

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Waikato District Plan

**STATEMENT OF EVIDENCE OF ANTHONY JAMES BLOMFIELD FOR
DILWORTH TRUST BOARD IN RELATION TO
HEARING 21A – SIGNIFICANT NATURAL AREAS**

29 OCTOBER 2020

1. INTRODUCTION

- 1.1 My name is Anthony James Blomfield. My qualifications and experience is set out in my Evidence in Chief for Hearing 18.
- 1.2 I assisted the Dilworth Trust Board (“**Dilworth**”) with the preparation of its submission on the Proposed Waikato District Plan (“**Proposed Plan**”), and I am the listed address for service.

Code of conduct

- 1.3 I confirm I have read the Code of Conduct for Expert Witnesses 2014 contained in the Environment Court Practice Note and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2. SCOPE OF EVIDENCE

- 2.1 Hearing 21A addresses the submissions and further submissions that have been made on the Significant Natural Area provisions of the Proposed Plan.
- 2.2 My evidence relates to Dilworth’s submission (#577), which relates to its school activities and facilities located at 500 Lyons Road, Mangatawhiri (known as the “Rural Campus”). The submission points which have been allocated to this hearing topic are 577.4, 577.5 and 577.6 and relate to the undertaking of earthworks and indigenous vegetation clearance within and outside of the ‘Significant Natural Area’ overlay.
- 2.3 My evidence provides a description of Dilworth’s submission on the Significant Natural Area provisions of the Proposed Plan, and responds to the Council’s Section 42A Hearing Report (“42A Report”).
- 2.4 In preparing this evidence, I have had regard to:

- (a) Dilworth’s primary submission, and the primary and further submissions made by other parties;
- (b) the section 32 reports, dated July 2018; and
- (c) the 42A Report prepared by Ms Susan Chibnall, dated November 2020.

2.5 I have had regard to section 32 of the RMA, which requires an evaluation of the objectives and policies and rules of the Proposed Plan that are relevant to Dilworth's submission. I have also had regard to section 32AA of the RMA, which requires a further evaluation for any changes that have been proposed since the original evaluation report under section 32 of the RMA was completed.

3. STATUTORY FRAMEWORK

3.1 The provisions that are the subject of this hearing are district plan provisions. The purpose of a district plan is set out in section 72 of the RMA. It is to assist territorial authorities to carry out their functions in order to achieve the purpose of the RMA.

3.2 Section 75(1) of the RMA requires that a district plan must state:

- (a) the objectives for the district; and
- (b) the policies to implement the objectives; and
- (c) the rules (if any) to implement the policies.

3.3 Additionally, section 75(3) of the RMA requires that a district plan must give effect to:

- (a) any national policy statement; and
- (b) any New Zealand coastal policy statement; and
- (ba) a national planning standard; and
- (c) any regional policy statement.

3.4 For the purposes of carrying out its functions under the RMA and achieving the objectives and policies of the plan, section 76(1) of the RMA enables a territorial authority to include rules in a district plan.

4. THE RURAL CAMPUS

- 4.1 In my Evidence in Chief for Hearing 18, I have described the services provided by the Dilworth Trust Board, and the nature and operation of the Rural Campus, which has provided education and accommodation for boys from disadvantaged backgrounds in a rural setting since 2011.
- 4.2 The Rural Campus occupies an area of some 14.8 hectares. As shown in the aerial photograph appended as **Attachment 1**, the Rural Campus is located in a rural environment, and adjoins the Mangatawhiri Stream.
- 4.3 In the Proposed Plan, an area at the eastern boundary of the Rural Campus site which adjoins the Mangatawhiri Stream is proposed to be subject to the provisions of the “Significant Natural Area” overlay (“**SNA overlay**”). The SNA overlay applies to a wider area of vegetation on the riparian margins on both sides of the stream. The proposed extent of the SNA overlay is indicated on **Attachment 2**.

5. SUBMISSION POINT 577.6 – INDIGENOUS VEGETATION CLEARANCE OUTSIDE OF THE SIGNIFICANT NATURAL AREA OVERLAY

- 5.1 In relation to indigenous vegetation clearance outside of the SNA overlay, Dilworth’s submission (577.6) states:

The provisions that apply to vegetation clearance outside of Significant Natural Areas are similarly not enabling of vegetation modification for the purposes of remediation and stabilisation of the banks of streams and rivers. Dilworth considers that vegetation clearance must provide for such works, for the reasons set out in Rows 4 and 5 above.

- 5.2 The relief sought by Dilworth is to amend Rule 22.2.8 to permit indigenous vegetation clearance outside of the SNA overlay in the Rural Zone, where such earthworks are for the purpose of remediation and stabilisation of the banks of a stream, river or other water body. The specific relief sought by Dilworth is as follows:

Amend Rule 22.2.8 Indigenous vegetation clearance outside a Significant Natural Area as follows:

P1	<p>(a) Indigenous vegetation clearance outside a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) must be for the following purposes:</p> <ul style="list-style-type: none"> (i) Removing vegetation that endangers human life or existing buildings or structures; (ii) Maintaining productive pasture through the removal of up to 1000m² per single consecutive 12 month period of manuka and/or kanuka that is more than 10m from a waterbody, and less than 4m in height; (iii) Maintaining existing tracks and fences; (iv) Maintaining existing farm drains; (v) Conservation fencing to exclude stock or pests; (vi) Gathering of plants in accordance with Maaori custom and values; or (vii) A building platform and associated access, parking and manoeuvring up to a total of 500m² clearance of indigenous vegetation; <u>or</u> (viii) <u>Remediating or stabilising the banks of a stream, river or other water body.</u>
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5.3 I agree with the relief that has been sought by Dilworth and consider that it is appropriate to provide for the removal of indigenous vegetation outside of the SNA overlay as a permitted activity where it is necessary for the remediation or stabilisation of the banks of a stream, river or other water body.

