applicant has provided an Erosion and Sediment Control Plan (E&SCP) for each proposed borehole to be certified through the consent process. The Applicant has requested a consent duration for 35 years.

Activity Summary

The following table summarises the resource consents associated with this application and the authorisation numbers allocated to each of those activities.

Activity Description	Status	Authorisation Number
Land Use Consent, Geotechnical Bore Construction (Bore 203)	Rule 17-3, Discretionary Activity	ATH-2018202416.00
Land Use Consent, Geotechnical Bore Construction (Bore 202)	Rule 13-8, Discretionary Activity	ATH-2019202482.00
Land Use Consent, Vegetation Clearance	Rule 13-8, Discretionary Activity	ATH-2019202485.00
Discharge Permit, Drilling Fluid Discharge	Rule 14-30, Discretionary Activity	ATH-2019202486.00

The overall activity status is considered to be a Discretionary Activity.

Assessment Summary

The application has been assessed against the following:

1.1 *Environmental Effects (Section 104(1)(a))*

The following analysis has been based upon the information provided by the Applicant and the following technical experts:

- the technical memorandum of Mr Gregor McLean, Environmental Consultant, Southern Skies Environmental Limited (dated 2 March 2019) on behalf of the Manawatu-Wanganui Regional Council, for the effectiveness of erosion and sediment control measures;
- the technical assessment of Mr Michael Patterson, Senior Environmental Scientist – Freshwater, Manawatu-Wanganui Regional Council (dated 7 March 2019) for instream water quality and ecological effects; and
- the technical assessment of Ms Elizabeth Daly, Environmental Scientist – Ecology, Manawatu-Wanganui Regional Council (dated 8 March 2019) for terrestrial ecology effects.

Actual and Potential Environmental Effects

Effectiveness of Erosion and Sediment Control Measures

The Applicant has proposed to drill two geotechnical boreholes (BH202 and BH203) within the bed and riparian bank of the Manawatu River to inform the detailed design of the new Manawatu River bridge and abutments associated with the Notice of Requirement and construction consents for Te Ahu A Turanga: Manawatu Tararua Highway Project. To support their application, the Applicant has provided an E&SCP for each proposed borehole. Mr McLean has reviewed each of the E&SCPs and the information provided in the application.

BH202 is located on the southern riparian bank of the Manawatu River with access from the Ashhurst end of the Manawatu Gorge track rest area. The Applicant has advised that approximately 40m³ of earthworks will be undertaken to widen the existing access to 3m wide in width and provide a platform for the drill rig. The Applicant proposes to utilise silt fences as a sediment control method. In addition, approximately 375m² of vegetation will be removed. The cut from the access track and drill platform will be used to provide a bund (containment) that will be used for rehabilitation after works are completed. The Applicant has also advised that approximately 20m³ of imported aggregate will be used to stabilise the access track and drill platform.

BH203 is located in the bed of the Manawatu River on a gravel shoal. The Applicant originally proposed that the primary access the site for the drilling rig would be via helicopter, however, has amended this primary access to be made via creating a new track from the drilling platform for BH202 with the

helicopter access being treated as secondary. The Applicant has advised that the secondary helicopter access will be utilised for the drilling in the event of a significant unforeseen circumstance such as inundation of the shoal between the bank and Parahaki Island, or the riverbank proves unsuitable for the use intended. The Applicant has acknowledged that the helicopter option will cause significantly less physical disturbance than creating a physical access to the island, however, due to inflexibilities with the transport of personnel and machinery, and impact on personnel safety, the direct tracking access is considered the more preferred option. The direct tracking access will involve earthworks to create a gradual batter over a height of 1.5m within the area covered by the earthworks platform to be constructed for BH202 and will link that borehole to the level of the shoal.

Mr McLean has reviewed the E&SCPs provided by the Applicant and considers them to be appropriate for the proposed activities. On the basis that the Applicant undertakes the works in accordance with the E&SCPs and recommended conditions of consent, any potential effects arising from sediment can be appropriately managed. Based on the advice of Mr McLean, I consider the actual or potential environmental effects from sediment as a result of the proposed works to be less than minor.

Water Quality and Instream Ecological Effects

The Applicant has advised that the proposed geotechnical investigations have the potential to affect water quality, instream ecology, and both the zone-wide and site-specific values of the Manawatu River as set out in Schedule B of the One Plan (2018). Mr Patterson has reviewed the information provided in the application and has advised that the main potential effects include the following:

- Effects from vegetation removal;
- Discharge of sediment;
- Possible discharge of drilling fluids, fuels and lubricants;
- Biosecurity Risk; and
- Impact on the site-specific Site of Significance – Riparian (SOS-R) Value as set out in the One Plan (2018).

The proposed works will occur within the Middle Manawatu (Mana_10) Management Zone and the Middle Manawatu (Mana_10a) Management sub-zone. The zone-wide Schedule B Values are as follows:

- Life Supporting Capacity – Hill Country Mixed;
- Aesthetics;
- Mauri;
- Contact Recreation;

- Industrial Abstraction;
- Irrigation Abstraction;
- Stock Water;
- Existing Infrastructure; and
- Capacity to Assimilate Pollution.

In addition, the site-specific Schedule B Values are as follows:

- Trout Fishery – Other;
- Site of Significance – Riparian (Dotterel); and
- Site of Significance – Cultural.

Mr Patterson addresses the site-specific Schedule B values for Trout Fishery – Other and SOS-R Dotterel. The Applicant has advised that approximately 375m² of mixed native and exotic vegetation will be cleared as part of the proposed investigation to enable site access and for the formation of a drilling platform. The Applicant has further advised that following the completion of works, the site will be stabilised with tree-based mulch containing seedlings which are expected to facilitate revegetation prior to the proposed bridge and road construction works being undertaken. Mr Patterson has advised that the vegetation proposed to be removed has amenity value, provides at least some shading to the waterway, and is a source of terrestrial insects that can provide a food source for fish. Mr Patterson has advised that as a significant proportion of this vegetation clearance is occurring a considerable distance from the waterway itself, it is unlikely to be providing these particular values at this site. Based on the advice of Mr Patterson, I consider the environmental effects on water quality and instream ecology from the vegetation clearance to be less than minor.

The Applicant has advised that during the drilling of the geotechnical bores, there is potential for discharges such as drilling fluid, fuel and lubricants to the Manawatu River. The Applicant has acknowledged that the proposed drilling activity requires the discharge of drilling fluid to ground, where it is highly likely to enter surface water, and has provided an assessment of effects to address this. Drilling fluid is a biodegradable substance comprising of a bentonite clay gel with additives such as barium sulphate, calcium carbonate, and hematite. The Applicant has proposed to utilise a freshwater ‘mud’ based drilling fluid with a pH range of 7-9.5. This substance is considered to be water soluble and capable of breaking down and dispersing within the receiving site. Mr Patterson has reviewed this information and has not provided any concerns in relation to the use of the substance or temporary discharge. The Applicant has proposed to capture drilling fluid as it is ejected and dispose of it off-site; ensure all working equipment is kept in optimum working order to reduce the risk of any malfunctions; refuelling occurring at the ‘base’ site within the adjoining rest area; and maintaining spill kits and records of spills with each

drill rig. Mr Patterson has reviewed these mitigation and avoidance mechanisms proposed by the Applicant and considers the measures to be sensible and appropriate, and will limit or mitigate the risk of discharge of these substances. Based on the advice of Mr Patterson, I consider the environmental effects associated with the potential discharge of contaminants from the drilling activities to be less than minor.

The proposed geotechnical investigation will be occurring on a reach of the Manawatu River that is valued for Site of Significance – Riparian, due to the presence of dotterel birds, and Trout Fishery – Other, under Schedule B of the One Plan (2018). Mr Patterson has advised that the proposed works will be occurring outside of the nesting period for dotterels (between 1 August – 31 December), and is therefore, not expected to affect this value. A condition of consent has been recommended to ensure the activities are undertaken outside of this period. Mr Patterson has also advised that sediment release will be the main concern associated with the Trout Fishery value and the Applicant should adhere to the Permitted Activity general condition (q) in Table 17.2 of the One Plan (2018). A condition of consent has been recommended to ensure the proposed activities do not result in breach in the visual clarity standards in Schedule E of the One Plan (2018). Overall, based on the advice of Mr Patterson, I consider the environmental effects on water quality and instream ecology to be less than minor.

Terrestrial Ecology Effects

The Applicant has advised that there is a risk associated with the machinery potentially introducing biosecurity risks to a site through plant propagules or seeds from previous work sites. In addition, the importation of surface aggregates carries risks with the introduction of field horsetail or other weeds. The sites are described in the application as having moderate habitat value as the habitat is significantly reduced and fragmented from the ecological corridor of the Manawatu Gorge by the existing State Highway infrastructure. The area also supports potential habitat for lizards and varied birdlife along the river corridor and riparian margin. To manage this, the Applicant has advised that the machinery will be cleaned of residual soils and plant materials prior to delivery, and will additionally be subject to visual inspection on arrival. A condition of consent has been recommended to ensure these actions are undertaken. Mr Patterson has advised that the measures proposed by the Applicant will minimise the risk of spreading invasive organisms. Based on the advice of Mr Patterson, I consider the environmental effects associated with biosecurity risks to be less than minor.

The Applicant considers that the effects of vegetation clearance from the works are largely related to amenity. Although this will be noticeable to users of the adjoining rest area, it is expected the site will naturally regenerate with ground cover species as a temporary form of natural vegetative relief from adverse effects until wider proposed construction activities associated with the Te Ahu A Turanga: Manawatu Tararua Highway Project begin. The Applicant considers that the loss of the existing

vegetation is considered inevitable as the construction of the Te Ahu A Turanga: Manawatu Tararua Highway Project and the associated new Manawatu River Bridge would require this vegetation to be removed. However, both Mr Patterson and Ms Daly have acknowledged that there is an issue with relying on a (as-yet) not consented bridge as the justification for not replacing revegetation. Both Mr Patterson and Ms Daly have recommended that if the yet-to-be designed new bridge does not pass through the points of the proposed boreholes and cleared vegetation, the Applicant should prepare a plan for revegetating this area to ensure there is no on-going risk with sediment discharge to the Manawatu River. A condition of consent has been recommended that requires the Applicant to replant with like-vegetation in the event that this area is not captured in the large revegetation and mitigation programme.

As part of the Notice of Requirement process for the Te Ahu A Turanga Manawatu Tararua Project, a broader ecological assessment was prepared by the Applicant in regard to potential environmental effects on terrestrial fauna. Ms Daly has reviewed this report as part of her assessment and her comments are as follows:

- This assessment notes that the project area is utilised by 19 notable indigenous species for various activities such as nesting, foraging or roosting.
- The habitats associated with the proposed river crossing area include gravel/shingle riverbed, planted immature native vegetation, regenerating native vegetation, and exotic species (such as willows) habitats.
- The assessment notes that no at-risk or threatened species were observed in this area, however, one threatened species (Caspian tern) and two at-risk species (Banded Dotterel and Black Shag) were observed utilising a single/gravel bed habitat on the Manawatu River approximately 600m downstream.
- The assessment notes that the area of riparian vegetation, where BH202 is proposed to be drilled, provides some form of high quality habitat for native lizards and geckos (e.g. barking gecko) that may spillover from the Manawatu Gorge Scenic Reserve.

