

# Resource Consent

## RESOURCE MANAGEMENT ACT 1991

### Summary of decision

<b>Consent No.</b>	WAR240268		
<b>Consent ID(s)</b>	[39622] Land use: To undertake forestry harvesting of more than 2ha of commercial plantation trees in a red zone, including harvesting where slash will be deposited onto land that would be covered by water in a 5% AEP event and residual slash will be left on the cutover that exceeds 15m <sup>3</sup> per hectare		
	[39625] Discharge permit: to undertake earthworks where sediment laden stormwater may enter water, for the construction of roads/landings/skid sites		
<b>Name</b>	Wairarapa Estate Limited		
<b>Address</b>	5 Papawai Place, Masterton		
<b>Decision made under</b>	104C, 105, 107 and 108 of the Resource Management Act 1991		
<b>Duration of consent</b>	Granted: 31 July 2024	Expires: 31 July 2032	
<b>Purpose for which consent(s) is granted</b>	Works associated with plantation forestry activities of 425 ha of forest, including the disturbance of land or water from earthworks and harvesting.		
<b>Location</b>	349 Craigie Lea Road, Te Wharau, at or about map reference NZTM 1835691.5430288		
<b>Legal description of land</b>	Lot 4 DP 89344, Part Section 303 Pahaoa DIST, Lot 7 DP 20659		
<b>Conditions</b>	See below		

Decision recommended by:	Isobel Cochrane	Resource Advisor, Environmental Regulation	
Decision peer reviewed by:	Josh Pepperell	Senior Resource Advisor, Environmental Regulation	
Decision approved by:	Kristina Cranston	Team Leader, Environmental Regulation	

## Processing timeframes:

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<b>Application lodged:</b>	04/06/24	<b>Application officially received:</b>	06/06/24
<b>Application stopped (s92):</b>	14/06/24	<b>Application started (s92):</b>	15/07/24
<b>Applicant to be notified of decision by:</b>	31/07/24	<b>Applicant notified of decision on:</b>	31/07/24
<b>Time taken to process application:</b>	20 working days		

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## Consent conditions

### General conditions

1. The location, design, implementation and operation of the activity shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on the 04 June 2024 and further information received on 12 June 2024, 17 June 2024 and 12 July 2024 . This includes the following:
  - Combined application documents – 04 June 2024
  - Updated Forestry Earthworks Management and Harvest Plan -12 June 2024
  - Response to request for further information – 17 June 2024
  - Risk maps and Residual Cutover Slash Management Plan – 12 July 2024

Where there may be contradiction or inconsistencies between the application and information provided by the applicant, the most recent information applies. In addition, where there may be inconsistencies between information provided by the applicant and conditions of the consent, the conditions apply.

*Note: Any change 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.*

2. The consent holder shall provide a copy of this consent and any documents and plans referred to in this consent to each operator or contractor undertaking works authorised by this consent, prior to the works commencing. In addition to this, a copy of this consent and all documents and plans referred to in this consent, are kept on site during the works and presented to any Wellington Regional Council officer on request.

*Note: It is recommended that the contractors be verbally briefed on the requirements of the conditions of this consent prior to works commencing.*

3. The Manager, Environmental Regulation, Wellington Regional Council, shall be given a minimum of two working days (48 hours) notice prior to the works commencing.

*Note: Notifications must be emailed to [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz). Please include the consent reference [WAR240268 ] and the name and phone number of a contact person responsible for the proposed works.*

4. The consent holder shall adhere to the best management practices as described in the *New Zealand Forest Owners' Association Road Engineering Manual* and *New Zealand Environmental Code of Practice for Plantation Forestry* and any subsequent reviews.

*Note: Where there may be contradiction or inconsistencies between practices described in these two documents and conditions of consent, the conditions apply.*

5. The consent holder shall ensure that:
  - a) All machinery is thoroughly cleaned of vegetation (eg, weeds), seeds or contaminants at least 10 metres away from any watercourse, water flow channel or stormwater system, prior to entering the site
  - b) All machinery shall be regularly maintained in such a manner to ensure no contaminants (including but not limited to oil, petrol, diesel, hydraulic fluid) shall be released into water, or to land where it may enter water, from equipment being used for the works
  - c) All contaminant storage or re-fuelling areas are bunded or contained in such a manner so as to prevent the discharge of contaminants to water or to land where it may enter water
  - d) No machinery is cleaned, stored or refuelled within 10 metres of any waterbody, water flow channel or stormwater system
6. The consent holder shall remedy any disturbance to any stream banks or river/stream beds due to the works. All works affecting the waterways within the harvest area, including removing any unused material and tidying up on completion of the works, shall be completed to the certification of the Manager, Environmental Regulation, Wellington Regional Council.
7. The consent holder shall maintain a permanent record of any complaints received alleging adverse effects from or related to the works. This record shall include:
  - The name and address of the complainant (if provided)
  - The date and time that the complaint was received
  - Details of the alleged event
  - Weather conditions at the time of the complaint, and
  - Any measures taken to mitigate/remedy the cause of the complaint

This record shall be made available to the Manager, Environmental Regulation, Wellington Regional Council, on request.

### **Earthworks**

8. The consent holder shall take all practicable steps to ensure that, after a reasonable mixing zone, stormwater and/or sediment laden run-off discharged will not give rise to any of the following effects in the receiving waters:
  - Any conspicuous change in the colour or visual clarity, or
  - The rendering of fresh water unsuitable for consumption by farm animals, or
  - Any significant adverse effects on aquatic life

The mixing zone shall be a distance equal to seven times the width of the wetted channel, but no less than 50m downstream of where each discharge enters a watercourse.

All practicable steps shall include, but not be limited to:

- Installing, operating and maintaining the control and treatment measures in the plan provided in the application, or any subsequent approved amendments
- Maintaining all erosion control and sediment treatment measures to the certification of the Manager, Environmental Regulation, Wellington Regional Council
- Dispersing the flow from the discharge points away from gullies wherever practicable
- Adding any additional erosion control and sediment treatment measures that will ensure this condition is complied with

*Note: In determining compliance with this condition, the Manager, Environmental Regulation, Wellington Regional Council will consider the design specification of any and all sediment treatment measures as specified in the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Wellington Region, February 2021 and any subsequent updates.*

9. The consent holder shall take all practicable steps to prevent material which is side-cast during track, road and skid site and/or pad construction, from entering any watercourses within the site. This may require, but not be limited to, the following measures:
  - Compacting side cast material so that it is stable
  - Securing slash material downslope to retain side cast material above it
  - Hydroseeding or grassing of downslope batter; and
  - End hauling material in areas which are not stable or in the vicinity of watercourses
10. On all earthworks sites where entrained sediment may enter a watercourse, appropriate erosion and sediment controls are to be in place **before** earthworks commence. Controls shall only be removed after the site has been fully stabilised to protect it from erosion. Sediment erosion management on site shall be undertaken specifically in accordance with the Wellington Regional Council publication '*Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Wellington Region*' February 2021, and any subsequent updates, for the term of this consent.
11. The consent holder, where practicable, shall control all catchment runoff upslope from roading, tracking and landing construction activities, diverting clean water around or safely through areas of land disturbance.

12. The consent holder shall ensure that water tables, culverts, flumes, cut-offs and other appropriate measures are installed and maintained in order to mitigate the adverse effects of erosion and land instability.
13. Any failure of cut and fill batters that occur as a result of roading and soil disturbance activities under this resource consent shall be remedied or mitigated as soon as practicable, and to the certification of the Manager, Environmental Regulation, Wellington Regional Council.

### **Harvesting**

14. If any changes are proposed to the Harvest Plan (including notice of alternative roading networks), the consent holder shall provide a final plan that has been prepared in consultation with the contractor undertaking the works, to the Manager, Environmental Regulation, Wellington Regional Council prior to the works commencing. No works shall commence until the consent holder has received written notification that the final Harvest Plan is to the certification of the Manager, Environmental Regulation, Wellington Regional Council.

*Note: The final Harvest Plan can be emailed to [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz). Please include the consent reference [WAR240268]*

15. Harvest systems must achieve butt suspension wherever practicable.
16. The consent holder shall take all practicable steps to minimise sedimentation and increased turbidity in the Pahoa River (and its tributaries) during harvesting, including but not limited to:
  - Completing all works in the minimum time practicable
  - The number of sites (or stream reach) that are disturbed as a result of hauling trees should be minimised where practical
  - Any area of an ephemeral, intermittent or permanent water body that is identified as a key habitat (such as intact riparian margins) should be avoided as far as practical
  - The appropriate equipment and technique should be utilised to maximise lift over the riparian zone as far as practical; and
  - Poned areas along ephemeral or intermittently flowing streams should be avoided where practical
17. The consent holder shall take all practicable measures to minimise damage and/or interference to waterways and riparian margins of waterways, but only insofar as this does not compromise the safety of workers. This shall include:
  - Removing all logs away from watercourses wherever possible
  - Removing slash deposited into a waterbody
  - Undertaking directional felling of commercial plantation trees away from these areas

18. All slash material that remains after processing at the skid site shall be stored on the processing skid site, a stable bench and/or gently sloped land in a stable manner and be sited wherever possible to ensure that any unexpected failure of this material will not cause damage to the property of persons other than the consent holder, or become deposited in waterways.

*Note: In determining compliance with this condition, the use of a stable bench shall be proven by either photographic evidence at the time of skid site construction or by being clearly visible at the time of inspection.*

19. Upon the completion of harvesting, as much slash as practicable shall be pulled back onto skid sites and/or gently sloped land to ensure ongoing stability of this material and skid sites.
20. The consent holder shall ensure that all residual slash is managed in accordance with the residual cutover slash risk assessment received with the application and further information received on 15 July 2024.

*Note: This includes minimising residual slash in the risk areas identified in the Donnelly Forest West Risk map and the Donnelly Forest East map.*

### **Monitoring**

21. The consent holder shall ensure that monitoring of the harvesting and earthworks is in accordance with the details set out in the Forestry Earthworks Management and Harvest Plan Remedial action shall be undertaken by the consent holder as required to the certification of the Manager Environmental Regulation, Wellington Regional Council.
22. The works shall remain the responsibility of the consent holder and shall be maintained to the certification of the Manager, Environmental Regulation, Wellington Regional Council so that any erosion, scour or instability that is attributable to the works carried out as part of this consent is remedied by the consent holder.

### **Review of conditions**

23. The Wellington Regional Council may review any or all conditions of this permit by giving notice of its intention to do so pursuant to section 128 of the Resource Management Act 1991, at any time within three months of the date of commencement of this consent for the following purposes:
  - Dealing with any adverse effects on the environment which may arise from the exercise of this consent, and which is appropriate to deal with at a later stage; and/or
  - To review the adequacy of any plans and/or alter any monitoring requirements prepared for this consent so as to incorporate into the consent any modification which may become necessary to clarify or deal with any adverse effect on the environment of arising from this activity; and/or
  - To enable consistency with any relevant Regional Plans or any National Environmental Standards or Regulations

The review of conditions shall allow for the deletion or amendment of conditions of this consent; and the addition of such new conditions as are shown to be necessary to avoid, remedy or mitigate any significant adverse effects on the environment.

**Notes:**

1. If koiwi, taonga, waahi tapu or other archaeological material is discovered in any area during the works, work shall immediately cease and the consent holder shall notify Greater Wellington Regional Council, Rangitāne o Wairarapa, Kahungunu ki Wairarapa and Heritage New Zealand as soon as possible but within 24 hours. If human remains are found, the New Zealand Police shall also be contacted. The consent holder shall allow the above parties to inspect the site and in consultation with them, identify what needs to occur before work can resume.

Notification must be emailed to:

- Greater Wellington Regional Council, [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz)
- Heritage New Zealand, [information@heritage.org.nz](mailto:information@heritage.org.nz)
- Rangitāne o Wairarapa, [horipo@rangitane.iwi.nz](mailto:horipo@rangitane.iwi.nz)
- Kahungunu ki Wairarapa, [ra@kahungunuwairarapa.iwi.nz](mailto:ra@kahungunuwairarapa.iwi.nz)

Heritage New Zealand must also be contacted by phone on 04 472 4341 (National Office).

No works may resume on site until the consent holder has received written notification that consultation with the parties identified above has been undertaken to the certification of the Manager, Environmental Regulation, Wellington Regional Council.

Note: Evidence of archaeological material may include burnt stones, charcoal, rubbish heaps, shell, bone, old building foundations, artefacts and human burials.

*Note: Records can be emailed to Please include the consent reference WAR240268 and a contact name and phone number of the person responsible for the gravel extraction.*

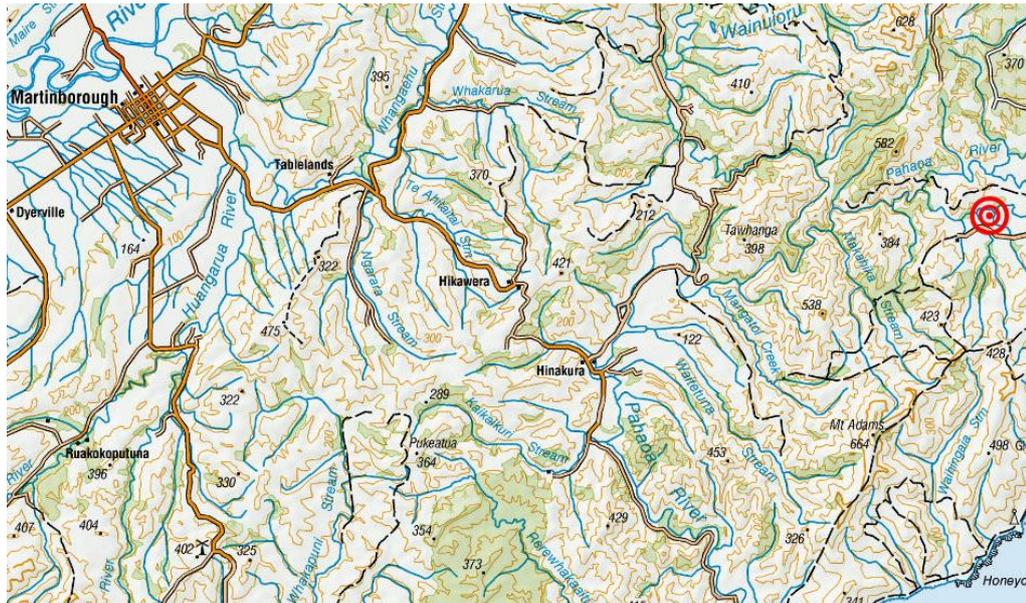
2. A resource management charge, set in accordance with section 36(2) of the Resource Management Act 1991 (the Act) shall be paid to the Regional Council for the carrying out of its functions in relation to the administration, monitoring, and supervision of resource consents and for the carrying out of its functions under section 35 (duty to gather information, monitor and keep records) of the Act.

3. The Wellington Regional Council shall be entitled to recover from the consent holder the costs of the conduct of any review, calculated in accordance with and limited to that Council's scale of charge in force and applicable at that time pursuant to section 36 of the Resource Management Act 1991.
  
4. If you require a replacement consent upon the expiry date of this consent, any new application should be lodged at least 6 months prior to the expiry date of this consent. Applying at least 6 months before the expiry date may enable you to continue to exercise this consent under section 124 of the Resource Management Act 1991 until a decision is made on the replacement application.

## Reasons for decision report

### 1. Background and proposal

The applicant (Wairarapa Estate Limited) has applied for a land use consent and a discharge permit to undertake earthworks and harvesting within red zone land identified under the Erosion Susceptibility Classification (ESC). Forest Enterprises Limited are acting on behalf of the applicant and will be the forestry company undertaking the proposed work. Harvesting will be spread over approximately 6 years. The application will be assessed under the National Environmental Standards for Commercial Forestry (NES-CF).

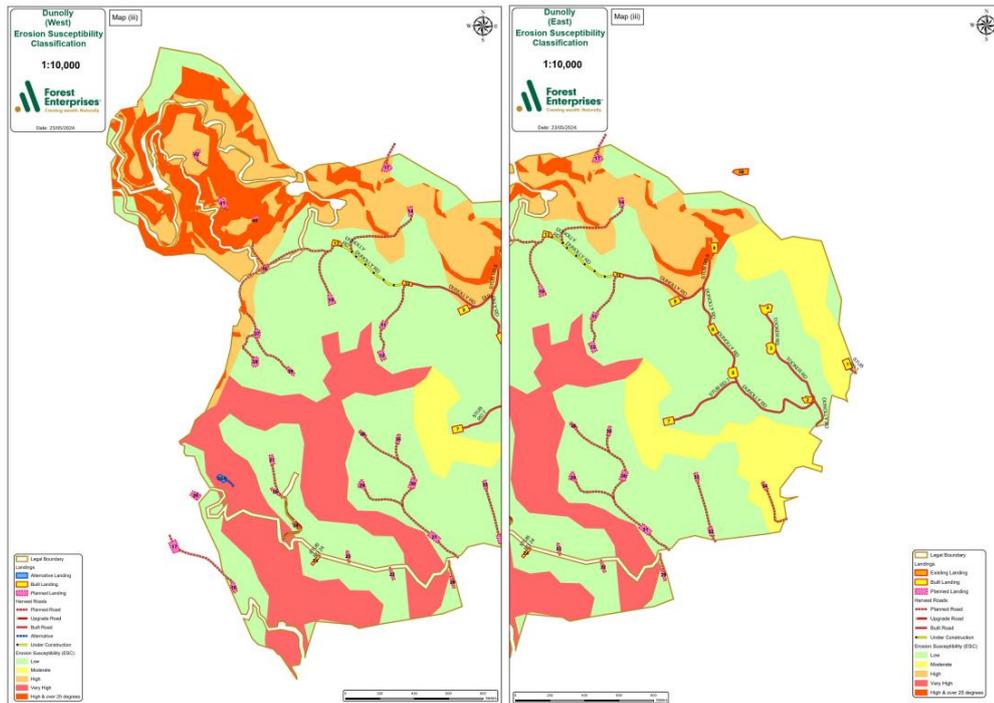


Donnelly forest is located approximately 30 km to the East of Martinborough (Figure 1).

The proposal is to:

- Undertake earthworks for the construction and maintenance of tracks/landings and forestry harvesting
- Harvest trees in a red ESC zone exceeding 2ha in a 12-month period
- Undertake harvesting which may result in the deposition of slash below the 5% AEP
- Leave over 15m<sup>3</sup>/ha of residual slash on Orange and Red zoned land

The proposed activity is located within a green, yellow, orange and red zone as depicted in the maps below:



Dunolly Forest ESC maps (Figure 2)

The applicant has submitted the following management plan and/or supporting documents:

- Harvest Plan
- Forestry Earthworks Management Plan
- NES-CF Erosion Susceptibility Classification Report
- Dunolly Forest – Map

The proposed activity is not located within or near a scheduled site in the NRP.

