

2 October 2007

New Zealand Railways Corporation
C/- McNulty Engineering Management Ltd
PO Box 193
HOKITIKA
Attention: 9(2)(a) Privacy

Enquiries to: 9(2)(a) Privacy
Our Reference: RC07176

Dear 9(2)(a) Privacy

**NEW ZEALAND RAILWAYS CORPORATION
RESOURCE CONSENT FILE NUMBER RC07176
COASTAL PERMITS RC07176/8-12
LAND USE CONSENT RC07176/13
DISCHARGE PERMIT RC07176/14**

By delegated authority of Council you are advised that the above application for resource consent has been granted.

Please note that this letter is not the actual resource consent document (refer to Objection and Costs Sections at end of the letter).

DECISION

Pursuant to Sections 104B, 104C and 105 of the Resource Management Act 1991, five (5) Coastal Permits, one (1) Land Use Consent and one (1) Discharge Permit have been granted to New Zealand Railways Corporation for the purpose as described below and subject to the following conditions.

PURPOSE OF RESOURCE CONSENT

Consent No	Consent Type	Activity / Location
RC07176/8	Coastal Permit	To occupy space in the Coastal Marine Area for Railway Bridge 123, north of Westport.
RC07176/9	Coastal Permit	To remove an existing bridge, and erect a replacement bridge within the Coastal Marine Area, north of Westport.
RC07176/10	Coastal Permit	To remove and deposit material within the Coastal Marine Area at Orowaiti Lagoon for the purpose of replacing Railway Bridge 123, north of Westport.
RC07176/11	Coastal Permit	To take coastal water from the Orowaiti Lagoon associated with the replacement of Railway Bridge 123, north of Westport.

Consent No	Consent Type	Activity / Location
RC07176/12	Coastal Permit	To incidentally discharge sediment to the Coastal Marine Area at Orowaiti Lagoon associated with the replacement of Railway Bridge 123, north of Westport.
RC07176/13	Land Use Consent	To undertake earthworks and clear vegetation within the riparian margins of the Orowaiti Lagoon for the purpose of replacing Railway Bridge 123, north of Westport.
RC07176/14	Discharge Permit	To discharge liquid from the dewatering of bridge piles to land, associated with the replacement of Railway Bridge 123, north of Westport.

LOCATION

Railway Bridge 123, Orowaiti Lagoon

MAP REFERENCE

At or about NZMS 260 K29: 961-374

CONSENT CONDITIONS

Pursuant to Section 108 of the Resource Management Act 1991, the Resource Consents include the following conditions:

1. Works and activities shall be carried out in general accordance with the details contained in the consent application submitted to the Consent Authority, except where inconsistent with these conditions. Any change or cancellation of consent conditions shall be done in accordance with Section 127 of the Resource Management Act 1991.
2. The Consent Holder shall supply any agent or contractor working under these consents with a copy of the consents.
3. Any person working under these consents shall have a copy of the consents on site and present it to an officer of the Consent Authority upon request.
4. While exercising these consents the Consent Holder shall ensure that:
 - a) The Westport water main is not damaged;
 - b) Unnecessary damage to lagoon banks and lagoon bank vegetation is avoided;
 - c) No land instability or erosion occurs;
 - d) Existing access points are used where practicable;
 - e) No refuelling or fuel storage occurs in the lagoon bed or within 3 metres of the banks of the lagoon;
 - f) Machinery activity in the wet bed of the lagoon is kept to a minimum;
 - g) All machinery is cleaned before entering the lagoon bed; and
 - h) All refuse, rubbish and debris are removed and disposed of at a suitably approved site.