Ms Daly has advised that the vegetation that has been proposed to be cleared cannot be considered moderate habitat value due to the potential lizard habitat and SOS-R Dotterel Value. Ms Daly has drawn reference to Policy 13-5 (ii) (A) of the One Plan (2018) which states that habitat that supports an indigenous species or community that is classified as threatened (as determined by the *New Zealand Threat Classification System and Lists*) is considered an 'at-risk habitat'. Ms Daly has recommended a number of key considerations to form conditions of consent:

- Prior to works commencing, a suitably qualified herpetologist must survey the area for native lizards (geckos and skinks) in conjunction with a representative from the Manawatu-Wanganui Regional Council. A report outlining the findings, including the number of any species present, and their threat status must be provided to Council. If a species is classified as threatened is found, a decision will need to be made (by a suitably qualified ecologist) on measures and protocols to avoid or mitigate adverse effects on this species;
- In order to prevent, and thereafter minimize, the potential for lizard mortality during the clearance works, an initial site inspection by a suitably qualified herpetologist is proposed to detect and translocate lizards in the event of discovery. Any detection and/or translocation of lizards will be documented and reported to Council; and
- A protocol is developed and lodged with Council for accidental discovery of at-risk or threatened indigenous species, and any instances of accidental discovery and outcomes is reported;
- Surface aggregate is sourced from a weed-free site to limit the spread of field horsetail and other pest plants.

Based on the advice of Ms Daly, and provided the Applicant undertakes the activities in accordance with the information provided in the application and the recommended conditions of consent, the environmental effects associated with the proposed vegetation clearance on terrestrial ecology is considered to be less than minor.

Cultural Effects

The Applicant has advised that the site of BH203 is located in the newly formed gravel section on the eastern extents of Parahaki Island which is considered a site of significance to tangata whenua. In addition, the proposed boreholes and vegetation clearance is located on a reach of the Manawatu River that is valued as a Site of Significance – Cultural in Schedule B of the One Plan (2018). The proposed borehole is not located within the cadastral boundaries of the island, however, given the changing size and shape of the island, for purposes of this consent it is considered part of the island. Given the area of proposed works is located on a newly formed section of river gravel, it is not likely to result in the disturbance of any burial site or location of taonga. The Applicant has acknowledged that the nature of the works are intrusive and have proposed to implement accidental discovery protocols. In addition, the Applicant has consulted with and provided affected party written approvals from the following parties: Tanenuiarangi Manawatu Incorporated (Rangitāne o Manawatu); Te Runanga o Ngati Raukawa (Ngāti Raukawa ki te Tonga); and Te Apiti Ahu Whenua Trust (Landowner, Parahaki Island). Following slight moderations in the methodology, the Applicant has advised the three parties whom signed off as affected parties have been advised of the changes through a consultation programme set up part of the

wider project, and no concerns were raised. Overall, taking into consideration the information provided by the Applicant, I consider the effects on cultural values to be less than minor.

Positive Effects

The proposed geotechnical investigations are considered necessary to inform the structural components of the detailed design for the proposed Manawatu River bridge under the Te Ahu A Turanga: Manawatu Tararua Highway Project. This project will significantly benefit the sub-region and wider Region by restoring efficient connectivity for a nationally strategic link between the west and east coasts of the lower North Island. In addition, the project will further enable the Manawatu Gorge and associated significant risks of natural hazards to be avoided, protecting both public safety and the efficiency of the State Highway Network. As the proposed investigative works will have a positive effect in enabling and establishing infrastructure of both regional and national importance, consideration of this is required when making a decision on this resource consent application.

CONCLUSION

Overall, the environmental effects of the proposed geotechnical investigations are considered to be less than minor. The proposed works will help inform a detailed design of structural components of the proposed Te Ahu A Turanga: Manawatu Tararua Highway Project, which will be considered infrastructure of regional and national importance.

1.2 Relevant Provisions (Section 104(1)(b))

Relevant Provisions

National Policy Statement for Freshwater Management (NPSFM, 2017)

OBJECTIVE A1	Safeguard Life-Supporting Capacity & Health of Communities
OBJECTIVE A2	Overall Fresh Water Quality Maintained or Improved
OBJECTIVE A3	Overall Fresh Water Quality Improvement: Primary Contact Suitability
OBJECTIVE A4	Enable Communities in Sustainable Management of Freshwater Quality
POLICY A7	Enabling Communities to Provide for their Economic Well-Being whilst Managing Freshwater Quality
OBJECTIVE D1	Involvement of Iwi & Hapu
POLICY D1	Involvement of Iwi and Hapū in the Management of Freshwater

NATIONAL POLICY STATEMENT CONSIDERATIONS

The NPSFM came into effect in 2014, and was amended in 2017. It sets out Objectives and Policies for freshwater management under the Resource Management Act 1991. Section A contains Objectives and Policies for Water Quality, which are considered relevant to this application. Policies A1 and A2 require Regional Councils to make or change plans to ensure freshwater objectives and environmental flows/levels and targets are set for freshwater bodies. The One Plan 2018, the Regional Plan for the Manawatu-Wanganui Region, establishes surface water quality targets for each water management sub-zone which outline conditions required to ensure water quality is maintained or improved and the protection of significant values for freshwater bodies. Policy A7 requires the Regional Council to consider how to enable communities to provide for their economic well-being, including productive economic opportunities, whilst managing within limits, when giving effects to the NPSFM. In this case, the proposed works will not adversely affect surface water quality, provided the works are undertaken in accordance with the information provided in the application and the recommended conditions of consent. This will ensure that the works maintain water quality while protecting the quality and values of the water bodies.

Policy D1 requires the Regional Council to involve iwi and hapū in the management of freshwater, and identify and reflect tangata whenua values in the management and decision-making regarding freshwater. In this case, the Applicant has consulted representatives from Tanenuiarangi Manawatu Incorporated (Rangitāne o Manawatu), Te Runanga o Ngāti Raukawa (Ngāti Raukawa kit e Tonga), and Te Apiti Ahu Whenua Trust (Landowner, Parahaki Island) regarding the proposed works. The Applicant has proposed conditions of consent to mitigate effects on cultural values as well as provided affected party written approvals. Overall, I am of the opinion that the proposed works are consistent with the relevant Objectives and Policies of the NPSFM (2017).

One Plan (2018) – Regional Policy Statement

OBJECTIVE 2-1	Resource Management
POLICY 2-1	Hapu & Iwi Involvement in Resource Management
POLICY 2-2	Wahi Tapu, Wahi Tupuna & Other Sites of Significance
POLICY 2-4	Other Resource Management Issues
OBJECTIVE 3-1	Infrastructure and Other Physical Resources of Regional or National Importance
POLICY 3-1	Benefits of Infrastructure and Other Physical Resources of Regional and National Significance
OBJECTIVE 4-2	Regulating Potential Causes of Accelerated Erosion
POLICY 4-2	Regulation of Land Use Activities
OBJECTIVE 5-2	Water Quality
OBJECTIVE 5-4	Beds of Rivers and Lakes
POLICY 5-9	Point Source Discharges to Water
POLICY 5-22	General Management of the Beds of Rivers and Lakes
POLICY 5-23	Activities in Sites with a Value of Natural State, Sites of Significance (Cultural), or Sites of Significance (Aquatic)
OBJECTIVE 6-1	Indigenous Biological Diversity
OBJECTIVE 6-2	Outstanding Natural Features and Landscapes, and Natural Character
POLICY 6-2	Regulation of Activities affecting Indigenous Biological Diversity
POLICY 6-6	Regionally Outstanding Natural Features and Landscapes

REGIONAL POLICY STATEMENT CONSIDERATIONS

Chapter 2

Objective 2-1 requires the Regional Council to have regard to the mauri of natural and physical resources to enable hapū and iwi to provide for their social, economic and cultural well-being. Policy 2-4 outlines resource management issues of significance to the Region's hapū and iwi in Table 2.1, and provides explanations in the context of Māori belief as well as demonstrate how the Regional Council must address these matters.

One key issue which has relevance to this application includes the management of water quality throughout the Region and their concerns around providing for the special qualities significant to Māori. In the context of tikanga Māori, Wai Māori (pure water) is essential to hapū and iwi in the Region to ensure activities conducted for cultural purposes (such as spiritual cleansing, baptismal rituals, and food gathering) are achievable. Mauri acts as a balancing agent to ensure the life-supporting qualities within the water are maintained. Human activities, application of impure agents, loss of water capacity and contaminants all affect the ability of the mauri to perform its role effectively, therefore, resulting in a standard of water not suitable for hapū and iwi to perform their relevant tikanga Māori or cultural activities associated with its use. In this case, the proposed works will be undertaken within the bed and

the riparian bank of the Manawatu River, and the Applicant has consulted with representatives from Tanenuiarangi Manawatu Incorporated (Rangitāne o Manawatu), Te Runanga o Ngati Raukawa (Ngāti Raukawa kit e Tonga), and Te Apiti Ahu Whenua Trust (Landowner, Parahaki Island). The Applicant has proposed conditions of consent to mitigate effects on cultural values as well as provided affected party written approvals from these parties. Therefore, I consider the proposed works to be consistent with the relevant provisions of Chapter 2 of the One Plan (2018).

Chapter 3

Objective 3-1 requires the Regional Council to have regard to the benefits of infrastructure and other physical resources of regional or national importance by recognising and providing for their establishment, operation, maintenance and upgrade. Policy 3-1 requires the Regional Council to recognise state highway infrastructure (as mapped in the Regional Land Transport Strategy) as being a physical resource of regional or national importance and have regard to the benefits provided by this infrastructure. In this case, the proposed geotechnical investigations are considered necessary to inform the structural components of the detailed design for the proposed Manawatu River bridge under the Te Ahu A Turanga: Manawatu Tararua Highway Project. Therefore, I consider the proposed works to be consistent with the relevant provisions of Chapter 3 of the One Plan (2018).

Chapter 4

Objective 4-2 aims to ensure land is managed in manner that accelerated erosion and increased sedimentation in water bodies caused by vegetation clearance and land disturbance is avoided, remedied or mitigated. Policy 4-2 outlines the requirements for the Regional Council to regulate land disturbance activities to minimise the risk of accelerated erosion, discharges of sediment to water, and maintain the benefits of riparian vegetation for water bodies. In this case, the “Erosion and Sediment Control Guidelines for the Wellington Region, dated September 2002” (hereafter the **GWRC guidelines**) are used to ensure the risk of accelerated erosion and sediment losses to water are minimised and managed effectively during land disturbance activities. The Applicant has provided finalised E&SCPs as part of their application which have been prepared in general accordance with GWRC guidelines. Therefore, I consider the proposed works to be consistent with the relevant provisions of Chapter 4 of the One Plan (2018).

Chapter 5

Objective 5-2 aims to ensure surface water quality is maintained or enhanced, and recognises and provides for the Values in Schedule B. Policy 5-9 outlines the management required for point source discharges into surface water, which must have regard to the degree to which the activity will adversely affect the relevant Schedule B Values, Schedule E water quality targets, and whether the discharge is of

a temporary nature. In this case, the Applicant has acknowledged that there is potential for the discharge of drilling fluids and lubricants to surface water during the drilling of the geotechnical bores. Based on the advice of Mr Patterson, the Applicant has appropriate and sensible measures that will limit or mitigate the risk of discharge of these substances on Schedule B Values and Schedule E targets.