### 1.1 Harvest methodology

Of the total stocked area (425ha) 415ha of harvesting will be undertaken using ground based methods, and 9ha using hauler methods. Harvesting will be spread over a period of 6 years. These areas are shown in figure 2.

In setting 42, about 3,221 ton of trees will need to be felled towards and extracted across the Pahoa River. A temporary log bridge and permitted culverts are planned to be constructed across the river to use the existing track to skid or forward the wood to setting 42. This is expected to take three weeks and occur when the rivers flows are low.

Slash may also be deposited onto land that would be covered during a 5% AEP event. Merchantable material will be removed from below the 5% AEP flood level during harvesting. Where there is machine access to waterways, a loader will be used to remove slash from these areas.

Where there is no machine access, an assessment of the risk from slash below the 5% AEP flood level will be undertaken. This will determine if further slash management is required.

The applicant has also applied to leave over 15m<sup>3</sup> of slash per hectare on the cutover.

## **1.2 Earthworks Methodology**

There is 11.51km of new road planned to be built. 47 landings (approximately 3500m<sup>2</sup>) are planned. Temporary landings may be constructed in strategic locations during harvesting to aid operations.

For the 415ha planned for ground-based harvesting track construction will occur at a density of 100m/ha (total of 41.5km of track). Tracks will be 3-6m wide. The location of the tracks will be decided at the time of harvest so that their location can take into account soil stability, efficiency of harvest locations and the slope of the ground.

Further tracking along the back settings for an anchor machine will also be needed to assist rope deflection, increase lift for hauling logs and to anchor a tethered falling machine. These tracks will be confined to ridge tops and will be used for machine access.

## **2. Reasons for resource consent**

The National Environmental Standards for Commercial Forestry (NES-CF) amended the NES-PF and came into effect on the 3 November 2023. All regulations in the NES-CF prevail over Regional Plans in accordance with section 43B of the Act, unless the activity is in an area outlined in Regulation 6 of the NES-CF (of which this activity is not). This activity has therefore been assessed under the NES-CF.

RMA section	Activity	Regulation	Status	Comments
9, 15	Earthworks	24-33	Permitted	<p>The proposed earthworks are to be undertaken in the red zone and, in any three-month period comprise of:</p> <ul style="list-style-type: none"> <li>The deposition of more than 100m<sup>3</sup> of spoil or fill; and</li> <li>Side cutting of more than 2m deep over a continuous length of more than 50m.</li> </ul> <p>As such regulation 24(2)(d) cannot be met. Therefore, earthworks and the associated discharge of sediment laden storm water to land, is a restricted discretionary activity under Regulation 35.</p>
		35	Restricted discretionary	
9	Harvesting	63-69	Permitted	<p>Harvesting activities are in the red zone:</p> <ul style="list-style-type: none"> <li>Where it involves more than 2ha of harvesting in a three-month period.</li> <li>That cannot meet Regulation 69(3) and (6)(7)</li> </ul> <p>Therefore, the proposed harvesting activities must be assessed as a controlled activity under regulation 70(3) (b).</p>
		70	Controlled	
9, 13, 15	General provisions	97	Permitted	<p>The discharge of sediment into water or to land where it may enter water associated with the proposal is permitted provided it complies with regulation 97(1)(b), (c), (e) and (g).</p>
		97(7)	Various	

RMA section	Activity	Regulation	Status	Comments
				As the proposal does not meet all of the permitted activity regulations for earthworks, harvesting and replanting, consent is required under regulation 97(7) as the same activity status applies if the conditions of the associated plantation forestry activity are not complied with.

## 2.1 Overall activity status

Overall, the activity must be assessed as a Restricted Discretionary under the NES-CF.

## 3. Consultation

Iwi authority	Comments
Rangitāne o Wairarapa (RoW)	The application documents were uploaded to the Te Wahi portal for mana whenua engagement. No comments were received from RoW on this occasion.
Kahungunu ki Wairarapa (KkW)	The application documents were uploaded to the Te Wahi portal for mana whenua engagement. No comments were received from KkW on this occasion.
Other parties or persons	Comments
Mark Lumsden (Enviro Fx Limited)	Mr. Lumsden was consulted regarding the proposed harvest and earthworks methodologies. His comments are incorporated below under Section 5.

## 4. Notification decision

A decision was made to process the application on a non-notified basis on 29 July 2024. Further information on the notification decision is provided in document [Notification decision report from 18-10-17.docx](#).

## **5. Environmental effects**

This section provides an assessment of the effects of the proposed activity on the environment. Information has been drawn from the application provided by the applicant and other information sourced during the processing of the application.

### **5.1 Harvesting**

Harvesting has the potential for adverse environmental effects if not properly managed, particularly in difficult terrain and when it takes place next to sensitive receiving environments. Potential adverse effects from harvesting include:

- Slash from harvesting reaching water leading to changes in water chemistry or damming and diverting of water, possibly damaging downstream infrastructure
- Soil disturbance from harvesting, including harvesting machinery, leading to sedimentation of waterbodies and adversely affecting water quality and instream habitats.
- Riparian vegetation disturbance and potential effects on indigenous flora and fauna.
- Soil erosion post-harvest, as the harvested tree rot and the slopes lose stability.

Harvesting will be undertaken in general accordance with the best practice guidelines being the forest practice guides. More detailed specifications are included in the harvest Plan lodged with the application. Specific measures include:

- When extracting stems across a classified stream, haul lines are to be minimised as much as practical and log suspension is to be maximised. At worst butt suspension will be achieved.
- Following harvesting, cutouts will be installed in tracks or they will be thatched with logging slash to slow and disperse storm water flows.
- Directional felling will be used, where this is practicable and safe, to minimise the volume of woody debris deposited in streams.
- Slash volume is to be minimised by cutting and loading out all log grades on the cut card including pulp grades to minimise the volume of slash.

Mark Lumsden (Enviro FX Limited) was asked to provide comment and to undertake an assessment of the initial application documents submitted on 04 June 2024. He raised some initial concerns regarding setting 42 and the proposed extraction across the Pahoia River. This was relayed to the applicant and an updated map and Harvest Management Plan was submitted on 12 June 2024. Mr. Lumsden reviewed the new documents and determined there was further information required to better understand the effects associated with residual slash on the cutover. The following information was provided based upon this further request:

- The volume of trees to be extracted across the Pahaoa River
- Details of the risk management approach to be taken for management of cutover slash
- Details of the risk management approach to be taken for management of slash below the 5% AEP flood zone
- A map that indicates the areas over 25 degrees in the harvest area

The applicant provided some of this information including the volumes to be extracted across the Pahaoa River (3,221t) and the best practice guidelines for the risk management approach of cutover slash, and slash below the 5% AEP flood zone.

This response satisfied some of the information requested but Mr Lumsden requested to see how the applicant proposed to apply the best management guidelines to this site in particular. This was clarified to the applicant and was provided. This included:

- A residual cutover slash risk assessment for the forest in accordance with the best practice guidelines including the identification of areas with high erosion risk.
- A waterbody risk assessment for the forest in accordance with the best practice guidelines including the identification of risk points in relation the Pahaoa River.

Mr. Lumsden reviewed this information and was comfortable that the slash risk management approaches proposed were appropriate for the site. He requested that these approaches were included as conditions of consent. The following conditions have been recommended:

*The consent holder shall ensure that all residual slash is managed in accordance with the residual cutover slash risk assessment received with the application and further information received on 15 July 2024.*

*Note: This includes minimising residual slash in the risk areas identified in the Donnelly Forest West Risk map and the Donnelly Forest East map.*

Based on the comments received from Mr. Lumsden as well as the proposed measures and recommended consent conditions listed above, I consider the effects from harvesting will be no more than minor.

## **5.2 Earthworks**

If earthworks associated with plantation forestry are not appropriately planned and managed, especially on weaker soils, they can result in the following adverse effects:

- Accelerated erosion due to slope instability and bare soils exposure
- Excessive sediment discharges to waterways (Pahaoa River) which can adversely effects aquatic ecosystems

In summary the applicant has proposed the following measures to manage soil stabilisation:

- End haul will be employed where necessary to avoid the deposition of spoil into waterways.
- Dump sites will be identified as the nearest stable and non-erodible location as they are required, generally this will be the surface of a landing that is no longer required for harvesting.
- Water runoff will be directed away from fill, flumed over fill or the fill will be armoured to avoid scouring. Runoff will then be directed to stable ground, through a silt trap, silt fence or slash to retain sediment.
- Stabilisation of fill will initially be by surface compaction (bucket tapping) or slashing of fill where practical. It will then be followed later by grass seeding critical batters in the following spring or autumn, whichever season comes first or provisions will be made to retain sediment generated from fill by constructing a silt trap, silt fence or slash bund.

With the proposed mitigation measures and recommended consent conditions listed above, it is considered that the effects of earthworks associated with the construction of roads and landings will be no more than minor.

### **5.3 Monitoring**

The applicant states in their application that during harvesting and construction operations, contractors are on site daily to monitor works. As harvest manager, Forest Enterprises will visit the site to inspect the operations every 1-2 weeks with visits recorded. These site visits, among other things, will look for non-compliance and maintenance requirements, and accordingly allocate resources to remedy these.

Post-operation audits will be completed for every setting. If there is non-compliance, corrective actions are issued to the contractor(s) through the audit. Only when the site is compliant can the audit be signed off as complete.

Post-harvest water controls will be installed on haul tracks in the form of cut-outs and/or slashing of tracks. Landings will have drainage installed to avoid ponding and direct runoff away from fill and slash storage areas

Forest Enterprises monitors a network of local weather stations. If a rainfall event of >50mm in a 24hr period (has been operational in the past 2 years) or >100mm in non-operational forests is recorded at a weather station, any forests nearest to that station will trigger a prompt to inspect it.

#### 5.4 Summary of effects

Given the assessment above, it is considered that the proposed activity will not result in any more than minor effects when undertaken in accordance with the recommended consent conditions.

### 6. Statutory assessment

#### 6.1 Part 2

Consideration of an application under section 104 of the Act is 'subject to Part 2' (sections 5, 6, 7 and 8) of the Act. Part 2 sets out the purpose and principles of the Act. I acknowledge the caselaw direction in R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316 that the statutory language in section 104 plainly contemplates direct consideration of Part 2 matters, when it is appropriate to do so. Further, the Court considered that where a plan has been competently prepared under the RMA it may be that in many cases there will be no need for the Council to refer to Part 2 because it would not add anything to the evaluative exercise. However, if there is doubt that a plan has been “competently prepared” under the RMA, then it will be appropriate and necessary to have regard to Part 2.

In my view, the Natural Resources Plan is competently prepared, and I do not consider there is a need to refer to Part 2.

#### 6.2 Matters to be considered – Section 104-108AA

Section 104-108AA of the Act provides a statutory framework in which to consider resource consent applications. All relevant matters to be considered for this application are summarised in the table below:

<b>RMA section</b>	<b>Matter to consider</b>	<b>Comment</b>
104(1)(a)	Actual or potential effects on environment	See Section 5 of this report.
104(1)(ab)	Measures to offset or compensate for adverse effects on the environment	The applicant has not proposed any measures to offset or compensate for adverse effects on the environment.
104(1)(b)(i)	National Environmental Standard (NES) for Commercial Forestry	The National Environmental Standards for Commercial Forestry (NES-CF) amended the NES-PF and came into effect on the 3 November 2023.  This application has been assessed in accordance with the NESCF.

<b>RMA section</b>	<b>Matter to consider</b>	<b>Comment</b>
104(1)(b)(iii)	National Policy Statement for Freshwater Management 2020	This national policy statement provides a National Objectives Framework to assist regional council and communities to more consistently and transparently plan for freshwater objectives.
	<i>Objective/Policy</i>	<i>Comment</i>
	Policies 1, 2 and 3	<p>Te Mana o te Wai is an integral part of the framework that forms the platform for tangata whenua and community discussions about the desired state of freshwater relative to the current state. In considering this proposal, I have considered the effects of the use of the land for forestry activities and consider it meets this policy as it has been demonstrated how the activity will be managed in a way that will mitigate the impacts on the receiving environment.</p> <p>The application was also sent to Rangitāne o Wairarapa and Kahungunu ki Wairarapa under the contractual agreement they have with GWRC for resource consents in the Wellington Region, in order to get an indication of any concerns they may have with regards to the proposal and to determine if they are affected parties or not, thereby providing opportunity for input at the individual resource consent decision making level.</p> <p>The proposal is therefore consistent with these policies.</p>
	Policies 9, 10	I consider these policies are met as mitigation measures will ensure the earthworks and harvesting are managed appropriately and that the health and well-being of water bodies and freshwater ecosystems is maintained.
104(1)(b)(v)	<b>Regional Policy Statement (including Proposed Change 1)</b>	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the RPS, including proposed change 1.

<b>RMA section</b>	<b>Matter to consider</b>	<b>Comment</b>
	<i>Objective/Policy</i>	<i>Comment</i>
	Objective 12	This objective aims to ensure that the quality and quantity of freshwater meets a range of uses and values, supports the life supporting capacity of water bodies, and meets reasonably foreseeable needs of future generations. Given the conditions of consent are adhered to the proposed harvesting and earthworks meets this objective.
	Policy 40, 41, 43, 47	These provisions aim to ensure that the quality and quantity of freshwater meets a range of uses and values, supports the life supporting capacity of water bodies, meets the reasonably foreseeable needs of future generations, and that water bodies support healthy functioning ecosystems.  Given the proposed controls and the conditions of consent the works should not adversely affect aquatic ecosystem health.
	Policy 48 & 49	The principles of the Treaty of Waitangi and matter of significant to tangata whenua have been recognised and provided for. The application was sent to the relevant iwi via Te Wahi.
	<b>Natural Resources Plan (Including Proposed Plan Change 1)</b>	
	<i>Objective/Policy</i>	<i>Comment</i>
	O1, O2, O4, O7, O12, O14, O17, O18, O19, O21, O23, O28, O33, O34, O35, O36, O37	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with these relevant objectives in the NRP.
	Policy P9, P18 & P20	The mauri of freshwater and cultural relationship of Māori with water has been recognised.
	Policy P30, P31 and P42	Biodiversity, aquatic ecosystem health and mahinga kai will be maintained or restored.
	Policy P32	Barriers to fish passage have been avoided.

<b>RMA section</b>	<b>Matter to consider</b>	<b>Comment</b>
	Policy P77	The proposal has been considered with regard to improving water quality for contact recreation. Provided consent conditions are adhered to, I consider the proposal will not have any noticeable effects on water quality.
	Policy P65	I consider this application is consistent with the NPSFM for discharge consents.
	Policy P66	The proposal seeks to minimise the discharge.
	Policy P68	I consider this application is consistent with the requirements of this policy for discharges to land.
	Policy P107	The proposed activity has appropriate measures (including consent conditions) to minimise risk of accelerated soil erosion, control silt and sediment runoff, and ensures the site is stabilised.
	Policy P109	The management of riparian margins through consent conditions will ensure water quality and ecosystem health is maintained or restored.
104(1)(c)	Any other matter	There are no other matters relevant to this application.
105(1)	Matters relevant to discharge permits	The proposed discharge of sediment laden stormwater will be discharged to land but has the potential to enter water. The discharge to land is an alternative method of discharge and as such, it is considered acceptable under section 105.
107	Restrictions on grant of certain discharge permits	If the discharge to land then enters water, it is noted that this would only be a temporary discharge, and would therefore be acceptable under section 107.
108 – 108AA	Conditions on resource consents	Standard conditions of consent for this activity type are recommended. All standard conditions of consent meet s108AA. Any additional conditions are outlined in Section 5 of this report.

### 6.3 Weighting of the Natural Resources Plan

As the conclusion reached under the operative Natural Resources Plan is consistent with that reached under the Proposed Plan Change 1 there is no need to undertake a weighting exercise between the two Plans.

## 7. Main findings

In conclusion:

1. The proposed activity is consistent with the Purposes and Principles of the Resource Management Act 1991.
2. The proposed activity is consistent with the relevant objectives and policies of the Regional Policy Statement (including Proposed Change 1) and Natural Resources Plan (including Proposed Plan Change 1).
3. The actual or potential adverse effects of the proposed activity on the environment will be or are likely to be no more than minor.
4. Conditions of the consent(s) will ensure that the effects of the activity on the environment will be appropriately avoided, remedied or mitigated.
5. The proposal incorporates appropriate mitigation measures, to ensure the adverse effects are or are likely to be no more than minor.

## 8. Duration of consent

As the Harvest activities are expected to be spread over a period of 6 years, and to allow for unforeseen delays I recommend a consent term of 8 years to expire on 31 July 2032.

## 9. Monitoring

### 9.1 Monitoring schedule

The following compliance monitoring programme will be undertaken during the consent term:

<b>Monitoring assessment:</b>	<input checked="" type="checkbox"/> Annual	<input type="checkbox"/> Three-yearly	<input type="checkbox"/> Other:
<b>Monitoring input:</b>	<input type="checkbox"/> Audit	<input checked="" type="checkbox"/> Site inspection	<input type="checkbox"/> Other:
<b>Other notes</b>			
<b>Compliance group</b>	Forestry		

### 9.2 Monitoring charges

Consent monitoring charges apply for the consent(s) approved. Charges are normally invoiced on an annual basis. Your consent monitoring charge is made up of three components:

1. **Customer service charge** – every consent incurs an annual charge of \$70.00. This covers costs associated with the administration of your consent.
2. **Compliance monitoring charge** – the cost associated with our staff monitoring the compliance of your consent.
3. **State of the environment (SOE) charge** – a proportion of our science monitoring is paid by consent holders.

An estimate of your annual consent monitoring charge is provided below:

		Amount	Charge code(s)
<b>Customer service charge</b>	2 consent(s)	\$130.00	
<b>Monitoring charge</b>	Variable	\$-*	LU1 & DL1
<b>SOE charge</b>	Yes	\$940.00	5.3.6.1
Further notes (if applicable)			

\* Variable charges will alter from year to year and are based on the actual and reasonable amount of time required to monitor your consent

The GWRC Resource Management Charging Policy is reviewed on an annual basis, and may alter these charges.