5.4 Such an outcome is consistent with Policy 11.1.4 of the Waikato Regional Policy Statement (“**WRPS**”), which recognises that district plans should include permitted activities where they will have minor adverse effects in relation to the maintenance or protection of indigenous biodiversity. The policy states:

11.1.4 Recognition of activities having minor adverse effects on indigenous biodiversity

Regional and district plans should include permitted activities where they will have minor adverse effects in relation to the maintenance or protection of indigenous biodiversity. They may include:

- a) the maintenance, operation and upgrading of lawfully established infrastructure, regionally significant infrastructure and lawfully established activities using natural and physical resources of regional or national importance;

- b) existing lawfully established uses of land where the effects of such land use remain the same or similar in character, intensity and scale;
- c) activities undertaken for the purpose of maintenance or enhancement of indigenous biodiversity;
- d) the collection of material for maintaining traditional Māori cultural practices; and
- e) actions necessary to avoid loss of life, injury or serious damage to property.

5.5 While Policy 11.1.4 is not limited to the circumstances identified in (a) to (e) above, I am of the opinion that the removal of indigenous vegetation associated with the remediation or stabilisation of the banks of a stream would be consistent with “actions necessary to avoid the loss of life, injury or serious damage to property” as it will protect people and property from the effects of natural hazards.

5.6 At the Rural Campus, the remediation and/or stabilisation of stream banks has been undertaken as targeted “spot fixes” where they are necessary (for example, in 2010 stabilisation works were undertaken in three isolated areas at the Rural Campus, ranging in length between 20 to 70 metres, refer to **Attachment 3**). Given that the exclusion will only apply to indigenous vegetation that is required to be removed for the remediation or stabilisation of stream banks (and not other types of indigenous vegetation removal within riparian margins or the SNA overlay), I am of the opinion that the relief sought by Dilworth will have “minor” adverse effects on indigenous biodiversity, consistent with Policy 11.1.4 of the WRPS.

Section 42A Report

5.7 In response to submission point 577.6, the 42A Report states:

565. The Dilworth Trust Board [577.6] is seeking to amend Rule 22.2.8 P1 Indigenous vegetation clearance outside a SNA by adding an additional clause that provides for the stabilisation of the banks of a stream, river, or other water bodies. I consider that this would not be a district council’s concern but rather fall under the jurisdiction of Waikato Regional Council as the activity will potentially have an effect on these water bodies. I recommend the panel reject the submission from the Dilworth Trust Board [577.6].

Analysis

- 5.8 The Dilworth submission does not seek a permitted activity status for the remediation or stabilisation of the banks of rivers. Rather, Dilworth’s submission point seeks a permitted activity status for the clearance of indigenous vegetation that is required for the purpose of stabilising and remediating the banks of a river.
- 5.9 I acknowledge that the remediation and stabilisation of the banks of a stream, river or other water body may include activities that are managed by the Waikato Regional Plan as part of the functions of the Regional Council pursuant to s30 of the RMA.
- 5.10 I also acknowledge that the Waikato Regional Plan includes provisions which manage vegetation clearance in “high risk erosion areas” (which include riparian margins) for the purpose of managing erosion of soil resources pursuant to s30(1)(c)(i). In this regard, vegetation clearance in high risk erosion areas “for the express purposes of erosion control or natural hazard mitigation”¹ is excluded from the controlled and discretionary activity rules of the Waikato Regional Plan (and is provided for as a permitted activity).
- 5.11 The purpose of the vegetation clearance provisions in the Rural Zone of the Proposed Plan is to manage the effects of activities on indigenous biological diversity, which is a Territorial Authority function pursuant to s31(1)(b)(iii). Therefore, vegetation clearance is managed under the provisions of the Regional Plan and the District Plan for different purposes.
- 5.12 The District Plan provisions that are supported by Ms Chibnall include a permitted activity status for the removal of vegetation that endangers human life or existing buildings or structures. In my opinion, the rationale for this permitted standard equally applies to the removal of vegetation for the purpose of undertaking remediation and stabilisation works to the banks of rivers and other water bodies.
- 5.13 I acknowledge that the term “stabilisation and remediation works” is not defined in the Proposed Plan. I have reviewed the definitions of the

¹ Waikato Regional Plan, Chapter 5 Land and Soil Module, Rules 5.1.4.14 and 5.1.4.15.

Proposed Plan, including the 42A Report and evidence on Hearing Topic 5: Definitions, together with the First Set of National Planning Standards and there is no defined term or phrase that captures the nature of the bank stabilisation and remediation works.

5.14 While I am of the opinion that the term sought in Dilworth’s submission is clear and unambiguous, it could be replaced with the term “erosion control and natural hazard mitigation works” so that it is consistent with the exclusion that is provided for under the provisions of the Waikato Regional Plan.

5.15 I therefore recommend the following amendment to Rule 22.2.8 P1 (amendments identified in underline, in addition to the amendments proposed by Ms Chibnall identified in ~~striketrough~~):

- (a) Indigenous vegetation clearance outside a Significant Natural Area ~~identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas)~~ must be for the following purposes:

...

- (i) **To undertake erosion control and natural hazard mitigation works to the banks of a river, stream or other water body**

5.16 I note that Rule 22.2.8 P1 is identified at Appendix 4 of the s42A Report as implementing Policy 3.1.2 of the Proposed Plan. This policy is focussed on the maintenance and enhancement of indigenous biodiversity and only provides for “the removal of manuka or kanuka on a sustainable basis”.

5.17 While the nature of the permitted indigenous clearance activities provided for under Rule 22.2.8 P1 will have “minor” adverse effects on indigenous biodiversity, they will not technically “maintain or enhance” such values. Therefore, I consider there is a “gap” in the Proposed Plan. Consistent with Policy 3.2.6 of the Proposed Plan, which provides for certain indigenous vegetation clearance activities in Significant Natural Areas, I consider that the following additional policy (or similar) is required to address this matter:

3.1.2AA Policy – Providing for vegetation clearance

- (a) Provide for the clearance of indigenous vegetation in the Rural Zone outside of Significant Natural Areas where:

- (i) Removing vegetation that endangers human life or existing buildings or structures.
- (ii) Maintaining existing tracks and fences.
- (iii) Maintaining existing farm drains.
- (iv) Conservation fencing to exclude stock or pests.
- (v) Gathering plants in accordance with Maaori custom and values.
- (vi) A building platform and associated access, parking and manoeuvring up to a total of 500m² clearance of indigenous vegetation and there is no practicable alternative development area on the site outside of the area of indigenous vegetation clearance.
- (vii) In the Aggregate Extraction Areas, a maximum of 2000m² in a single consecutive 12 month period per record of title.
- (viii) Undertaking stabilisation and remediation works to the banks of a river, stream or other water body.