Objective 5-4 aims to ensure surface water bodies and their beds are managed in a manner which safeguards their life-supporting capacity, and recognises and provides for the Values in Schedule B. Policy 5-22 outlines the general management required for activities in, on, under or over beds of rivers. This Policy outlines considerations around the ability of a river and its bed to convey flood flows, potential significant adverse effects on the stability and function of beds of rivers, and provision for the safe passage of fish both upstream and downstream. Policy 5-23 outlines the management of activities in, on, under or over the bed of a river with a Schedule B Value for Site of Significance – Cultural to ensure adverse effects are avoided in the first instance, and for infrastructure of regional and national importance, remedies or mitigates those effects where it is not possible to avoid them. In this case, the Applicant has proposed to undertake bore drilling for geotechnical purposes, discharge of drilling fluids to water, clearance of vegetation, and minor earthworks to allow for the drilling rig. The proposed works will not adversely affect surface water quality, provided the works are undertaken in accordance with the information provided in the application, the E&SCP and recommended conditions of consent. Therefore, I consider the proposed works to be consistent with the relevant provisions of Chapter 5 of the Plan (2018).

Chapter 6

Objective 6-1 aims to protect areas of significant indigenous vegetation and habitats of indigenous fauna, and maintain indigenous biological diversity, including enhancement where possible. Objective 6-2 aims to protect the characteristics and values of the Region's outstanding natural features and landscapes (including those identified in Schedule G), and the natural character of rivers and their margins, and avoid adverse effects. Policy 6-2 requires, for the purpose of managing indigenous biological diversity, at-risk habitats that are assessed to be significant under Policy 13-5 must be recognised as significant indigenous vegetation/fauna/habitat. These must be protected by the Regional Council by regulating activities through its regional plan and through decisions on resource consents. Policy 6-6 outlines the management of use and development in areas considered as regionally outstanding natural features and landscapes under Schedule G to avoid significant adverse cumulative effects on the characteristics and values of those areas, and avoid, remedy or mitigate adverse effects. In this case, the Applicant has proposed to clear 375m² of vegetation which could be potentially be classed as an at-risk habitat. In addition, the proposed activities will be undertaken in the Manawatu Gorge, upstream of the confluence of the Pohangina and Manawatu Rivers, which is considered an outstanding natural landscape for its'

visual and scenic characteristics, geological feature, ecological significance, and scientific value. As the proposed works are considered temporary in nature, and provided the Applicant undertakes the activities in accordance with the information in the application and the recommended conditions of consent, I am of the opinion that the proposal is consistent with the relevant provisions of Chapter 6.

CONCLUSION

Overall, I am of the opinion that proposed works are consistent with the relevant Objectives and Policies of the Regional Policy Statement.

One Plan (2018) – Regional Plan

OBJECTIVE 13-1	Accelerated Erosion – Regulation of Vegetation Clearance, Land Disturbance, Forestry and Cultivation
POLICY 13-2	Consent Decision Making for Vegetation Clearance, Land Disturbance, Forestry and Cultivation
OBJECTIVE 13-2	Regulation of Activities Affecting Indigenous Biological Diversity
POLICY 13-4	Consent Decision Making for Activities in Rare, Threatened and At-Risk Habitats
POLICY 13-5	Criteria for Assessing the Significance of, and the Effects of, Activities on an Area of Habitat
OBJECTIVE 14-1	Management of Discharges to Land and Water and Land Uses Affecting Groundwater and Surface Water Quality
POLICY 14-1	Consent Decision-Making for Discharges to Water
POLICY 14-9	Decision Making Requirements from National Policy Statement for Freshwater Management
OBJECTIVE 17-1	Regulation of Structures and Activities in Artificial Watercourses and in the Beds of Rivers and Lakes, and Damming
POLICY 17-1	Consent Decision-Making for Activities In, On, Under, or Over the Beds of Rivers and Lakes (including Modified Watercourses)

REGIONAL PLAN CONSIDERATIONS

Chapter 13

Objective 13-1 aims to ensure the regulation of vegetation clearance and land disturbance is managed in a manner that ensures accelerated erosion and any associated damage, and increased sedimentation is avoided or mitigated as far as practicable. Policy 13-2 outlines considerations for managing the effects of land disturbance by requiring E&SCPs, allowing activities that result in improved land stability or enhanced surface water quality, and required erosion and sediment control measures to reasonably minimise adverse effects. In this case, provided the proposed activity is undertaken in accordance with the E&SCP and the recommended conditions of consent, the proposed works should not cause any actual or potential adverse effects on surface water quality.

Objective 13-2 aims to ensure the regulation of resource use activities to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna or to maintain indigenous biological diversity, including enhancement where appropriate. Policy 13-4 outlines the consent decision-making requirements for activities in at-risk habitats which are to have regard to a number of considerations. These include the significance of the habitat, in terms of its representativeness, rarity, distinctiveness, and ecological context, as assessed under Policy 13-5; and the potential adverse effects of the proposed activity on significance. In addition, this Policy outlines reasons that consent may be granted for resource use activities in an at-risk habitat and where offsets can be used. In this case, the Applicant has proposed to clear 375m² of mixed native and exotic vegetation as part of the proposed geotechnical investigation to enable site access and for the formation of a drilling platform. Ms Daly's assessment of effects above has addressed the potential for this vegetation to be classed as an 'at-risk habitat' if there are threatened indigenous species present and has provided recommendations on avoiding significant adverse effects on these species which have been included as recommended conditions of consent. Overall, provided the Applicant undertakes the proposed activities in accordance with the information provided in the application and the recommended conditions of consent, the proposal is considered to be consistent with the relevant provisions of Chapter 13 of the One Plan (2018).

Chapter 14

Objective 14-1 aims to ensure that discharges into or onto land and water are managed in a way that safeguards the life supporting capacity of water, recognises and provides for Schedule B Values, and effects on surface water quality are avoided, remedied or mitigated. Policy 14-1 outlines the requirements and considerations for the Regional Council to have regard to when making decisions on consents for discharges to water for avoiding and/or mitigating potential or adverse effects on the environment. Policy 14-9 outlines the consent decision making requirements of the Regional Council in regard to the National Policy Statement for Freshwater Management in regards to potential or actual adverse effects of the activity on fresh water bodies. In this case, the Applicant has acknowledged the potential for the discharge of drilling fluids to enter water and has proposed a number of mitigation measures to manage this potential. Based on the advice of Mr Patterson, I consider that the proposed discharge is consistent with the relevant provisions of Chapter 14 of the One Plan (2018).

Chapter 17

Objective 17-1 outlines the management required for the regulation of structures and activities in the beds of rivers where it safeguards the life supporting capacity, and recognises and provides for the Schedule B Values. Policy 17-1 outlines the consent decision-making requirements for resource consent applications for activities in beds of rivers. The Applicant has proposed to undertake geotechnical bore drilling in the bed of the Manawatu River and has provided a number of avoidance and mitigation

measures to minimise the effects on water quality and Schedule B Values. Therefore, I consider that the proposed works are consistent with the relevant provisions of Chapter 17 of the One Plan (2018).

CONCLUSION

Overall, I am of the opinion that the proposed works and geotechnical investigations are consistent with the relevant Objectives and Policies of the Regional Plan.

CONCLUSION

Overall, I consider the proposed works are consistent with the relevant Objectives and Policies of the One Plan (2018) and the NPSFM (2017).

1.3 Discharge Permit Restrictions (Section 107)

Relevant Matters

The potential proposed discharge of contaminants, in this case, drilling fluids to water requires consideration of s107. In this case, the Applicant has proposed a number of avoidance and mitigation measures to minimise the effects on water quality and Schedule B Values. Therefore, if the activity is undertaken in accordance with the methodology provided by the Applicant and the conditions of consent, it is not expected to result in any of the effects set out in s107.

1.4 Duration and Reviews

Relevant Matters

One Plan (2018)

OBJECTIVE 12-2 Consent Duration, Review and Enforcement

POLICY 12-5 Consent Durations

POLICY 12-7 Sites with Multiple Activities, and Activities covering Multiple Sites

The Applicant has requested a consent duration of 35 years. Policy 12-5 states that consent durations will generally be granted for the term sought by the Applicant unless reasons are identified during the consent process. The proposed works will take a maximum of 14 days in total (7 days for each borehole). Policy 12-7 outlines the consideration of applications for a site with a number of different activities requiring consent and combining some or all the activities under umbrella consents. Given the nature and scale of the works and based on the assessment of environmental effects above being less than minor, I have recommended an expiry date of 21 March 2020 as no activities require on-going consent after activities have been completed.

1.5 Purpose and Principles (Resource Management Act Part 2)

Part 2 of the Resource Management Act 1991 outlines the purpose and principles of the Act. Following the decision *RJ Davidson Family Trust v Marlborough District Council [2018] Court of Appeal Decision*, there is the ability to recourse to Part 2 when *it is appropriate to do so*. In this case, recourse to Part 2 is not required as it is not considered there is any illegality, uncertainty or incompleteness in the relevant part of the One Plan 2018. Recourse to Part 2 would not provide any further guidance to the decision maker for this consent. Furthermore, no such issues have been identified and as such no further assessment against Part 2 of the Resource Management Act, 1991 is considered necessary.

Recommendation

It is recommended that the resource consent application by **New Zealand Transport Agency** to drill two geotechnical bores in the bed and riparian bank of the Manawatu River associated with the new Manawatu River Bridge: Te Ahu A Turanga: Manawatu Tararua Highway Project be granted, subject to the conditions outlined in the attached condition schedule for the following reasons:

- a. the activities have been assessed by the following people:
 - i. **Gregor McLean, Environmental Consultant**, Southern Skies Environmental Limited, on behalf of the Manawatu-Wanganui Regional Council for matters associated with erosion and sediment control;
 - ii. **Michael Patterson, Senior Environmental Scientist – Freshwater**, Manawatu-Wanganui Regional Council for water quality and instream ecological effects; and
 - iii. **Elizabeth Daly, Environmental Scientist – Ecology**, Manawatu-Wanganui Regional Council, for terrestrial ecology and biodiversity effects.

Based on their advice, I consider the environmental effects of the proposed activities can be appropriately managed by the measures proposed by the Applicant and proposed conditions of consent. Provided the proposed works are undertaken in this manner, the effects are considered to be less than minor; and

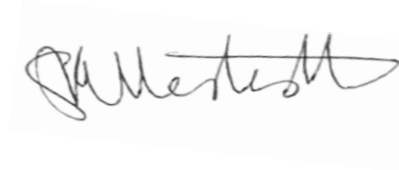
- b. the activity is consistent with the relevant Objectives and Policies of the One Plan (2018), and the NPSFM (2017).



Sarah Sandilands
CONSENTS PLANNER

Decision

The Manawatu-Wanganui Regional Council's Senior Consents Planner, grants resource consent for the reasons stated in the recommendation, to **New Zealand Transport Agency** under sections 104, 104B, and 108 of the Resource Management Act 1991 to drill two geotechnical bores in the bed and riparian bank of the Manawatu River associated with the new Manawatu River Bridge: Te Ahu A Turanga: Manawatu Tararua Highway Project for a term expiring on 21 March 2020 subject to the conditions outlined in the attached condition schedules.



Sara Westcott

SENIOR CONSENTS PLANNER

Made Under Authority Delegated to the Senior Consents Planner

21 March 2019

1. Land Use Consent – Geotechnical Bore Construction (Bore 203)

The following details the location, classifications and conditions associated with the activity.

