

**Committee Members**

Chair: Peter Haddock  
Cr Allan Birchfield  
Cr Andy Campbell  
Cr Brett Cummings

Cr Frank Dooley  
Cr Peter Ewen  
Cr Mark McIntyre

**Iwi Representatives**

Francois Tumahai (Ngāti Waewae)  
Jackie Douglas (Makaawhio)



**THE WEST COAST**  
REGIONAL COUNCIL

**PUBLIC COPY**

**Meeting of the Resource Management Committee**  
*(Te Huinga Tu)*

**Tuesday, 8 November 2022**

**10.30 am**

**West Coast Regional Council Chambers, 388 Main South Road, Greymouth**

**and**

**Live Streamed via Council's Facebook Page:**

**<https://www.facebook.com/WestCoastRegionalCouncil>**

## **RESOURCE MANAGEMENT COMMITTEE**

# Resource Management Committee Meeting

## *(Te Huinga Tu)*

### A G E N D A

#### *(Rarangi Take)*

1. Welcome (*Haere mai*)
2. Apologies (*Ngā Pa Pouri*)
3. Declarations of Interest
4. Public Forum, Petitions and Deputations (*He Huinga tuku korero*)
5. **Chair's Report** (verbal report)
6. **Planning and Resource Science Group**
  - 6.1 Te Tai Poutini Plan Report
  - 6.2 Planning and Resource Science Group Report
7. **Consents and Compliance Group**
  - 7.1 Consents Report
  - 7.2 Compliance Report
8. **General Business**
9. **Public-Excluded Items**
  - 9.1 Legal matters

H Mabin  
**Chief Executive**

**Purpose of Local Government**

The reports contained in this agenda address the requirements of the Local Government Act 2002 in relation to decision making. Unless otherwise stated, the recommended option promotes the social, economic, environmental and cultural well-being of communities in the present and for the future.

**Health and Safety Emergency Procedure**

In the event of an emergency, please exit through the emergency door in the Council Chambers.

If you require assistance to exit, please see a staff member. Once you reach the bottom of the stairs make your way to the assembly point at the grassed area at the front of the building. Staff will guide you to an alternative route if necessary.

<b>Report to:</b> Resource Management Committee	<b>Meeting Date:</b> 8 November 2022
<b>Title of Item:</b> Te Tai o Poutini Plan Update	
<b>Report by:</b> Jo Armstrong, Project Manager	
<b>Reviewed by:</b> Heather Mabin, Chief Executive	
<b>Public excluded?</b> No	

## Report Purpose

Update the Resource Management Committee (RMC) on matters relating to the Te Tai o Poutini Plan.

## Report Summary

The proposed Te Tai o Poutini Plan (TTPP) was publicly notified on 14 July 2022. Originally due to close on 30 September, the submission period has been extended six weeks, now closing at 5pm on Friday 11 November 2022.

A phone line and information email address are available for the public to contact staff with enquiries about the Plan. Advertising, public meetings and library tutorial sessions have been undertaken.

## Recommendations

It is recommended that Resource Management Committee resolve to:

1. *Note the report.*

## Discussion

The proposed Te Tai o Poutini Plan was publicly notified on 14 July 2022.

The submission period opened at the time of notification and closes at 5pm on 11 November. Extensions were given to allow sufficient time for the community to understand the implications of the Plan and submit on points of interest to them.

## Consultation on the Proposed Te Tai o Poutini Plan

Consultation has included ongoing advertising in West Coast papers, a variety of place-based and Plan user information sheets, and some radio advertising. An information sheet was also mailed to every West Coast ratepayer at notification.

Public tutorial sessions focused on using the e-plan have been held at the four main libraries. There were also public meetings held throughout August to summarise the Plan, look at local issues, answer questions and encourage submissions.

TTPP is primarily an e-plan to be accessed online. This makes Plan navigation and map viewing much easier. For those who prefer paper copies, or without internet access, hard copies of the proposed Plan and submissions forms have been placed at 19 venues from Karamea to Haast. Map books have been produced in hard copy to accompany the proposed Plan at these venues.

A phone line and information email address are available for the public to contact staff with enquiries about the Plan. The majority of queries in the first few weeks were about sites and areas of significance to Māori which have been identified for the first time on the West Coast in the Proposed TTPP. We have worked closely with Poutini Ngāi Tahu to develop an information sheet, maps and letters which provide

further information to landowners with a Site of Significance to Māori on their property. In the majority of cases there are no rules attached, it is an identification of historic cultural heritage on a site.

Other queries have been about topics such as natural hazards, outstanding natural areas and public access. The majority of queries from August to October were from local planners regarding the implementation of the rules. There was a resurgence of property owner queries following Agfest and the updated Sites of Significance to Māori letters.

Staff had a stand at Agfest where we got many property owners coming to enquire about their property. It became obvious that many of our rural community struggle to engage with the process due to technology restrictions like slow internet or lack of computer skills. There were some great conversations and information exchanged.

The submission period provides an opportunity for people to support and/or ask for changes to the Plan. Submissions are published and hearing commissioners will assess the submissions and evidence, and make recommendations to Te Tai o Poutini Plan Committee.

This is a formal statutory process and we encourage everyone to take part by submitting.

<b>Report to:</b> Resource Management Committee	<b>Meeting Date:</b> 8 November 2022
<b>Title of Item: Planning and Resource Science Report</b>	
<b>Report by:</b> Lillie Sadler, Planning Team Leader	
<b>Reviewed by:</b> Rachel Vaughan, Acting Planning and Science Manager	
<b>Public excluded?</b> No	

### Report Purpose

To update the Committee on Planning and Resource Science developments over the last month and seek the Committee’s agreement on the updated staff advice in Attachment 1.

### Recommendations

**It is recommended that the Committee resolve to:**

1. *Receive the report.*
2. *Agree with the updated staff advice in Attachment 1 about which national documents to submit on.*

### Issues and Discussion

#### Anticipated documents to be notified for submissions

The Table in Attachment 1 is updated based on recent updates from the Ministry for the Environment. The table has traditionally been provided to each meeting of the Committee. Updated information is shown with underline.

#### Submissions lodged

The Council’s submission on the Ministry for the Environment’s (MFE’s) proposal to amend the National Environmental Standard for Freshwater (NES-F) so the NES-F wetland regulations no longer apply to wetlands in the Coastal Marine Area (CMA) was lodged on 21 September. The Resource Management Committee (RMC) supported the MFE proposal. A copy of the submission is attached as Appendix 2. The submission includes a copy of the Council’s earlier submission on changes to the NES – F and the National Policy Statement for Freshwater Management (NPSFM).

In July the Ministers for Climate Change and Forestry invited submitters to provide feedback on several options put forward by other submitters in the first round of submissions, to address the permanent forest category in the Emissions Trading Scheme (ETS). A further submission by Council was lodged on 20 September. The RMC gave partial support for the use of additional permanent forest cover to contribute to the ETS. The partial support was due to concerns that:

- Permanent forest can be detrimental to the economy and the environment
- Permanent forest can negatively impact rural West Coast communities.

A copy of the further submission is attached as Appendix 3.

In the 13 September Planning and Resource Science Report to the Resource Management Committee, the Appendix 1 Table listed that a submission would be prepared on the Fisheries New Zealand discussion document “Habitats of Significances to Fisheries Management”. The proposal to identify marine habitats of significance to fisheries management is only within harbours such as the large Kaipara Harbour in the Auckland Region. On further consideration, staff believe that this proposal will not affect the West Coast as the proposed

Regional Coastal Plan does not identify significant marine habitats in the two main West Coast ports. It is therefore recommended that no submission needs to be made.

### **Oral presentation on Reclassification of Stewardship Land**

on 19 September 2022, Council's Planning and Science Manager, Rachel Vaughan, gave an oral presentation to the Conservation Board and stewardship land review committee, in support of the joint West Coast Councils' earlier submission on the proposed recommendations to reclassify DOC Stewardship Land on the West Coast.