5. All disturbed vegetation, soil or debris shall be deposited or contained to prevent the movement of the disturbed matter so that it does not result in:
 - a) The diversion or blockage of any water body; or
 - b) The passage of fish being impeded; or
 - c) Flooding or erosion.
6. The Consent Holder shall ensure that sediment losses to natural water from the exercise of these consents are avoided.
7. Refuelling, lubrication and any mechanical repairs of any equipment used under these consents shall be undertaken in such a manner so as to ensure that no spillages of hazardous substances onto the land surface or into water occur. If a fuel spillage in excess of 20 litres occurs, the Consent Holder shall inform the Consent Authority immediately.
8. Notwithstanding Condition 7, no lubrication, cleaning or mechanical repairs shall be undertaken within the coastal marine area or the bed of the Orowaiti Lagoon.
9. To avoid the spread of Didymo, no equipment shall be used in the exercise of these consents that has been used previously to undertake activities in the Buller River or any other water body known to contain Didymo, unless that equipment has been thoroughly cleaned in accordance with the attached Biosecurity New Zealand document titled "*Cleaning Methods for Freshwater Activities*".
10. The Consent Holder shall ensure that any flax plants removed during the exercise of these consents shall, as far as practicable, be replanted at their original locations at the completion of the bridge replacement works.
11. In the event of any disturbance of Koiwi Tangata (human bones) or Taonga (artefacts, including pounamu), the Consent Holder shall:
 - a) Cease any further excavation for a period of at least 24 hours; and
 - b) Immediately advise the Consent Authority of the disturbance; and
 - c) Immediately advise the Upoko of the Papatipu Runanga, or the representative, of the disturbance; and
 - d) Immediately advise the Regional Archaeologist of the New Zealand Historic Places Trust, except in relation to disturbance of unworked pounamu.
12. If the Consent Holder identifies any archaeological remains or potential areas or sites of historic value, the Consent Holder shall immediately notify the Consent Authority and the Regional Archaeologist of the New Zealand Historic Places Trust.
13. The Consent Holder shall pay to the Consent Authority such annual administration, supervision and monitoring fees as are fixed from time to time by the Consent Authority in accordance with Section 36 of the Resource Management Act 1991.

TERM

The term of RC07176/8 is for 35 years from the date of issue. The term of RC07176/9-14 is for 1 year from the date of issue.

NOTES TO THE CONSENTS

The Consent Holder is advised that **the consent does not confer a right of access** and the Consent Holder should be aware the permission of the legal owner or administering body of the bed of the lagoon may also be required.

REASON FOR DECISION PURSUANT TO SECTION 113, RESOURCE MANAGEMENT ACT 1991

In making this decision to grant the resource consents the purposes and principles of the Resource Management Act 1991 as set out in Part II of the Act have been achieved along with consideration of Section 104, which requires an assessment of the effects of the proposed activity.

The nature of the works authorised under this decision are consistent with the Council's Regional Policy Statement. Specific objectives and policies in respect of Poutini Ngai Tahu, Soils & Rivers, Water, Habitats & Landscapes, Coastal Environment and Network Utilities & are contained within Chapter 7 of the Regional Policy Statement (see Table 1).

The **occupation of the Coastal Marine Area** by the replacement bridge is a **discretionary activity** under **Rule 7.5.1.5** of the Regional Coastal Plan.

The **erection of the replacement bridge** in the Coastal Marine Area is a **discretionary activity** under **Rule 8.5.1.8** of the Regional Coastal Plan.

The **maintenance of the replacement bridge** within the Coastal Marine Area is a **permitted activity** under **Rule 8.5.2.2** of the Regional Coastal Plan.

The **removal of the existing bridge** from the Coastal Marine Area is a **discretionary activity** under **Rule 8.5.3.2** of the Regional Coastal Plan.

The **removal of soil and gravels** from the lagoon bed is a **discretionary activity** under **Rule 9.5.2.4** (alteration) and **Rule 9.5.3.7** (disturbance) of the Regional Coastal Plan.

The **deposition of material** in the bed of the Orowaiti Lagoon in the Coastal Marine Area is a **discretionary activity** under **Rule 9.5.4.2** of the Regional Coastal Plan.

The **incidental discharge of sediments** to the Orowaiti Lagoon (Coastal Marine Area) is a **discretionary activity** under **Rule 10.5.7.2** of the Regional Coastal Plan.

The **use of coastal water** is a **permitted activity** under **Rule 11.5.2.1** of the Regional Coastal Plan.

The **abstraction of groundwater/surface water** from the Orowaiti Lagoon in the Coastal Marine Area is a **discretionary activity** under **Rule 11.5.3.2** of the Regional Coastal Plan.

The **earthworks within riparian margins** of Orowaiti Lagoon is a **discretionary activity** under **Rule 6.1.6.1** of the Proposed Regional Land and Riverbed Management Plan.

The **vegetation disturbance within riparian margins** of Orowaiti Lagoon is a **discretionary activity** under **Rule 6.1.6.1** of the Proposed Regional Land and Riverbed Management Plan.

The **discharge of dewatering liquid to land** (outside riparian margins) is a **discretionary activity** under **Rule 28** of the Regional Plan for Discharges to Land.

These consents are consistent with the objectives and policies of the Council's Regional Coastal Plan, Proposed Regional Land and Riverbed Management Plan and Regional Plan for Discharges to Land (see Table 1), and the works will have no more than minor environmental effects.

Table 1. Objectives and policies of the West Coast Regional Council's Regional Policy Statement and Plans relevant to the application.