Authorisation Number	ATH-2018202416.00
Activity Type	Land Use, River & Lake Beds
Activity Class	Discretionary Activity
Primary Activity Purpose	Land Disturbance, Drilling, Exploration

Location

The following summarises the authorised location for the consented activity.

Activity Location Description	River Parcel (Parahaki island)
Valuation Number	14450/003.01
Legal Description	Parahaki Block
Map References	LOC-2019801773 (Centroid: BM35:354-346)

Classifications

The following summarises the classifications associated with the application activity.

Groundwater Management Zone	Manawatu
Water Management Zone	Manawatu Catchment, Middle Manawatu, Middle Manawatu (Mana_10a)
Associated River	Manawatu River (325000)

Activity Specific Conditions

Descriptive Specification – Bore 203

1. This consent authorises the drilling of a geotechnical bore in the bed of the Manawatu River on the property legally described as River Parcel at approximate map reference NZTopo50 BM35:354-345 which is shown in **Site Plan APP-2018202144.00** attached to and forming part of this resource consent.
2. The consent holder must undertake the activity in general accordance with the consent application including all accompanying plans and documents first lodged with the Manawatu-Wanganui Regional Council on **21 December 2018** and;
 - a. further information received on **18 February 2019** via email being an updated erosion and sediment control methodology; and
 - b. further information received on **21 February 2019** via email being updated erosion and sediment control schematics.

Where there may be inconsistencies between information provided by the Applicant and conditions of the resource consent, the conditions of the resource consent apply.

ADVICE NOTE: Any variance from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.

Pre-Development Assurance

3. The consent holder shall contact the Manawatu-Wanganui Regional Council's Consents Monitoring Team at least **forty-eight (48) hours** prior to the commencement of the works authorised by this consent and within **twenty-four (24) hours** of the completion of the works.

ADVICE NOTE: The Consents Monitoring Team can be contacted on 0508 800 800, -OR- compliance.shared@horizons.govt.nz.
4. The consent holder shall, at least **two (2) working days** prior to the commencement of the works, prepare and submit a flood contingency plan to the Manawatu-Wanganui Regional Council's Consents Monitoring Team. This plan shall describe the measures to be implemented to ensure machinery is not placed at risk during any event exceeding the precipitation limits as described in **Condition 5**, for the duration of the drilling activities.
5. The consent holder shall only commence works in the bed of the **Manawatu River** where there is at least **four (4) days** of settled weather forecast by the New Zealand Meteorological Service (MetService) for the water body's catchment.

ADVICE NOTE: Settled weather is defined as sunny, partially cloudy or overcast and light precipitation of less than 2mm/hour but does not include precipitation of greater than 2mm/hour.

6. The bore shall be designed, constructed and operated in a manner that prevents:
 - a. contaminants from entering the bore from the land surface; and
 - b. the wastage of water in artesian situations.
7. The consent holder shall install a backflow preventer to ensure that bore drilling fluids or water abstracted during construction of the bore do not flow back into the groundwater aquifer.

Environmental Standard

8. Existing Public access to the **Manawatu River** will be maintained, except when necessary for public safety reasons, in which case public access must be re-established within **five (5) working days** of completing the geotechnical bore investigation works.
9. The activity authorised by this consent must not result in suspended sediment being conspicuous during Saturdays, Sundays and Public Holidays during 1st December to 28th February (inclusive).

ADVICE NOTE: Any change in horizontal visibility that is greater than a 20% change in visual clarity will be considered conspicuous.

10. The consent holder shall ensure that:
 - a. machinery or vehicles entering the river should have had a stand down of at least **forty-eight (48) hours** since being in contact with another water body other than the upstream catchment of the **Manawatu River**; and
 - b. machinery or vehicles used at the proposed site should be stood down for **forty-eight (48) hours** prior to use in any catchment other than the **Manawatu River** upstream of the site; and
 - c. standard check, clean and dry procedures should be adopted for any vehicles, equipment, clothing or footwear that has been in contact with a water body other than the upstream catchment of the **Manawatu River** within the past 48 hours.
11. The consent holder shall ensure that any materials, machinery or equipment from the activities authorised by this consent (including any temporary structures), shall:
 - a. be removed after completion of the activity; and
 - b. are disposed of in an appropriate manner where it will not adversely affect the stream channel or impede the flow of water.

ADVICE NOTE: Materials includes stockpiles, mounds, depressions, trees/vegetation, excavated material, holes or surplus materials.

ADVICE NOTE: For the purposes of clarification, the retention of the drilling rig in accordance with **Conditions 1 and 2**, shall be excluded from the above restrictions for the duration of the drilling activities.

12. The consent holder shall comply with all notices and guidelines issued by Biosecurity New Zealand (refer to www.biosecurity.govt.nz/didymo) in relation to avoiding the spread of the pest organism *Didymosphenia Geminata* (known as ‘Didymo’).
13. The activity shall be undertaken in a manner that provides for the passage of fish both upstream and downstream, including past any temporary structure or machinery.
14. The construction activities must not result in any damage to Manawatu-Wanganui Regional Council’s stop banks or river protection works. In the unlikely event that any damage does occur, then the consent holder shall immediately notify the Manawatu-Wanganui Regional Council’s Area Engineer Central. Immediate repair is to be implemented at the consent holders’ expense, and the stop bank and/or river protection works shall be returned to the same standard and condition existing prior to any damage.
15. The bore shall be cased, screened and sealed to ensure aquifer cross-connection, and leakage from the ground surface into ground water must not occur.

Operational Restrictions

16. The consent holder shall ensure that between the 1st August and 31st December each year, bed disturbance on gravel beaches shall only take place:
 - a. within **seven (7) days** following a flood of the area that is subject to the activity; -OR-
 - b. where the disturbance commenced at the same location prior to 1st August and has not been interrupted for more than **seven (7) days**.
17. No machinery used for the exercise of this consent, shall enter, operate or excavate within water in the **Manawatu River** during the exercise of this consent except for river crossings, which shall be kept to a minimum and located at the upstream end of riffles where possible.
18. In the event of an archaeological site, waahi tapu or koiwi being discovered or disturbed during the activities authorised by this consent, the consent holder shall immediately cease further work and inform:
 - a. Rangitane o Manawatū;
 - b. Ngāti Raukawa;
 - c. Te Apiti Ahu Whenua Trust, as representatives of Parahaki Island Trustees;
 - d. the Manawatu-Wanganui Regional Council’s Regulatory Manager; and
 - e. Heritage New Zealand.

Further work at the site shall be suspended while iwi carry out their procedures for removal of taonga. The Manawatu-Wanganui Regional Council's Regulatory Manager will advise the consent holder when work at the site may recommence.

ADVICE NOTE: In the event that human remains (koiwi) are found the police should be contacted immediately and all works shall cease until advice is given that works can recommence.

ADVICE NOTE: A **Rangitāne o Manawatū** representative can be contacted, at the time of granting of these consents, on the following numbers: Paul Horton, 021 180 5197 or 06 353 1881 (Option 1).

ADVICE NOTE: A **Ngāti Raukawa** representative can be contacted, at the time of granting of these consents, on the following numbers: 027 349 2872.

ADVICE NOTE: A **Te Apiti Ahu Whenua Trust** can be contacted, at the time of granting of these consents, on the following numbers: 027 668 8926 or 021 709 083.

ADVICE NOTE: The Manawatu-Wanganui Regional Council's Regulatory Manager can be contacted on 0508 800 800.

ADVICE NOTE: A Heritage New Zealand representative can be contacted, at the time of granting of these consents, on the following number: 04 472 4341.

Post-Development Assurance

19. Within **twenty (20) working days** of completion of the activity, the consent holder shall stabilise, re-contour and re-vegetate any disturbed areas within the bed of the **Manawatu River**.

ADVICE NOTE: This condition is to minimise sediment runoff to the **Manawatu River** and to allow for the site to be stabilised.

ADVICE NOTE: For the purposes of this condition, 'bed' is defined as the space of land which the waters of the river cover at its annual fullest flow without overtopping its banks.

20. The works shall remain the responsibility of the consent holder and shall be maintained so that any erosion, scour or instability of the stream bed or banks that is attributable to the works carried out as part of this consent is remedied by the consent holder within **ten (10) working days**.

21. The consent holder shall keep a log for the borehole authorised under this resource consent. Each log shall contain (but is not limited to):

- a. the location of the hole/bore;
- b. date of completion;
- c. duration of drilling;
- d. depth and diameter of the hole/bore;
- e. the method of drilling;

- f. full construction details;
 - g. the subsurface geology;
 - h. full results of any tests (e.g. well yield, temperature, water quality) undertaken on the drilled hole/bore; and
 - i. a site diagram.
22. The consent holder shall submit this log to the Manawatu-Wanganui Regional Council's Consents Monitoring Team within **two (2) months** of the drilling being completed.

ADVICE NOTE: The Consents Monitoring Team can be contacted via compliance.shared@horizons.govt.nz.

Duration

23. The resource consent will expire on **21 March 2020**.

2. Land Use Consent – Geotechnical Bore Construction (Bore 202)

The following details the location, classifications and conditions associated with the activity.

Authorisation Number	ATH-2019202482.00
Activity Type	Land Use, Land
Activity Class	Discretionary Activity
Primary Activity Purpose	Land Disturbance, Drilling, Exploration

Location

The following summarises the authorised location for the consented activity.

Activity Location Description	River Parcel
Valuation Number	14450/003.01
Legal Description	Parahaki Block
Map References	LOC-2019801767 (Centroid: BM35:354-345)

Classifications

The following summarises the classifications associated with the application activity.

Groundwater Management Zone	Manawatu
Water Management Zone	Manawatu Catchment, Middle Manawatu, Middle Manawatu (Mana_10a)
Associated River	Manawatu River (325000)

Activity Specific Conditions

Descriptive Specification – Bore 202

1. This consent authorises the drilling of a geotechnical bore on the riparian bank of the Manawatu River the property legally described as River Parcel at approximate map reference NZTopo50 BM35:354-345 which is shown in **Site Plan APP-2018202144.00** attached to and forming part of this resource consent.
2. The consent holder must undertake the activity in general accordance with the consent application including all accompanying plans and documents first lodged with the Manawatu-Wanganui Regional Council on **21 December 2018** and;
 - a. further information received on **18 February 2019** via email being an updated erosion and sediment control methodology; and
 - b. further information received on **21 February 2019** via email being updated erosion and sediment control schematics.

Where there may be inconsistencies between information provided by the Applicant and conditions of the resource consent, the conditions of the resource consent apply.

ADVICE NOTE: Any variance from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.

Pre-Development Assurance

3. The consent holder shall contact the Manawatu-Wanganui Regional Council's Consents Monitoring Team at least **forty-eight (48) hours** prior to the commencement of the works authorised by this consent and within **twenty-four (24) hours** of the completion of the works.

ADVICE NOTE: The Consents Monitoring Team can be contacted on 0508 800 800, -OR- compliance.shared@horizons.govt.nz.
4. The bore shall be designed, constructed and operated in a manner that prevents:
 - a. contaminants from entering the bore from the land surface; and
 - b. the wastage of water in artesian situations.
5. The consent holder shall install a backflow preventer to ensure that bore drilling fluids or water abstracted during construction of the bore do not flow back into the groundwater aquifer.