The main points reiterated were:

- The request for a meeting with Minister Williams to discuss the points raised in the Council's original submission and the Council's concerns with the process.
- The Panels' recommendations on any Stewardship Land should be further considered by local conservation boards and the New Zealand Conservation Authority, against alternative land uses under a revised Conservation General Policy which allows consideration of wider values.
- Support for the recommendations of the Mana Whenua Panel for reclassifications to local purpose reserves, conservation parks, scenic reserves, wildlife management areas or retention as Stewardship Land on the basis of specifically identified cultural and historical values.
- Support the recommendations by either Panel to dispose of Stewardship Land in some instances.
- Oppose all other reclassifications of Stewardship Land to specially protected areas under the Conservation Act, National Parks Act, or reserves under the Reserves Act (unless the land in question was specifically purchased by the Nature Heritage Fund for the purpose of adding it to a national park);
- Support the rationale for Recommendation 3 for full socio-economic assessments to be done in partnership with the Councils prior to reclassifications being progressed.
- Request that the Department of Conservation (the Department) consult with existing permission or concessions holders, mining permit holders, or occupiers of land prior to making a final recommendation; and
- Reiterate the Council's concerns about process and limited scope of the assessments made in the earlier submission.

### **Te Tai o Poutini Plan**

A separate submission is being prepared on Te Tai o Poutini Plan regarding the following issues:

- Helicopter operations for biosecurity and pest control
- Designation of Council assets and activities
- Highly productive land precincts.

#### *Helicopter operations for biosecurity and pest control*

The Proposed TTPP needs to provide for aerial biosecurity and biodiversity activities in the West Coast. Vector Control Services (VCS), the business arm of the Council, is involved with these activities. Other professional contractors also provide aerial operations for biosecurity and biodiversity work; this is increasing, and will continue in order to achieve the Government's Predator Free 2050 goal. Given that the VCS contracts are discharging government commitments, the proposed TTPP should therefore proactively enable aerial biodiversity and biosecurity activities which operate under the Biosecurity Act to avoid the Minister having to utilise the exemption provision, and to achieve an integrated approach to implementing both Acts.

#### *Designation of Council assets and activities*

A workshop was held with the last Council to discuss designation of Council assets and activities.



West Coast Regional Council has a number of assets located around the region. These assets perform a range of functions such as flood and environmental monitoring, life protection and asset protection, and property that enables Council to perform its functions.

Under the RMA these activities are not always permitted. The designation process tags these areas for particular works and allows them to go ahead and be maintained within certain parameters, without the need for further District Council resource consent approvals.

### **Next steps**

The RMA allows for local authorities with financial responsibility for works to notify the District Council that an area of land is to be designated for their public work. The area is identified in the local council's district plan, in this case the TTPP. These areas become known as a 'designation'.

Designations allow the requiring authority's works or project to go ahead on the site or route, without needing a land-use consent from the District Council or complying with any rules in the district plan. If the designation is approved by the requiring authority, the area will be designated in the district plan. This often includes agreement on how works are carried out.

By undertaking the designation at this time for all Council sites, the decision-making process can fall under the current TTPP decision-making process. This will be a reduced cost to Council in the long term.

### **Views of affected parties**

Before the West Coast Regional Council gives notice of its requirement for a designation (lodges the application with the Council), they must do their background work and prepare the application. This includes considering policies and plans, and the environmental effects, including alternative sites, routes or methods.

During this process, the authority may consult with the community to gain feedback on the proposal, and to help identify any environmental effects.

People who may be consulted include those whose land is directly affected by the designation, neighbours, local iwi, and possibly other organisations such as the Department of Conservation, Heritage New Zealand Pouhere Taonga, and the New Zealand Fish and Game Council – depending on the site, the issues arising and the likely effects. Landowners who have a Council asset on their site will be approached for input.

Attachment 4 to this report contains:

- List of Council Assets that could be designated
- Guide to the designation process

### **National Policy Statement for Highly Productive Land**

The Government has released the final National Policy Statement for Highly Productive Land (NPSHPL) to take effect from 17 October 2022. The NPS seeks to protect land with soils in predominantly Land Use Capability Classes 1, 2 and 3, to ensure the availability of this land for food and fibre production now and for future generations.

Staff understand that there are no areas in the West Coast Region with Class 1 or 2 soils, and several areas with Class 3 soils. The latter are on the true left/south side of the Grey River, the Waipuna River Valley, Ikamatua Flat, Otututu/Rough River, Waimaunga, Maruia River Valley, Hinau, Maimai, Inangahua River Valley including Waitaha River Valley, Westport, Waimangaroa, Seddonville, Little Wanganui, Konganhu/Granite Creek, Karamea River, Oparara River, Break Creek, and Kohaihai River areas. These areas are shown on the Manaaki Whenua website "Our Environment" at this link: <https://ourenvironment.scinfo.org.nz/>

The rationale given for the NPSHPL is that in the last 20 years, over 35,000 hectares of highly productive land has been lost to urban or rural residential development. Lifestyle blocks under 8 hectares in size now occupy more than 170,000 hectares of land considered to be highly productive. The Ministry for the Environment (MFE) Information Sheet states that “Their relatively small size of lifestyle blocks often makes it difficult to use them for a viable productive use.”

The NPSHPL has the following requirements:

- *In giving effect to this NPSHPL, every local authority must actively involve tangata whenua (to the extent they wish to be involved);*
- *By 17 October 2025, regional councils must notify in a proposed regional policy statement (RPS), maps showing all the land in its region that is required by clause 3.4 to be mapped as highly productive land;*
- *Mapped areas of highly productive land must also be added to district plans along with objectives, policies and rules, except for land that is already identified for future urban development;*
- *The use of highly productive land for land-based primary production is prioritised and supported;*
- *Urban rezoning, the rezoning as rural lifestyle, and subdivision, of highly productive land is avoided, except as provided in the NPSHPL, i.e. it could still be possible in limited circumstances;*
- *Highly productive land is protected from inappropriate use and development that is not land-based primary production;*
- *Reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land.*

Regional councils may map land that is not LUC 1-3, that is, soils which are LUC 4 or more as highly productive land. There are a substantial number of areas with LUC 4 soils in lowland river valleys throughout the Region.

Land will be considered highly productive under the NPSHPL if it is zoned General Rural or Rural Production and it contains Land Use Capability (LUC) 1, 2 or 3 soils.

Landowners will still be able to undertake land-based primary activities on their highly productive land.

If landowners wish to undertake other activities that are not land-based primary production, clause 3.9 of the NPSHPL contains a list of activities that may also occur on highly productive land.

West Coast landowners can find out if their land is LUC 3 on the Manaaki Whenua’s Our Environment website (see the link above in this item). To obtain a copy of the LUC data, go to Manaaki Whenua’s LRIS Portal.

Below are links to the Government’s media release, the NPSHPL, and the MFE Information Sheet:

<https://www.beehive.govt.nz/release/government-enhances-protection-our-most-productive-land-%C2%A0>

<https://environment.govt.nz/assets/publications/National-policy-statement-highly-productive-land-sept-22-dated.pdf>

<https://environment.govt.nz/assets/publications/national-policy-statement-highly-productive-land-infosheet-v2.pdf>

### **Fish Passage Assessment Report**

Council’s Biosecurity and Fish Passage staff are now part of the Planning section, and have released a quarterly progress report on their work assessing fish passage in sample water bodies. This is included as Attachment 4 of this report. The main points are:

- An additional 712 instream structures were assessed bringing the total to 1068 assessments;

- Out of the total completed 1068 assessments, 70% have been identified as very low to low risk, with 768 structures not posing risk to fish passage;
- Of the remaining 30%, key factors attributing to the higher risk rating of being a barrier to fish passage were significant drops and/or undercuts on the downstream end of the structure in the waterway, along with low water levels (less than 0.01m) and high-water velocity within the culvert.

The increase in high risk structures can generally be attributed to forestry land. Highway structures range between low to high risk, and structures on farmland tend to be low risk.

A desktop assessment of structures on private land was undertaken in order to prepare for seeking permissions to access private land.