# Resource Consent

## RESOURCE MANAGEMENT ACT 1991

### Summary of decision

<b>Consent No.</b>	WAR250098	
<b>Consent ID(s)</b>	[39948] Land use: forestry (earthworks)	
	[40020] Discharge permit: land (that may enter water)	
<b>Name</b>	Ngaringa Limited	
<b>Address</b>	39 Waingawa Road Carterton	
<b>Decision made under</b>	104C, 105, 107 of the Resource Management Act 1991	
<b>Duration of consent</b>	Granted: 04 December 2024	Expires: 04 December 2027
	Works associated with plantation forestry harvesting of 3.8ha of forest including the disturbance of land from earthworks and associated discharges to land where it may enter water.	
<b>Location</b>	573 Clifton Grove Road, Carterton at or about map reference NZTM 1823200.5435800	
<b>Legal description of land</b>	Part Section 22 Block IX Wainuioru SD, Lot 4 DP 369593	
	VNZ: 18170 230 00	
<b>Conditions</b>	See below	

Decision recommended by:	Isobel Cochrane	Resource Advisor, Environmental Regulation	
Decision peer reviewed by:	Josh Pepperell	Senior Resource Advisor, Environmental Regulation	
Decision approved by:	Dayna Calkin	Senior Resource Advisor, Environmental Regulation	

## Processing timeframes:

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**Application lodged:** 30/10/24    **Application officially received:** 30/10/24

**Application stopped (s92):** 14/11/24    **Application started (s92):** 20/11/24

**Applicant to be notified of decision by:** 04/12/24    **Applicant notified of decision on:** 04/12/24

**Time taken to process application:** 20 working days

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## Consent conditions

### General conditions

1. The location, design, implementation and operation of the activity shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on the 30<sup>th</sup> October 2024 and further information received on 20 November 2024. This includes the following:
  - Ngaringa Schedule 4 Earthworks and Harvesting Management Plan
  - Assessment of Environmental Effects Discharge (Reg 97) Ngaringa
  - Assessment of Environmental Effects Harvesting and Earthworks Ngaringa
  - Ngaringa Ford Location and Photos 7
  - Ngaringa Forest Waterways and Downstream Risk Waterway Consent
  - Ngaringa Harvest Management Plan
  - Ngaringa Harvest Plan
  - Ngaringa Slope Map
  - Ngaringa Waterways Map
  - Ngaringa Hillshade Zoomed Map

Where there may be contradiction or inconsistencies between the application and information provided by the applicant, the most recent information applies. In addition, where there may be inconsistencies between information provided by the applicant and conditions of the consent, the conditions apply.

*Note: Any change 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.*

2. The consent holder shall provide a copy of this consent, and any documents and plans referred to in this consent to each operator or contractor undertaking works authorised by this consent, prior to the works commencing. In addition to this, a copy of this consent and all documents and plans referred to in this consent, are kept on site during the works and presented to any Wellington Regional Council officer on request.

*Note: It is recommended that the contractors be verbally briefed on the requirements of the conditions of this consent prior to works commencing.*

3. The Manager, Environmental Regulation, Wellington Regional Council, shall be given a minimum of two working days (48 hours) notice prior to the works commencing.

*Note: Notifications must be emailed to [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz). Please include the consent reference **[WAR250098]** and the name and phone number of a contact person responsible for the proposed works.*

4. The consent holder shall adhere to the best management practices as described in the *New Zealand Forest Owners' Association Road Engineering Manual and New Zealand Environmental Code of Practice for Plantation Forestry* and any subsequent reviews.

*Note: Where there may be contradiction or inconsistencies between practices described in these two documents and conditions of consent, the conditions apply.*

5. The consent holder shall ensure that:
  - a) All machinery is thoroughly cleaned of vegetation (eg, weeds), seeds or contaminants at least 10 metres away from any watercourse, water flow channel or stormwater system, prior to entering the site
  - b) All machinery shall be regularly maintained in such a manner to ensure no contaminants (including but not limited to oil, petrol, diesel, hydraulic fluid) shall be released into water, or to land where it may enter water, from equipment being used for the works
  - c) All contaminant storage or re-fuelling areas are bunded or contained in such a manner so as to prevent the discharge of contaminants to water or to land where it may enter water
  - d) No machinery is cleaned, stored or refuelled within 10 metres of any waterbody, water flow channel or stormwater system

6. The consent holder shall remedy any disturbance to any stream banks or river/stream beds due to the works. All works affecting the waterways within the harvest area, including removing any unused material and tidying up on completion of the works, shall be completed to the certification of the Manager, Environmental Regulation, Wellington Regional Council.

7. The consent holder shall maintain a permanent record of any complaints received alleging adverse effects from or related to the works. This record shall include:

- The name and address of the complainant (if provided)
- The date and time that the complaint was received
- Details of the alleged event
- Weather conditions at the time of the complaint, and
- Any measures taken to mitigate/remedy the cause of the complaint

This record shall be made available to the Manager, Environmental Regulation, Wellington Regional Council, on request.

### **Earthworks**

8. The consent holder shall take all practicable steps to ensure that, after a reasonable mixing zone, stormwater and/or sediment laden run-off discharged will not give rise to any of the following effects in the receiving waters:

- Any conspicuous change in the colour or visual clarity, or
- The rendering of fresh water unsuitable for consumption by farm animals, or
- Any significant adverse effects on aquatic life

The mixing zone shall be a distance equal to seven times the width of the wetted channel, but no less than 50m downstream of where each discharge enters a watercourse.

All practicable steps shall include, but not be limited to:

- Installing, operating and maintaining the control and treatment measures in the plan provided in the application, or any subsequent approved amendments
- Maintaining all erosion control and sediment treatment measures to the certification of the Manager, Environmental Regulation, Wellington Regional Council
- Dispersing the flow from the discharge points away from gullies wherever practicable
- Adding any additional erosion control and sediment treatment measures that will ensure this condition is complied with

*Note: In determining compliance with this condition, the Manager, Environmental Regulation, Wellington Regional Council will consider the design specification of any and all sediment treatment measures as specified in the Erosion and Sediment Control Guidelines for the Wellington Region, February 2021 and any subsequent updates.*

9. The consent holder shall take all practicable steps to prevent material which is side-cast during track, road and skid site and/or pad construction, from entering any watercourses within the site. This may require, but not be limited to, the following measures:

- Compacting side cast material so that it is stable
- Securing slash material downslope to retain side cast material above it
- Hydroseeding or grassing of downslope batter; and
- End hauling material in areas which are not stable or in the vicinity of watercourses

10. On all earthwork's sites where entrained sediment could enter a watercourse, appropriate erosion and sediment controls are to be in place **before** earthworks commence. Controls shall only be removed after the site has been fully stabilised to protect it from erosion. Sediment erosion management on site shall be undertaken specifically in accordance with the Wellington Regional Council publication '*Erosion and Sediment Control Guidelines for the Wellington Region*' February 2021, and any subsequent updates, for the term of this consent.
11. The consent holder, where practicable, shall control all catchment runoff upslope from roading, tracking and landing construction activities, diverting clean water around or safely through areas of land disturbance.
12. The consent holder shall ensure that water tables, culverts, flumes, cut-offs and other appropriate measures are installed and maintained in order to mitigate the adverse effects of erosion and land instability.
13. Any failure of cut and fill batters that occur as a result of roading and soil disturbance activities under this resource consent shall be remedied or mitigated as soon as practicable, and to the certification of the Manager, Environmental Regulation, Wellington Regional Council.

### **Monitoring**

14. The consent holder shall ensure that monitoring of the harvesting and earthworks is in accordance with the details set out in the *report submitted with the application*. Remedial action shall be undertaken by the consent holder as required to the certification of the Manager Environmental Regulation, Wellington Regional Council.
15. The works shall remain the responsibility of the consent holder and shall be maintained to the certification of the Manager, Environmental Regulation, Wellington Regional Council so that any erosion, scour or instability that is attributable to the works carried out as part of this consent is remedied by the consent holder.

### **Review of conditions**

16. The Wellington Regional Council may review any or all conditions of this permit by giving notice of its intention to do so pursuant to section 128 of the Resource Management Act 1991, at any time within three months of the date of commencement of this consent for the following purposes:
  - Dealing with any adverse effects on the environment which may arise from the exercise of this consent, and which is appropriate to deal with at a later stage; and/or

- To review the adequacy of any plans and/or alter any monitoring requirements prepared for this consent so as to incorporate into the consent any modification which may become necessary to clarify or deal with any adverse effect on the environment of arising from this activity; and/or
- To enable consistency with any relevant Regional Plans or any National Environmental Standards or Regulations

The review of conditions shall allow for the deletion or amendment of conditions of this consent; and the addition of such new conditions as are shown to be necessary to avoid, remedy or mitigate any significant adverse effects on the environment.

**Notes:**

1. If kōiwi, taonga, wāhi tapu or other archaeological material is discovered in any area during the works, work shall immediately cease and the consent holder shall notify Greater Wellington Regional Council, Rangitāne o Wairarapa, Kahungunu ki Wairarapa and Heritage New Zealand as soon as possible but within 24 hours. If human remains are found, the New Zealand Police shall also be contacted. The consent holder shall allow the above parties to inspect the site and in consultation with them, identify what needs to occur before work can resume.

Notification must be emailed to:

- Greater Wellington Regional Council, [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz)
- Heritage New Zealand, [information@heritage.org.nz](mailto:information@heritage.org.nz)
- Rangitāne o Wairarapa, [horipo@rangitane.iwi.nz](mailto:horipo@rangitane.iwi.nz)
- Kahungunu ki Wairarapa, [ra@kahungunuwairarapa.iwi.nz](mailto:ra@kahungunuwairarapa.iwi.nz)

Heritage New Zealand must also be contacted by phone on 04 472 4341 (National Office).

No works may resume on site until the consent holder has received written notification that consultation with the parties identified above has been undertaken to the certification of the Manager, Environmental Regulation, Wellington Regional Council.

Note: Evidence of archaeological material may include burnt stones, charcoal, rubbish heaps, shell, bone, old building foundations, artefacts and human burials.

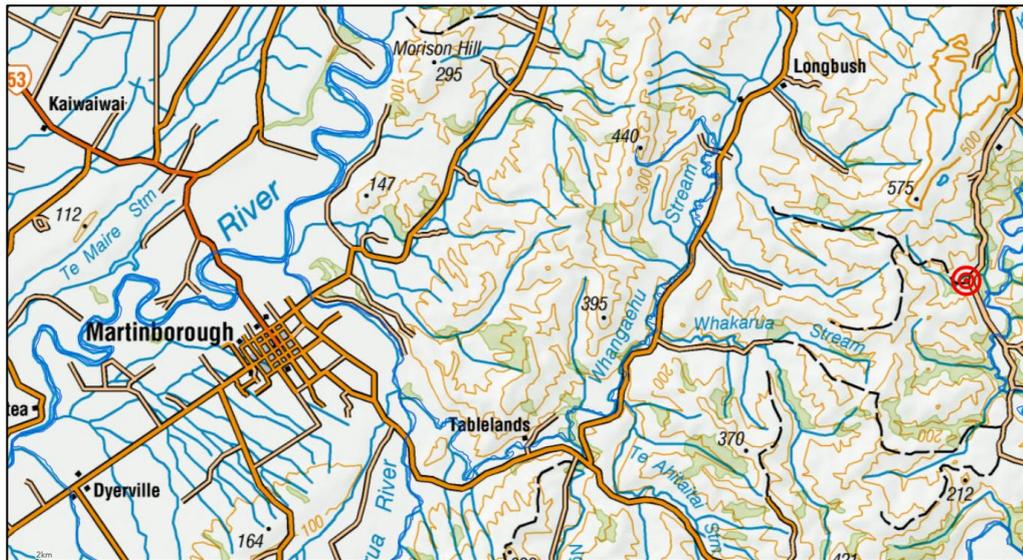
*Note: Records can be emailed to Please include the consent reference WAR250098 and a contact name and phone number of the person responsible for the gravel extraction.*

2. A resource management charge, set in accordance with section 36(2) of the Resource Management Act 1991 (the Act) shall be paid to the Regional Council for the carrying out of its functions in relation to the administration, monitoring, and supervision of resource consents and for the carrying out of its functions under section 35 (duty to gather information, monitor and keep records) of the Act.
3. The Wellington Regional Council shall be entitled to recover from the consent holder the costs of the conduct of any review, calculated in accordance with and limited to that Council's scale of charge in force and applicable at that time pursuant to section 36 of the Resource Management Act 1991.
4. If you require a replacement consent upon the expiry date of this consent, any new application should be lodged at least 6 months prior to the expiry date of this consent. Applying at least 6 months before the expiry date may enable you to continue to exercise this consent under section 124 of the Resource Management Act 1991 until a decision is made on the replacement application.

# Reasons for decision report

## 1. Background and proposal

The applicant (Ngaringa Limited) has applied for a land use consent and a discharge permit to undertake forestry earthworks within orange (High risk) zone land identified under the Erosion Susceptibility Classification (ESC). Farman Turkington Forestry are acting on behalf of the applicant and will be the forestry company undertaking the works. The earthworks are proposed to be spread over 12 months. The application will be assessed under the National Environmental Standards for Commercial Forestry (NES-CF).

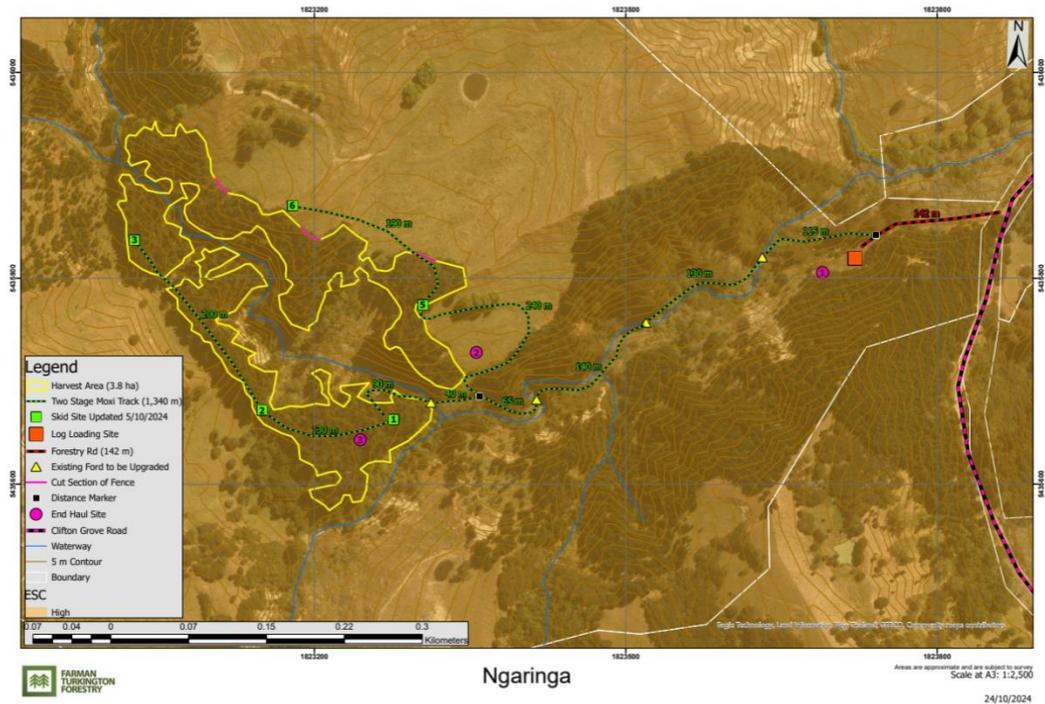


Ngaringa forest is located approximately 17 km east from Martinborough (Figure 1).

The proposal is to:

- Undertake earthworks for the construction and maintenance of tracks/landings to facilitate forestry harvesting

The proposed activity is located within an orange zone as depicted in the map below:



Ngaringa Forest ESC map  
(Figure 2)

The applicant has submitted the following management plans and supporting documents:

- Ngaringa Schedule 4 Earthworks and Harvesting Management Plan
- Ngaringa Harvest Management Plan
- AEE Discharge
- AEE Harvesting and Earthworks

The proposed activity is not located within or near a scheduled site in the NRP.

### 1.1 Earthworks Methodology

The main access for logging trucks is existing and will require upgrades such as road widening and fresh metal. Approximately 890m of existing farm track will be upgraded for truck access, and approximately 60m of new road will be constructed. There will be two skid sites built.

New access tracks/forestry roads will be constructed to a 6m wide carriage way, with corner sections wider.

The average landing size will be approximately 3,500m<sup>2</sup> with a maximum of 5,500m<sup>2</sup>. The landing sites have been selected to be on reasonably flat areas. Spoil will be benched and compacted where required during the construction.

All spoil near the waterway is to be end hauled to one of three locations shown in Figure 2.

## 2. Reasons for resource consent

The National Environmental Standards for Commercial Forestry (NES-CF) amended the NES-PF and came into effect on the 3 November 2023. All regulations in the NES-CF prevail over Regional Plans in accordance with section 43B of the Act, unless the activity is in an area outlined in Regulation 6 of the NES-CF (of which this activity is not). This activity has therefore been assessed under the NES-CF.

RMA section	Activity	Regulation	Status	Comments
9, 15	Earthworks	24-33	Permitted	<p>The proposed earthworks are to be undertaken in an orange ESC zone and in any 3-month period comprise of:</p> <ul style="list-style-type: none"> <li>• The deposition of more than 500m<sup>2</sup> of spoil or fill</li> <li>• Earthworks within 10m of a perennial river</li> </ul> <p>As such regulations 24(4) and 29(1)(a) cannot be met. Therefore, earthworks and the associated discharge of sediment laden water to land is a Restricted Discretionary activity under regulation 35.</p>
		35	Restricted discretionary	
9, 15	General provisions	97	Permitted	<p>The discharge of sediment into water or to land where it may enter water is permitted given that it complies with regulation 97(1)(b), (c), and (g).</p> <p>As the proposal does not meet all of the permitted activity regulations for earthworks, consent is required under regulation 97(7) as the same activity status applies if the conditions of the associated plantation forestry activity are not complied with.</p>
		97(7)-(9)	Various	

## 2.1 Overall activity status

Overall, the activity must be assessed as a **Restricted Discretionary** activity under the NES-CF.

## 3. Consultation

Iwi authority	Comments
Rangitāne o Wairarapa (RoW)	Horipo Rimene attended a site visit on behalf of RoW. No concerns were raised at the conclusion of the site visit. Further correspondence can be found at <a href="#">250098-958619643-73</a> .
Kahungunu ki Wairarapa (KkW)	The application was uploaded onto GWRC's Te Wāhi portal for mana whenua engagement. No comments were received from KkW on this occasion.
Other parties or persons	Comments
Mark Lumsden (Enviro FX Limited)	Mark Lumsden was consulted regarding the proposed earthworks. His comments are incorporated below in Section 5.

## 4. Notification decision

A decision was made to process the application on a non-notified basis on 26 November 2024. Further information on the notification decision is provided in document # [250098-958619643-43](#).