Environmental Standard

6. The bore shall be cased, screened and sealed to ensure aquifer cross-connection, and leakage from the ground surface into ground water cannot occur.

Operational Restrictions

7. The consent holder shall ensure that bore drilling fluids and water abstracted during construction of the bore is prevented from entering any surface water body.

Post-Development Assurance

8. The consent holder shall keep a log for the borehole authorised under this resource consent. Each log shall contain (but is not limited to):
 - a. the location of the hole/bore;
 - b. date of completion;
 - c. duration of drilling;
 - d. depth and diameter of the hole/bore;
 - e. the method of drilling;
 - f. full construction details;
 - g. the subsurface geology;
 - h. full results of any tests (e.g. well yield, temperature, water quality) undertaken on the drilled hole/bore; and
 - i. a site diagram.
9. The consent holder shall submit this log to the Manawatu-Wanganui Regional Council's Consents Monitoring Team within **two (2) months** of the drilling being completed.

ADVICE NOTE: The Consents Monitoring Team can be contacted via compliance.shared@horizons.govt.nz.

Duration

10. The resource consent will expire on **21 March 2020**.

3. Land Use Consent – Vegetation Clearance and Land Disturbance

The following details the location, classifications and conditions associated with the activity.

Authorisation Number	ATH-2019202485.00
Activity Type	Land Use, Land
Activity Class	Discretionary Activity
Primary Activity Purpose	Land Disturbance, Vegetation Clearance, Shrub or Scrubland
Secondary Activity Purpose	Infrastructure, Construction, Road, Path, Track or Walkway

Location

The following summarises the authorised location for the consented activity.

Activity Location Description	River Parcel
Valuation Number	14450/003.01
Legal Description	Parahaki Block
Map References	LOC-2019801774 (Centroid: BM35:354-345)

Classifications

The following summarises the classifications associated with the application activity.

Groundwater Management Zone	Manawatu
Water Management Zone	Manawatu Catchment, Middle Manawatu, Middle Manawatu (Mana_10a)
Associated River	Manawatu River (325000)

Activity Specific Conditions

Descriptive Specification – Vegetation Clearance and land disturbance

1. This consent authorises the clearance of vegetation and land disturbance in an at-risk habitat on the riparian bank of the Manawatu River on the property legally described as River Parcel at approximate map reference NZTopo50 BM35:354-345.
2. The consent holder must undertake the activity in general accordance with the consent application including all accompanying plans and documents first lodged with the Manawatu-Wanganui Regional Council on **21 December 2018** and;
 - a. further information received on **18 February 2019** via email being an updated erosion and sediment control methodology; and
 - b. further information received on **21 February 2019** via email being updated erosion and sediment control schematics.

Where there may be inconsistencies between information provided by the Applicant and conditions of the resource consent, the conditions of the resource consent apply.

ADVICE NOTE: Any variance from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.

Pre-Development Assurance

3. **Five (5) working days** prior to any works commencing on-site, the consent holder shall submit a Lizard Management Plan (LMP) to the Manawatu-Wanganui Regional Council. The LMP shall be prepared by a suitably qualified and experienced herpetologist and shall include, but not be limited to, the following:
 - a. A description of the lizard habitat;
 - b. Lizard species expected to be present;
 - c. Legal requirements;
 - d. Personnel and disease management;
 - e. Timing, survey and recovery methods, including the method of potential translocation of lizards;
 - f. Reporting requirements; and
 - g. Mitigation measures and methodology.

4. **Five (5) working days** prior to site establishment earthworks, the consent holder shall engage a suitably qualified and experienced herpetologist and undertake a survey of the vegetative area to be disturbed by the works. This survey shall account for the presence, location and identification of any indigenous fauna, including native lizard species.
5. The consent holder shall invite a Manawatu-Wanganui Regional Council representative, with a minimum notice of **two (2) working days** to attend at the time of the survey taking place.

ADVICE NOTE: In the case that any of the invited parties does not attend this meeting, the consent holder will have complied with this condition, provided the invitation requirement is met.

6. In the event that indigenous species are found in the survey as required by **Condition 4**, that are classified as at-risk or threatened (as determined by the *New Zealand Threat Classification System and Lists*), the consent holder must translocate the animals to a suitable alternative location that comprises of a similar habitat type.
7. In the event that indigenous species that are classified as at-risk or threatened are not found in the survey required by **Condition 4**, information to satisfy clause (c) of **Condition 8** shall not be required to be provided to the Manawatu-Wanganui Regional Council by the consent holder.
8. The consent holder shall prepare a summary report outlining the findings of the survey required by **Condition 4**, and provide to the Manawatu-Wanganui Regional Council's Consents Monitoring Team at least **five (5) working days** following the completion of works authorised by this resource consent. This report should include (but is not limited to):
 - a. the number and type of any species (if any) present and their threat status;
 - b. prevention and minimisation measures to manage any potential lizard mortality during the clearance works;
 - c. records of the detection and translocation of any lizards, if required;
 - d. protocols surrounding accidental discovery of at-risk or threatened indigenous species; and
 - e. records of instances of any accidental discovery and outcomes.

ADVICE NOTE: The Consents Monitoring Team can be contacted via compliance.shared@horizons.govt.nz.

ADVICE NOTE: The translocation of any identified 'At-Risk' or 'Threatened' species shall be undertaken by a suitably qualified herpetologist holding the appropriate Authority under the Wildlife Act 1953 and in general accordance with the Lizard Management Plan required by **Condition 3**.

Environmental Standard

9. The consent holder shall ensure that any surface aggregate sourced for stabilisation purposes is from a weed-free site to prevent the spread of field horsetail and other pest plants.

ADVICE NOTE: For the purposes of this condition, weeds and pest plants are defined under the Manawatu-Wanganui Regional Council's *Regional Pest Plant Management Strategy (RRPMS)*.

Post-Development Assurance

10. In the event that the proposed Manawatu Bridge is not constructed at this location, the consent holder must prepare and submit a Planting Plan prepared by a suitably qualified and experienced ecologist to the Manawatu-Wanganui Regional Council for certification within **one (1) month** of the decision relating to this proposed structure. This plan shall include (but is not limited to): the species to be planted; density; maintenance; and location.
11. In the event that the proposed Manawatu Bridge is not constructed at this location, the consent holder must undertake planting in accordance with the Planting Plan required by **Condition 10** during the next appropriate planting season.

Duration

12. The resource consent will expire on **21 March 2020**.

4. Discharge Permit – Drilling Fluid Discharge

The following details the location, classifications and conditions associated with the activity.

Authorisation Number	ATH-2019202486.00
Activity Type	Discharge to Water
Activity Class	Discretionary Activity
Primary Activity Purpose	Infrastructure, Construction, Bridge, Road
Secondary Activity Purpose	Land Disturbance, Drilling, Exploration

Location

The following summarises the authorised location for the consented activity.

Activity Location Description	River Parcel
Valuation Number	14450/003.01
Legal Description	Parahaki Block
Map References	LOC-2018801625 (Centroid: BM35:354-346)

Classifications

The following summarises the classifications associated with the application activity.

Groundwater Management Zone	Manawatu
Water Management Zone	Manawatu Catchment, Middle Manawatu, Middle Manawatu (Mana_10a)
Associated River	Manawatu River (325000)

Activity Specific Conditions

Descriptive Specification - Discharge

1. This consent authorises the discharge of drilling fluids to water on the property legally described as River Parcel at approximate map reference NZTopo50 BM35:354-346.
2. The consent holder must undertake the activity in general accordance with the consent application including all accompanying plans and documents first lodged with the Manawatu-Wanganui Regional Council on **21 December 2018** and;
 - a. further information received on **18 February 2019** via email being an updated erosion and sediment control methodology; and
 - b. further information received on **21 February 2019** via email being updated erosion and sediment control schematics.

Where there may be inconsistencies between information provided by the Applicant and conditions of the resource consent, the conditions of the resource consent apply.

ADVICE NOTE: Any variance from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.

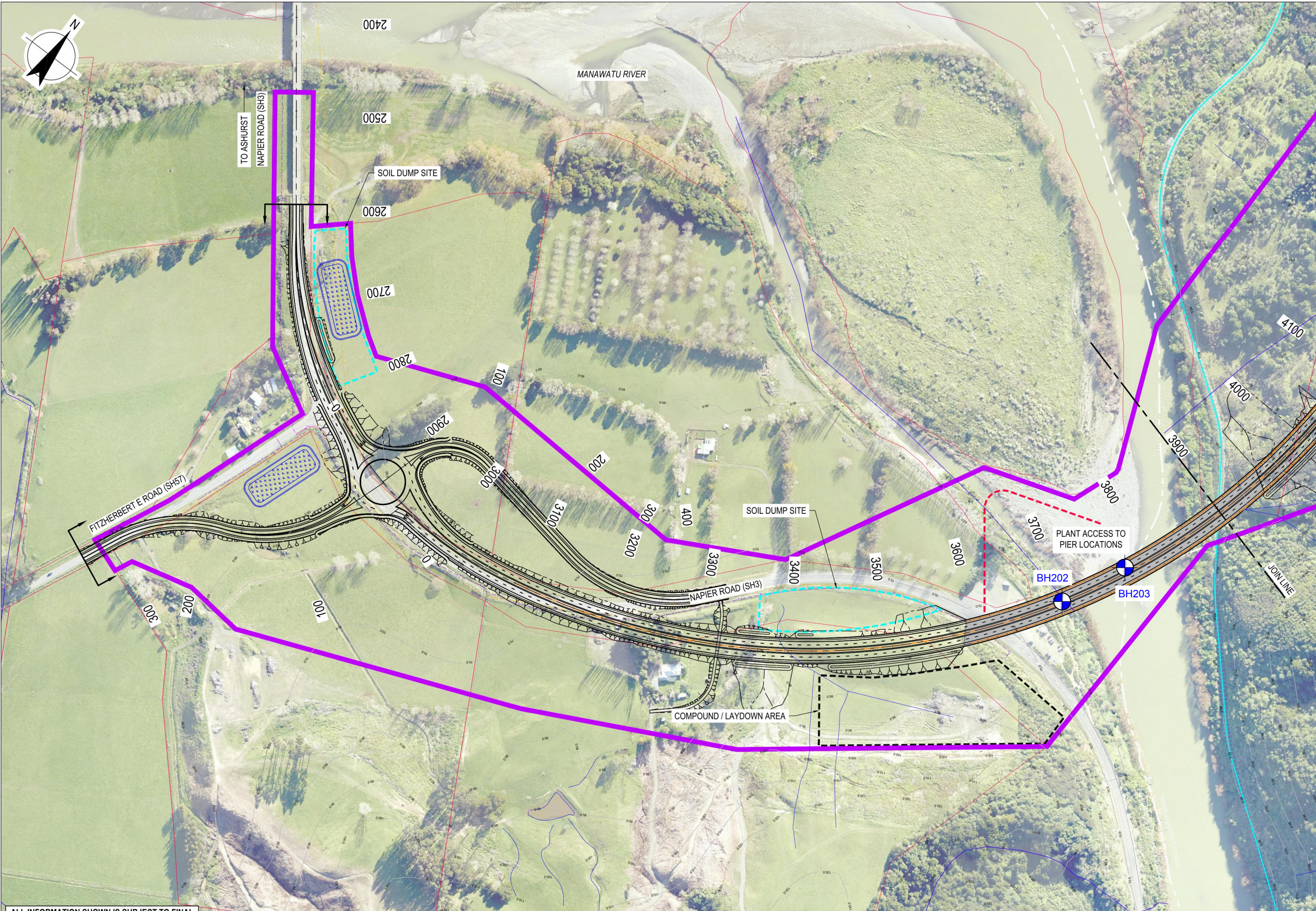
Environmental Standard

3. The activity authorised by this consent must not result in suspended sediment being conspicuous during Saturdays, Sundays and Public Holidays during 1st December to 28th February (inclusive).