This work meets the requirement in the National Policy Statement for Freshwater Management (NPSFM), Implementation Requirement 3.26 Fish Passage, clause 7, and Attachment 4 Details for instream structures.

### **Resource Science**

The science team is preparing for a busy spring and summer. A number of additional programs will kick off soon. As of 1<sup>st</sup> November, weekly visits will be paid to a range of popular swimming locations to assess pathogen risk and other amenity values (refer LAWA website). Habitat assessments and stream fauna will be evaluated at key sites, including eDNA and physical surveys. Concurrently, algal cover is assessed using our homebuilt, state of the art periphyton vacuum cleaner.

On continuous data - the hammer drill will be busy until April installing our fleet of multiprobe instruments that measure continuous pH, suspended sediment, salinity, oxygen (15-minute intervals for 7+ days). The welder is also busy making new housings for temperature logger upgrades – Council has 30 sites with long term continuous temperature monitoring.

Complementing our routine long term groundwater monitoring, we will include additional analyses at 18 sites evaluating pesticides and emerging contaminants. This is the first time these substances have been evaluated on the Coast in such detail. Recent advice from GNS has identified options for continuous monitoring of groundwater level and chemistry. We plan to install our own wells for this purpose to ensure long term data reliability.

On air quality, a report is near completion that summarises spatial air quality patterns across Westport. We are currently undertaking groundwork to repeat the process in Hokitika and Greymouth.

A wetland database is under construction. This will in time contain all wetlands (excluding those on PCL) greater than 500 m<sup>2</sup>. The first step is to identify them from aerial imagery. These will require field validation if and when the need arises. Science staff have consulted with a number of other councils who have experience in this area and are building wetland assessment skills via a Landcare Research project funded via Envirolink. This work is mandatory under the NPSFM 2020.

Another requirement of the NPSFM is to determine baseline and target attribute states for West Coast rivers and lakes. Our science panel has determined a draft framework and baselines for rivers. The next step is to provide options to Council for river water quality targets, and how to achieve them. A lake framework and baselines are currently in progress.

River water quality sites are shown in figure 1 below. In addition, there are 5 sites on Lake Brunner, 1 site each at Mahinapua and Haupiri that are monitored regularly.

Water quality results are available at <https://www.lawa.org.nz/explore-data/west-coast-region/>

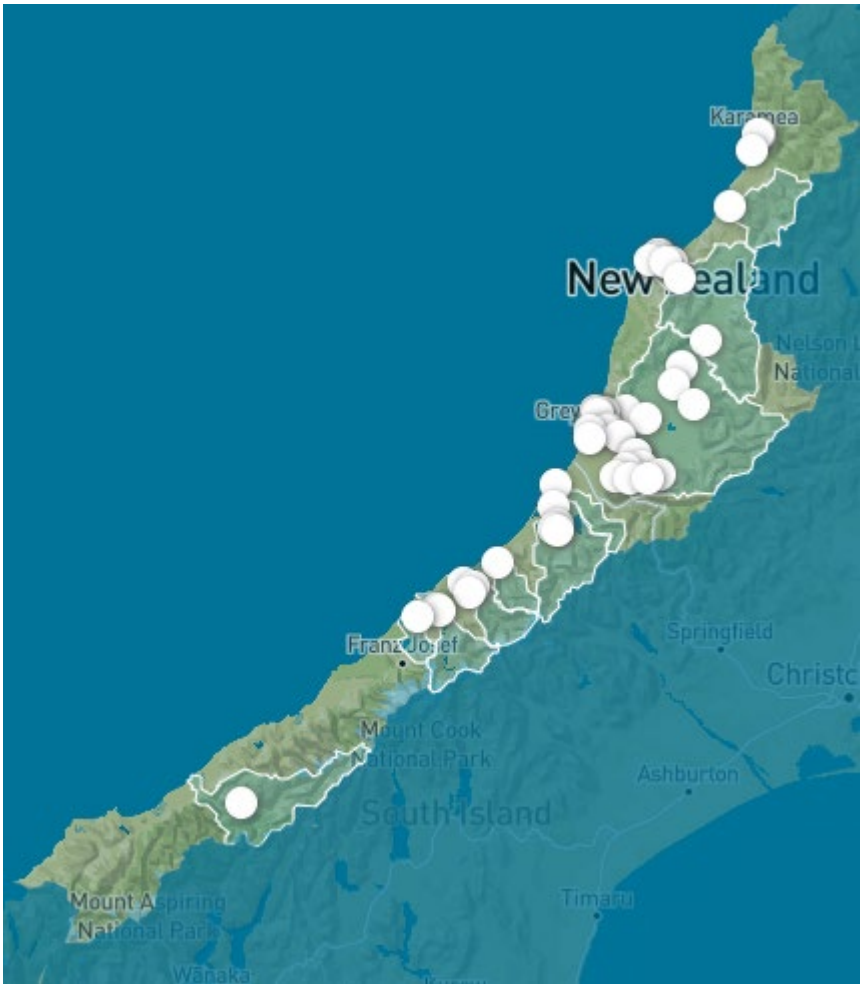


Figure 1: Water Quality Monitoring Sites for the West Coast



Figure 2: Chlorophyll sampling



*Figure 3: Clarity sampling Nelson Creek*



*Figure 4: Macroinvertebrate sampling Vickers Creek*

## Hydrology

The public facing hydrology data is shown on Council’s website at:

<https://www.wcrc.govt.nz/environment/water/river-levels-rainfall>

This displays data from all our river flow and rainfall monitoring sites. Recently the site was upgraded to give long term data for people wanting more in depth information.

The installation of fifteen water level radar sensors\* on bridges throughout the West Coast to provide better information on river levels during flood events. Their installation involves making sturdy and secure metal brackets to attach the sensors to the sides of bridges with. These are custom made to fit the various styles of railing footings.

BULLER		GREY		WESTLAND		CHART	
<div style="text-align: center;"> <span>Falling</span> <span>Stable</span> <span>Rising</span> <span>Alert</span> </div>							
Site Name		Level		Flow			
<b>Buller Rv at Te Kuha</b> Last Sampled: 27-10-2022 3:00pm		1.614m -7 mm/h		179 m3/sec -1 m <sup>3</sup> /h			
<b>Buller Rv at Woolfs</b> Last Sampled: 27-10-2022 3:45pm		1.026m 2 mm/h		107 m3/sec 1 m <sup>3</sup> /h			
<b>Inangahua Rv at Blacks Pt</b> Last Sampled: 27-10-2022 3:50pm		1.806m -3 mm/h		2 m3/sec 0 m <sup>3</sup> /h			
<b>Inangahua Rv at Landing</b> Last Sampled: 27-10-2022 3:50pm		0.879m -4 mm/h		15 m3/sec 0 m <sup>3</sup> /h			
<b>Karamea Rv at Gorge</b> Last Sampled: 27-10-2022 3:50pm		1.026m -1 mm/h		37 m3/s 0 m <sup>3</sup> /h			
<b>Matakītiki at Horse Terrace Br (TDC)</b> Last Sampled: 27-10-2022 3:00pm		0.232m -1 mm/h					
<b>Mokihinui Rv at Welcome Bay</b> Last Sampled: 27-10-2022 3:10pm		0.060m 1 mm/h		24 m3/sec 0 m <sup>3</sup> /h			
<b>Orikaka Rv at Gorge</b> Last Sampled: 27-10-2022 3:10pm		0.713m -3 mm/h					
<b>Orowaiti Rv at Stephens Rd</b> Last Sampled: 27-10-2022 2:50pm		1.352m -254 mm/h					

[Return to River Levels and Rainfall](#)

Figure 5: River level information from WCRC website

Month	Year (2022)	Year (2021)	Long Term Median*
January	92.5 mm	259.0 mm	169.9 mm
February	338.0 mm	53.0 mm	111.3 mm
March	39.0 mm	127.0 mm	104.7 mm
April	139.5 mm	159.0 mm	159.1 mm
May	262.6 mm	243.0 mm	224.0 mm
June	339.9 mm	194.5 mm	189.8 mm
July	256.5 mm	298.0 mm	198.4 mm
August	234.5 mm	203.5 mm	168.4 mm
September	150.5 mm	289.0 mm	158.1 mm
October	74.0 mm	239.0 mm	188.5 mm
November		211.0 mm	149.5 mm
December		283.0 mm	193.5 mm

\*The long term median is the typical total rainfall for each month at the site. The median marks the midpoint of all of the monthly totals ordered from smallest to largest, e.g. all of the January monthly totals in the site record.