5.18 A similar policy may be required for the Country Living Zone and its associated Rule 23.2.9 (Indigenous vegetation clearance outside a Significant Natural Area).

5.19 With reference to section 32AA of the RMA, I am of the opinion that the amendments to Rule 22.2.8 P1:

- (a) are the most appropriate way to achieve Policy 11.1.4 of the WRPS in respect of recognising permitted activities that have minor adverse effects in relation to the maintenance and protection of indigenous biodiversity;
- (b) are the most appropriate way to achieve proposed Policy 3.1.2AA of the Proposed Plan in respect of providing for the clearance of indigenous vegetation outside of the Significant Natural Area;
- (c) are an efficient and effective way of achieving the above objectives and policies as it appropriately enables the removal of indigenous vegetation where it is for the purpose of the remediation or stabilisation of the banks of a stream, river or other water body in a manner that will have “minor” adverse effects on indigenous biodiversity; and

- (d) will provide positive environmental and social effects to the extent that it will assist with the protection of people and property from the effects of natural hazards.

6. 577.5 – INDIGENOUS VEGETATION CLEARANCE WITHIN A SIGNIFICANT NATURAL AREA

- 6.1 Dilworth’s submission (577.5) sought amendments to Rule 22.2.7 of the Rural Zone, to enable indigenous vegetation clearance within the SNA overlay in the Rural Zone, where such vegetation clearance is for the purpose of “remediating or stabilising the banks of a stream, river or other water body”.

Section 42A Report

- 6.2 Dilworth’s submission point 577.5 is recommended to be rejected by the s42A Report for the following reasons:

449. The submission from Dilworth Trust Board [577.5] is seeking an additional clause to enable the remedying or stabilising the banks of water bodies. I suggest this activity would be a regional council consideration and not the jurisdiction of district councils. I recommend the panel reject the Dilworth Trust Board submission [577.5].

Analysis

- 6.3 As set out in my evidence above, Dilworth’s submission does not seek a permitted activity status to enable the remedying or stabilising the banks of water bodies. Rather, the submission is seeking a permitted activity status for the clearance of vegetation within the SNA overlay for the express purpose of remediation and stabilisation of the banks of such water bodies.
- 6.4 As already discussed, while there may be regional council functions which relate to vegetation clearance within the riparian margins of water bodies, the activity in this instance relates to the territorial authority’s function to manage indigenous biological diversity.
- 6.5 Policy 3.2.6 of the Proposed Plan seeks to provide for appropriate indigenous vegetation clearance activities in the SNA overlay:

3.2.6 Policy-Providing for vegetation clearance

- (a) Provide for the clearance of indigenous vegetation in Significant Natural Areas when:
- (i) maintaining tracks, fences and farm drains
 - (ii) avoiding loss of life injury or damage to property
 - (iii) collecting material to maintain traditional Maori cultural practices
 - (iv) collecting firewood for domestic use

6.6 For the reasons set out above, I am of the opinion that it is appropriate to provide for vegetation clearance in the SNA overlay for the purpose of erosion control and natural hazard mitigation, as it will have a purpose that is consistent with Policy 11.1.4 of the WRPS and Policy 3.2.6(a)(ii) of the Proposed Plan (avoiding loss of life, injury or damage to property).

6.7 Therefore, I recommend the following amendment to Rule 22.2.7 P1 (amendments identified in underline, in addition to the amendments proposed by Ms Chibnall identified in underline and ~~strike through~~):

- (a) Indigenous vegetation clearance in a Significant Natural Area ~~identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas)~~ for the following purposes:
- (i) Removing vegetation that endangers human life or existing buildings or structures;
 - (ii) Conservation fencing to exclude stock or pests;
 - (iii) Maintaining existing farm drains;
 - (iv) Maintaining existing tracks and fences; or
 - (v) Gathering plants in accordance with Maori customs and values.
 - (vi) Conservation activities
 - (vii) Erosion control and natural hazard mitigation works to the banks of a river, stream or other water body.

6.8 I also recommend the following consequential amendment to Policy 3.2.6 to reflect the purpose of providing for vegetation clearance in the SNA overlay for the stated works to the banks of rivers (amendments in underline):

3.2.6 Policy-Providing for vegetation clearance

- (a) Provide for the clearance of indigenous vegetation in Significant Natural Areas when:
- (i) maintaining tracks, fences and farm drains
 - (ii) avoiding loss of life injury or damage to property
 - (iii) collecting material to maintain traditional Maaori cultural practices
 - (iv) collecting firewood for domestic use
 - (v) undertaking erosion control and natural hazard mitigation works to the banks of a river, stream or other water body.

7. SUBMISSION 577.4 – EARTHWORKS WITHIN A SIGNIFICANT NATURAL AREA AND SUBMISSION

7.1 Dilworth's submission (577.4) sought to amend Rule 22.2.3.3 P1(a) to permit earthworks within the SNA overlay in the Rural Zone, where such earthworks are for the purpose of remediation and stabilisation of the banks of a stream, river or other water body.

7.2 I can confirm that Dilworth does not wish to pursue submission point 577.4 further. However, Dilworth does not wish to withdraw this submission point at this stage. This is to ensure that Dilworth has scope should any changes be pursued by submitters and/or recommended by the Panel which might adversely affect Dilworth's interests. Should any further changes be sought in the evidence of other submitters, Dilworth will address these changes in its rebuttal evidence, if necessary.