## 5. Environmental effects

This section provides an assessment of the effects of the proposed activity on the environment. Information has been drawn from the application provided by the applicant and other information sourced during the processing of the application.

### 5.1 Earthworks

If earthworks associated with plantation forestry are not appropriately planned and managed, especially on weaker soils, they can result in the following adverse effects:

- Accelerated erosion due to slope instability and bare soils exposure
- Excessive sediment discharges to waterways (Pahaoa River) which can adversely effects aquatic ecosystems

In summary the applicant has proposed the following measures to manage soil stabilisation:

- Directing water from skid sites and water tables away from fresh spoil with the use of drains and culverts fitted with flumes, socks and armouring if required.
- Ensuring all roading has water tabling fitted with at least 375mm diameter culverts fitted at regular intervals.
- In steep areas where spoil cannot be stabilised this material will be end hauled to stable sites (Skid sites).
- Installing cut-offs on haul tracks once their use has ceased and pulling down large batters on haul tracks once their use has ceased.
- Installing soak holes and/or sediment retention ponds, silt fences, and hay bales in higher risk areas such as skid site drainage.

The application documents were reviewed by Mark Lumsden (Enviro FX Limited). In summary, Mr Lumsden raised the following points:

- The sections of track/road closest to the waterway pose the greatest risk of sedimentation. The end hauling of material to the three identified sites makes practical sense and look to be positioned in suitable areas where there is less environmental risk.
- Due to the tracks not being metalled they will be prone to sediment runoff during rainfall, especially with the use of moxies.

Further information was requested from the applicant related to the methods that would be employed to minimise sediment entering the waterway near/adjacent to the track and from the ford approaches. This included a request for the applicant to outline the contingencies in place for the use of the track after rainfall. The applicant responded to the request and confirmed the following:

- No moxie use on the track for 12 hours following a 10mm rainfall in a 12 hour period.
- The approaches to the ford crossings will be metalled 20m on either side

Mr Lumsden reviewed this response and was satisfied that with the above measures the effects of the earthworks would be able to be managed.

With the proposed mitigation measures and recommended consent conditions, it is considered that the effects of earthworks associated with the construction of roads and landings will be no more than minor.

## **5.2 Monitoring**

The applicant has stated in their application that during works, site visits by FTF management will occur at least every two weeks. These site visits among other things will look for non-compliance and maintenance requirements, and accordingly allocate resources to remedy these.

Harvesting and earthworks contractors will be given a copy of this Schedule 3 and a copy of the NES-CF Practice Guides as well as training on the NES - CF. In the event of a large down pour exceeding 25mm in one hour, all harvesting will cease immediately and will continue once the risk of sedimentation and high amounts of ground disturbance has passed. Along with this, no moxie use will occur on the track for 12 hours following a 10mm rainfall in a 12 hour period.

## **5.3 Summary of effects**

Given the assessment above, it is considered that the proposed activity will not result in any more than minor effects when undertaken in accordance with the recommended consent conditions.

## **6. Statutory assessment**

### **6.1 Part 2**

Consideration of an application under section 104 of the Act is 'subject to Part 2' (sections 5, 6, 7 and 8) of the Act. Part 2 sets out the purpose and principles of the Act. I acknowledge the caselaw direction in R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316 that the statutory language in section 104 plainly contemplates direct consideration of Part 2 matters, when it is appropriate to do so. Further, the Court considered that where a plan has been competently prepared under the RMA it may be that in many cases there will be no need for the Council to refer to Part 2 because it would not add anything to the evaluative exercise. However, if there is doubt that a plan has been “competently prepared” under the RMA, then it will be appropriate and necessary to have regard to Part 2.

In my view, the Natural Resources Plan is competently prepared and I do not consider there is a need to refer to Part 2.

### **6.2 Matters to be considered – Section 104-108AA**

Section 104-108AA of the Act provides a statutory framework in which to consider resource consent applications. All relevant matters to be considered for this application are summarised in the table below:

<b>RMA section</b>	<b>Matter to consider</b>	<b>Comment</b>
104(1)(a)	Actual or potential effects on environment	See Section 5 of this report.
104(1)(b)(i)	National Environmental Standard (NES) for Commercial Forestry 2023	<p>The National Environmental Standards for Commercial Forestry (NES-CF) amended the NES-PF and came into effect on the 3 November 2023.</p> <p>This application has been assessed in accordance with the NESCF.</p>
104(1)(b)(iii)	National Policy Statement for Freshwater Management 2020	This national policy statement provides a National Objectives Framework to assist regional council and communities to more consistently and transparently plan for freshwater objectives.
	<i>Objective/Policy</i>	<i>Comment</i>
	Policies 1, 2 and 3	<p>Te Mana o te Wai is an integral part of the framework that forms the platform for tangata whenua and community discussions about the desired state of freshwater relative to the current state. In considering this proposal, I have considered the effects of the use of the land for forestry activities and consider it meets this policy as it has been demonstrated how the activity will be managed in a way that will mitigate the impacts on the receiving environment.</p> <p>The application was also sent to Rangitāne o Wairarapa and Kahungunu ki Wairarapa under the contractual agreement they have with GWRC for resource consents in the Wellington Region, in order to get an indication of any concerns they may have with regards to the proposal and to determine if they are affected parties or not, thereby providing opportunity for input at the individual resource consent decision making level.</p> <p>The proposal is therefore consistent with these policies.</p>

RMA section	Matter to consider	Comment
	Policies 9, 10	I consider these policies are met as mitigation measures will ensure the earthworks are managed appropriately and that the health and well-being of water bodies and freshwater ecosystems is maintained.
104(1)(b)(v)	<b>Regional Policy Statement (Including Proposed Change 1)</b>	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the RPS.
	<i>Objective/Policy</i>	<i>Comment</i>
	Objective 12	This objective aims to ensure that the quality and quantity of freshwater meets a range of uses and values, supports the life supporting capacity of water bodies, and meets reasonably foreseeable needs of future generations. Given the conditions of consent are adhered to the proposed harvesting and earthworks meets this objective.
	Policy 40, 41, 43, 47	<p>These provisions aim to ensure that the quality and quantity of freshwater meets a range of uses and values, supports the life supporting capacity of water bodies, meets the reasonably foreseeable needs of future generations, and that water bodies support healthy functioning ecosystems.</p> <p>Given the proposed controls and the conditions of consent the works should not adversely affect aquatic ecosystem health.</p>
Policy 48 & 49	The principles of the Treaty of Waitangi and matter of significant to tangata whenua have been recognised and provided for. The application was sent to the relevant iwi via Te Wahi.	

<b>RMA section</b>	<b>Matter to consider</b>	<b>Comment</b>
	<b>Natural Resources Plan (Including Proposed Plan 1)</b>	
	<i>Objective/Policy</i>	<i>Comment</i>
	O1, O2, O4, O7, O12, O14, O17, O18, O19, O21, O23, O28, O33, O34, O35, O36, O37	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with these relevant objectives in the NRP.
	Policy P9, P18 & P20	The mauri of freshwater and cultural relationship of Māori with water has been recognised.
	Policy P30, P31 and P42	Biodiversity, aquatic ecosystem health and mahinga kai will be maintained or restored.
	Policy P77	The proposal has been considered with regard to improving water quality for contact recreation. Provided consent conditions are adhered to, I consider the proposal will not have any noticeable effects on water quality.
	Policy P65	I consider this application is consistent with the NPSFM for discharge consents.
	Policy P66	The proposal seeks to minimise the discharge.
	Policy P68	I consider this application is consistent with the requirements of this policy for discharges to land.
	Policy P107	The proposed activity has appropriate measures (including consent conditions) to minimise risk of accelerated soil erosion, control silt and sediment runoff, and ensures the site is stabilised.
	Policy P109	The management of riparian margins through consent conditions will ensure water quality and ecosystem health is maintained or restored.
104(1)(c)	Any other matter	There are no other matters relevant to this application.
105(1)	Matters relevant to discharge permits	The proposed discharge of sediment laden stormwater will be discharged to land but has the potential to enter

<b>RMA section</b>	<b>Matter to consider</b>	<b>Comment</b>
		water. The discharge to land is an alternative method of discharge and as such, it is considered acceptable under section 105.
107	Restrictions on grant of certain discharge permits	If the discharge to land then enters water, it is noted that this would only be a temporary discharge, and would therefore be acceptable under section 107.
108 – 108AA	Conditions on resource consents	Standard conditions of consent for this activity type are recommended. All standard conditions of consent meet s108AA.

## **7. Main findings**

In conclusion:

1. The proposed activity is consistent with the Purposes and Principles of the Resource Management Act 1991.
2. The proposed activity is consistent with the relevant objectives and policies of the Regional Policy Statement (Including Proposed Change 1) and the Natural Resources Plan (Including Proposed Plan Change 1).
3. The actual or potential adverse effects of the proposed activity on the environment will be or are likely to be no more than minor.
4. Conditions of the consent(s) will ensure that the effects of the activity on the environment will be appropriately avoided, remedied or mitigated.
5. The proposal incorporates appropriate mitigation measures, to ensure the adverse effects are or are likely to be no more than minor.

## **8. Duration of consent**

As the earthworks activities are to occur over a period of 12 months, and to allow for unforeseen delays I recommend a consent term of 3 years to expire on 04 December 2027.

## 9. Monitoring

### 9.1 Monitoring schedule

The following compliance monitoring programme will be undertaken during the consent term:

<b>Monitoring assessment:</b>	<input checked="" type="checkbox"/> Annual	<input type="checkbox"/> Three-yearly	<input type="checkbox"/> Other:
<b>Monitoring input:</b>	<input type="checkbox"/> Audit	<input checked="" type="checkbox"/> Site inspection	<input type="checkbox"/> Other:
<b>Other notes</b>			
<b>Compliance group</b>	Forestry		

### 9.2 Monitoring charges

Consent monitoring charges apply for the consent(s) approved. Charges are normally invoiced on an annual basis. Your consent monitoring charge is made up of three components:

1. **Customer service charge** – every consent incurs an annual charge of \$70.00. This covers costs associated with the administration of your consent.
2. **Compliance monitoring charge** – the cost associated with our staff monitoring the compliance of your consent.
3. **State of the environment (SOE) charge** – a proportion of our science monitoring is paid by consent holders.

An estimate of your annual consent monitoring charge is provided below:

		Amount	Charge code(s)
<b>Customer service charge</b>	2 consent(s)	\$120.00	
<b>Monitoring charge</b>	Variable	\$-*	LU1 & DL1
<b>SOE charge</b>	Yes	\$1,000.00	4.3.2.2
Further notes (if applicable)			

\* Variable charges will alter from year to year and are based on the actual and reasonable amount of time required to monitor your consent

The GWRC Resource Management Charging Policy is reviewed on an annual basis, and may alter these charges.

# Resource Consent

RESOURCE MANAGEMENT ACT 1991

## Summary of decision

<b>Consent No.</b>	WAR240142		
<b>Consent ID(s)</b>	[39353] Land use: to undertake forestry harvesting and earthworks of more than 2ha of commercial plantation trees in a red zone, and to replant more than 2ha, in a calendar year		
	[39403] Land use: to install a drift deck in the bed of a river		
	[39404] Discharge permit: To undertake earthworks where sediment laden water may enter water, for the construction of roads/landings/skid sites		
<b>Name</b>	Farman Turkington Forestry		
<b>Address</b>	39 Waingawa Road, Carterton 5791		
<b>Decision made under</b>	104C, 105, 107 and 108 of the Resource Management Act 1991		
<b>Duration of consent</b>	Granted: 18 September 2024	Expires: 18 September 2027	
<b>Purpose for which consent(s) is granted</b>	<p>To undertake the following activities under the National Environmental Standard for Plantation Forestry:</p> <ul style="list-style-type: none"> <li>• Earthworks – in a red zone where thresholds exceed</li> <li>• River crossings – drift deck that cannot meet the permitted activity conditions</li> <li>• Harvesting – 28 ha of Red zone ESC</li> <li>• Replanting – 28ha Red zone ESC following harvest</li> </ul>		
<b>Location</b>	196-198 Tinui Valley Road at or about map reference NZTM 1863854.5473864		
<b>Legal description of land</b>	Lot 1 DP 84030		
	VNZ: 17970 100 01		
<b>Conditions</b>	See below		

Decision recommended by:	Isobel Cochrane	Resource Advisor, Environmental Regulation	
Decision peer reviewed by:	Dayna Calkin	Senior Resource Advisor, Environmental Regulation	
Decision approved by:	Kristina Cranston	Team Leader, Environmental Regulation	

## Processing timeframes:

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<b>Application lodged:</b>	20/12/23	<b>Application officially received:</b>	20/12/23
<b>Application stopped:</b>	01/02/24	<b>Application started:</b>	04/09/24
<b>Applicant to be notified of decision by:</b>	18/09/24	<b>Applicant notified of decision on:</b>	18/09/24
<b>Time taken to process application:</b>	25 working days		

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The applicant provided written agreement ([RE WAR240142 Goosehill - s37.msg](#)) on 05 September 2024 for an extension of timeframes under s37(1) to process the application. The extension is for 5 working days under sections s37A(4) of the Act.

The reason for the extension is:

- To allow for expert review of further information provided.

In making this decision Wellington Regional Council has given consideration to the following issues, as required by section 37A(1) of the Act:

- The interests of any person who the Council considers may be directly affected by the extension;
- The interests of the community in achieving adequate assessment of the effects of the proposal; and
- The Wellington Regional Council's duty under section 21 of the Act to avoid unreasonable delay.

Decision approved by:	Kristina Cranston	Team Leader, Environmental Regulation	
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# Interpretation

**Manager** means the Manager, Environmental Regulation, Wellington Regional Council.

**Stabilise** means the process of having made an area of disturbed soil resistant to erosion. This may be achieved by using methods including but not limited to indurated rock or through the application of base course, or grassing a surface that is not otherwise resistant to erosion. Where seeding or grassing is used on a surface that is not otherwise resistant to erosion, the surface is considered stabilised once 80% vegetative ground cover has been established over the entire area.

## General conditions

1. The location, design, implementation and operation of the activity shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 20<sup>th</sup> December 2023.

This includes the following:

- Goose Hill Schedule 3 Earthworks and Harvesting Management Plan
- NES-PF Fish Spawning and ESC Report MPI Goose Hill
- Assessment of Environmental Effects Discharge (Reg 97) Goose Hill
- Assessment of Environmental Effects Drift Deck Goose Hill
- Assessment of Environmental Effects Ford Goose Hill
- Culvert Sizing and Flood Flow Calculation Goose Hill
- Ford Description and Construction Methodology Goose Hill
- FTF-Drift Deck – Installation and Management Plan – Goose Hill
- Assessment of Environmental Effects Harvesting and Earthworks Goose Hill
- Goose Hill Ford Location and Photos
- Goose Hill Forest Waterways and Downstream Risk Waterway Consent
- Goose Hill Red Zone Assessment of Environmental Effects Replanting

Further information received on 04 September 2024 includes the following:

- Updated Harvest Plan
- Updated ESC
- Goose hill Section 92 response
- Culvert Installation Management Plan

Where there may be contradiction or inconsistencies between the application and information provided by the applicant, the most recent information applies. In addition, where there may be inconsistencies between information provided by the applicant and conditions of the consent, the conditions apply.

*Note: Any change 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.*

2. The Consent Holder shall provide a copy of this consent and any documents and plans referred to in this consent to each operator or contractor undertaking works authorised by this consent, prior to the works commencing. In addition to this, a copy of this consent and all documents and plans referred to in this consent, are kept on site during the works and presented to any Wellington Regional Council officer on request.

*Note: It is recommended that the contractors be verbally briefed on the requirements of the conditions of this consent prior to works commencing.*

3. The Manager shall be given a minimum of two working days (48 hours) notice prior to the works commencing.

*Note: Notifications must be emailed to [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz). Please include the consent reference [WAR240142] and the name and phone number of a contact person responsible for the proposed works.*

4. The consent holder shall adhere to the best management practices as described in the *New Zealand Forest Owners' Association Road Engineering Manual* and *New Zealand Environmental Code of Practice for Plantation Forestry 2020* and any subsequent reviews.

*Note: Where there may be contradiction or inconsistencies between practices described in these two documents and conditions of consent, the conditions apply.*

5. The consent holder shall ensure that:
  - a) All machinery is thoroughly cleaned of vegetation (eg, weeds), seeds or contaminants at least 10 metres away from any watercourse, water flow channel or stormwater system, prior to entering the site
  - b) No contaminants (including but not limited to oil, petrol, diesel, hydraulic fluid) shall be released into water, or to land where it may enter water, from equipment being used for the works
  - c) All contaminant storage or re-fuelling areas are bunded or contained in such a manner so as to prevent the discharge of contaminants to water or to land where it may enter water
  - d) No machinery is cleaned, stored or refuelled within 10 metres of any waterbody, water flow channel or stormwater system
6. The consent holder shall remedy any disturbance to any stream banks or river/stream beds due to the works. All works affecting the waterways within the harvest area, including removing any unused material and tidying up on completion of the works, shall be completed to the certification of the Manager, Environmental Regulation, Wellington Regional Council.

7. The consent holder shall maintain a permanent record of any complaints received alleging adverse effects from or related to the works. This record shall include:

The record shall include, but not be limited to:

- The name and address of the complainant (if provided)
- Details of the alleged event
- Time and date of the alleged event
- Weather conditions at the time of the complaint, and
- Measures taken to remedy the effects of the incident; and
- Measures put in place to prevent the incident from re-occurring

This record shall be made available to the Manager, Environmental Regulation, Wellington Regional Council, on request.

8. The Consent Holder shall undertake harvesting and earthworks activities in accordance with the Goose Hill Schedule 3 Earthworks and Harvesting Management Plan submitted with the application. If any changes are proposed to the Forestry Earthworks and Harvest Plan submitted with the application (including notice of alternative roading networks), the Consent Holder shall provide an amended Forestry Earthworks and Harvest Plan to the Manager for certification prior to the works commencing. No works shall commence until the Consent Holder has received written approval that the updated Earthworks and Harvest Plan has been certified by the Manager.

*Note: The updated Forestry Earthwork and Harvest Management Plan can be emailed to [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz). Please include the consent reference [WAR250017]*

## **Earthworks**

9. The Consent Holder shall ensure that after a reasonable mixing zone, stormwater and/or sediment laden run-off discharged does not give rise to any of the following effects in the receiving waters:
- a) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or
  - b) Any conspicuous change in the colour or visual clarity; or
  - c) Any emission of objectionable odour; or
  - d) The rendering of fresh water unsuitable for consumption by farm animals; or
  - e) Any significant adverse effects on aquatic life

The mixing zone shall be a distance equal to seven times the width of the wetted channel, but no less than 50m downstream of where each discharge enters a watercourse.