The rainfall data on the website is RAW. It has come straight from the Council's automatic telemetry system and partner agencies, so has not been through a quality control process. It should therefore be treated as preliminary data and may be subject to change. For

Figure 6: Monthly Rainfall Totals showing Long Term Median

## Freshwater Implementation

The Ministry for the Environment has reserved investment through the Essential Freshwater Fund (EFF) to help support councils in the effective implementation of the Essential Freshwater regulatory reforms.

The council support package is complementary to the funding provided to catchment communities/groups through NGOs and to tangata whenua within the EFF. The aim is to have these partners (catchment communities, councils, and tangata whenua) adequately resourced to connect, partner, and work together to deliver the Essential Freshwater reforms.

The council support package provides for FTEs that go over and above current roles within councils that traditionally work in close proximity with catchment communities, such as land management roles, but provides specific support to improve connections with catchment groups.

West Coast Regional Council is in funding categories 1 as follows:

Category 1: \$1.500 million per council

Approximately four FTEs for three years – 1x regional catchment coordinator minimum over 3 years

Staff will work with Ministry Officials on how these contracts are to be managed.

## **Attachments**

**Attachment 1: Anticipated documents to be notified for submissions in 2022**

**Attachment 2: Submission on MFE proposal to amend the NES-F so that the wetland regulations do not apply to wetlands in the Coastal Marine Area**

**Attachment 3: Submission on further feedback on options for ETS permanent forest category**

**Attachment 4: Fish Passage Assessment Report – July-September 2022**

**Attachment 1: Anticipated documents to be notified for submissions in 2022**

Document	Main points	Closing date, or approximate period, for submissions	Recommendation to submit or not
Fisheries NZ: Habitats of Significance to Fisheries Management	<u>Proposal is to identify marine habitats of significance to fisheries management within harbours.</u>	18 November 2022	No submission needed, the proposed Regional Coastal Plan does not identify significant marine habitats in the two main West Coast ports.
“National direction for plantation and exotic carbon afforestation”	<u>The current NES-PF pre-dates the recent surge of interest in carbon forestry. Few councils have made rules to manage effects that are outside the scope of the NES-PF, e.g. social, cultural and economic effects. Proposal is to extend the scope of the regulatory framework to include exotic carbon forests, improve wildfire management, and better enable foresters and councils to manage the environmental effects of forestry. Also seek feedback on options to support councils to control the location of afforestation (plantation and exotic carbon) to manage social, cultural, and economic effects.</u>	<u>18 November</u>	<u>To be advised</u>
<u>Pricing agricultural emissions</u>	<p>Consultation document proposes:</p> <ul style="list-style-type: none"> <li>• <u>a farm-level, split-gas levy for pricing agricultural emissions</u></li> <li>• <u>two options for pricing synthetic nitrogen fertiliser emissions</u></li> </ul>	<u>18 November</u>	<u>Recommend to submit, initial reading identified concerns about how agricultural emissions are calculated.</u>



	<ul style="list-style-type: none"> <li>• <u>an interim processor-level levy as a transitional step if the farm-level levy cannot be implemented by 2025</u></li> <li>• <u>recognition for some types of sequestration in an adjacent contractual system from 2025, with a long-term goal of integration of new vegetation categories into the NZ ETS.</u></li> </ul>		
Natural and Built Environments Bill	<p>First of two Bills giving effect to RMA reform, and replacing the RMA. This focuses on the setting of environmental limits and outcomes, environmental and land use planning and the governance of those activities.</p> <p>The Bill was originally intended to be consulted on in late 2021, then early 2022. The timeframe has been further pushed out.</p>	Expected to be introduced to Parliament in the fourth quarter of 2022.	To be advised in due course.
Spatial Planning Bill	<p>Provides for the development of long-term (30 yrs minimum) regional spatial strategies that integrate land-use planning, environmental regulation, infrastructure provision and climate change response.</p> <p>Mandates use of spatial planning.</p> <p>Requires central govt, local govt, and mana whenua to work together to prepare a strategy.</p> <p>The Bill was originally intended to be consulted on in late 2021, then early 2022. The timeframe has been further pushed out.</p>	Expected to be introduced to Parliament in the fourth quarter of 2022.	To be advised in due course.
Aquaculture reform as part of resource management reform – MfE and MPI	Fisheries NZ will be consulting on reforms to the aquaculture management system, as part of the	To be consulted on as part of the two new resource	To be advised

	resource management reforms. It will include consideration of Open Ocean Aquaculture.	management Bills in the quarter of 2022.	
Climate Change Adaptation Bill	<p>This is the third new piece of legislation as part of the Resource Management Reform suite. It will focus on the necessary steps to address effects of climate change and natural hazards.</p> <p>Will deal with complex legal and technical issues (e.g. liability and compensation) around managed retreat.</p>	Consultation in 2023	To be advised in due course.

**Attachment 2: Submission on MFE proposal to amend the NES-F so that the wetland regulations do not apply to wetlands in the Coastal Marine Area**



388 Main South Rd, Paroa  
P.O. Box 66, Greymouth 7840  
The West Coast, New Zealand  
Telephone (03) 768 0466  
Toll free 0508 800 118  
Facsimile (03) 768 7133  
Email [info@wcr.govt.nz](mailto:info@wcr.govt.nz)  
[www.wcr.govt.nz](http://www.wcr.govt.nz)

20 September 2022

P O Box 10420  
**Wellington 6143**

[WetlandsTeam@mfe.govt.nz](mailto:WetlandsTeam@mfe.govt.nz)

Dear Sir/Madam

**Submission on “Managing our wetlands in the coastal marine area”**

Thank you for the opportunity to provide comment on the document *Managing our wetlands in the coastal marine area*.

The West Coast Regional Council’s (WCRC or the Council) submission is attached.

The Councils consulted with their iwi partners, Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio (Poutini Ngāi Tahu or PNT), who are mana whenua on the West Coast/Tai Poutini, in the development of this submission.

We welcome the opportunity to respond to this consultation.

The Council fully supports Option 2 as outlined in the discussion document, to amend the National Environmental Standards for Freshwater (NES-F) to clarify that they do not apply to the coastal marine area (CMA), including to coastal wetlands in the CMA.

Our contact details for service are:

Lillie Sadler  
Planning Team Leader  
West Coast Regional Council  
PO Box 66  
Greymouth 7840

Phone: 021 190 6676  
Email: [ls@wrc.govt.nz](mailto:ls@wrc.govt.nz)

We would be grateful for acknowledgement of receipt of our submission.

Yours faithfully

A handwritten signature in black ink, appearing to read 'H Mabin', followed by a long horizontal line extending to the right.

Heather Mabin  
**Chief Executive Officer**

## West Coast Regional Council Submission on “Managing our wetlands in the coastal marine area”

### Introduction

The West Coast Regional Council (the WCRC or the Council) appreciates the opportunity to submit on the discussion document titled *Managing our wetlands in the coastal marine area*.

Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio (Poutini Ngāi Tahu or PNT), who are mana whenua on the West Coast/Tai Poutini, were asked if they wanted to have input into this submission.