ADVICE NOTE: Any change in horizontal visibility that is greater than a 20% change in visual clarity will be considered conspicuous.
4. The consent holder shall ensure that:
 - a. drilling fluid is captured as it is ejected, and disposed of off-site to an approved facility;
 - b. all working equipment is maintained to reduce the risk of any malfunctions;
 - c. refuelling occurs only in the 'base' site within the adjoining rest area; and
 - d. spill kits are maintained and records of spills are kept with each drilling rig.
5. In the event that any spills occur during the geotechnical drilling authorised under ATH-2018202416.00, the consent holder must notify the Manawatu-Wanganui Regional Council's Consents Monitoring Team immediately and provide records upon request.

Duration

6. The resource consent will expire on **21 March 2020**.

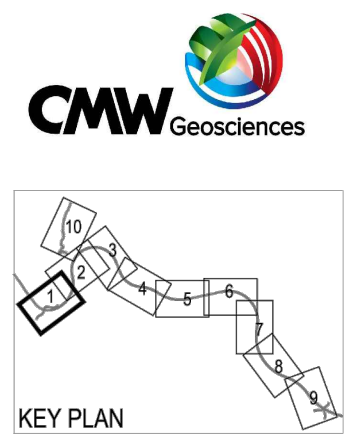


- LEGEND:**
- PROPOSED DESIGNATION
 - EXISTING BOUNDARY
 - POND LOCATIONS INDICATIVE ONLY. FINAL LOCATION AND DESIGN INCOMPLETE
 - - - POTENTIAL SITE ACCESS
 - PROPOSED SPOIL SITE
 - POTENTIAL ENVIRONMENTAL MITIGATION / PLANTING AREA
 - COMPOUND / LAY DOWN AREA
 - WIND FARM RE-CABLING
 - CONTOURS (10m INTERVALS)
 - CONSENTED TURBINE LOCATION ZONE - 100m RADIUS WITH 60m FOUNDATION LOCATION
 - TURBINE RELOCATION ZONE WITH NEW 60m FOUNDATION ZONE

ALL INFORMATION SHOWN IS SUBJECT TO FINAL DESIGN AND THE DETAILS MAY CHANGE. AREAS AND MEASUREMENTS ARE SUBJECT TO SURVEY

PROPOSED GEOTECHNICAL INVESTIGATIONS

DRAFT - FOR CONSENTING



0	DRAFT - FOR CONSENTING	WS	09/18
No	Revision	Note: * Indicates signatures on original issue of drawing or last revision of drawing	Date



GHD
 Level 3, GHD Centre
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 E auckland@ghd.com W www.ghd.com

DO NOT SCALE

Drawn	W SMITH	Designed	T CRONIN
Drafting Check	T CRONIN*	Design Check	A WHALEY*
Approved	C MORRIS*		
Date	SEPTEMBER 2018		
Scale	1:2000-A1, 1:4000-A3		

This Drawing must not be used for Construction unless signed as Approved

Client	NZ TRANSPORT AGENCY		
Project	TE AHU A TURANGA: MANAWATŪ TARARUA HIGHWAY		
Title	DESIGNATION PLAN - CH 2600 TO CH 3900 - CONTOURS		
	SHEET 1 OF 10		
Original Size	Project Number:	51-38113	Drawing Number: D-01 Rev: 0

New Zealand Transport Agency (Transport Registry Centre Palmerston North)

Decision on an application to **change consent conditions relating to Dotterel management and refuelling of the drilling rig within the bed of Manawatū River while undertaking geotechnical investigations to support the design of the Manawatū River bridge as part of Te Ahu a Tūranga Project.**

Application Reference: APP-2018202144.01

Decision Date: 11 February 2020

Expiry Date: 21 March 2020

Application Summary

Proposal

The New Zealand Transport Agency (hereafter the **Applicant**) applied for a resource consent to undertake geotechnical testing within the bed and banks of the Manawatū River. These works were authorised through consent APP-2018202144.00.

The Applicant has since applied for a consent to vary two of the existing consent conditions. The Applicant is proposing to vary condition 16 of ATH-2018202416.00 and Condition 4 of ATH-2019202486.00. The proposed variation of condition 16 is to allow for the works to occur within the dotterel nesting period. The works are proposed to be undertaken under the direction of an ecologist. The variation of condition 4 is to enable refuelling within the bed of the River in accordance with mitigation measures to minimise any spills.

As part of this application to vary the existing consent the Applicant is also proposing to add two conditions requiring the Applicant to include Tangata Whenua Kaitiaki to be involved with the works.

Activity Summary

Activity Description	Status	Authorisation Number
Geotechnical Bore Drilling (Bore 203)	Section 127 RMA - Discretionary Activity	ATH-2018202416.01
Geotechnical Bore Drilling Fluid Discharge	Section 127 RMA – Discretionary Activity	ATH-2019202486.01

The application to vary the conditions of an existing resource consent is a Discretionary Activity under s127 of the RMA.

Section 127 provides for conditions of an approved resource consent to be cancelled or changed, as follows:

- (1) *The holder of a resource consent may apply to the consent authority for the change or cancellation of a condition of the consent (other than any condition as to the duration of the consent) –*
- (2) *[Repealed]*
- (3) *Sections 88 to 121 apply, with all necessary modifications, as if –*
 - (a) *the application were an application for a resource consent for a discretionary activity; and*

- (b) *the references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.*
- (4) *For the purposes of determining who is adversely affected by the change or cancellation, the local authority must consider, in particular, every person who –*
- (a) made a submission on the original application; and*
 - (b) may be affected by the change or cancellation*

I consider that it is appropriate to assess the changes sought under s127 RMA because the change proposed does not relate to a fundamentally different activity and does not result in materially different effects to the consented application.

Assessment Summary

Section 104(1)(a) of the Resource Management Act 1991 states that when considering an application for a resource consent the consent authority shall have regard to any actual and potential effects on the environment of allowing the activity. The actual and potential effects on the environment of allowing the proposed activity have been identified and are assessed below. I have based my assessment on the information provided in the application for resource consent including the assessment of environmental effects (AEE), and the technical assessment by Mr James Lambie.

1.1 Environmental Effects (Section 104(1)(a))

Actual and Potential Environmental Effects

Effects on Terrestrial Ecological Effects

The proposed amendment to Condition 16 of ATH-2018202416.00 is to enable works to occur within the Dotterel nesting season. The proposed amendments have been considered by the ecologist for the Applicant who notes that the works can occur during this time provided the area is checked by a qualified ecologist prior to works commencing and if any nesting dotterels are found appropriate mitigation measures are put in place to ensure any works do not compromise the nesting dotterels. The proposed variation and methodology has been assessed by James Lambie on behalf of the Manawatū-Whanganui Regional Council. The approach proposed does not compromise the values of the dotterels and will ensure they are still protected from the works while enabling the works to occur.

Water Quantity Effects

The variation proposes to allow the drilling rigs to remain within the bed of the river while being refuelled. Given the rigs have a system which protects the fuel from spilling the proposed variation to condition 4 of ATH-2019202486.00 is not considered to give rise to any additional effects. Therefore the potential effects of the variation are considered to be less than minor.

Cultural Effects

The Applicant proposes two additional conditions following on from their discussions with Iwi around the Te Ahu a Turanga project. Objective 2-1 and Policies 2-1 and 2-3 in the One Plan set out measures for managing the effects of activities on the mauri of water to enable hapū and iwi to provide for their

social, economic and cultural wellbeing. The measures include consultation with Hapū or Iwi where necessary to identify the relationship of Maori and their culture and tradition to their ancestral land and water. The inclusion of these conditions does not give rise to any additional cultural effects and therefore I considered that the proposed variation is considered to have a less than minor effect.

CONCLUSION

The proposed effects of the variation are considered to be less than minor and are appropriately addressed through the consent.

1.2 Relevant Provisions (Section 104(1)(b))

The proposed changes to the discharges to land and air have been assessed against the following planning documents under section 104(1)(b) of the Resource Management Act 1991 (RMA):

- National Policy Statement
- Manawatū-Whanganui Regional Council's One Plan 2018 (One Plan).

Relevant Provisions

National Policy Statement for Freshwater Management (NPSFM, 2017)

OBJECTIVE A1	Safeguard Life-Supporting Capacity & Health of Communities
OBJECTIVE A2	Overall Fresh Water Quality Maintained or Improved
OBJECTIVE A3	Overall Fresh Water Quality Improvement: Primary Contact Suitability
OBJECTIVE A4	Enable Communities in Sustainable Management of Freshwater Quality
POLICY A7	Enabling Communities to Provide for their Economic Well-Being whilst Managing Freshwater Quality
OBJECTIVE D1	Involvement of Iwi & Hapu
POLICY D1	Involvement of Iwi and Hapū in the Management of Freshwater

NATIONAL POLICY STATEMENT CONSIDERATIONS

The NPSFM came into effect in 2014, and was amended in 2017. It sets out Objectives and Policies for freshwater management. Objectives A1 – A4 relate to freshwater management and water quality. Objective D1 and Policy D1 require the involvement of iwi and hapū in the management of freshwater. In this case, the proposed changes will still maintain water quality and its values. The Applicant has proposed two conditions to enable Tangata whenua to be involved with the works. Therefore I consider the proposed variation is consistent with the Objectives and Policies of the NPSFM.

One Plan (2018) – Regional Policy Statement

OBJECTIVE 2-1	Resource Management
POLICY 2-1	Hapu & Iwi Involvement in Resource Management
OBJECTIVE 5-1	Water Management Values
OBJECTIVE 5-2	Water Quality

POLICY 5-1	Water Management Zones and Values
POLICY 5-22	General Management of the Beds of Rivers and Lakes
POLICY 5-23	Activities in Sites with a Value of Natural State, Sites of Significance (Cultural), or Sites of Significance (Aquatic)

REGIONAL POLICY STATEMENT CONSIDERATIONS

The proposed addition of conditions fosters the relationship between the Applicant and iwi and hapū to work together towards the principles of resource management that are identified in Policy 2-1. The inclusion of the conditions will ensure the relationship of iwi and hapū are provided for. Therefore it is considered the variation is considered to be consistent with Chapter 2.

The proposed variation to the conditions relating to dotterels will not result in any additional effects beyond those already contemplated within the original consent for the reasons discussed in the environmental section above. The proposed change is still consistent with Objective 5-1 and Policies of 5-22 and 5-23 of the One Plan.

The proposed changes conditions relating to the refuelling of the drilling rigs is not expected to change any effects. The rigs have their own system in place to ensure there is no fuel spilt during refuelling. As such the change is still consistent with Objective 5-1 and Objective 5-2 of the One Plan.