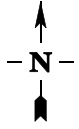
Anthony James Blomfield

29 October 2020

ATTACHMENT ONE

































































ATTACHMENT TWO



Waikato Proposed Plan



Waikato Proposed District Plan Legend

<p>Notified Overlays</p> <p>Legal Effect Overlays</p> <ul style="list-style-type: none">  Heritage Item  Maori Area of Significance  Maori Site of Significance  Significant Natural Area (SNA)  Designation  Heritage  Battlefield View Shaft  Heritage Precinct  Notable Tree  Tangata Whenua  Waikato River Catchment  Infrastructure  Walkway Cycleway Bridleway  National Grid  Indicative Road  Segregation Strip  Raglan Navigation Beacon  Gas Line  Built Environment  Airport Noise Outer Control Boundary  Airport Subdivision Control Boundary  Airport Noise SEL95 Boundary  Airport Obstacle Limitation Surface  Noise Control Boundary (Waikato Gun Club)  Airport Noise Buffer (Te Kowhai)  Acoustic Area (Horotiu)  Airside Overlay  Urban Expansion Area  Specific Area/Activity  Residential West Te Kawhata  Residential Ecological Te Kawhata  Development Precinct 	<p>Commercial</p> <ul style="list-style-type: none">  Tamahere Commercial Area  Business Overlay Area  Verandah  Mining & Minerals  Coal Mining Area  Aggregate Extraction Area  Aggregate Resource Area  Natural Environment  Urban Allotment  Outstanding Natural Features  Coastal Environment  Outstanding Natural Landscapes  Natural Character  Environmental Protection Area  Significant Amenity Landscapes  Hamilton Basin Ecological Management Area <p>Notified Zone</p> <ul style="list-style-type: none">  Residential  Rangitahi Peninsula  Village  Country Living  Rural  Business  Business Town Centre  Business Tamahere  Industrial  Heavy Industrial  Reserve  Te Kowhai Airport  MotorSport and Recreation  Road
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The cadastre shown on the planning maps is not part of the information in the district plan. It has been provided on the planning maps as an additional function to enhance navigability and search capability. The cadastre was based on the most recent information held by council at the date the maps were produced, sourced from Land Information New Zealand. Establishing compliance or otherwise with the plan may require formal survey.

The District boundary is as defined in the Resource Management Act, which uses the definition from the local Government Act. The line on these maps representing the District boundary is indicative and for information purposes only. The actual boundary is as defined in the legislation. Determining right and obligations under the District plan where the District boundary is relevant many require a formal survey.

The District planning maps are at a scale of 1:5000, 1:10000 and 1:50000. Use at any other scale than specified on each map is for information purposes only, and does not form part of the District Plan.

For information, acknowledgements and disclaimers relating to external sources used in the planning maps please see the data sources page <https://data.waikatodistrict.govt.nz>

Projection: New Zealand Transverse Mercator
Datum: New Zealand Geodetic Datum 2000

ATTACHMENT THREE

DECISION BY DELEGATED AUTHORITY ON AN APPLICATION
FOR A RESOURCE CONSENT

(NON-NOTIFIED)

Applicant: Dilworth Trust Board
Proposal (brief): Consent for earthworks associated with erosion control works for the remediation and stabilisation of the banks of the Mangatawhiri Stream.
Type of Consent: Land Use
Type of Activity: Discretionary Activity, Operative Franklin District Plan
Date Received: 12 April 2010
Location: 500 Lyons Road, Mangatawhiri.
Legal Description: Lot 1 DP 210936 (CT NA137D/164)
Lot 2 DP 52908 (CT NA137D/165)
Zone: Rural, Operative Franklin District Plan (February 2000)
Rural within Hunua Rural Management Area, Proposed Plan Change 14 to the Operative Franklin District Plan: Rural Plan Change (Decisions Version, July 2006)
Valuation Number: 03800/379.00
File: L10045

Decision:

That, pursuant to sections 104 and 104B of the Resource Management Act 1991, Council resolves to grant consent to the above application for the following reasons:

- i. The Council is satisfied that the remediation works will have less than minor effects on the environment.
- ii. The works will help stabilise the banks of the Mangatawhiri Stream providing a stable landscape for the establishment of replacement and additional plantings improving the character and amenity values of the stream and adjoining properties.
- iii. The application meets the assessment criteria of Rule 15.1.2.9, 23.9 and Part 53 of the Franklin Operative District Plan.
- iv. The application is in accordance with the relevant objectives and policies of Part 15 and Part 17 of the Franklin Operative District Plan and the relevant objectives and policies of Proposed Plan Change 25.

- v. Environment Waikato have confirmed that the remediation works are a Permitted Activity in accordance with the Waikato Regional Plan.

This consent is subject to the following conditions:

a. Plan Information

That the works shall be undertaken in accordance with the information submitted with the application and numbered L10045 by the Council.

b. Hours of Operation

The hours of operation for the activity shall be as follows:

Monday to Saturday 7.00am – 6.00pm

The works shall not operate on Sunday or public holidays.

c. Iwi

Should any koiwi (human Remains) or archaeological artefacts be uncovered or unearthed then work shall cease immediately within the general vicinity and contact be made with the office of Ngati Tamaoho Environment so the appropriate protocols can be applied according to the Tikanga (Tradition).

d. Roading

The consent holder shall ensure that any excavated materials deposited on the road while in transit to and from the fill site is removed immediately to the satisfaction of the Group Manager: Environmental Services.

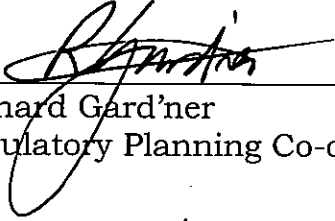
e. Lapsing of Consent

In accordance with Section 125 of the Resource Management Act 1991, this consent shall lapse five (5) years after the date on which it was granted unless it has been given effect to before the end of that period.

Advisory Notes:

1. Please note that all archaeological sites are protected under the Historic Places Act whether or not they have been registered or recorded. If evidence of any archaeological site is found on the property, the Act requires that the Historic Places Trust be advised of the situation immediately.
2. In order for the works to be a Permitted Activity within the Waikato Regional Plan the consent holder should ensure compliance with the conditions of Rule 4.2.15.1 of the Waikato Regional Plan.