10. The Consent Holder shall take all practicable steps to ensure that during works sediment does not enter any watercourse, including rivers, streams and wetlands, within the site. This may require, but not be limited to, the following measures:
  - Compacting side cast material so that it is stable;
  - Securing slash material downslope to retain side cast material above it; and
  - Stabilising batter slopes; and
  - End hauling material in areas which are not stable or in the vicinity of watercourses.
11. On all earthworks sites where entrained sediment may enter a watercourse, appropriate erosion and sediment controls are to be in place **before** earthworks commence. Controls shall only be removed after the site has been fully stabilised to protect it from erosion. Sediment erosion management on site shall be undertaken specifically in accordance with the Wellington Regional Council publication '*Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region*' September 2021 and any subsequent updates, for the term of this consent. Controls shall only be removed after the site has been fully stabilised to protect it from erosion and the stabilisation is to the certification of the Manager
12. The Consent Holder shall divert clean water around or appropriately through areas of land disturbance, including (but not limited to) areas of roading, tracking and landing construction activities, to reduce water being entrained with sediment as much as possible. Any water diverted through land disturbance areas should be treated appropriately before entering any waterbodies as per condition 11.
13. The consent holder shall ensure that water tables, culverts, flumes, cut-offs and other appropriate measures are installed and maintained in order to mitigate the adverse effects of erosion and sediment laden water runoff.
14. Any failure of cut and fill batters that occur as a result of any works under this resource consent shall be remedied or mitigated as soon as practicable, and to the satisfaction of the Manager.

### **Harvesting**

15. The Consent Holder shall implement harvest systems which minimise ground disturbance and avoid disturbance of watercourses wherever practicable, including but not limited to achieving butt suspension wherever practicable.
16. The consent holder shall take all practicable steps to minimise sedimentation and increased turbidity in the Tinui River (and its tributaries) during harvesting, including but not limited to:
  - Ensuring appropriate and required erosion and sediment control measures are in place;
  - Completing all works in the minimum time practicable

- Avoiding disturbance of any ephemeral, intermittent or permanent water course as far as practical;
  - The appropriate equipment and technique should be utilised to maximise lift over the riparian zone as far as practical; and
  - Avoiding ponded areas along ephemeral or intermittently flowing streams as far as is practical
17. The consent holder shall take all practicable measures to minimise damage and/or interference to waterways and riparian margins of waterways, but only insofar as this does not compromise the safety of workers. This shall include:
- Felling and hauling all trees/logs away from watercourses
  - Removing slash from watercourses
18. All slash material that remains after processing at the skid site shall be stored on the processing skid site, a stable bench and/or gently sloped land in a stable manner and be sited wherever possible to ensure that any unexpected failure of this material will not cause damage to the property of persons other than the consent holder or become deposited in waterways.
- Note: In determining compliance with this condition, the use of a stable bench shall be proven by either photographic evidence at the time of skid site construction or by being clearly visible at the time of inspection.*
19. Upon the completion of harvesting, as much slash as practicable shall be pulled back onto skid sites and/or gently sloped land to ensure ongoing stability of this material and skid sites.

### **Streamworks**

20. The consent holder shall ensure that prior to entering the riverbed that all vehicles, mobile plant, or machinery is inspected for the presence of invasive or pest aquatic plants including 'didymo'. In the event that an invasive or pest aquatic plant or 'didymo' is discovered upon the vehicle, mobile plant, or machinery it shall be cleaned, to the certification of the Manager, Environmental Regulation, Wellington Regional Council.
- Note: The machinery shall be cleaned in accordance with the Ministry for Primary Industries cleaning methods which can be found at <http://www.biosecurity.govt.nz/pests>.*
21. Crossings of the active flowing channel shall be kept to a minimum, to minimise sediment disturbance and impacts on instream habitats.
22. If the stream is flowing, the consent holder shall separate construction activities from flowing water by temporarily diverting the water around the works area within the bed of the stream using a method that is to the certification of the Manager, Environmental Regulation, Wellington Regional Council.

23. The consent holder shall ensure that fish passage is maintained at all times during and after construction. Any fish found stranded as a result of the works are immediately placed into a clear flowing section of the Tinui River upstream of the works (where possible).
24. As determined by any enforcement officer of the Wellington Regional Council in consultation with Environmental Science Department, Wellington Regional Council, the consent holder shall provide an ecological report prepared by a suitably qualified person to the certification of the Manager, Environmental Regulation, Wellington Regional Council, if any of the following applies:
  1. The stream bed of the Tinui River (and its tributaries) has not been rehabilitated to a reasonable state, and/or
  2. The stream bed of the Tinui River (and its tributaries) has sustained significant damage that appears to adversely affect the functioning of the stream ecosystem, and/or
  3. Fish passage upstream and/or downstream of the structure(s) is inadequate

The report shall be provided within one month of being requested and include:

- An assessment of the ecological state and/or fish passage of the affected stream bed
- An assessment of options for improving fish passage and/or remedying the ecological state of the stream bed to its pre-works state
- A preferred option for improving fish passage and/or the stream ecosystem to its pre-works state
- A timeframe for implementing the preferred option; and
- Whether or not resource consent is required for the preferred option

The preferred option shall be selected in consultation with the Environmental Science Department, Wellington Regional Council.

The consent holder shall then implement the preferred option within the timeframe outlined in the report and to the certification of the Manager, Environmental Regulation, Wellington Regional Council.

25. Any areas of the stream banks that are cut or disturbed as a result of the works shall be stabilised and grassed/replanted as soon as practicable, following completion of the works, to prevent erosion and scour. These works shall be to the certification of the Manager, Environmental Regulation, Wellington Regional Council.

*Note: For the purposes of this condition, "stabilised" in relation to any site or area means inherently resistant to erosion or rendered resistant, such as by using indurated rock or by the application of basecourse, colluvium, grassing, mulch, or another method to the reasonable certification of the Manager, Environmental*

*Regulation, Wellington Regional Council and as specified in Wellington Regional Council's Erosion and Sediment Control Guidelines for the Wellington Region, September 2002. Where seeding or grassing is used on a surface that is not otherwise resistant to erosion, the surface is considered stabilised once, on reasonable visual inspection by the Manager, Environmental Regulation, Wellington Regional Council, an 80% vegetative cover has been established.*

26. The drift deck shall remain the responsibility of the consent holder and shall be maintained to the certification of the Manager, Environmental Regulation, Wellington Regional Council 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; and
  - The structural integrity of the structure remains sound in the opinion of a Professional Chartered Engineer

*Note: Maintenance does not include any works outside of the scope of the application. Any additional works (including structures, reshaping or disturbance to the bed of the watercourse) following completion of the construction works as proposed in the application, may require further resource consents.*

### **Replanting**

27. The consent holder must provide a replanting plan 20 working days prior to replant to be reviewed and considered acceptable by the Manager, Environmental Regulation, Wellington Regional Council. The plan must include a map of the area to be replanted, showing the location and setbacks.
28. Replanting activities shall not commence until the Consent Holder has received notice in writing that the Replanting Plan has been certified by the Manager.
29. The consent holder is responsible for ensuring that replanting is undertaken in general accordance with its associated plans including the timing, location (setbacks) and species (*Pinus radiata*) submitted to Wellington Regional Council under condition 27.

### **Monitoring**

30. The consent holder shall ensure that monitoring of the harvesting and earthworks is in accordance with the details set out in Schedule 3 – Maintenance and Monitoring.
31. The works shall remain the responsibility of the consent holder and shall be maintained to the certification of the Manager so that any erosion, scour or instability that is attributable to the works carried out as part of this consent is remedied by the consent holder.

## Review of conditions

The Wellington Regional Council may review any or all conditions of this permit by giving notice of its intention to do so pursuant to section 128 of the Resource Management Act 1991, at any time within three months of the date of commencement of this consent for the following purposes:

- Dealing with any adverse effects on the environment which may arise from the exercise of this consent, and which is appropriate to deal with at a later stage; and/or
- To review the adequacy of any plans and/or alter any monitoring requirements prepared for this consent so as to incorporate into the consent any modification which may become necessary to clarify or deal with any adverse effect on the environment of arising from this activity; and/or
- To enable consistency with any relevant Regional Plans or any National Environmental Standards or Regulations

The review of conditions shall allow for the deletion or amendment of conditions of this consent; and the addition of such new conditions as are shown to be necessary to avoid, remedy or mitigate any significant adverse effects on the environment.

### Notes:

1. If koiwi, taonga, waahi tapu or other archaeological material is discovered in any area during the works, work shall immediately cease and the consent holder shall notify Greater Wellington Regional Council, Rangitāne o Wairarapa, Kahungunu ki Wairarapa and Heritage New Zealand as soon as possible but within 24 hours. If human remains are found, the New Zealand Police shall also be contacted. The consent holder shall allow the above parties to inspect the site and in consultation with them, identify what needs to occur before work can resume.

Notification must be emailed to:

- Greater Wellington Regional Council, [notifications@qw.govt.nz](mailto:notifications@qw.govt.nz)
- Heritage New Zealand, [information@heritage.org.nz](mailto:information@heritage.org.nz)
- Rangitāne o Wairarapa, [horipo@rangitane.iwi.nz](mailto:horipo@rangitane.iwi.nz)
- Kahungunu ki Wairarapa, [ra@kahungunuwairarapa.iwi.nz](mailto:ra@kahungunuwairarapa.iwi.nz)

Heritage New Zealand must also be contacted by phone on 04 472 4341 (National Office).

No works may resume on site until the consent holder has undertaken consultation with the parties identified above.

Note: Evidence of archaeological material may include burnt stones, charcoal, rubbish heaps, shell, bone, old building foundations, artefacts and human burials.

*Note: Records can be emailed to Please include the consent reference WAR240142 and a contact name and phone number of the person responsible for the gravel extraction.*

2. A resource management charge, set in accordance with section 36(2) of the Resource Management Act 1991 (the Act) shall be paid to the Regional Council for the carrying out of its functions in relation to the administration, monitoring, and supervision of resource consents and for the carrying out of its functions under section 35 (duty to gather information, monitor and keep records) of the Act.
3. The Wellington Regional Council shall be entitled to recover from the consent holder the costs of the conduct of any review, calculated in accordance with and limited to that Council's scale of charge in force and applicable at that time pursuant to section 36 of the Resource Management Act 1991.
4. If you require a replacement consent upon the expiry date of this consent, any new application should be lodged at least 6 months prior to the expiry date of this consent. Applying at least 6 months before the expiry date may enable you to continue to exercise this consent under section 124 of the Resource Management Act 1991 until a decision is made on the replacement application.

# Reasons for decision report

## 1. Background and proposal

Farman Turkington Forestry Limited (the applicant) has applied for resource consents associated with the harvest of 53ha, with approximately 28ha in red zone ESC. This includes land use consent for harvesting and the installation of a drift deck river crossing and a discharge permit for earthworks. The application will be assessed under the National Environmental Standards for Commercial Forestry (NES-CF).

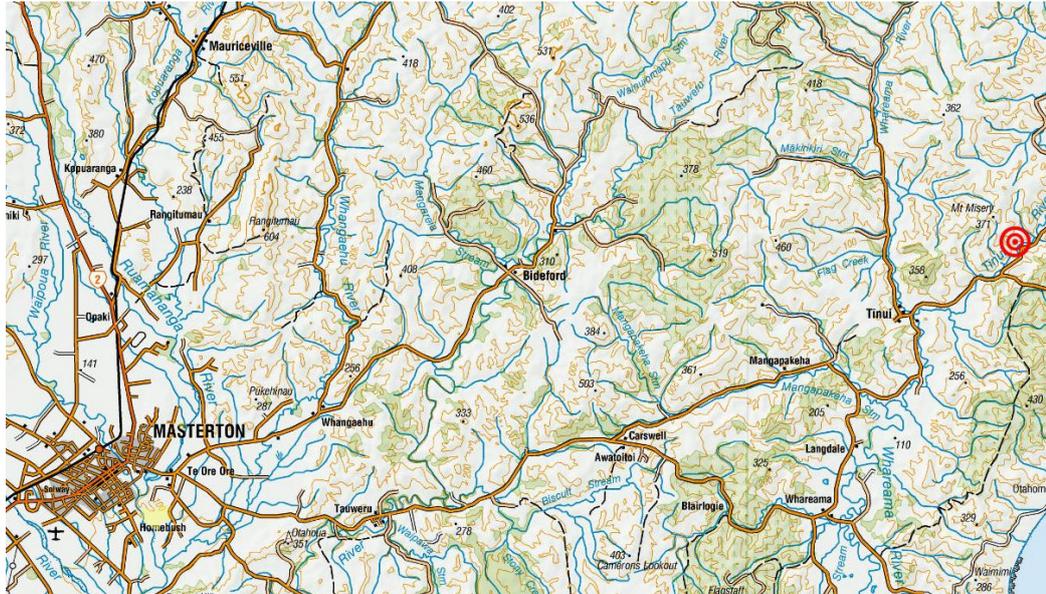


Figure 1 – Location of proposed activity

Goosehill forest is located on Tinui Valley Road approximately 40 km from Masterton (Figure 1).

The proposal is to:

- Undertake earthworks for the construction and maintenance of tracks/landings and forestry harvesting
- Install a drift deck crossing
- Harvest of 53ha with 28ha of red (ESC) zone
- Replant trees in a red (ESC) zone

The proposed activities are located in a red, orange and green zone as depicted below:

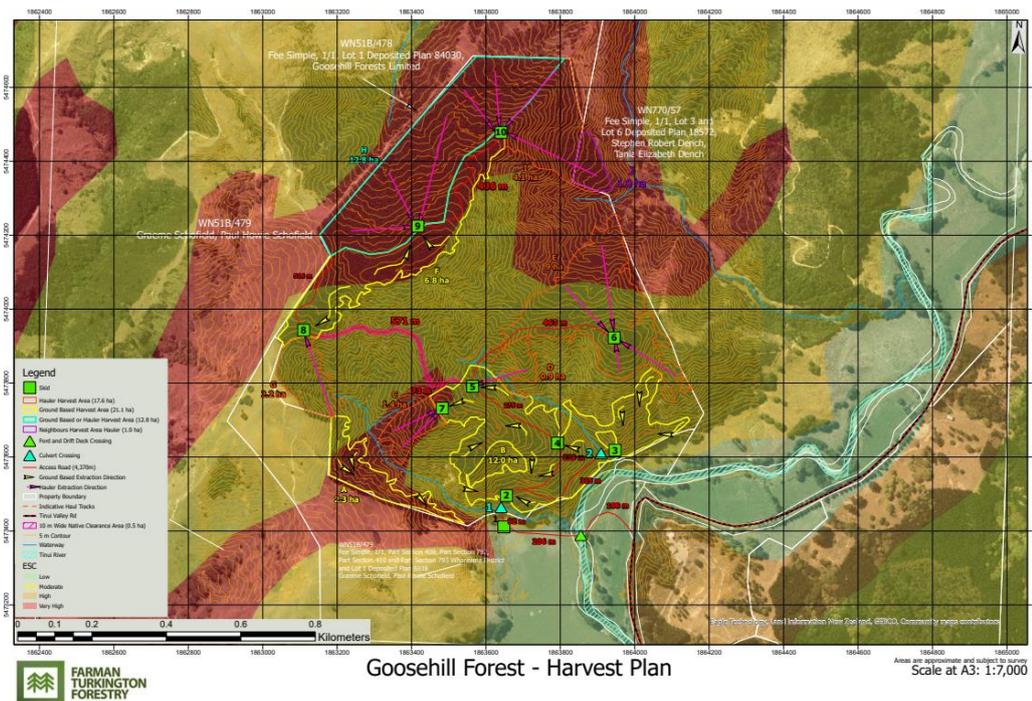


Figure 2: ESC for Goosehill Forest

The applicant has proposed to install a drift deck to cross the Tinui River.

The Tinui River and its tributaries are located within the forest block. The river and its tributaries are listed under Schedule F1 of the Natural Resources Plan as having ecosystems and habitats with significant indigenous biodiversity values. Areas of the Tinui River are also listed under the NES-CF fish spawning indicator tool for the Giant Kokopu.

### 1.1 Harvesting Methodology

The harvesting will be conducted using ground and cable-based methods. Ground based methods will be used where the terrain is unsuitable for cable methods. These are areas where it is not possible to achieve enough deflection / lift of the pulled stems or the areas are “blind” to the cable. Some areas of ground based are planned in order to avoid hauling stems over waterways and native vegetation as much as possible and to avoid excessive roading. Ground-based harvesting areas are only planned in areas of predominately low slope (see attached slope map). Haul tracks will be required for ground-based methods, these however will no longer be required after harvesting so large batters can be pulled down and cut offs can be installed to direct water onto stable vegetation. The cable-based harvesting areas are planned in the predominately steep areas and where suitable. The harvest has been intentionally planned to minimise the amount of hauling over waterways or through the existing native vegetation.



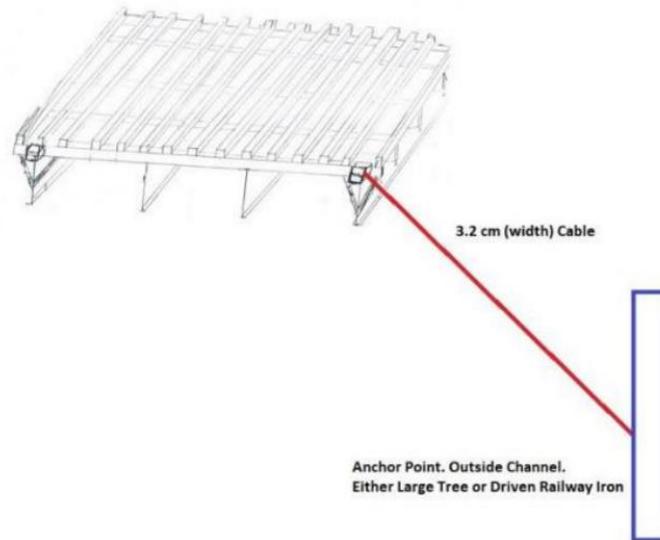


Figure 4: Drift deck design

The crossing of the Tinui River will require 5 drift decks to be installed next to each other across the reach of the river. In this location the drift decks are to be joined together with a chain and D shackle and then anchored to the opposite bank.

### 1.3 Drift deck flood procedure

FTF outlines in their application that the drift decks are proposed to be removed prior to flood events occurring, triggered by a forecasted level of heavy rainfall. The drift decks will be removed to a planned location outside the main channel and banks onto the nearby flood plains where flow will be significantly lower.