One Plan (2018) – Regional Plan

OBJECTIVE 17-1	Regulation of Structures and Activities in Artificial Watercourses and in the Beds of Rivers and Lakes, and Damming
POLICY 17-1	Consent Decision-Making for Activities In, On, Under, or Over the Beds of Rivers and Lakes (including Modified Watercourses)

REGIONAL PLAN CONSIDERATIONS

The proposed changes to the conditions are not expected to give rise to any additional effects for the reasons discussed above. For these reasons it is considered that the change is still consistent with Objective 17 and Policy 17-1.

CONCLUSION

Overall, I consider the proposal to be consistent with the relevant Objectives and Policies of the One Plan (2018).

1.3 Duration and Reviews

Relevant Matters

This application is for change of consent conditions under Section 127 of the Resource Management Act (RMA) 1991, which states that no holder of any consent may apply for a change of a condition on the duration of the consent. Thus, the expiry date of the resource consent subject to this application will remain

1.4 Purpose and Principles (Resource Management Act Part 2)

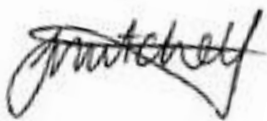
Principles

Part 2 of the Resource Management Act 1991 outlines the purpose and principles of the Act. Following the decision *RJ Davidson Family Trust v Marlborough District Council* [2018] Court of Appeal Decision, there is the ability to recourse to Part 2 when it is appropriate to do so. In this case, recourse to Part 2 is not required as it is not considered there is any illegality, uncertainty or incompleteness in the relevant part of the One Plan 2018. Recourse to Part 2 would not provide any further guidance to the decision maker for this consent. Furthermore, no such issues have been identified and as such no further assessment against Part 2 of the Resource Management Act, 1991 is considered necessary.

Recommendation

It is recommended that the application by **New Zealand Transport Agency (Transport Registry Centre Palmerston North)** to change consent conditions relating to dotterel management and refuelling of the drilling rig within the bed of the Manawatū River while undertaking geotechnical investigations to support design of the Manawatū River bridge as part of Te Ahu a Tūranga Project be granted, subject to the conditions outlined in the for the following reasons:

- a. the activities have been assessed by Mr James Lambie a consultant ecologist on behalf of Manawatū-Whanganui Regional Council who has assessed the proposed variations to the consent conditions, based on his advice I am satisfied that the effects are the proposal are considered to be less than minor; and
- b. the activity is consistent with the Objectives and Policies of the One Plan.

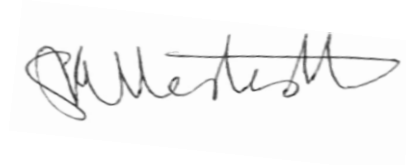


Jasmine Mitchell

TEAM LEADER CONSENTS

Decision

The Manawatū-Whanganui Regional Council Senior Planner, grants resource consent for the reasons stated in the recommendation, to **New Zealand Transport Agency (Transport Registry Centre Palmerston North)** under sections 127, 104, 104B, and 108 of the Resource Management Act 1991 to change consent conditions relating to dotterel management and refuelling of the drilling rig within the bed of the Manawatū River while undertaking geotechnical investigations to support design of Manawatū River bridge as part of Te Ahu a Tūranga Project be granted with no amendment to the term of the existing permits subject to the conditions outlined in the attached condition schedules.



Sara Westcott

SENIOR CONSENTS PLANNER

Made Under Authority Delegated to the Senior Planner

11 February 2020

1. Land Use Consents - Geotechnical Bore Drilling (Bore 203)

The following details the location, classifications and conditions associated with the activity.

Authorisation Number	ATH-2018202416.01
Activity Type	Land Use, River & Lake Beds
Activity Class	Discretionary Activity
Primary Activity Purpose	Land Disturbance, Drilling, Exploration
Replaces Authorisation	ATH-2018202416.00

Location

The following summarises the authorised location for the consented activity.

Activity Location Description	River Parcel (Parahaki Island)
Valuation Number	14450/003.01
Legal Description	Parahaki Block
Map References	LOC-2019801773 (Centroid: BM35:355-345)

Classifications

The following summarises the classifications associated with the application activity.

Groundwater Management Zone	Manawatū
Water Management Zone	Manawatū Catchment, Middle Manawatū, Middle Manawatū (Mana_10a)
Associated River	MANAWATŪ RIVER (325000)

Activity Specific Conditions

Descriptive Specification

1. This consent authorises the drilling of a geotechnical bore in the bed of the Manawatū River on the property legally described as River Parcel at approximate map reference NZTopo50 BM35:354-345 which is shown in **Site Plan APP-2018202144.00** attached to and forming part of this resource consent.
2. The consent holder must undertake the activity in general accordance with the consent application including all accompanying plans and documents first lodged with the Manawatū-Wanganui Regional Council on **21 December 2018**;
 - a. further information received on **18 February 2019** via email being an updated erosion and sediment control methodology;
 - b. further information received on **21 February 2019** via email being updated erosion and sediment control schematics; and
 - c. and the application lodged for a proposed variation lodged **10 February 2020**.

Where there may be inconsistencies between information provided by the Applicant and conditions of the resource consent, the conditions of the resource consent apply.

ADVICE NOTE: Any variance from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.

Pre-Development Assurance

3. The consent holder shall contact the Manawatū-Wanganui Regional Council's Consents Monitoring Team at least **forty-eight (48) hours** prior to the commencement of the works authorised by this consent and within **twenty-four (24) hours** of the completion of the works.

ADVICE NOTE: The Consents Monitoring Team can be contacted on 0508 800 800, -OR- compliance.shared@horizons.govt.nz.

4. The consent holder shall, at least **two (2) working days** prior to the commencement of the works, prepare and submit a flood contingency plan to the Manawatū-Wanganui Regional Council's Consents Monitoring Team. This plan shall describe the measures to be implemented to ensure machinery is not placed at risk during any event exceeding the precipitation limits as described in **Condition 5**, for the duration of the drilling activities.

5. The consent holder shall only commence works in the bed of the **Manawatū River** where there is at least **four (4) days** of settled weather forecast by the New Zealand Meteorological Service (MetService) for the water body's catchment.

ADVICE NOTE: Settled weather is defined as sunny, partially cloudy or overcast and light precipitation of less than 2mm/hour but does not include precipitation of greater than 2mm/hour.

6. The bore shall be designed, constructed and operated in a manner that prevents:
 - a. contaminants from entering the bore from the land surface; and
 - b. the wastage of water in artesian situations.
7. The consent holder shall install a backflow preventer to ensure that bore drilling fluids or water abstracted during construction of the bore do not flow back into the groundwater aquifer.

Environmental Standard

8. Existing Public access to the **Manawatū River** will be maintained, except when necessary for public safety reasons, in which case public access must be re-established within **five (5) working days** of completing the geotechnical bore investigation works.
9. The activity authorised by this consent must not result in suspended sediment being conspicuous during Saturdays, Sundays and Public Holidays during 1st December to 28th February (inclusive).

ADVICE NOTE: Any change in horizontal visibility that is greater than a 20% change in visual clarity will be considered conspicuous.

10. The consent holder shall ensure that:
 - a. machinery or vehicles entering the river should have had a stand down of at least **forty-eight (48) hours** since being in contact with another water body other than the upstream catchment of the **Manawatū River**; and
 - b. machinery or vehicles used at the proposed site should be stood down for **forty-eight (48) hours** prior to use in any catchment other than the **Manawatū River** upstream of the site; and
 - c. standard check, clean and dry procedures should be adopted for any vehicles, equipment, clothing or footwear that has been in contact with a water body other than the upstream catchment of the **Manawatū River** within the past 48 hours.

11. The consent holder shall ensure that any materials, machinery or equipment from the activities authorised by this consent (including any temporary structures), shall:

- a. be removed after completion of the activity; and
- b. are disposed of in an appropriate manner where it will not adversely affect the stream channel or impede the flow of water.

ADVICE NOTE: Materials includes stockpiles, mounds, depressions, trees/vegetation, excavated material, holes or surplus materials.

ADVICE NOTE: For the purposes of clarification, the retention of the drilling rig in accordance with **Conditions 1 and 2**, shall be excluded from the above restrictions for the duration of the drilling activities.

12. The consent holder shall comply with all notices and guidelines issued by Biosecurity New Zealand (refer to www.biosecurity.govt.nz/didymo) in relation to avoiding the spread of the pest organism *Didymosphenia Geminata* (known as 'Didymo').

13. The activity shall be undertaken in a manner that provides for the passage of fish both upstream and downstream, including past any temporary structure or machinery.

14. The construction activities must not result in any damage to Manawatū-Wanganui Regional Council's stop banks or river protection works. In the unlikely event that any damage does occur, then the consent holder shall immediately notify the Manawatū-Wanganui Regional Council's Area Engineer Central. Immediate repair is to be implemented at the consent holders' expense, and the stop bank and/or river protection works shall be returned to the same standard and condition existing prior to any damage.

15. The bore shall be cased, screened and sealed to ensure aquifer cross-connection, and leakage from the ground surface into ground water must not occur.

Operational Restrictions

16. Prior to any works being carried out in the bed of the River during the period **1 July to 31 March**, the Consent holder shall ensure that:

- a. A suitably qualified and experienced ecologist inspects the proposed area of works no earlier than eight working days prior to any works being carried out, and locates any banded dotterel breeding or nesting sites; and

- b. If banded dotterel or black fronted dotterel breeding or nesting sites are found within a 50 metre radius of the construction area, construction activities within that 50 metre radius shall be postponed until such times as all nests are abandoned or the chicks have hatched and birds have been moved to other parts of the island. Any movement of chicks to outside of the 50 metre radius would be undertaken in accordance with the dotterel mitigation memorandum submitted as part of this application; or
- c. If no banded dotterel or black fronted dotterel are found appropriate mitigation is installed to deter any dotterels from entering the construction area; and
- d. Tangata Whenua Kaitiaki shall be informed not less than 48 hours prior to the works outlined in a-c being undertaken and provided with the opportunity to be onsite alongside the ecologist(s) to undertake inspections of the proposed area of works and any works undertaken in accordance with the dotterel mitigation memorandum.

ADVICE NOTE: Once Dotterel chicks have hatched foraging chicks can be gently moved to other parts of the island. The technical memorandum letter dated 15 November 2019 from Josh Markham to Lorraine Pennington entitled 'Measures to manage and mitigate actual and potential effects on nesting dotterels during geotechnical investigations.

Condition amended as per decision APP-2018202144.01 dated 11 February 2020.

- 17. No machinery used for the exercise of this consent, shall enter, operate or excavate within water in the **Manawatū River** during the exercise of this consent except for river crossings, which shall be kept to a minimum and located at the upstream end of riffles where possible.
- 18. In the event of an archaeological site, waahi tapu or koiwi being discovered or disturbed during the activities authorised by this consent, the consent holder shall immediately cease further work and inform:
 - a. Rangitane o Manawatū;
 - b. Ngāti Raukawa;
 - c. Te Apiti Ahu Whenua Trust, as representatives of Parahaki Island Trustees;
 - d. the Manawatū-Wanganui Regional Council's Regulatory Manager; and
 - e. Heritage New Zealand.

Further work at the site shall be suspended while iwi carry out their procedures for removal of taonga. The Manawatū-Wanganui Regional Council's Regulatory Manager will advise the consent holder when work at the site may recommence.

ADVICE NOTE: In the event that human remains (koiwi) are found the police should be contacted immediately and all works shall cease until advice is given that works can recommence.