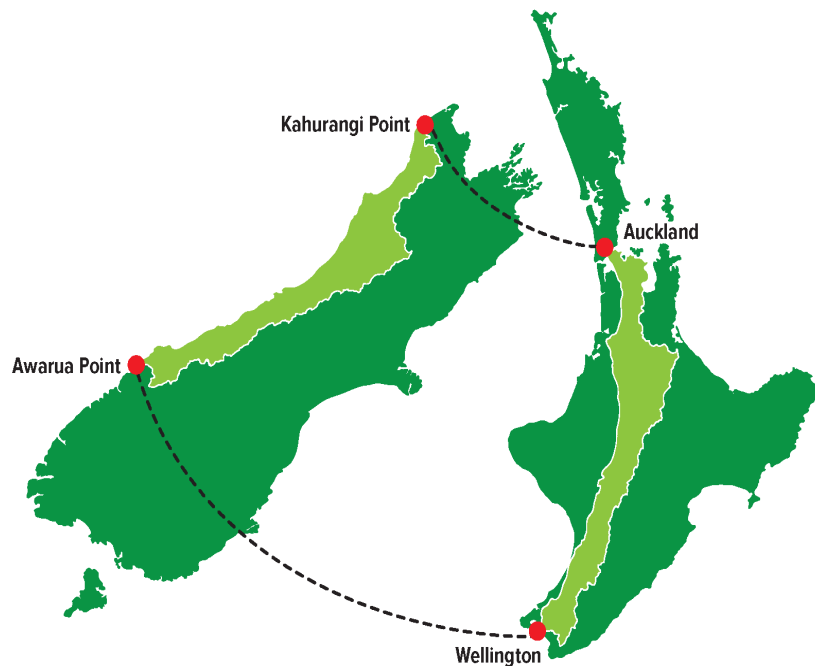
This submission responds to the five questions in the discussion document.

The Council has considered the regional sector draft submission and supports the majority of it. Parts are referred to in this submission where relevant.

### About the Submitter

The West Coast Regional Council (WCRC or the Council) is the local authority, and the three District Councils are the territorial authorities for a region covering a vast area with a sparse population. Extending from Kahurangi Point in the north to Awarua Point in the south, this is the approximate distance from Wellington to Auckland.

**Map of New Zealand to highlight 600km length of West Coast Region compared to distance between Auckland and Wellington**



**The West Coast region stretches the equivalent distance of that between Auckland and Wellington**

The West Coast is predominantly rural.

Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio (Poutini Ngāi Tahu – PNT) are mana whenua of Te Tai o Poutini (the West Coast). The WCRC’s Mana Whakahono ā Rohe (Resource Management Act – Iwi Participation Arrangement) captures the intent of the WCRC and Poutini Ngāi Tahu to progress our relationship in accordance with the Treaty of Waitangi partnership between iwi and the Crown.

The WCRC and the three territorial authorities (the Buller, Grey and Westland District Councils) work closely together. Outside of the main towns of Westport, Greymouth, Reefton and Hokitika, the region’s relatively small population of approximately 32,600 is spread across smaller settlements and rural communities. It is important that national regulation is relevant to our unique region, and provides for the social, economic, and cultural well-being of all West Coast communities and the natural environment.

The Conservation Estate comprises 84.17% of the West Coast land area, with an additional 1.55% administered by Land Information New Zealand (LINZ). The West Coast Region has the highest proportion of remnant wetlands. This is considered the best representation of the historic extent compared to other regions in New Zealand.

The West Coast coastal marine area (CMA) extends from Kahurangi Point in the north to Awarua Point in the south. It is a predominantly open coastline, approximately 600 kilometres in length. The West Coast CMA is exposed to prevailing south-westerly and north-westerly weather, which often creates a dynamic coastal environment of rough seas and strong currents. Due to the marine, terrestrial and tectonic environments, combined with climate change and low population, there is a relatively low level of development pressure for resource use in the CMA that may affect coastal wetlands. Additionally, approximately 50% of the West Coast coastline has adjoining DOC land, which means that many coastal wetlands are protected under this land tenure. Other coastal natural wetlands will be covered by provisions in the operative and proposed Regional Coastal Plans.

#### **Discussion document questions**

*1. Do you agree that the current application of the NES-F to the CMA requires amendment?*

*Why/why not?*

The Council strongly agrees with the issues outlined in the discussion document for why the current requirement, that the NES-F applies in the CMA, needs changing. When the High Court decision that the NES-F applies in the coastal marine area (CMA) was released, the Council signed the regional sector letter to the Minister for the Environment raising concerns about the Environment Court's determination that the NESF applies to coastal wetlands in the CMA, and the Ministry's apparent agreement with the Court's determination. Delineating or defining the extent of wetlands in the CMA is quite different to delineating natural wetlands on land. In the CMA there is often a gradual transition from wetland to deep water, and there is limited information about the presence of indicative sub-tidal vegetation on the West Coast such as seagrass and kelp.

Wetlands in the CMA are already protected by mechanisms that give effect to the NZCPS and do not require the additional protection of the NES-F. For example, staff understand that reclamations have historically been one of the greatest threats to CMA wetlands in other regions. This is not believed to be the case on the West Coast, as the Council has received only a very small number of consent applications for reclamations over the last 22 years.

The activity status hierarchy in the NES-F is inconsistent with the policy framework for CMA wetlands. In the CMA, the policy framework is provided by the New Zealand Coastal Policy Statement 2010 (NZCPS) and regional coastal plans. For inland wetlands, the policy framework is the NPS-FM and regional plans. The NZCPS has policies that relate to coastal wetlands, but these correspond to matters (such as natural character and defences against natural hazards) that are not addressed in the NES-F. The NZCPS 'avoid' policies require regional coastal plans to have restrictive provisions that will prevail over the NES-F consenting pathways.

Minor activities that are provided for in the West Coast currently operative (since 2000) Regional Coastal Plan, and the proposed Regional Coastal Plan, become non-complying under the NES-F. This could have adverse economic, social and cultural impacts on West Coast communities in the future. For the reasons outlined above, the Council **opposes retaining the status quo, that is, that Council opposes the NES-F applying in the CMA.**

*2. Do you agree with the proposal to amend the NES-F wetland provisions to no longer apply to the CMA? Why/why not?*

The Council strongly **supports** Option 2 in the discussion document, to make amendments so that **the NES-F does not apply in the CMA.** The NZCPS Policy 11 has a strong directive to 'avoid adverse effects' and 'avoid significant adverse effects' on coastal indigenous biological diversity, which is further supported by the King Salmon caselaw, where the Court determined that 'avoid means avoid'. The Department of Conservation NZ Threat Classification System, which ranks indigenous species in terms of their rarity and/or threatened status (rankings 1-3 out of 8 being the most endangered), includes coastal species, habitats and ecosystems such as wetlands.

On the West Coast, the main potential impact on coastal wetlands is climate change. Rainfall is predicted to increase in winter and spring and decrease in summer and autumn. Continuity, or lack of, will be important for wetlands. With predicted climate extremes, there is the potential for wind and wave surges which can damage wetland habitat of native coastal species. This is potentially more of a risk than human activity, so applying the NES-F in the CMA to regulate the effects of human activity may not be helpful for protecting coastal wetlands, as weather events are obviously out of the Council's control.

In fact, if earthworks or land disturbance are needed to restore or maintain a coastal wetland damaged by a storm event, and these activities do not meet the proposed amendments to make



restoration a permitted activity<sup>1</sup>, for example, the area limit and using only hand-held tools requirement in section 38(4)(b)(iii), the NES-F may have the perverse outcome of adding extra costs with obtaining a resource consent for the restoration work. It is likely that either DOC or community volunteer groups will be doing restoration work, and the latter will have limited funds to put towards obtaining resource consent.

If the current situation of the NES-F applying in the CMA is retained, this will make implementation of the NZCPS and the NES-F very confusing for Council staff and Plan users. There will continue to be overlaps of restrictions between the NZCPS, Coastal Plan rules and the NES-F wetland provisions. This should be avoided as it is not practical, efficient, or effective.

The Council considers that the proposed Option 2 meets the criteria on Page 10 of the discussion document for assessing options regarding the NES-F applying in the CMA. Implementation of the directives in the NPSFM and the NZCPS are sufficient to provide effective and integrated protection to coastal wetlands through the Council's Land and Water, and Coastal, Plans. Changes to both these regional plans will be made in the next few years, to fully implement these NPS's as part of the National Planning Framework, in tandem with the NBA. Our Treaty partners, Poutini Ngāi Tahu, will be involved in these plan processes.