3. Pursuant to Section 357 of the Resource Management Act 1991, the applicant/s may, within 15 working days of receiving this decision, object in writing to Council in respect of the decision. Having assessed such an objection, Council may dismiss the objection or uphold it wholly or in part.



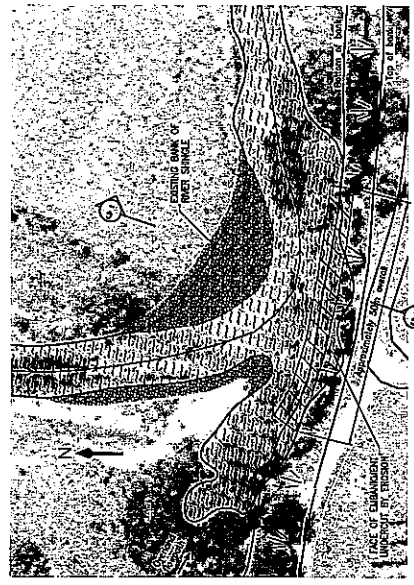
Richard Gardner
Regulatory Planning Co-ordinator: Land Use

DATED this 16th day of April 2010.

ACTING UNDER DELEGATED AUTHORITY

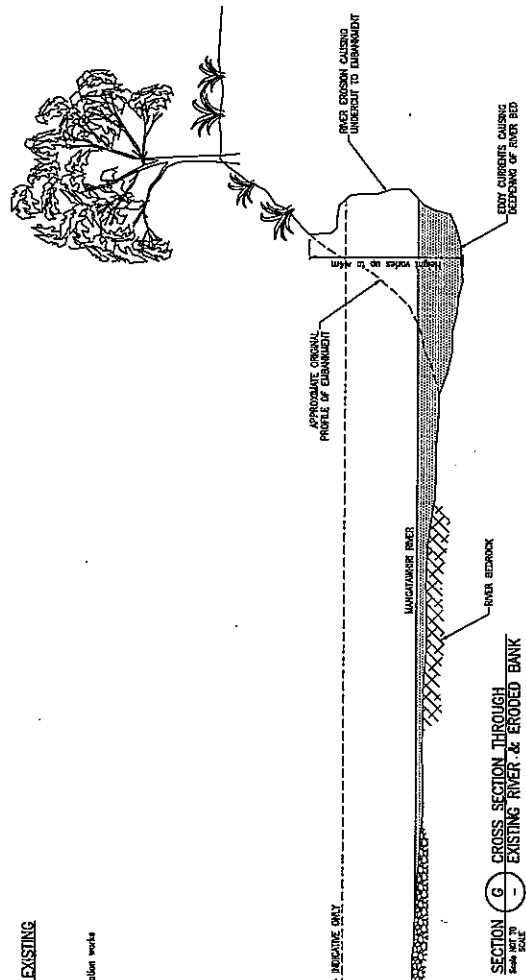
NOTE : DRAWING SERIES D35-005/C110+ SUPERSEDES THE EARLIER C100+ SERIES

APPROVED

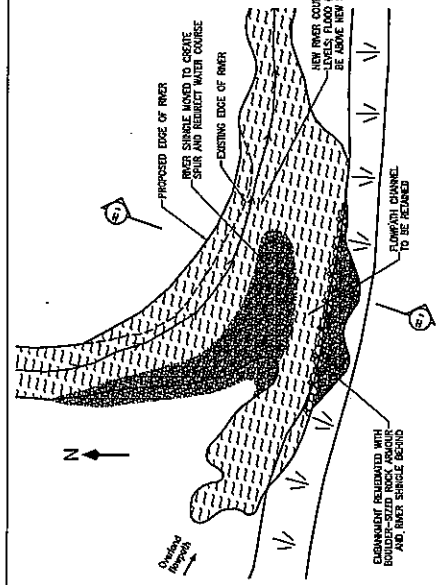


MANGATANIHARI RIVER (NORTH) - EXISTING
SCALE 1:500 (N), 1:1000 (S)

Approximate extent of bank stabilization works

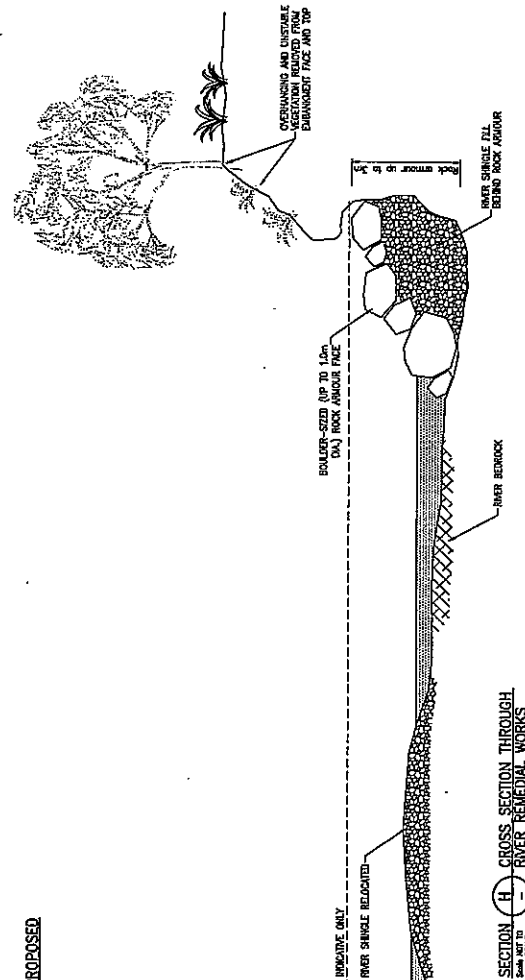


SECTION G - CROSS SECTION THROUGH EXISTING RIVER & ERODED BANK
Scale 1:100



MANGATANIHARI RIVER (NORTH) - PROPOSED
SCALE 1:500 (N), 1:1000 (S)

SECTION H - CROSS SECTION THROUGH RIVER REMEDIAL WORKS
Scale 1:100



SECTION H - CROSS SECTION THROUGH RIVER REMEDIAL WORKS
Scale 1:100

CONSENT

DILWORTH TRUST	
DILWORTH SCHOOL RURAL CAMPUS	
RIVER EROSION REMEDIAL WORKS	
STAGE 1.1 - NORTH MANGATANIHARI RIVER	
DATE	0
SCALE	0
PROJECT NO.	D35-005
CLIENT	C111
DATE	0