ADVICE NOTE: A **Rangitāne o Manawatū** representative can be contacted, at the time of granting of these consents, on the following numbers: Paul Horton, 021 180 5197 or 06 353 1881 (Option 1).

ADVICE NOTE: A **Ngāti Raukawa** representative can be contacted, at the time of granting of these consents, on the following numbers: 027 349 2872.

ADVICE NOTE: A **Te Apiti Ahu Whenua Trust** can be contacted, at the time of granting of these consents, on the following numbers: 027 668 8926 or 021 709 083.

ADVICE NOTE: The Manawatū-Wanganui Regional Council's Regulatory Manager can be contacted on 0508 800 800.

ADVICE NOTE: A Heritage New Zealand representative can be contacted, at the time of granting of these consents, on the following number: 04 472 4341.

Post-Development Assurance

19. Within **twenty (20) working days** of completion of the activity, the consent holder shall stabilise, re-contour and re-vegetate any disturbed areas within the bed of the **Manawatū River**.

ADVICE NOTE: This condition is to minimise sediment runoff to the **Manawatū River** and to allow for the site to be stabilised.

ADVICE NOTE: For the purposes of this condition, 'bed' is defined as the space of land which the waters of the river cover at its annual fullest flow without overtopping its banks.

20. The works shall remain the responsibility of the consent holder and shall be maintained so that any erosion, scour or instability of the stream bed or banks that is attributable to the works carried out as part of this consent is remedied by the consent holder within **ten (10) working days**.

21. The consent holder shall keep a log for the borehole authorised under this resource consent. Each log shall contain (but is not limited to):

- a. the location of the hole/bore;
- b. date of completion;
- c. duration of drilling;
- d. depth and diameter of the hole/bore;
- e. the method of drilling;
- f. full construction details;

- g. the subsurface geology;
 - h. full results of any tests (e.g. well yield, temperature, water quality) undertaken on the drilled hole/bore; and
 - i. a site diagram.
22. The consent holder shall submit this log to the Manawatū-Wanganui Regional Council's Consents Monitoring Team within **two (2) months** of the drilling being completed.

ADVICE NOTE: The Consents Monitoring Team can be contacted via compliance.shared@horizons.govt.nz.

Duration & Lapsing

23. The resource consent will expire on **21 March 2020**.

2. Discharge Permit - Drilling Fluid Discharge

The following details the location, classifications and conditions associated with the activity.

Authorisation Number	ATH-2019202486.01
Activity Type	Discharge to Water
Activity Class	Discretionary
Primary Activity Purpose	Infrastructure, Construction, Bridge, Road
Secondary Activity Purpose	Land Disturbance, Drilling, Exploration
Replaces Authorisation	ATH-2019202486.00

Location

The following summarises the authorised location for the consented activity.

Activity Location Description	1631 NAPIER ROAD ASHHURST, NAPIER ROAD ASHHURST
Valuation Number	14450/003.01
Legal Description	Parahaki Block
Map References	LOC-2018801625 (Centroid: BM35:355-345)

Classifications

The following summarises the classifications associated with the application activity.

Groundwater Management Zone	Manawatū
Water Management Zone	Manawatū Catchment, Middle Manawatū, Middle Manawatū (Mana_10a)
Associated River	MANAWATŪ RIVER (325000)

Activity Specific Conditions

Descriptive Specification - Discharge

1. This consent authorises the discharge of drilling fluids to water on the property legally described as River Parcel at approximate map reference NZTopo50 BM35:354-346.
2. The consent holder must undertake the activity in general accordance with the consent application including all accompanying plans and documents first lodged with the Manawatū-Wanganui Regional Council on **21 December 2018** and;
 - a. further information received on **18 February 2019** via email being an updated erosion and sediment control methodology; and
 - b. further information received on **21 February 2019** via email being updated erosion and sediment control schematics.

Where there may be inconsistencies between information provided by the Applicant and conditions of the resource consent, the conditions of the resource consent apply.

ADVICE NOTE: Any variance from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.

Environmental Standard

3. The activity authorised by this consent must not result in suspended sediment being conspicuous during Saturdays, Sundays and Public Holidays during 1st December to 28th February (inclusive).

ADVICE NOTE: Any change in horizontal visibility that is greater than a 20% change in visual clarity will be considered conspicuous.

4. The consent holder shall ensure that:
 - a. drilling fluid is captured as it is ejected, and disposed of off-site to an approved facility;
 - b. all working equipment is maintained to reduce the risk of any malfunctions;
 - c. refuelling of drilling rigs shall be undertaken in accordance with the environmental protection measures methodology as submitted; and
 - d. spill kits are maintained and records of spills are kept with each drilling rig.

Condition amended as per decision APP-2018202144.01 dated 11 February 2020.

5. In the event that any spills occur during the geotechnical drilling authorised under ATH-2018202416.00, the consent holder must notify the Manawatū-Wanganui Regional Council's Consents Monitoring Team immediately and provide records upon request.
6. Not less than 48 hours prior to works commencing in the River Bed the Consent Holder shall invite Tangata Whenua Kaitiaki to attend the site toolbox training session regarding environmental controls for the site.

ADVICE NOTE: Toolbox training outlines incident and accident management protocols for the site, including reporting in accordance with environmental management plans for the site. Toolbox training shall also include site induction to allow for Kaitiaki to be observer's onsite. Any observer on site will be required to comply with all Health and Safety requirements for the site.

Condition added as per decision APP-20018202144.01 dated 11 February 2020.

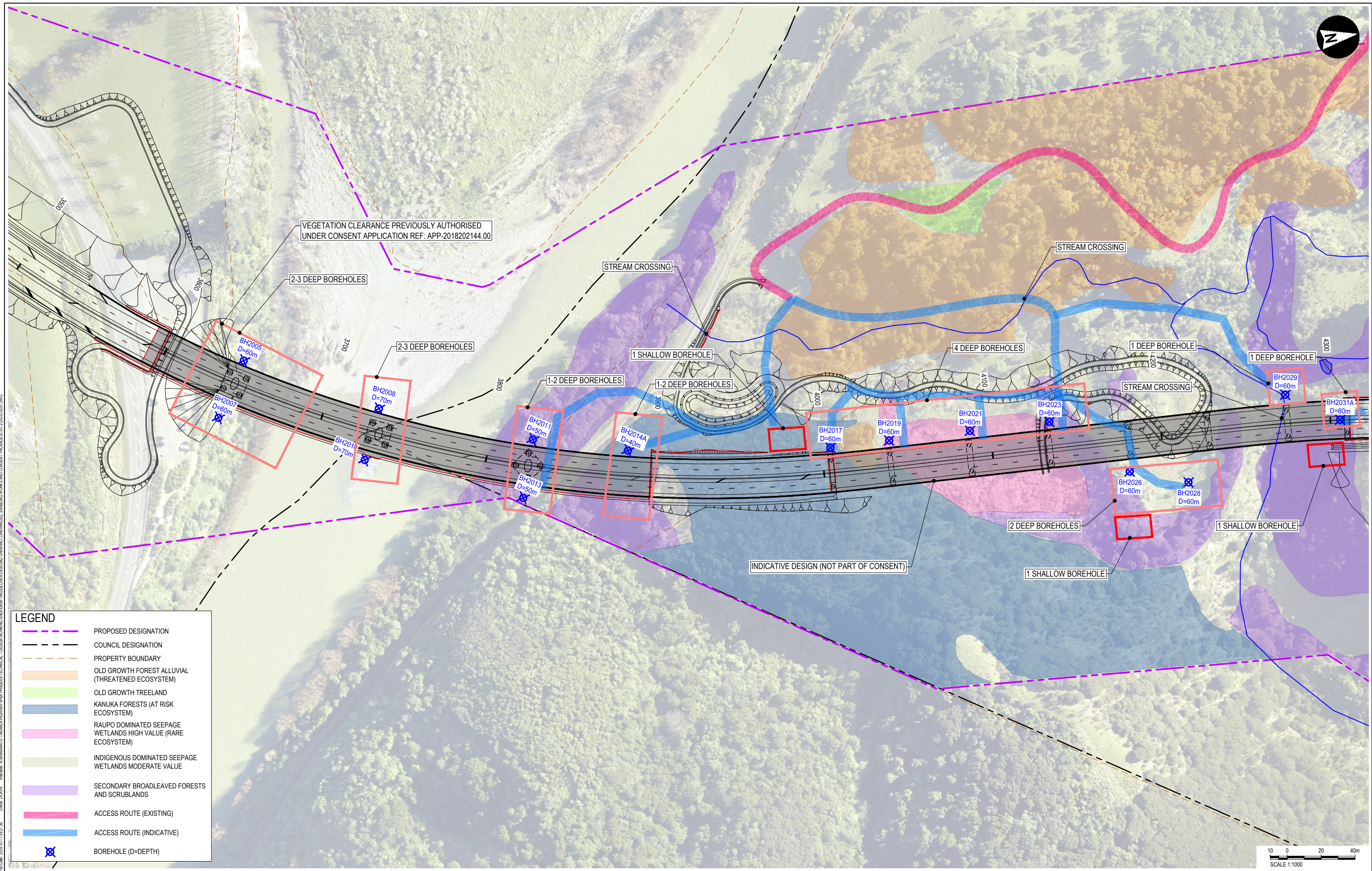
7. The consent holder shall provide Tangata Whenua Kaitiaki with weekly update regrading drilling operations onsite including details as to when refuelling activities are likely to occur.

ADVICE NOTE: While every endeavour will be made for allowance of observation of refuelling activities to occur, in order to minimise the length of time the drilling rig would be in-situ in the bed drilling activities would no cease to allow for observers to arrive at the site. Updates will be provided by email.

Condition added as per decision APP-20018202144.01 dated 11 February 2020.

Duration

8. The resource consent will expire on **21 March 2020**.



LEGEND

	PROPOSED DESIGNATION
	COUNCIL DESIGNATION
	PROPERTY BOUNDARY
	OLD GROWTH FOREST ALLUVIAL (THREATENED ECOSYSTEM)
	OLD GROWTH TREELAND
	KANUKA FORESTS (AT RISK ECOSYSTEM)
	RAUPO DOMINATED SEEPAGE WETLANDS HIGH VALUE (RARE ECOSYSTEM)
	INDIGENOUS DOMINATED SEEPAGE WETLANDS MODERATE VALUE
	SECONDARY BROADLEAVED FORESTS AND SCRUBLANDS
	ACCESS ROUTE (EXISTING)
	ACCESS ROUTE (INDICATIVE)
	BOREHOLE (D=DEPTH)

SCALE 1:1000
10 0 20 40m

CLIENT

Te Ahu a Turanga
Manawatū Tararua Highway

REV	DATE	REVISION DETAILS	APPROVED
A	14/10/2019	ISSUED FOR CONSENT	S. TEMPLE

SCALE	1:1000
SIZE	A1
DRAWN	J.SAINI
DESIGNED	A. MILNER
REVIEWED	S. TEMPLE

CONSENT	NOT FOR CONSTRUCTION
APPROVED	T. WATTERSON
DATE	14/10/2019

PROJECT	TE AHU A TURANGA: MANAWATŪ TARARUA HIGHWAY					
TITLE	GEOTECHNICAL INVESTIGATION					
DRAWING No.	PROJECT No.	PHASE	TYPE	DISC	NUMBER	REV
TAT		2	DG	G	0251	A

OPTION 2b