Retaining the status quo of the NES-F applying in the CMA adds a further layer of complexity to implementation of the Marine and Coastal Areas (Takutai Moana) Act. CMA wetlands are generally within the common marine and coastal area under this legislation. Three applications for customary marine title in the whole, or parts, of the West Coast CMA were lodged with the Crown in 2017.

These applications did not contemplate the NES-F applying in the CMA. If the status quo is retained, when decisions are eventually made about customary marine title applications, the NES-F could potentially unnecessarily restrict mana whenua from being able to carry out their cultural activities in the CMA according to tikanga.

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<sup>1</sup> This refers to MFE's proposed amendments to the NESF Exposure Draft which include making restoration activities permitted subject to conditions. Exposure Draft of the proposed changes to the National Environmental Standards for Freshwater 2020 (including wetland regulations).

3. *Do you think the wording changes proposed in the preferred option make it clear that the NES-F would no longer apply in the CMA? Why/why not?*

Council **supports** the following proposed wording changes:

*“Replace all references to natural wetland in the NES-F with natural inland wetland and define ‘natural inland wetland’ by reference to the existing definition in the NPS-FM. This would clarify that the NES-F wetland provisions no longer apply to natural wetlands in the CMA.”*

The direction and wording is straightforward and clear.

4. *Are there any reasons to prefer other options? If so, what are they?*

Recommendation 8 in Council’s submission on NES-F Exposure Draft

In the Council’s submission on the proposed changes to the NES-F Exposure Draft (attached as Appendix 1 of this submission), the Council made the following Recommendation 8 in response to the lack of direction in the Exposure Draft NES-F, on the issue of the NES-F applying to coastal wetlands:

**“Recommendation 8**

1. *Exclude the CMA from the NES-F natural wetland regulations. Wetlands in the CMA are adequately protected through regional coastal plans under the New Zealand Coastal Policy Statement (our preferred option).*

2. *Amend the NES-F to clarify that the natural wetland regulations apply to any area:*

*(a) with mangrove, estuary, sandflat and mudflat, but not beaches with seagrass or deeper water with kelp beds, or*

*(b) with vegetation noted in the wetlands delineation protocol (including seagrass), or*

*(c) that meets the Ramsar Convention on wetlands definition, including marine water up to 6m water depth, or*

*(d) where councils determine that local wetland types apply.*

3. *Amend the wetlands delineation protocol to clarify how it applies in the CMA.”*

This submission reiterates the Council’s view that was expressed in Recommendation 8 clause 1 of our submission on the NES-F Exposure Draft, that the NES-F should not apply in the coastal marine area (CMA).

Regarding Recommendation 8, clause 2, after further consideration, the WCRC position has changed and Council no longer supports brackish wetlands being included in the NPS-FM. WCRC prefer that an amendment is made to exclude the CMA from the NES-F natural wetland regulations.

Council notes that Fisheries New Zealand has released a discussion document about a proposal to establish “habitats of particular significance for fisheries management”. The document was published on 21 June 2022, after the Council’s submission (with the Recommendation 8) on the NES-F Exposure Draft. As a consequence, the Council now no longer supports coastal wetlands in the CMA coming under the NES-F. The Fisheries New Zealand proposal may be another tool for implementing the NZCPS Policy 11 to protect coastal wetlands in the CMA.

Recommendation 8 clause 3 is no longer relevant if the NES-F is amended to not apply in the CMA.

#### Option 3 in the discussion document

Additionally, the Council does not support Option 3 in the discussion document, to amend the NES-F to clarify where and how it applies to the CMA. Option 3 does not alter the current, underlying position that the NES-F wetland provisions apply to the CMA. WCRC agrees with the regional sector submission on the “Managing Our Wetlands” Discussion Document, which gives a number of examples of where applying the NES-F is impractical, and unreasonably makes small-scale, low impact activities in the CMA non-complying or prohibited. This shows how complex it would be to try and identify where, and in what situations, the NES-F would apply in the CMA.

#### *5. Is there any additional relevant information that you think the Ministry should consider?*

How the Coastal Marine Area Boundary is defined for wetlands and in estuaries.

The effect of sea level rise on coastal wetlands.

This ends our feedback.

**Attachment 1: West Coast Regional Council submission on proposed changes to the NPS-FM and NES-F Exposure Drafts**



388 Main South Rd, Paroa  
P.O. Box 66, Greymouth 7840  
The West Coast, New Zealand  
Telephone (03) 768 0466  
Toll free 0508 800 118  
Facsimile (03) 768 7133  
Email [info@wcrc.govt.nz](mailto:info@wcrc.govt.nz)  
[www.wcrc.govt.nz](http://www.wcrc.govt.nz)

8 July 2022

Ministry for the Environment  
PO Box  
**Wellington 6140**

Dear Sir/Madam

**Submission on NPSFM and NESF Exposure Draft changes**

Thank you for the opportunity to provide comment on the proposed changes to wetland provisions in the National Policy Statement for Freshwater Management (NPSFM), and the National Environmental Standard for Freshwater (NESF).

The West Coast Regional Council's (WCRC or the Council) submission is attached. Council consulted with its iwi partners, Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio (Poutini Ngāi Tahu or PNT), who are mana whenua on the West Coast/Tai Poutini, in the development of this submission.

We welcome the opportunity to respond to this consultation.

The Council has prepared this submission in consultation with our Poutini Ngāi Tahu partners – Te Rūnanga o Makaawhio and Te Rūnanga o Ngāti Waewae.

Council has previously consulted with West Coast farmers, miners and District Councils who will be affected by the proposed changes to the wetlands provisions.

Council supports a number of the proposed changes to wetlands provisions, including some we sought in our submission on the draft changes in October 2021, and acknowledges the Ministry for taking these on board.

Other changes sought by the Council in our previous submission have not been accepted, and this submission raises further concerns about some of these matters.

Due to our high workload, we have not had time to fully consider all of the proposed wetland changes; Council has therefore focussed on those that will incur costs to the Council and ratepayers, or where there are issues with applying the changes. Council has also not had time to consider the technical and other changes to the NPSFM and NESF.

Our contact details for service are:

Lillie Sadler  
Planning Team Leader  
West Coast Regional Council  
PO Box 66  
Greymouth 7840

Phone: 021 190 6676  
Email: [ls@wrc.govt.nz](mailto:ls@wrc.govt.nz)

We would be grateful for acknowledgement of receipt of our submission.

Yours faithfully

Heather Mabin  
**Chief Executive Officer**

**List of Feedback and Recommendations**

**Feedback**

Council supports the proposed changes listed in the section of this submission titled “Proposed changes supported by the West Coast Regional Council”.

**Recommendation 1**

- a) To avoid being contested in the Environment Court, the reference to the *National List of Exotic Pasture Species* should be removed from the natural wetland definition, and instead add a dictionary definition of “pasture”.
- b) If the *National List of Exotic Pasture Species* is retained in the natural wetland definition, obligate (OBL) and facultative wet (FACW) pasture species, and pasture companion plants or associates, for example, creeping buttercup and *Juncus effusus*, should be included in the list, to ensure that the definition does not capture wet pasture as natural wetland.

**Recommendation 2**

- a) The methodology for identification needs to focus on the goals of the NPS-FM, which is to identify natural wetlands with biodiversity values, not areas of wet hydrology;
- b) When making wetland assessments, the methodology needs to be clear about the minimum size of a wetland that meets the natural wetland definition.

**Recommendation 3**

The NPSFM, and/or the wetland assessment methodology, need to be amended to make it clear that a minimum wetland size needs to be a viable, functioning habitat, which is self-sustaining and valuable to species in the wider landscape. This minimum size should be much greater than 2m<sup>2</sup>.

**Recommendation 4**

Remove the provision in NESF Regulation 48(1)(a) that makes new Sphagnum moss harvesting in a wetland not previously harvested prior to 1 January 2010 a consent activity.

**Recommendation 5**

That the Ministry for the Environment links wetland protection under the Freshwater regulations in its Implementation Programme with the fair transition climate change mitigation and adaptation directives,

to prioritise providing economic incentives for West Coast private landowners to maintain current natural and induced wetlands as carbon sinks.