DECISION BY DELEGATED AUTHORITY ON AN APPLICATION
FOR A RESOURCE CONSENT

(NON-NOTIFIED)

Applicant: Dilworth Trust Board
Proposal (brief): Consent for earthworks associated with erosion control works for the remediation and stabilisation of the banks of an ephemeral side channel within the south western corner of the Mangatawhiri Stream
Type of Consent: Land Use
Type of Activity: Discretionary Activity, Operative Franklin District Plan
Restricted Discretionary Activity, Plan Change 14: Rural Plan Change to the Franklin Operative District Plan
Date Received: 11 May 2010
Location: 500 Lyons Road, Mangatawhiri.
Legal Description: Lot 1 DP 210936 (CT NA137D/164)
Lot 2 DP 52908 (CT NA137D/165)
Zone: Rural, Operative Franklin District Plan (February 2000)
Rural within Hunua Rural Management Area, Proposed Plan Change 14 to the Operative Franklin District Plan: Rural Plan Change (Decisions Version, July 2006)
Valuation Number: 03800/379.00
File: L10055

Decision:

That, pursuant to sections 104 and 104B of the Resource Management Act 1991, Council resolves to grant consent to the above application for the following reasons:

- i. The Council is satisfied that the remediation works will have less than minor effects on the environment.
- ii. The works will help stabilise the banks of the ephemeral channel improving the character and amenity values of the channel, adjoining Mangatawhiri Stream and adjoining properties.
- iii. The application meets the assessment criteria of Rules 15.1.2.9, 23.9 and Part 53 of the Franklin Operative District Plan.

- iv. The application is in accordance with the relevant objectives and policies of Part 15 and Part 17 of the Franklin Operative District Plan, Plan Change 14 and Proposed Plan Change 25.
- v. Environment Waikato have confirmed that the remediation works are a Permitted Activity in accordance with the Waikato Regional Plan.

This consent is subject to the following conditions:

a. Plan Information

That the works shall be undertaken in accordance with the information submitted with the application and numbered L10055 by the Council.

b. Hours of Operation

The hours of operation for the activity shall be as follows:

Monday to Saturday 7.00am – 6.00pm

The works shall not operate on Sunday or public holidays.

c. Iwi

Should any koiwi (human Remains) or archaeological artefacts be uncovered or unearthed then work shall cease immediately within the general vicinity and contact be made with the office of Ngati Tamaoho Environment so the appropriate protocols can be applied according to the Tikanga (Tradition).

d. Roading

The consent holder shall ensure that any materials deposited on the road while in transit to and from the fill site is removed immediately to the satisfaction of the Group Manager: Environmental Services.

e. Erosion and Sediment Control

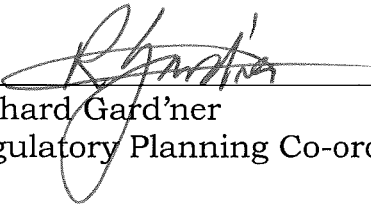
Erosion and sedimentation control during the construction of the works shall be undertaken in accordance with the Environment Waikato equivalent of the Auckland Regional Council Technical Publication TP90.

f. Lapsing of Consent

In accordance with Section 125 of the Resource Management Act 1991, this consent shall lapse five (5) years after the date on which it was granted unless it has been given effect to before the end of that period.

Advisory Notes:

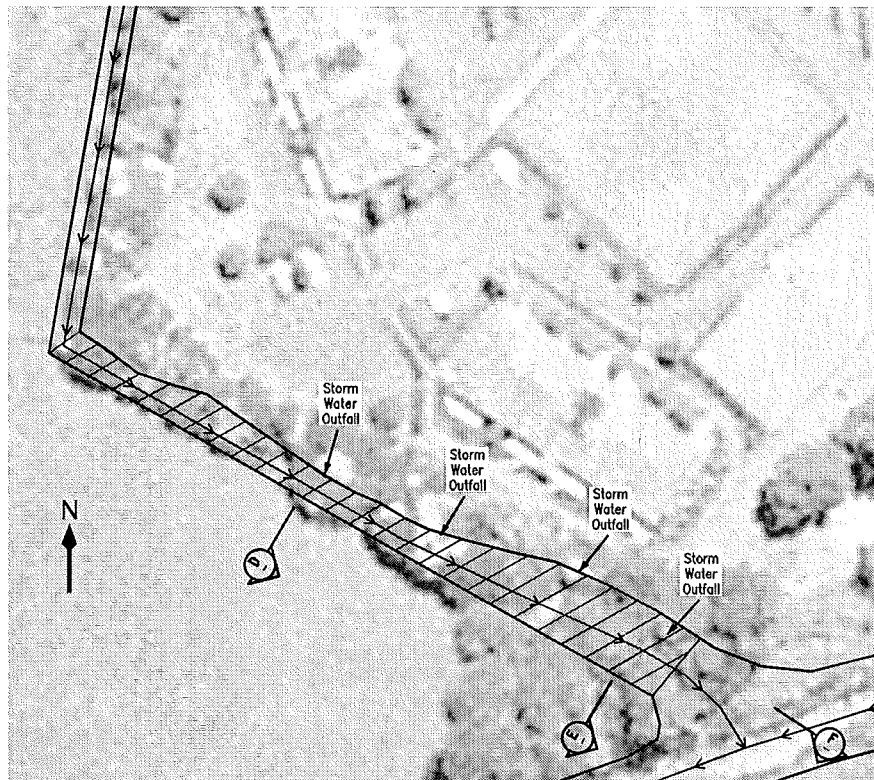
1. That in accordance with Section 35 of the Resource Management Act 1991, compliance monitoring of the resource consent and conditions may be undertaken by the Council at any time. In accordance with Section 36 of the Resource Management Act 1991, a charge has been included in the resource consent cost for the carrying out of such functions under Section 35. Any further actual and reasonable costs of compliance monitoring shall be met by the consent holder within one month of receipt of an invoice.
2. Please note that all archaeological sites are protected under the Historic Places Act whether or not they have been registered or recorded. If evidence of any archaeological site is found on the property, the Act requires that the Historic Places Trust be advised of the situation immediately.
3. Prior to the commencement of the works please arrange a pre construction meeting with the Councils Development Engineer, the contractor and the consent holder to discuss the works and responsibilities of the various parties. The Council engineer will require 72 hours notice prior.
4. In order for the works to be a Permitted Activity within the Waikato Regional Plan the consent holder should ensure compliance with the conditions of Rule 4.2.15.1 of the Waikato Regional Plan.
5. Pursuant to Section 357 of the Resource Management Act 1991, the applicant/s may, within 15 working days of receiving this decision, object in writing to Council in respect of the decision. Having assessed such an objection, Council may dismiss the objection or uphold it wholly or in part.