As a contingency to the drift decks failing to be removed prior to a flood event, FTF will secure the drift decks to additional anchors. The drift decks will be attached to a deadman anchor. Deadman anchors are commonly used to secure forestry yarders and are created by burying a log or railway iron approximately 2 metres below the ground surface with a cable wrapped around it. The steel cable used will be sourced from a log hauler, which will be of adequate strength that it can hold the drift decks in place during a flood event.

As described in section 1.2, two drift decks will be linked with chain and attached to the anchor on one side of the bank, and the remaining drift decks will be linked with chain and attached to an anchor on the opposite side. In the event of a flood flow moving the drift decks, the two sides should separate and wrap around the banks of the channel, allowing the majority of flow to pass between the two units (like opening double gates).

## 1.4 Replanting

Replanting of 53ha is proposed with 28 ha in red zone ESC. The planting will be staged over two planting seasons depending on when the areas are harvested. The cut off is generally the 30th of September, where everything harvested before this date will be planted the next winter. This gives wilding pines a chance to germinate and then be sprayed off.

Following the harvest the forestry infrastructure such as skid sites, and road construction will have been completed and after some minor work will be fit for purpose during the next rotation 25-30 years after planting. This minimises the level of erosion, sediment mobilisation and effects on waterways during the harvest cycle.

## 2. Reasons for resource consent

The National Environmental Standards for Plantation Forestry (NES-PF) came into effect on 1 May 2018. The National Environmental Standards for Commercial Forestry (NES-CF) amend the NES-PF and came into effect on the 3 November 2023. New activities are required to be assessed against these amendments.

RMA section	Activity	Regulation	Status	Comments
9, 15	Earthworks	24-33	Permitted	Regulation 24(2)(d) cannot be met as earthworks are proposed within 28ha of Red Zone ESCP.  The proposed earthworks must therefore be assessed as a restricted discretionary activity under Regulation 35.
		35	Restricted discretionary	
13	River Crossings	46	Permitted	A culvert is proposed to be installed in accordance with Regulation 46 (1).
13	River crossings	37-46	Permitted	Regulation 46 (3) (a) cannot be met as the catchment above the drift deck structure is greater than 500ha.
		48	Restricted Discretionary	
9	Harvesting	63-69	Permitted	Harvesting activities in red zone ESC that exceed 2ha in a 12-month period
		71	Restricted discretionary	
9	Replanting	77-79	Permitted	Replanting in a red zone where the land proposed for replanting is more than 2 ha in a 12 month period.
		80	Controlled	

RMA section	Activity	Regulation	Status	Comments
9, 13, 15	General provisions	97(1)	Permitted	<p>The discharge of sediment into water or to land where it may enter water associated with the proposal is permitted given it complies with Regulation 97(1)(a), (b), (c), (e) and (g).</p> <p>As the proposal does not meet all of the permitted activity regulations for harvesting, consent is required under Regulation 97(7) as the same activity status applies if the conditions of the associated plantation forestry activity are not complied with.</p>
		97(7)	Various	

## 2.1 Overall activity status

Overall, the activity must be assessed as a restricted discretionary under the NES-CF.

## 3. Consultation

Iwi authority	Comments
Rangitāne o Wairarapa (RoW)	The application was uploaded onto Greater Wellingtons Te Wahi portal for mana whenua engagement. No comments were received from RoW on this occasion.
Kahungunu ki Wairarapa (KkW)	The application was uploaded onto Greater Wellingtons Te Wahi portal for mana whenua engagement. No comments were received from KkW on this occasion.
Other parties or persons	Comments
Mark Lumsden (Enviro FX Limited)	Mr. Lumsden was consulted to provide expert advice regarding the proposed harvest methodology. His comments can be found below under Section 5.
Alton Perrie (GWRC Environmental Science)	Mr. Perrie is a part of the GWRC Environmental Science Department and was consulted to provide expert advice on the proposed activities on fish passage. His comments and recommendations can be found below in section 5.
Kirsty Duff (GWRC Flood Engineer)	Ms. Duff was consulted to provide comment on the application with regard to flood protection matters. Her comments are discussed below in Section 5.

#### **4. Notification decision**

A decision was made to process the application on a non-notified basis on 11 September 2024. Further information on the notification decision is provided in document # [WAR240142 Notification Decision Report .docx](#).

#### **5. Environmental effects**

This section provides an assessment of the effects of the proposed activity on the environment. Information has been drawn from the application provided by the applicant and other information sourced during the processing of the application.

##### **5.1 Earthworks**

If the earthworks associated with plantation forestry are not appropriately planned and managed, especially on weaker soils, they can result in the following adverse environmental effects:

- Accelerated soil erosion due to slope instability and bare soils exposure
- Excessive sediment discharges to waterways, which can affect aquatic ecosystems.

The applicant has proposed the following mitigation measures:

- Installation of silt traps and soak holes along water tables and skid sites. Decanting silt traps will be used when needed.
- Stabilising exposed soil with grass seed. Where appropriate hydro seeding, mulching and silt fences will be used.
- Ground based haul tracks will have cutoffs installed once their use is no longer required or in the event that heavy rain is forecast. Cut off will direct water to stable ground, slash or vegetation.
- End hauling spoil from higher risk slopes where required to skid sites, where suitable sediment controls will be installed such as soak holes.
- Ensuring all spoil is stored where it cannot enter water or has suitable sediment controls.

Mark Lumsden (Enviro FX Limited) was asked to provide comment and to undertake an assessment of the proposed earthworks methodology. He raised concerns regarding the location of end haul sites, the proposed landing 3, and the road linking skids 5/7/8. This information was formally requested from the applicant and provided as follows:

- Any landing / skid site is suitable for end haul sites. These are flat stable areas with sediment controls installed and the spoil can be used as bunding around the skid site / slash piles if required.

- Skid 3 has been removed and harvest plans updated. Trees will now be hauled to skid 6.
- The road linking skids 5/7/8 has been amended to traverse an easier area to the east of skid 9.

The applicant's response was reviewed by Mr. Lumsden and he was satisfied that the changes to the proposal were appropriate for the site.

With Mr. Lumsden's comments and the proposed mitigation measures listed above, it is considered that effects of the proposed earthworks will be no more than minor.

## **5.2 Harvesting**

Harvesting has the potential for adverse environmental effects if not properly managed, particularly in difficult terrain and when it takes place near sensitive receiving environments. Potential adverse effects from harvesting include:

- Slash from harvesting reaching water leading to changes in water chemistry or damming and diverting of water, possibly damaging downstream infrastructure.
- Soil disturbance from harvesting, including harvesting machinery, leading to sedimentation of waterbodies and adversely affecting water quality and instream habitats.
- Riparian vegetation disturbance and potential effects on indigenous flora and fauna.
- Soil erosion post-harvest, as the harvested tree rot and slopes lose stability.

The applicant has proposed the following mitigation measures:

- Install slash benches where necessary to catch slash, particularly on sites within limited natural storage options, or where slash migration could result in slash entering a water body.
- Manage stormwater away from slash piles to prevent erosion destabilising slash piles and bird's nest.
- Pull back slash from landing edges where it may become unstable. High piles of slash should be distributed to reduce the weight on landing edges.
- Minimise the amount of slash left on high-risk slopes, where the slope is steep, it may be susceptible to failure, and if located near a sensitive area such as a high-value water body or downstream infrastructure. This may involve limiting processing on the slope or higher cut stumps to help retain slash or burning slash post-harvest.

- Directionally fell trees away from waterbodies, unless unsafe to do so, which then requires felling trees directly across waterbodies for full extraction (NES-PF Reg 68(1-2)).
- Fell trees away from neighbouring properties and waterbodies.
- Utilise high-cut stumps to trap slash and reduce slash migration to waterways, particularly where there is high slash loads or steeper slopes with a risk of slash migration that has a high connectivity with the waterway (no breaks in slope).

Mark Lumsden (Enviro FX Limited) was asked to provide comment and to undertake an assessment of the proposed harvest methodology. He requested further information relating to the location of slash storage.

The applicant provided information stating that slash is proposed to be stored on parts of lower slope areas where the land is stable. 'No slash' zones are designated, which are areas with steeper slopes and therefore have the highest risk of slash mobilisation.

Mr. Lumsden reviewed this information and was satisfied that the harvest plan was sound and proposed adequate measures to mitigate potential effects of harvest activities.

With Mr. Lumsden's comments and the proposed mitigation measures listed above, it is considered that effects of the proposed harvesting on red zone land will be no more than minor.

### **5.3 Fish Passage**

The proposed drift deck can act as a barrier to migrating fish, particularly if installed incorrectly. The watercourses where the crossings are proposed are listed under Schedule F1 Migratory, Threatened and at-Risk Fish habitats in the Natural Resource Plan (NRP) and some areas as fish spawning habitats for Giant Kokopu under the NES-CF Fish Spawning Indicator (Spawning from Aug-Oct). Therefore, the effects of the proposed drift deck construction and use of the crossings on the spawning fish in this habitat must be considered.

Alton Perrie (GWRC Environmental Science) was asked to provide comment and to undertake an assessment of the initial proposal which included a concrete block ford with the drift deck installed on top. Upon review of the application Mr. Perrie requested further information to clarify several aspects of the construction methodology for the concrete fords to help better understand the potential effect on fish passage. This included requesting the applicant to consider a number of alternative options for the placement of the concrete blocks.

The applicant provided a response to this by removing the requirement for concrete block fords. They stated that the stream bed of the Tinui River in the proposed location is suitable to hold the drift decks without the need for the ford or any channel works.

Mr. Perrie reviewed the further information provided by the applicant and was satisfied that the proposed drift decks were appropriate and would result in less than minor effects on fish passage.

#### **5.4 Sediment discharge from drift deck installation and approaches**

During the excavation or deposition of materials within or near a watercourse, sediment can be discharged causing a local and temporary increase in turbidity and suspended solids concentrations, which reduces water clarity. Furthermore, the approaches to waterway crossings can also be considered a direct transport route for sediment to a waterway if sediment on the road approaches is not managed appropriately.

With regard to drift deck installation, the applicant proposed the following mitigation measures to minimise the effects on water quality:

- Ensuring machinery is cleaned of oil and vegetation from outside the property before conducting works,
- constructing a bund to divert water away from the works area,
- carting any spoil away from the waterway and placing it on areas where it cannot enter water,
- The duration and extent of bed disturbance will be minimised by completing each crossing within 12 hours and keeping the machinery out of the channel as much as possible.

The applicant has also proposed water control measures on all their road corridors as per their Drift Deck and Ford Crossing Management Plans submitted with the application. Silt traps and soak holes will be installed on both sides of the structure to ensure no sediment enters the waterway as a result of the approaches.

Given the measures above and the temporary nature of the works, I consider the effects of sediment entering the watercourse by means of the approaches to be no more than minor when managed in accordance with the mitigation proposed in the application.

#### **5.5 Damming and flooding**

If a structure in a watercourse is not designed and installed appropriately to convey flood flows, then the structure can act like a dam, trapping debris and causing flood risk above the structure.

The proposed drift decks are designed to be over topped by flood flows and debris. Consultation with Kirsty Duff Flood Engineer for Greater Wellington Regional Council concluded that there should be minimal effects from constructing/installation of the proposed and drift decks.

The applicant proposed that in the event of debris build up being identified, the debris will be removed as soon as possible. The debris will be removed by hand, if possible, otherwise a digger fitted with a grapple will remove the debris and store it in a stable location outside the flood zone.

Ms. Duff recommended that a condition be included which requires the applicant to undertake regular inspections and maintenance of structures (removal of debris for the drift decks) and if necessary, using machinery to help gravel bypass the concrete vehicle fords (to avoid them becoming perched and blocking fish passage). Ms. Duff also recommended including requirements to recover the drift decks if they are lost to the river. These recommendations were subsequently added to the consent conditions as a result of the review.

Given the above, I consider the effects of the drift deck on damming and flooding to be less than minor.

## **5.6 Erosion and Scour**

Hard structures in waterways can sometimes change the flow of water resulting in erosion and scour at the inlet and outlet of the structures, causing outflanking of the banks and bed adjacent to the structure.

The drift deck structures are designed to leave the flow of water fairly unchanged and there will be armouring installed along the edges of the approaches to minimise outflanking of the structure. Given the above, I consider the effects on erosion and scour to be no more than minor.

## **5.7 Replanting**

Planting by itself generally has very minor environmental effects, however some consideration is required as mature trees can have adverse effects at harvesting time if they were planted in poorly planned locations. Provisions are required under the NES-CF in order to reduce the risk of erosion and damage to waterways when the next harvest occurs.

Once harvested if left unplanted the area will be populated with exotic weeds, regenerating pines of various age and some native grasses and scrub. This cover will help in the interception of water and erosion but will increase the length of time that this area is vulnerable to erosion and mass wasting. A replanted crop of radiata pine, which will grow quickly, will within 5 years or so provide an interception layer of around 50%. This will increase to age 7 years, when at thinning it will be reduced to about 20%. After thinning it will increase steadily to around 75% over the next 5 years and remain at about this level or higher for the duration of the rotation. This interception layer, combined with temporary ground cover from pruned branches and thinned stems, the naturally occurring plants on the forest floor, along with extensive roots and soil holding capacity of radiata pine tree root systems, afford an improved soil protection mechanism over and above the cover arising from natural vegetation, at least over the first 10 years or so.

The applicant has stated they will adhere to the setbacks listed under Reg 78 of the NES-CF.

The applicant stated that replanting on site would adhere to the setbacks required by the NES-CF:

- No planting within 5 metres of a perennial river (bankfull width < 3m)
- No planting within 10 metres of a perennial river (bankfull width 3m+)
- No planting within 5 metres of a wetland > 0.25ha
- No planting within 10 metres of a lake > 0.25ha
- No planting closer than the stump line to an adjacent: - Perennial river - Wetland or lake - Significant natural area

The conifer species that is proposed for replanting, *Pinus radiata*, is the same as that most recently harvested and therefore there is no requirement for a wilding tree risk calculation.

With the proposed setbacks being adhered to, I consider that the effects of replanting are considered less than minor.

## **5.8 Monitoring**

FTF will monitor this site on an on-going basis throughout the contract period. The contractors working on site will be given a copy of the Schedule 3, Drift deck Installation and Management Plan and a copy of the NES-CF Practise Guides as well as training on the NES - CF. Where heavy rainfall of more than 20mm/1hour or 50mm/24hours is forecast during earthworks construction additional contingency measures will be implemented as needed, including installing temporary sediment and water controls, cut-outs and diversion drains.

The drift deck crossing will be regularly inspected by the logging crews during their daily entry and exit of the harvest area and any problems will be brought to FTF attention immediately. If heavy rain is forecast FTF management will inform the logging contractors to inspect their sites and the water courses, and any identified risks will be remedied ensuring slash is stabilised before the rain. Following a period of heavy rain or high flow FTF management will inspect the crossing and site and undertake maintenance as required.

## **5.9 Summary of effects**

Given the assessment above, it is considered that the proposed activity will not result in any more than minor effects when undertaken in accordance with the recommended consent conditions.

## 6. Statutory assessment

### 6.1 Part 2

Consideration of an application under section 104 of the Act is 'subject to Part 2' (sections 5, 6, 7 and 8) of the Act. Part 2 sets out the purpose and principles of the Act. I acknowledge the caselaw direction in RJ Davidson Family Trust v Marlborough District Council [2018] NZCA 316 that the statutory language in section 104 plainly contemplates direct consideration of Part 2 matters, when it is appropriate to do so. Further, the Court considered that where a plan has been competently prepared under the RMA it may be that in many cases there will be no need for the Council to refer to Part 2 because it would not add anything to the evaluative exercise. However, if there is doubt that a plan has been “competently prepared” under the RMA, then it will be appropriate and necessary to have regard to Part 2.

In my view, the Natural Resources Plan is competently prepared and I do not consider there is a need to refer to Part 2.

### 6.2 Matters to be considered – Section 104-108AA

Section 104-108AA of the Act provides a statutory framework in which to consider resource consent applications. All relevant matters to be considered for this application are summarised in the table below:

<b>RMA section</b>	<b>Matter to consider</b>	<b>Comment</b>
104(1)(a)	Actual or potential effects on environment	See Section 5 of this report.
104(1)(b)(i)	National Environmental Standard (NES) for Commercial Forestry 2023	The National Environmental Standards for Commercial Forestry (NES-CF) amend the NES-PF and came into effect on the 3 November 2023. This application has been assessed in accordance with the NES-CF.
104(1)(b)(iii)	National Policy Statement for Freshwater Management 2020	This national policy statement provides a National Objectives Framework to assist regional council and communities to more consistently and transparently plan for freshwater objectives.
	<i>Objective/Policy</i>	<i>Comment</i>
	Policies 1, 2 and 3	Te Mana o te Wai is an integral part of the framework that forms the platform for tangata whenua and community discussions about the desired state of freshwater relative to the current state. In considering this proposal, I have considered the effects of the use of the

RMA section	Matter to consider	Comment
		<p>land for forestry activities and consider it meets this policy as it has been demonstrated how the activity will be managed in a way that will mitigate the impacts on the receiving environment.</p> <p>The application was also sent to Rangitāne o Wairarapa and Kahungunu ki Wairarapa under the contractual agreement they have with GWRC for resource consents in the Wellington Region, in order to get an indication of any concerns they may have with regards to the proposal and to determine if they are affected parties or not, thereby providing opportunity for input at the individual resource consent decision making level.</p> <p>The proposal is therefore consistent with these policies.</p>
	Policies 9, 10	I consider these policies are met as mitigation measures will ensure the earthworks, harvesting, river crossings and replanting are managed appropriately and that the health and well-being of water bodies and freshwater ecosystems is maintained.
104(1)(b)(v)	Regional Policy Statement (Including Proposed Change 1)	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the RPS.
	<i>Objective/Policy</i>	<i>Comment</i>
	Policy 40	There will be less than minor effects on aquatic ecosystem health as long as conditions of consent are put into effect.
	Policy 41	Silt and sediment run-off will be minimised by erosion/sediment controls.
	Policy 43	The aquatic ecological function of waterbodies will be protected through adherence to conditions.
	Policy 47	The effects on indigenous ecosystems will be less than minor.
	Policy 49	Tangata whenua values will be protected.