#### **Recommendation 6**

At the start of clause (d), remove “a wetland that:”. This wording is repeated at the start of the definition, and is unnecessary in clause (d).

#### **Recommendation 7**

That clauses (c)(ii) and (iii) are reviewed to ensure consistency with the Government’s managed retreat policy direction.

#### **Recommendation 8**

1. Exclude the CMA from the NES-F natural wetland regulations. Wetlands in the CMA are adequately protected through regional coastal plans under the New Zealand Coastal Policy Statement (our preferred option).
2. Amend the NES-F to clarify that the natural wetland regulations apply to any area:
  - (a) with mangrove, estuary, sandflat and mudflat, but not beaches with seagrass or deeper water with kelp beds, or
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  - (c) that meets the Ramsar Convention on wetlands definition, including marine water up to 6m water depth, or
  - (d) where councils determine that local wetland types apply.
3. Amend the wetlands delineation protocol to clarify how it applies in the CMA.

## Introduction

The West Coast Regional Council (the WCRC or Council) appreciates the opportunity to submit on the proposed changes to the wetlands provisions in the National Policy Statement for Freshwater Management (NPSFM), and the National Environmental Standard for Freshwater (NESF).

Given the importance of wetlands to our Treaty partners, we have worked with Poutini Ngāi Tahu when preparing our response. We wish to acknowledge that wetlands are regarded as taonga to Poutini Ngāi Tahu. We acknowledge that wetlands have historical, cultural, economic, and spiritual significance. Wetlands can be reservoirs for knowledge, wellbeing, and utilisation. They are mahinga kai (food gathering) sites and provide significant habitats for a range of culturally important plants and animals. They are breeding grounds for native fish and tuna and a large range of culturally significant plants for weaving e.g. harakeke, raupō, toetoe and kuta, and carving e.g. tōtara, kahikatea. Many wetlands also comprise a variety of culturally important medicinal plants for rongoā (Māori medicinal use).

The focus of this submission is on the proposed changes to the wetlands provisions in the NPSFM and NESF which may affect Council and West Coast ratepayers, or there are issues with implementing them on the West Coast.

Due to time constraints, the WCRC is not submitting on the proposed other technical changes.

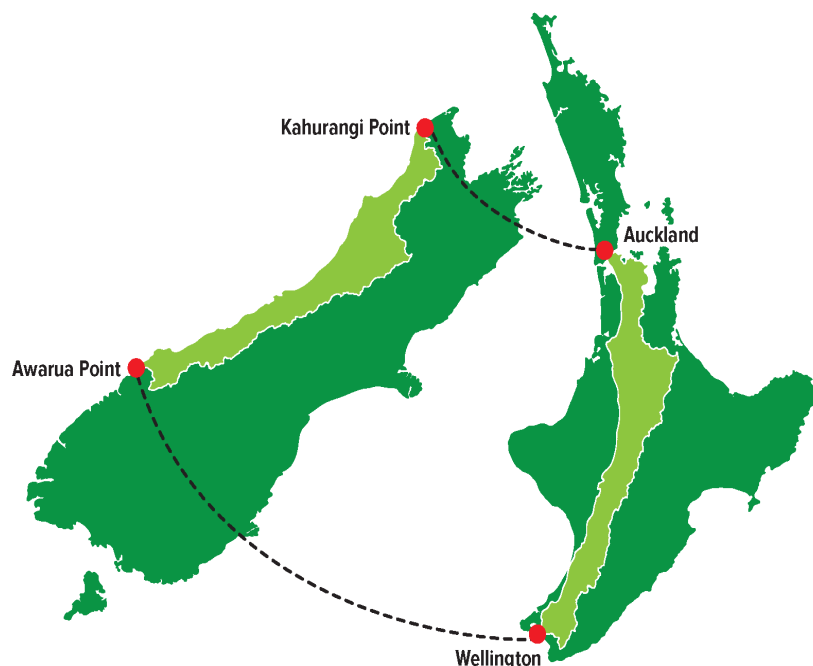
Due to the technical nature of some of the proposed changes, Council obtained advice from consultant Ecologist Dr Vaughan Keesing. We agree with Dr Keesing's advice, and this forms the basis of most of our responses.

## About the Submitter

The West Coast Regional Council (WCRC) is the local authority for a region covering a vast area with a sparse population. Extending from Kahurangi Point in the north to Awarua Point in the south, this is the approximate distance from Wellington to Auckland.



## Map of New Zealand to highlight 600km length of West Coast Region compared to distance between Auckland and Wellington



**The West Coast region stretches the equivalent distance of that between Auckland and Wellington**

The West Coast is predominantly rural.

WCRC works closely with the regions' three territorial authorities (the Buller, Grey and Westland District Councils). Outside of the main towns of Westport, Greymouth, Reefton and Hokitika, the region's relatively small population of approximately 32,600 is spread across smaller settlements and rural communities. It is important that central government priorities for monitoring and reporting are relevant to our unique region, and beneficial to the social, economic, and cultural well-being of all West Coast communities and the natural environment.

Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio (Poutini Ngāi Tahu – PNT) are mana whenua of Te Tai o Poutini (the West Coast). Our Mana Whakahono ā Rohe (Resource Management Act - Iwi Participation Arrangement) captures the intent of the Council and Poutini Ngāi Tahu to progress our relationship in accordance with the Treaty of Waitangi partnership between iwi and the Crown.

The Conservation Estate comprises 84.17% of the West Coast land area, with an additional 1.55% administered by Land Information New Zealand (LINZ). Due to the WCRC's low rating base, the Council has limited resources to undertake many basic inventory duties in detail (for example, Significant Natural Areas (SNAs)), including detailed small scale (0.05 ha) wetland survey mapping and monitoring (section 3.23 of the amended NPS FM 2022), where the region remains relatively rich in large wetlands.

The West Coast Region has the highest proportion of wetlands remaining (the best representation of the historic extent) compared to other regions in New Zealand. The proposed changes to the definition of a wetland will incorporate a lot of "natural" wetlands and induced wetlands in the West Coast Region, in addition to those larger indigenous ones already recognised.