Richard Gardner
Regulatory Planning Co-ordinator: Land Use

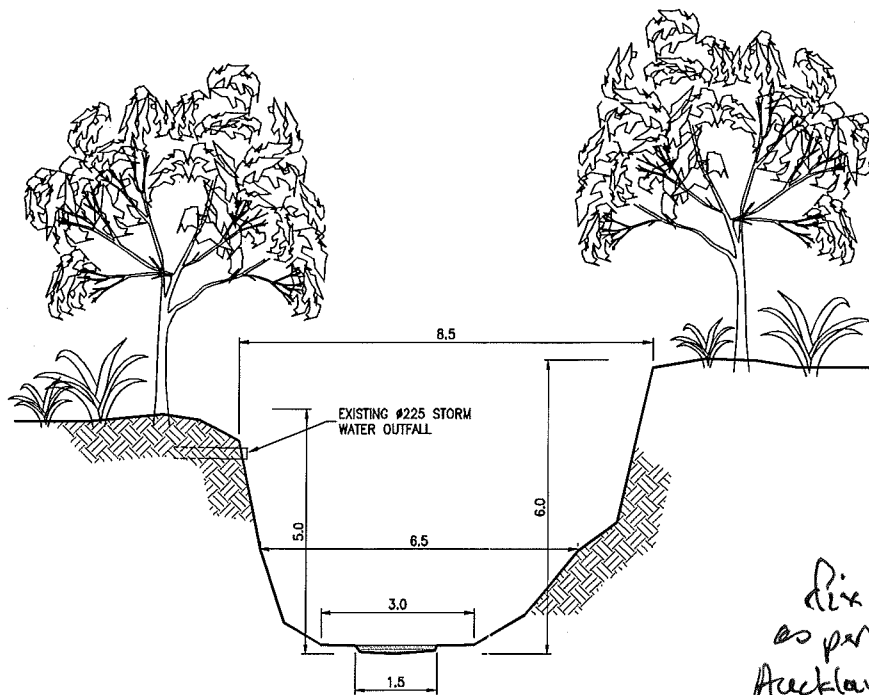
DATED this 31st day of May 2010.

ACTING UNDER DELEGATED AUTHORITY

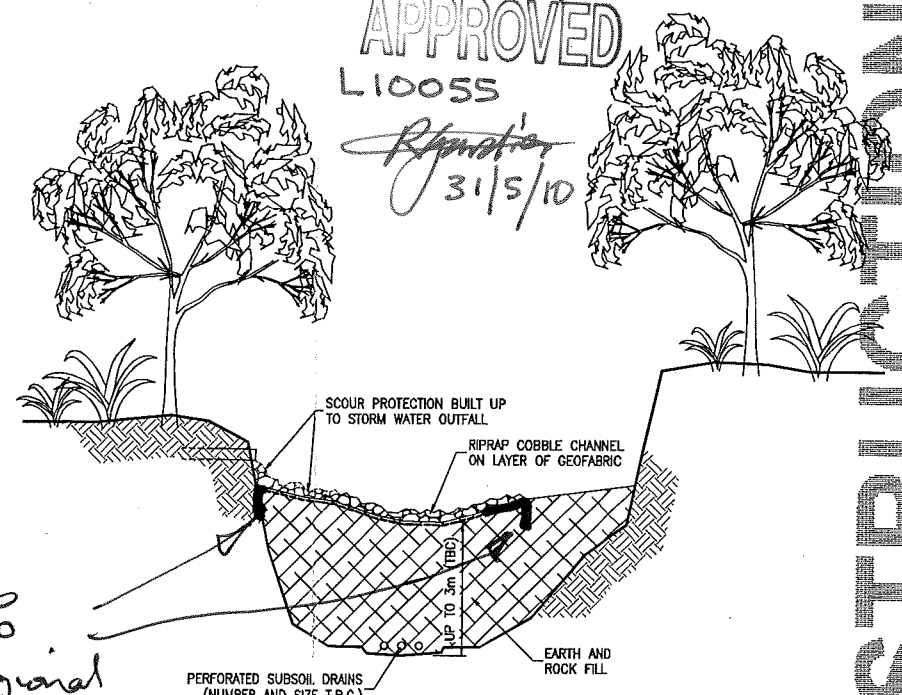


TRIBUTARY PLAN
SCALE 1:500 (A1), 1:1000 (A3)

Maximum extent of localised remedial works



SECTION E EPHEMERAL GULLY OUTFALL
EXISTING X-SECTION
Scale 1:75 (A1), 1:150 (A3)



SECTION F EPHEMERAL GULLY OUTFALL
REMEDIAL WORKS
Scale 1:75 (A1), 1:150 (A3)

Fix edges as per TP90 Auckland Regional Council Publication.