<b>RMA section</b>	<b>Matter to consider</b>	<b>Comment</b>
	<b>Natural Resources Plan (Including Proposed Plan Change 1)</b>	
	<i>Objective/Policy</i>	<i>Comment</i>
	O1, O2, O4, O7, O12, O14, O17, O18, O19, O21, O23, O28, O33, O34, O35, O36, O37	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with these relevant objectives in the NRP.
	Policy P9, P18 & P20	The mauri of freshwater and cultural relationship of Māori with water has been recognised.
	Policy P30, P31 and P42	Biodiversity, aquatic ecosystem health and mahinga kai will be maintained or restored.
	Policy P32	Barriers to fish passage have been avoided.
	Policy 43	I consider the proposal seeks to minimise the effects on the spawning and migration of indigenous fish species such as they are no more than minor.
	Policy P77	The proposal has been considered with regard to improving water quality for contact recreation. Provided consent conditions are adhered to, I consider the proposal will not have any noticeable effects on water quality.
	Policy P65	I consider this application is consistent with the NPSFM for discharge consents.
	Policy P66	The proposal seeks to minimise the discharge.
	Policy P68	I consider this application is consistent with the requirements of this policy for discharges to land.
	Policy P107	The proposed activity has appropriate measures (including consent conditions) to minimise risk of accelerated soil erosion, control silt and sediment runoff, and ensures the site is stabilised.
	Policy P109	The management of riparian margins through consent conditions will ensure water quality and ecosystem health is maintained or restored.
104(1)(c)	Any other matter	There are no other matters relevant to this application.

<b>RMA section</b>	<b>Matter to consider</b>	<b>Comment</b>
105(1)	Matters relevant to discharge permits	The proposed discharge of sediment laden stormwater will be discharged to land but has the potential to enter water. The discharge to land is an alternative method of discharge and as such, it is considered acceptable under section 105.
107	Restrictions on grant of certain discharge permits	If the discharge to land then enters water, it is noted that this would only be a temporary discharge, and would therefore be acceptable under section 107.
108 – 108AA	Conditions on resource consents	Standard conditions of consent for this activity type are recommended. All standard conditions of consent meet s108AA. Any additional conditions are outlined in Section 5 of this report.

## **7. Main findings**

In conclusion:

1. The proposed activity is consistent with the Purposes and Principles of the Resource Management Act 1991.
2. The proposed activity is consistent with the relevant objectives and policies of the National Policy Statement for Freshwater, the Regional Policy Statement (including proposed change 1) and the Natural Resources Plan (including proposed plan change 1).
3. The actual or potential adverse effects of the proposed activity on the environment will be or are likely to be no more than minor.
4. Conditions of the consent(s) will ensure that the effects of the activity on the environment will be appropriately avoided, remedied or mitigated.
5. The proposal incorporates appropriate mitigation measures, to ensure the adverse effects are or are likely to be no more than minor.

## **8. Duration of consent**

I propose a consent duration of 3 years to expire on 18 September 2027. This is to allow for any unexpected delays and to allow for replanting to be completed following harvest.

## 9. Monitoring

### 9.1 Monitoring schedule

The following compliance monitoring programme will be undertaken during the consent term:

<b>Monitoring assessment:</b>	<input checked="" type="checkbox"/> Annual	<input type="checkbox"/> Three-yearly	<input type="checkbox"/> Other:
<b>Monitoring input:</b>	<input type="checkbox"/> Audit	<input checked="" type="checkbox"/> Site inspection	<input type="checkbox"/> Other:
<b>Other notes</b>			
<b>Compliance group</b>	Forestry		

### 9.2 Monitoring charges

Consent monitoring charges apply for the consent(s) approved. Charges are normally invoiced on an annual basis. Your consent monitoring charge is made up of three components:

1. **Customer service charge** – every consent incurs an annual charge of \$40.00. This covers costs associated with the administration of your consent.
2. **Compliance monitoring charge** – the cost associated with our staff monitoring the compliance of your consent.
3. **State of the environment (SOE) charge** – a proportion of our science monitoring is paid by consent holders.

An estimate of your annual consent monitoring charge is provided below:

		Amount	Charge code(s)
<b>Customer service charge</b>	3 consent(s)	\$185.00	
<b>Monitoring charge</b>	Variable	\$-*	LU1 & DL1
<b>SOE charge</b>	Yes	\$1,000.00	4.3.2.2
Further notes (if applicable)			

\* Variable charges will alter from year to year and are based on the actual and reasonable amount of time required to monitor your consent

The GWRC Resource Management Charging Policy is reviewed on an annual basis, and may alter these charges.

# Resource Consent

## RESOURCE MANAGEMENT ACT 1991

### Summary of decision

<b>Consent No.</b>	WGN240088	
<b>Consent ID(s)</b>	[39270] Land use: to undertake earthworks exceeding side cutting to a height of 2m to 3m over a continuous length of more than 100m and deposition of more than 500m <sup>3</sup> of spoil and fill in an orange zone with a land slope of 25 degrees or more in any 3-month period.	
	[39279] Discharge permit: to undertake earthworks where sediment laden stormwater may enter water, for the construction of roads/landings.	
<b>Name</b>	Gerald Derek Kleinjan & Stephanie Alison Kleinjan	
<b>Address</b>	127 Russells Road, Upper Hutt	
<b>Decision made under</b>	Section 104C, 105, 107 and 108 of the Resource Management Act 1991	
<b>Duration of consent</b>	Granted: 17 November 2023	Expires: 17 November 2026
<b>Purpose for which consent(s) is granted</b>	To undertake earthworks associated with plantation forestry activities, including the disturbance of land and discharge of sediment laden storm water to land or water.	
<b>Location</b>	127 Russells Road, Upper Hutt at or about map reference NZTM 1771518.5435476	
<b>Legal description of land</b>	Lot 1 DP 86269	
<b>Conditions</b>	See below	

Decision recommended by:	Josh Pepperell	Resource Advisor, Environmental Regulation	
Decision peer reviewed by:	Dayna Calkin	Senior Resource Advisor, Environmental Regulation	
Decision approved by:	Kristina Cranston	Team Leader, Environmental Regulation	

## Processing timeframes:

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Application lodged:	19/10/23	Application officially received:	19/10/23
Applicant to be notified of decision by:	17/11/23	Applicant notified of decision on:	17/11/23
Time taken to process application:	20 working days		

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## Consent conditions

### General conditions

1. The location, design, implementation and operation of the activity shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on the 19 October 2023. This includes the following:
  - Earthworks and Harvest Management Plan (Schedule 3) dated 26 September 2023
  - Assessment of Environmental Effects, Forestry Road
  - Mt Devine Harvest Map

Where there may be contradiction or inconsistencies between the application and information provided by the applicant, the most recent information applies. In addition, where there may be inconsistencies between information provided by the applicant and conditions of the consent, the conditions apply.

*Note: Any change 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.*

2. The consent holder shall provide a copy of this consent and any documents and plans referred to in this consent to each operator or contractor undertaking works authorised by this consent, prior to the works commencing. In addition to this, a copy of this consent and all documents and plans referred to in this consent, are kept on site during the works and presented to any Wellington Regional Council officer on request.

*Note: It is recommended that the contractors be verbally briefed on the requirements of the conditions of this consent prior to works commencing.*

3. The Manager, Environmental Regulation, Wellington Regional Council, shall be given a minimum of two working days (48 hours) notice prior to the works commencing.

*Note: Notifications must be emailed to [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz). Please include the consent reference **[WGN240088]** and the name and phone number of a contact person responsible for the proposed works.*

4. The consent holder shall adhere to the best management practices as described in the *New Zealand Forest Owners' Association Road Engineering Manual and New Zealand Environmental Code of Practice for Plantation Forestry* and any subsequent reviews.

*Note: Where there may be contradiction or inconsistencies between practices described in these two documents and conditions of consent, the conditions apply.*

5. The consent holder shall ensure that:
  - a) All machinery is thoroughly cleaned of vegetation (eg, weeds), seeds or contaminants at least 10 metres away from any watercourse, water flow channel or stormwater system, prior to entering the site
  - b) All machinery shall be regularly maintained in such a manner to ensure no contaminants (including but not limited to oil, petrol, diesel, hydraulic fluid) shall be released into water, or to land where it may enter water, from equipment being used for the works
  - c) All contaminant storage or re-fuelling areas are bunded or contained in such a manner so as to prevent the discharge of contaminants to water or to land where it may enter water
  - d) No machinery is cleaned, stored or refuelled within 10 metres of any waterbody, water flow channel or stormwater system
6. The consent holder shall remedy any disturbance to any stream banks or river/stream beds due to the works. All works affecting the waterways within the harvest area, including removing any unused material and tidying up on completion of the works, shall be completed to the certification of the Manager, Environmental Regulation, Wellington Regional Council.
7. The consent holder shall maintain a permanent record of any complaints received alleging adverse effects from or related to the works. This record shall include:
  - The name and address of the complainant (if provided)
  - The date and time that the complaint was received
  - Details of the alleged event
  - Weather conditions at the time of the complaint, and
  - Any measures taken to mitigate/remedy the cause of the complaint

This record shall be made available to the Manager, Environmental Regulation, Wellington Regional Council, on request.

## Earthworks

8. The consent holder shall take all practicable steps to ensure that, after a reasonable mixing zone, stormwater and/or sediment laden run-off discharged will not give rise to any of the following effects in the receiving waters:

- Any conspicuous change in the colour or visual clarity, or
- The rendering of fresh water unsuitable for consumption by farm animals, or
- Any significant adverse effects on aquatic life

The mixing zone shall be a distance equal to seven times the width of the wetted channel, but no less than 50m downstream of where each discharge enters a watercourse.

All practicable steps shall include, but not be limited to:

- Installing, operating and maintaining the control and treatment measures in the plan provided in the application, or any subsequent approved amendments
- Maintaining all erosion control and sediment treatment measures to the certification of the Manager, Environmental Regulation, Wellington Regional Council
- Dispersing the flow from the discharge points away from gullies wherever practicable
- Adding any additional erosion control and sediment treatment measures that will ensure this condition is complied with

*Note: In determining compliance with this condition, the Manager, Environmental Regulation, Wellington Regional Council will consider the design specification of any and all sediment treatment measures as specified in the Erosion and Sediment Control Guidelines for the Wellington Region, September 2002 (reprinted 2006) and any subsequent updates.*

9. The consent holder shall take all practicable steps to prevent material which is side-cast during track, road and skid site and/or pad construction, from entering any watercourses within the site. This may require, but not be limited to, the following measures:

- Compacting side cast material so that it is stable
- Securing slash material downslope to retain side cast material above it
- Hydroseeding or grassing of downslope batter; and
- End hauling material in areas which are not stable or in the vicinity of watercourses

10. On all earthworks sites where entrained sediment may enter a watercourse, appropriate erosion and sediment controls are to be in place **before** earthworks commence. Controls shall only be removed after the site has been fully stabilised to protect it from erosion. Sediment erosion management on site shall be undertaken specifically in accordance with the Wellington Regional Council publication '*Erosion and Sediment Control Guidelines for the Wellington Region*' September 2002 (reprinted June 2006), and any subsequent updates, for the term of this consent.
11. The consent holder, where practicable, shall control all catchment runoff upslope from roading, tracking and landing construction activities, diverting clean water around or safely through areas of land disturbance.
12. The consent holder shall ensure that water tables, culverts, flumes, cut-offs and other appropriate measures are installed and maintained in order to mitigate the adverse effects of erosion and land instability.
13. Any failure of cut and fill batters that occur as a result of roading and soil disturbance activities under this resource consent shall be remedied or mitigated as soon as practicable, and to the certification of the Manager, Environmental Regulation, Wellington Regional Council.

### **Monitoring**

14. The consent holder shall ensure that monitoring of the earthworks is in accordance with the details set out in the Schedule 3 Earthworks and Harvest Management Plan submitted with the application. Remedial action shall be undertaken by the consent holder as required to the certification of the Manager Environmental Regulation, Wellington Regional Council.
15. The works shall remain the responsibility of the consent holder and shall be maintained to the certification of the Manager, Environmental Regulation, Wellington Regional Council so that any erosion, scour or instability that is attributable to the works carried out as part of this consent is remedied by the consent holder.

### **Review of conditions**

16. The Wellington Regional Council may review any or all conditions of this permit by giving notice of its intention to do so pursuant to section 128 of the Resource Management Act 1991, at any time within three months of the date of commencement of this consent for the following purposes:
  - Dealing with any adverse effects on the environment which may arise from the exercise of this consent, and which is appropriate to deal with at a later stage; and/or

- To review the adequacy of any plans and/or alter any monitoring requirements prepared for this consent so as to incorporate into the consent any modification which may become necessary to clarify or deal with any adverse effect on the environment of arising from this activity; and/or
- To enable consistency with any relevant Regional Plans or any National Environmental Standards or Regulations

The review of conditions shall allow for the deletion or amendment of conditions of this consent; and the addition of such new conditions as are shown to be necessary to avoid, remedy or mitigate any significant adverse effects on the environment.

**Notes:**

1. If koiwi, taonga, waahi tapu or other archaeological material is discovered in any area during the works, work shall immediately cease and the consent holder shall notify Greater Wellington Regional Council, Port Nicholson Block Settlement Trust, Te Rūnanga o Toa Rangatira Inc and Heritage New Zealand as soon as possible but within 24 hours. If human remains are found, the New Zealand Police shall also be contacted. The consent holder shall allow the above parties to inspect the site and in consultation with them, identify what needs to occur before work can resume.

Notification must be emailed to:

- Greater Wellington Regional Council, [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz)
- Heritage New Zealand, [information@heritage.org.nz](mailto:information@heritage.org.nz)
- Port Nicholson Block Settlement Trust, [reception@portnicholson.org.nz](mailto:reception@portnicholson.org.nz)
- Te Rūnanga o Toa Rangatira Inc, [resource.consents@ngatitooa.iwi.nz](mailto:resource.consents@ngatitooa.iwi.nz)

Heritage New Zealand must also be contacted by phone on 04 472 4341 (National Office).

No works may resume on site until the consent holder has received written notification that consultation with the parties identified above has been undertaken to the certification of the Manager, Environmental Regulation, Wellington Regional Council.

Note: Evidence of archaeological material may include burnt stones, charcoal, rubbish heaps, shell, bone, old building foundations, artefacts and human burials.

*Note: Records can be emailed to Please include the consent reference WGN240088 and a contact name and phone number of the person responsible for the gravel extraction.*

2. A resource management charge, set in accordance with section 36(2) of the Resource Management Act 1991 (the Act) shall be paid to the Regional Council

for the carrying out of its functions in relation to the administration, monitoring, and supervision of resource consents and for the carrying out of its functions under section 35 (duty to gather information, monitor and keep records) of the Act.

3. The Wellington Regional Council shall be entitled to recover from the consent holder the costs of the conduct of any review, calculated in accordance with and limited to that Council's scale of charge in force and applicable at that time pursuant to section 36 of the Resource Management Act 1991.
4. If you require a replacement consent upon the expiry date of this consent, any new application should be lodged at least 6 months prior to the expiry date of this consent. Applying at least 6 months before the expiry date may enable you to continue to exercise this consent under section 124 of the Resource Management Act 1991 until a decision is made on the replacement application.

### Reasons for decision report

#### 1. Background and proposal

The applicant has applied for land use consent and a discharge permit to undertake earthworks associated with plantation forestry. The application will be assessed under the National Environmental Standards for Plantation Forestry (NES-PF). Mt Devine Forest is located east of Lower Hutt, Wellington (Figure 1) and is a *Pinus radiata* plantation forest surrounded by rural lifestyle properties and pastoral farming.

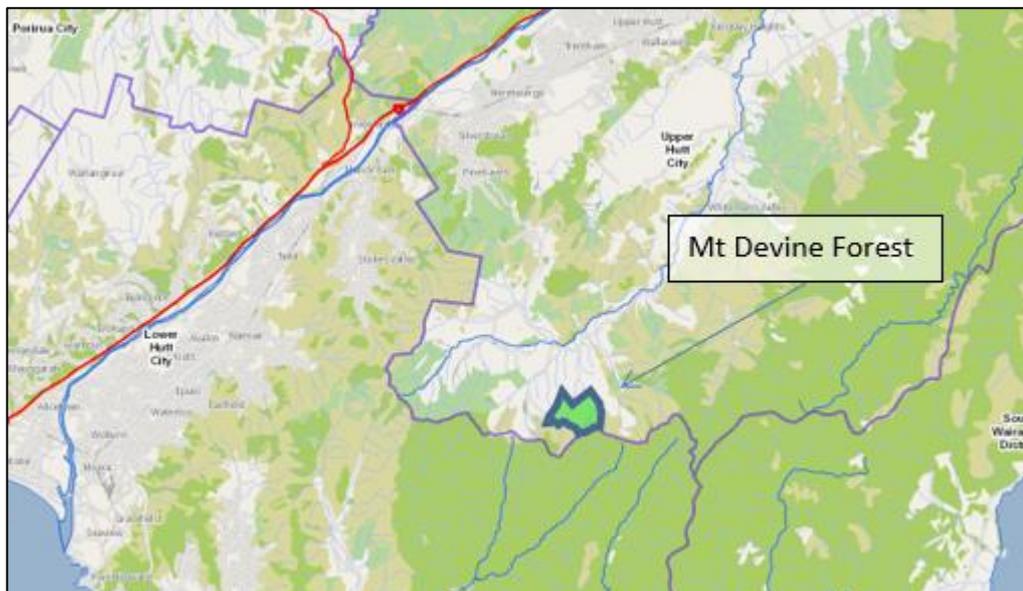
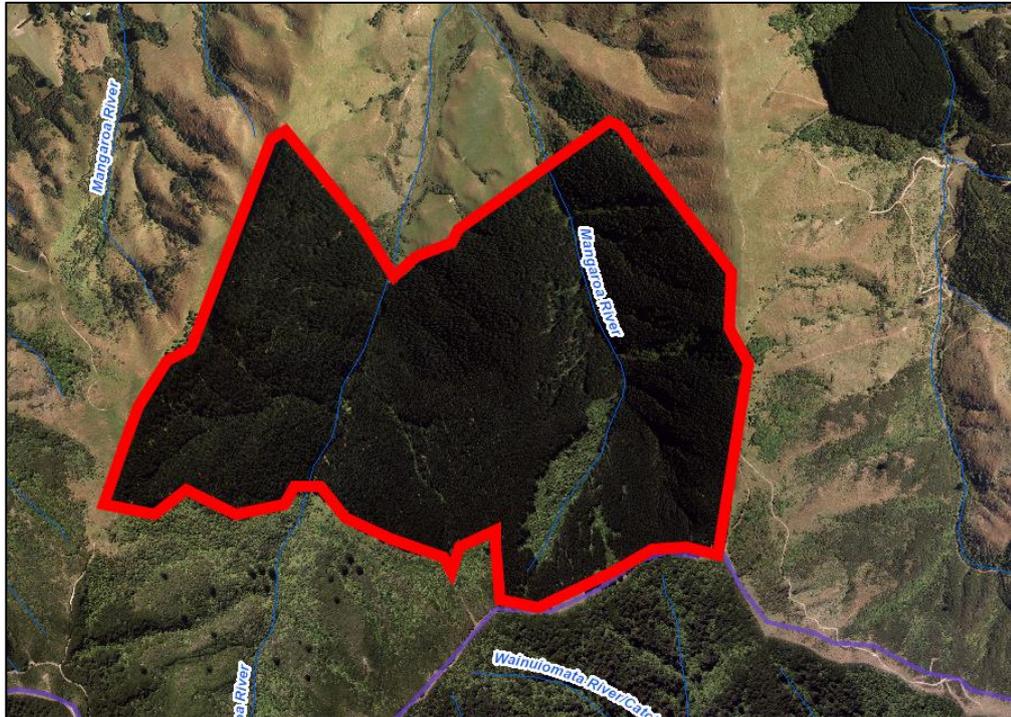


Figure 1 - Location of proposed activity

The forest block contains two tributaries of the Mangaroa River which run south to north through two sperate gullies (Figure 2).