Plan/Policy Statement	Status	Objectives/Policies	Rules
Regional Policy Statement (all activities)			
Poutini Ngai Tahu	--	O. 5.1, 5.2 P. 5.1, 5.2	--
Soils & Rivers	--	O. 7.1 P. 7	--
Water	--	O. 8.1.1, 8.2.1 P. 8.1.1, 8.2.1, 8.2.2, 8.2.3, 8.2.4	--
Habitats and Landscapes	--	O. 9.1, 9.2, 9.3, 9.4 P. 9.1, 9.2, 9.3, 9.4, 9.5, 9.7	--
Coastal Environment	--	O. 10.1, 10.2, 10.5 P. 10.1.1, 10.1.2, 10.1.3, 10.1.4, 10.2.1, 10.5.1, 10.5.4, 10.5.5	--
Network Utilities & Transport Systems	--	O.15 P. 15.1	--
Regional Coastal Plan			
Cross boundary issues	--	O. 6.3.1 P. 6.4.2.3	--
Occupation of space	D	O. 7.3.1, 7.3.2, 7.3.4 P. 7.4.1, 7.4.2, 7.4.6	Rule 7.5.1.5
Erection of structure	D	O. 8.3.14 (CPA 4),	Rule 8.5.1.8
Maintenance of structure	P	8.3.2, 8.3.4	Rule 8.5.2.2
Removal/demolition of existing structure	D	P. 8.4.1, 8.4.2, 8.4.3, 8.4.5, 8.4.8	Rule 8.5.3.2
Removal of natural material (soils/gravels)	D	O. 9.3.1a (CPA 4), 9.3.2, 9.3.3, 9.3.4	Rule 9.5.2.4 Rule 9.5.3.7
Deposition of material	D	P. 9.4.1, 9.4.5, 9.4.7, 9.4.8	Rule 9.5.4.2
Discharges	D	O. 10.3.1, 10.3.2, 10.3.3, 10.3.4, 10.3.5 P. 10.4.1, 10.4.2, 10.4.3, 10.4.5	Rule 10.5.7.2
Take, use and diversion of coastal water	P D	O. 11.3.1 P. 11.4.1, 11.4.2	Rule 11.5.2.1 Rule 11.5.3.2
Noise	--	O. 12.3.1 P. 12.4.1	--
Natural Hazards	--	O. 14.3.1, 14.3.3 P. 14.4.1, 14.4.3	--
Proposed Regional Land & Riverbed Management Plan			
Removal of soil/gravel materials from riverbed	RD D	O. 5.3.1 P. 5.4.2, 5.4.4	Rule 6.2.5.1 Rule 6.2.6.1
Earthworks and vegetation disturbance within riparian margins	D	O. 4.3.1 P. 4.4.1, 4.4.10	Rule 6.1.6.1

Plan/Policy Statement	Status	Objectives/Policies	Rules
Proposed Water Management Plan			
Incidental discharge of sediment	D	O. 5.3.1, 5.3.2, 5.3.3, 7.3.1 P. 5.4.1, 5.4.1C, 5.4.4, 5.4.5, 7.4.5, 7.4.6	Rule 12.5.10
Regional Plan for Discharges to Land			
Discharge water from dewatering of bridge piles	D	O. 6.3.1 P. 6.4.1	Rule 28
Resource Management Act section(s)			
Restrictions on use of land	--	s. 9	--
Restrictions on use of coastal marine area	--	s. 12	--
Restrictions on certain uses of beds of lakes and rivers	--	s. 13	--
Restrictions relating to water	--	s. 14	--
Discharge of contaminants into environment	--	s. 15	--

OBJECTION TO THE CONSENT AUTHORITY

You are advised that you have a right of objection to the Consent Authority in respect of this decision, pursuant to Section 357A of the Resource Management Act 1991. Any objection is to be in writing and must set out the reasons for the objection. Any objection must be made within 15 working days of receipt of this decision. The Consent Authority will then consider the objection and give its decision in writing. Any person who made an objection may appeal to the Environment Court against the Consent Authority's decision on the objection, pursuant to Section 358.

Alternatively, pursuant to Section 120 of the Resource Management Act 1991 you have the right of appeal directly to the Environment Court against the whole or any part of this decision. Notice of the appeal shall be in the prescribed form and must be lodged with the Environment Court and served on the council within 15 working days of the receipt of the Council's decision.

COSTS

If you have any queries regarding this matter, please contact the Council.

9(2)(a) Privacy

Consents & Compliance Manager