1 OF 4
APPROVED
L10055
Revised 31/5/10

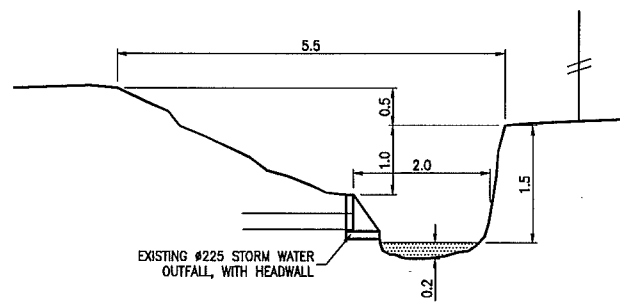
Franklin
REMEDIAL WORKS ICT COUNCIL
APPROVED *B.H. Mullions*
26 May 2010 L10055-40722

Note: use TP90 method for erosion and sediment control during construction

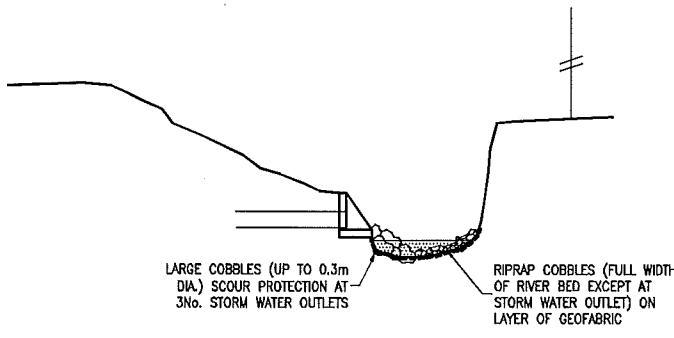
2/ longitudinal edge of geotextile to be secured as per detail TP90

3/ section F interface earth fill to boulders to have constructed filter to prevent scour.

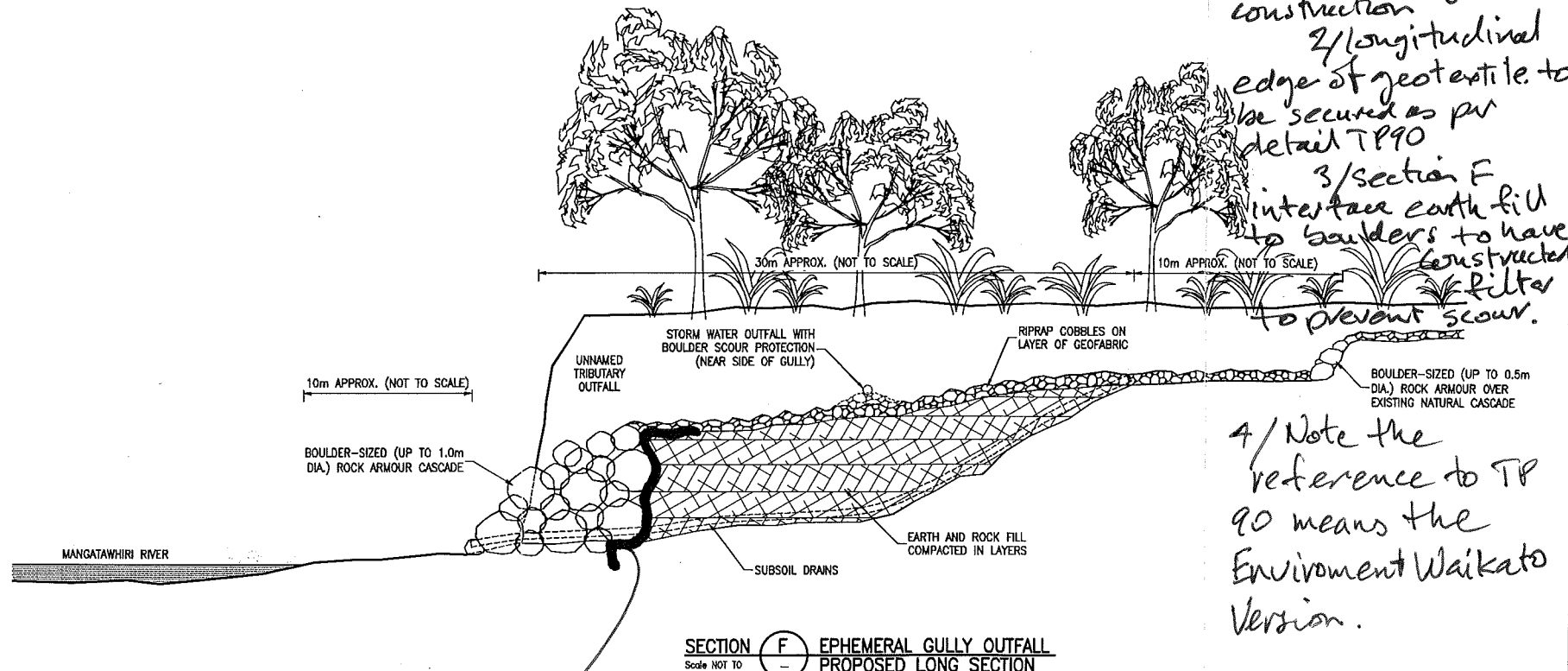
4/ Note the reference to TP90 means the Environment Waikato Version.



SECTION D UPPER EPHEMERAL GULLY
EXISTING X-SECTION
Scale 1:50 (A1), 1:100 (A3)



SECTION D UPPER EPHEMERAL GULLY
REMEDIAL WORKS
Scale 1:50 (A1), 1:100 (A3)



SECTION F EPHEMERAL GULLY OUTFALL
PROPOSED LONG SECTION
Scale NOT TO SCALE

filter to prevent scour

REV	DATE	AMENDMENT	BY
1	08.04.10	ISSUED FOR CONSENT (FDC)	JB
0	01.03.10	ISSUED FOR CONSTRUCTION	JB
P2	22.02.10	PRELIMINARY ISSUE	JB
P1	15.02.10	PRELIMINARY ISSUE	JB

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The Contractor shall check & verify all dimensions and report any discrepancies to the Engineer.

CLIENT:
DILWORTH TRUST

JOB TITLE:
DILWORTH SCHOOL RURAL CAMPUS

SHEET TITLE:
RIVER EROSION REMEDIAL WORKS - SOUTHERN BOUNDARY EPHEMERAL GULLY

DESIGN: TCL	DATE: FEB. 2010
DRAWN: J BURKE	SCALE: AS SHOWN
JOB No: D35-005	SHEET No: C102
	REV: 1