The works are proposed to start upon consent being granted and is expected to take no more than 8 weeks to complete. The works will be completed before the end of autumn and allow time for grass seed to be over sown and establish before the cooler winter months.



**Figure 2 - Aerial image of Mt Devine Forest**

The proposed activity is not located within or near any scheduled sites listed under the Natural Resources Plan.

The proposal is to:

- Undertake earthworks exceeding side cutting to a height of 2m to 3m over a continuous length of more than 100m and deposition of more than 500m<sup>3</sup> of spoil and fill in an orange zone with a land slope of 25 degrees or more in any 3-month period.

The applicant has submitted the following management plan and/or supporting documents:

- NES-PF Schedule 3 Forestry Earthworks Management Plan and Harvest Plan
- Assessment of Environmental Effects, Forestry Road

The forest is located on land which has been classified as having an erosion susceptibility classification (ESC) of low (ESC Green Zone), moderate (ESC yellow zone) and high (ESC orange zone). All of the harvesting activities are permitted under the NES-PF and will be managed as per the regulations.



**Figure 3 - Erosion Susceptibility Classification Map**

**1.1 Road and landing construction methodology**

Bulk earthworks associated with road and landing construction will be carried out in general accordance with the Forest Practice Guides to minimise sediment generation and erosion risk, including meeting the NES-PF regulations such as benching roads on > 25-degree slopes where road widening or realignment is needed and limiting side cutting heights in orange zone on >25-degree slopes. The harvest and earthworks plan has been designed to minimise the volume of earthworks required as illustrated by Figure 4.

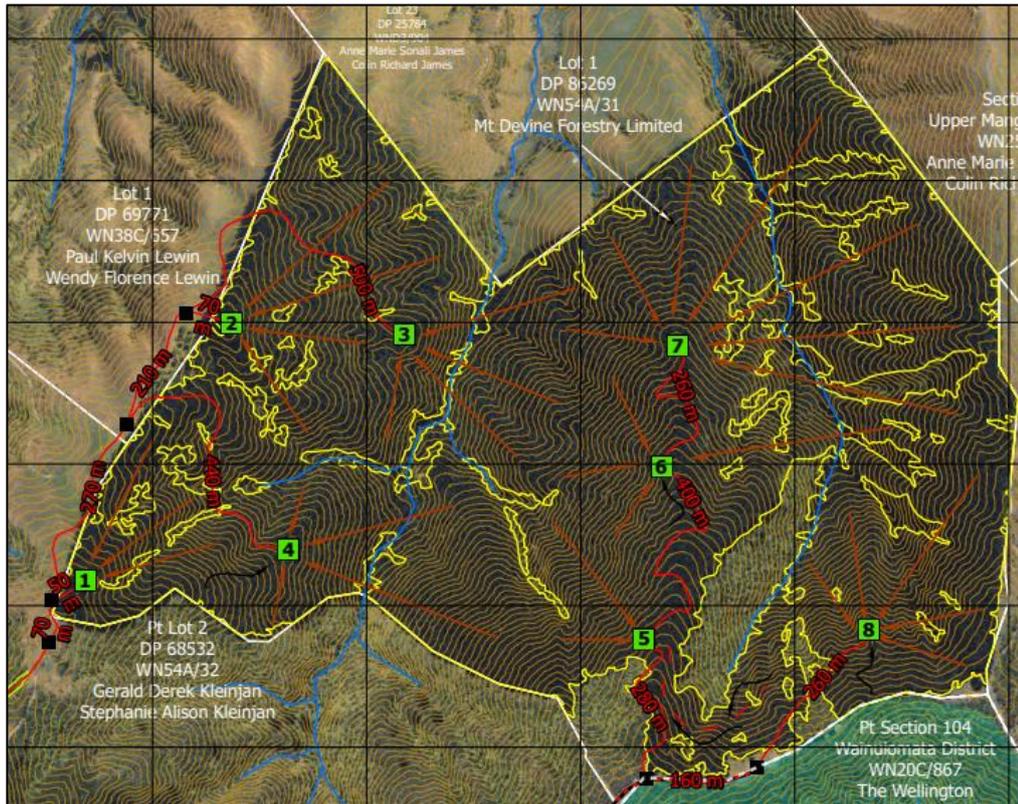


Figure 4 - Harvest Map - Mt Devine

2. **Reasons for resource consent**

The National Environmental Standards for Plantation Forestry (NES-PF) came into effect on 1 May 2018. All regulations in NES-PF prevail over Regional Plans in accordance with section 43B of the Act, unless the activity is in an area outlined in Regulation 6 of NES-PF (of which this activity is not).

RMA section	Activity	Regulation	Status	Comments
9	Earthworks	24-33	Permitted	The proposed earthworks are in a red zone and, in any 3-month period, comprise – <ul style="list-style-type: none"> <li>- side cutting more than 2m deep over a continuous length of more than 100m.</li> <li>- deposition of more than 500m<sup>3</sup> of spoil and fill.</li> </ul> Therefore regulation 24 cannot be met and
		35	Restricted discretionary	

RMA section	Activity	Regulation	Status	Comments
				the earthworks is a <b>restricted discretionary</b> activity under Regulation 35.
15	General provisions	97 (1)(b)	Permitted	<p>The discharge of sediment into water or to land where it may enter water associated with earthworks is permitted provided it complies with regulation 97(1)(b) (earthworks comply with regulations 24 to 33.)</p> <p>As the proposed earthworks does not meet permitted activity regulation 24 consent is required under regulation 97(7) for the discharge. The same activity status applies if the conditions of the associated plantation forestry activity are not complied with. Therefore, the discharge of sediment associated with earthworks must be assessed as a restricted discretionary activity.</p>
		97(7)	Restricted Discretionary	

## 2.1 Overall activity status

Overall, the activity must be assessed as restricted discretionary under the NES-PF.

### 3. Consultation

Iwi authority	Comments
Port Nicholson Block Settlement Trust	No comment provided, therefore it is assumed they have no concerns.
Ngati Toa Rangatira	Ngati Toa Rangatira provided comment on the application, sending through a report outlining their thoughts on the proposal. They concluded the following – “Overall, Te Rūnanga is supportive of the proposal as it avoids adverse effects on Mangaroa River and streams by ensuring erosion and sediment control measures are in place.” See correspondence - <a href="#">WGN240088 - Te R. nanga o Toa Rangatira Response 01-11-2023_07-39.eml</a>

### 4. Notification decision

A decision was made to process the application on a non-notified basis on 30 October 2023. Further information on the notification decision is provided in document # [WGN240088 - Notification decision report .docx](#).

### 5. Environmental effects

The applicant provided an Assessment of Environmental Effects (AEE) with the application.

This section provides an assessment of the effects of the proposed activity on the environment. Information has been drawn from the application provided by the applicant and other information sourced during the processing of the application.

#### 5.1 Earthworks

If earthworks associated with plantation forestry are not appropriately planned and managed, especially on weaker soils, they can result in the following adverse environmental effects:

- Accelerated erosion due to slope instability and bare soils exposure; and
- Excessive sediment discharges to waterways, which can affect aquatic ecosystems.

The Applicant has proposed the following sediment retention, stabilisation and run off mitigation measures:

- *Compacting side cast and spoil material.*
- *Over sowing fresh spoil with grass seed before the end of autumn.*

- *Directing water from road drainage culverts with flumes and socks onto stable ground or vegetation and away from fresh spoil.*
- *Construction of sediment traps/soak holes at the inlet end of road drainage culverts, with regular inspection and maintenance on these as required.*
- *Stabilising erodible batters by ensuring they are not perpendicular to the top of the cut but rather a gentler slope from top to bottom.*
- *Use of silt fencing and hay bales in areas of higher risk of sediment discharge and where their use is deemed appropriate.*
- *Use of a soil binding polymer or hydroseeding if the risk of sediment discharge is moderate to high.*
- *Ensuring spoil and side cast material is not deposited onto vegetative material.*
- *Regular monitoring of the works for earlier identification of at-risk areas.*

The Applicant outlined that storm water control measures will include the use of regular road drainage culverts at least 375 mm in diameter with culvert socks or flumes installed in required areas to direct the discharge onto stable ground or vegetation. These drains will be regularly inspected to ensure that they are not blocked and operate at a standard high enough to manage storm water.

With the proposed mitigation measures listed above and recommended consent conditions, it is considered the effects of earthworks associated with the construction of roads will be no more than minor.

## **5.2 Monitoring**

Monitoring the activities addressed in the above sections is required during and after the activities being undertaken. It is important to ensure effects are managed both short and long term.

The Applicant outlined that monitoring would occur during construction to ensure that all management plan requirements are being met.

Post-harvest monitoring will occur following completion and may continue depending on the site risk assessment.

Where heavy rainfall of more than 20mm/1hour or 50mm/24hours is forecast during earthworks construction additional contingency measures will be implemented as needed, including installing temporary sediment and water controls, cut-outs and diversion drains.

The site will be visited as soon as possible following heavy rainfall events, to ensure that all stormwater and sediment control structures are operational. Any repairs and maintenance will be conducted immediately following identification of the issue.

### 5.3 Summary of effects

Given the assessment above, it is considered that the proposed activity will not result in any more than minor effects when undertaken in accordance with the recommended consent conditions.

## 6. Statutory assessment

### 6.1 Part 2

Consideration of an application under section 104 of the Act is 'subject to Part 2' (sections 5, 6, 7 and 8) of the Act. Part 2 sets out the purpose and principles of the Act. I acknowledge the caselaw direction in R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316 that the statutory language in section 104 plainly contemplates direct consideration of Part 2 matters, when it is appropriate to do so. Further, the Court considered that where a plan has been competently prepared under the RMA it may be that in many cases there will be no need for the Council to refer to Part 2 because it would not add anything to the evaluative exercise. However, if there is doubt that a plan has been “competently prepared” under the RMA, then it will be appropriate and necessary to have regard to Part 2.

In my view, the relevant Operative and Proposed Regional Plans are competently prepared, and I do not consider there is a need to refer to Part 2.

*Note to RA – the above applies if you consider the relevant plans are consistent with Part 2. If you determine that something within one of the relevant plans does not align with Part 2, you then need to complete a Part 2 assessment.*

### 6.2 Matters to be considered – Section 104-108AA

Section 104-108AA of the Act provides a statutory framework in which to consider resource consent applications. All relevant matters to be considered for this application are summarised in the table below:

RMA section	Matter to consider	Comment
104(1)(a)	Actual or potential effects on environment	See Section 5 of this report.
104(1)(b)(i)	National Environmental Standard (NES) for	The NESPF came into force on 1 May 2018 and is a document which provides regulation for forestry

<b>RMA section</b>	<b>Matter to consider</b>	<b>Comment</b>
	Plantation Forestry 2017	activities. This application has been assessed in accordance with the NESPF
104(1)(b)(iii)	National Policy Statement for Freshwater Management 2020	This national policy statement provides a National Objectives Framework to assist regional council and communities to more consistently and transparently plan for freshwater objectives.
	<i>Objective/Policy</i>	<i>Comment</i>
	Policies 1, 2 and 3	<p>Te Mana o te Wai is an integral part of the framework that forms the platform for tangata whenua and community discussions about the desired state of freshwater relative to the current state. In considering this proposal, I have considered the effects of the use of the land for forestry activities and consider it meets this policy as it has been demonstrated how the activity will be managed in a way that will mitigate the impacts on the receiving environment.</p> <p>The application was also sent to (<i>Te Rūnanga o Toa Rangatira Inc &amp; Port Nicholson Block Settlement Trust</i>) under the contractual agreement they have with GWRC for resource consents in the Wellington Region, in order to get an indication of any concerns they may have with regards to the proposal and to determine if they are affected parties or not, thereby providing opportunity for input at the individual resource consent decision making level.</p> <p>The proposal is therefore consistent with these policies.</p>
	Policies 9, 10	I consider these policies are met as mitigation measures will ensure the

<b>RMA section</b>	<b>Matter to consider</b>	<b>Comment</b>
		earthworks are managed appropriately and that the health and well-being of water bodies and freshwater ecosystems is maintained.
104(1)(b)(v)	Regional Policy Statement	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the RPS.
	<i>Objective/Policy</i>	<i>Comment</i>
	Policy 40	There will be less than minor effects on aquatic ecosystem health as long as conditions of consent are put into effect.
	Policy 41	Silt and sediment run-off will be minimised by erosion/sediment controls.
	Policy 43	The aquatic ecological function of waterbodies will be protected through adherence to conditions.
	Policy 47	The effects on indigenous ecosystems will be less than minor.
	Policy 49	Tangata whenua values will be protected.
	<b>Natural Resources Plan</b>	
	<i>Objective/Policy</i>	<i>Comment</i>
	O1, O2, O4, O7, O12, O14, O17, O18, O19, O21, O23, O28, O33, O34, O35, O36, O37	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with these relevant objectives in the NRP.
	Policy P9, P18 & P20	The mauri of freshwater and cultural relationship of Maori with water has been recognised.

<b>RMA section</b>	<b>Matter to consider</b>	<b>Comment</b>
	Policy P30, P31 and P42	Biodiversity, aquatic ecosystem health and mahinga kai will be maintained or restored.
	Policy P32	Barriers to fish passage have been avoided.
	Policy P77	The proposal has been considered with regard to improving water quality for contact recreation. Provided consent conditions are adhered to, I consider the proposal will not have any noticeable effects on water quality.
	Policy P65	I consider this application is consistent with the NPSFM for discharge consents.
	Policy P66	The proposal seeks to minimise the discharge.
	Policy P68	I consider this application is consistent with the requirements of this policy for discharges to land.
	Policy P107	The proposed activity has appropriate measures (including consent conditions) to minimise risk of accelerated soil erosion, control silt and sediment runoff, and ensures the site is stabilised.
	Policy P109	The management of riparian margins through consent conditions will ensure water quality and ecosystem health is maintained or restored.
	<b>Natural Resources Plan – Proposed Plan Change 1</b>	
	<i>Objective/Policy</i>	<i>Comment</i>
	WH.P1	Aquatic ecosystem health will be improved by ensuring appropriate erosion and sediment controls are in place and that earthworks remain setback from the waterways located within the block.

<b>RMA section</b>	<b>Matter to consider</b>	<b>Comment</b>
	WH.P28	The proposal has been considered with regard to reducing discharges of sediment from plantation forestry. Provided the erosion and sediment controls are adhered to as outlined in the Schedule 3 Earthworks Management Plan, I consider the proposal to be consistent with this policy.
104(1)(c)	Any other matter	There are no other matters relevant to this application.
105(1)	Matters relevant to discharge permits	The proposed discharge of sediment laden stormwater will be discharged to land but has the potential to enter water. The discharge to land is an alternative method of discharge and as such, it is considered acceptable under section 105.
107	Restrictions on grant of certain discharge permits	If the discharge to land, then enters water, it is noted that this would only be a temporary discharge, and would therefore be acceptable under section 107.
108 – 108AA	Conditions on resource consents	Standard conditions of consent for this activity type are recommended. All standard conditions of consent meet s108AA. Any additional conditions are outlined in Section 5 of this report.

### **6.3 Weighting of the NRP Proposed Plan Change 1**

As the conclusion reached under the Natural Resources Plan assessment is consistent with that reached under the Proposed Plan Change 1 there is no need to undertake a weighting exercise between the two Plans.

## **7. Main findings**

In conclusion:

1. The proposed activity is consistent with the Purposes and Principles of the Resource Management Act 1991.
2. The proposed activity is consistent with the relevant objectives and policies of the National Policy Statement for Freshwater, the Regional Policy

Statement and the Natural Resources Plan (including Proposed Plan Change 1).

3. The actual or potential adverse effects of the proposed activity on the environment will be or are likely to be no more than minor.
4. Conditions of the consent(s) will ensure that the effects of the activity on the environment will be appropriately avoided, remedied or mitigated.
5. The proposal incorporates appropriate mitigation measures, to ensure the adverse effects are or are likely to be no more than minor.

**8. Duration of consent**

The applicant expects the earthworks to take approximately 20 weeks. I recommend a duration of 3 years to allow for any unforeseen delays due to weather or operational issues, to expire on 10 November 2023.

**9. Monitoring**

**9.1 Monitoring schedule**

The following compliance monitoring programme will be undertaken during the consent term:

<b>Monitoring assessment:</b>	<input checked="" type="radio"/> Annual	<input type="checkbox"/> Three-yearly	<input type="checkbox"/> Other:
<b>Monitoring input:</b>	<input type="checkbox"/> Audit	<input checked="" type="radio"/> Site inspection	<input type="checkbox"/> Other:
<b>Other notes</b>			
<b>Compliance group</b>	Forestry		

**9.2 Monitoring charges**

Consent monitoring charges apply for the consent(s) approved. Charges are normally invoiced on an annual basis. Your consent monitoring charge is made up of three components:

1. **Customer service charge** – every consent incurs an annual charge of \$40.00. This covers costs associated with the administration of your consent.
2. **Compliance monitoring charge** – the cost associated with our staff monitoring the compliance of your consent.
3. **State of the environment (SOE) charge** – a proportion of our science monitoring is paid by consent holders.

An estimate of your annual consent monitoring charge is provided below:

		Amount	Charge code(s)
<b>Customer service charge</b>	2 consent(s)	\$140.00	
<b>Monitoring charge</b>	Variable	\$-*	LU1 & DL1
<b>SOE charge</b>	Yes	\$940.00	5.3.5.1
Further notes (if applicable)			

\* Variable charges will alter from year to year and are based on the actual and reasonable amount of time required to monitor your consent.

The GWRC Resource Management Charging Policy is reviewed on an annual basis, and may alter these charges.