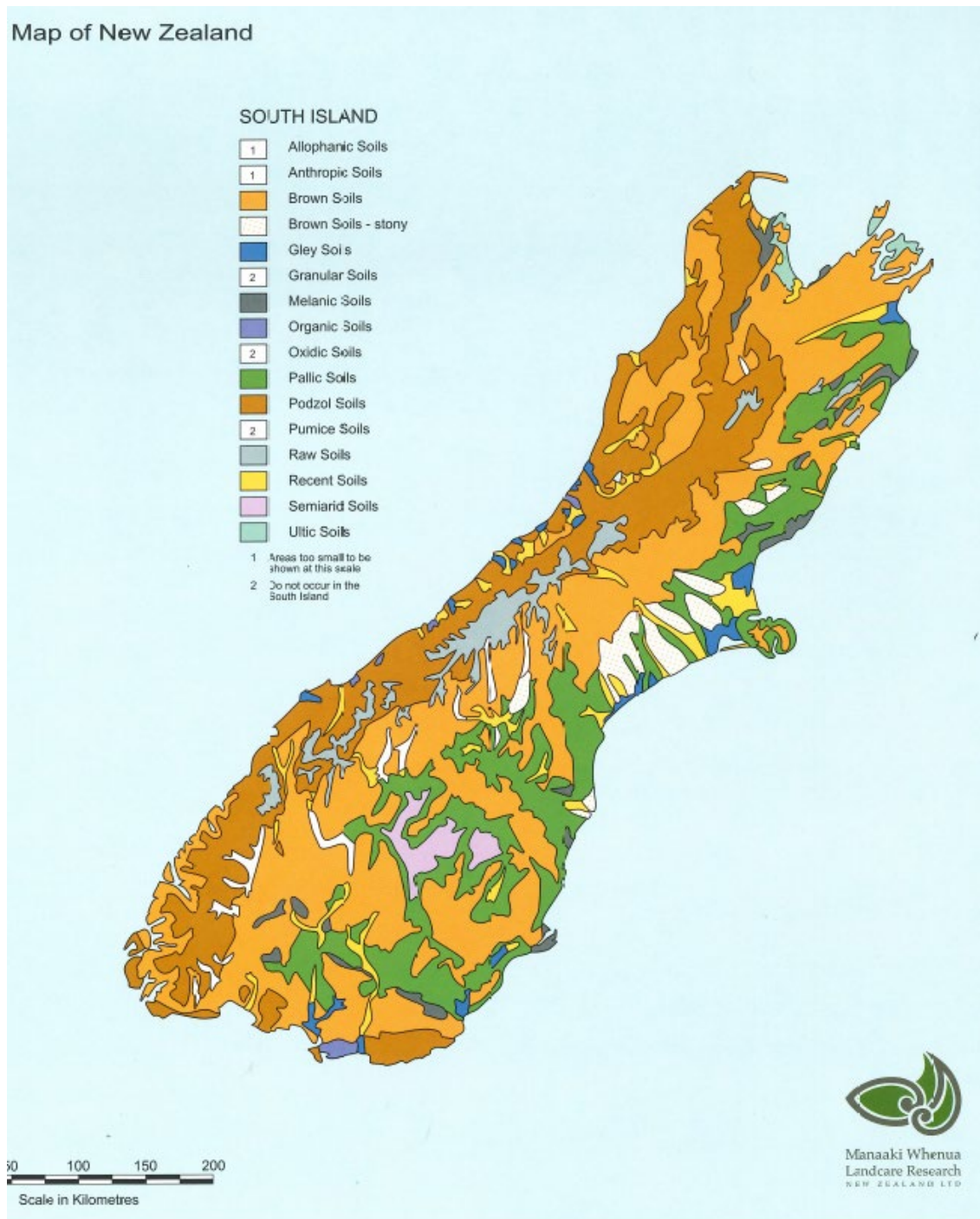
The higher proportion of wetlands in the West Coast Region compared to the rest of New Zealand reflects both the large amount of rainfall we receive, past land use patterns, low population, and significantly large areas of undeveloped land under the administration of the Department of Conservation. The West Coast is the wettest region in New Zealand with average yearly rainfall totals of between 1,746mm to 11,228mm<sup>2</sup>. Rainfall is predicted to increase as a result of climate change. This has the potential for more wetlands to form in the Region in the future, and most of them will be induced.

The abundant rainfall (orographic) and extensive low-lying coastal plains leads to a predominance of podsolised and gleyed soils. These typically water-logged soils, often somewhat acidic, are whites and ginger soils with extensive moulting with iron, aluminium and other metals and minerals, and will classify nearly always as hydric under the MfE hydric soil tool (Fraser et al 2018).

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<sup>2</sup> West Coast State of Environment Report 2018 - <https://www.wcrc.govt.nz/environment/state-of-environment>

## Map of New Zealand



The topography and rainfall will mean that any lowland area, which is most of the land not in DoC lands, will also nearly always be classified as wetland hydrology (MfE 2021).

Historically on the West Coast, lowland areas had abundant kahikatea-pukatea forest, and there would not have been many inland rush and sedge natural wetlands present. Induced wetlands have occurred because of the removal of kahikatea and rimu forests which had been maintaining (through transpiration) a lower ground water level. Forest cover typically dried out the first 20-30 cm of soil and when the forest and tree roots were removed, the groundwater level rose and the groundwater came closer to the surface

where there were dips and depressions. These dips in the ground started to accrue wetland plants rather than pasture. The assemblages that accrued look relatively representative but they are induced, and there was no wetland before the clearance.<sup>3</sup> While the proposed amendments now exclude induced wetlands caused by deliberately constructed water bodies, it does not identify a wetland caused by unnatural processes through human modifications.

In its current planning framework, the West Coast has:

<b>23</b> Schedule 1 wetlands	<b>206</b> Schedule 2 wetlands	<b>229</b> Total Scheduled wetlands
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In regards to land area, this comprises:

	Land area	Schedule 1 & 2 wetland area	Privately owned land area	No. of private landowners
<b>Buller</b>	794,794 ha	4,542 ha	1,027 ha	161
<b>Grey</b>	351,530 ha	2,886 ha	1,618 ha	34
<b>Westland</b>	1,189,489 ha	50,404 ha	1,042 ha	97
<b>West Coast</b>	<b>2,335,993 ha</b>	<b>57,832 ha</b>	<b>3,687 ha</b>	<b>229</b>

The Council has been through a publicly notified process for identifying and mapping significant wetlands, and wetlands likely to be significant, and protecting them through objectives, policies and restrictive rules in our Regional Land and Water Plan. A substantial number of these are on public conservation land and already have a level of protection under this land tenure. Additional protection is given by the Regional Plan. Some of the proposed changes outlined in the discussion document will reduce the percentage of available land even further.

We understand why 'natural' and 'induced' wetlands need to be recognised and protected nationally, and the current wetlands definition is likely to be appropriate and necessary for other regions that have very few natural wetlands left. We stress that there are significant differences between other regions and the West Coast.

**Proposed changes supported by the West Coast Regional Council**

<sup>3</sup> Statistics New Zealand website

Council supports the following proposed changes to the wetland provisions in the NPSFM and the NESF:

- Removing the definition of “improved pasture” from section 3.21 of the NPSFM – definition of natural wetland. Council agrees with the Government’s *“Managing our wetlands: policy rationale for exposure draft amendments 2022”* (policy rationale or rationale) on this change, that it removes the ambiguity around interpreting what is “improved” pasture.
- Adding new clause (b) to the natural wetland definition, which excludes from the definition a wetland *“that has developed in or around a deliberately constructed water body, since the construction of the water body;”*
- Adding new clauses that provide a discretionary consent pathway for urban development, aggregate quarrying, mineral extraction, landfills and cleanfills. These are subject to various proposed gateway tests:
  - national or regional benefit (for quarries, fills (cleanfill, landfill) and mining);
  - no practicable, alternative location, or every other practicable alternative location would have equal or greater adverse effects on a natural inland wetland for urban development, landfills and cleanfills; and
  - functional need for aggregate quarrying and mineral extraction.

This includes consequential amendments to definitions and other provisions for the above-mentioned activities. Discretionary status is an improvement on the current non-complying and prohibited statuses for these activities in the NESF. There is an exception, for NPSFM 3.22(1), new clauses (c)(ii) and (c)(iii), which is discussed in the section of this submission titled “Issues with proposed changes”.

- Adding “the construction and maintenance of water storage infrastructure” to the definition of “specified infrastructure”, and adding provisions in the NESF. It is currently not provided for in the NESF, making it a prohibited activity. Making it a discretionary activity is therefore an improvement.
- Adding new clauses and Appendices 6 and 7 to the NPSFM with principals for aquatic offsetting and compensation where adverse effects of an activity on a natural wetland cannot be avoided, minimised or mitigated. Where aquatic offsetting or compensation is sought by a consent applicant, the Council must be satisfied that the proposal has given regard to the principals in Appendix 6 or 7. The principals are fairly common and typical, and provide sufficient flexibility. Item 5 is new and reflects care about wider biodiversity. Council considers the principals will give

greater clarity and consistency with assessing proposed offsets and compensation.

- Including “wetland maintenance” and “biosecurity” in the NESF permitted and restricted discretionary wetland restoration rules and NPSFM definitions. These activities are currently not provided for in the NESF, preventing them from being carried out, however they are important activities undertaken for biosecurity work. Council agrees with the reasons for the changes explained on Pages 26-33 of the policy rationale. The changes will allow our Biosecurity staff to continue with biosecurity work where it needs to occur within or near wetlands.
- Deleting “discharge” from NESF Regulations 52 and 53, as discharges of water into wetlands will not drain a wetland.
- Allowing an increase in the size of infrastructure for fish passage. The proposed amendment provides an exception to regulation 46(4)(b), to allow activities to increase the size of infrastructure if it:
  - is for the purpose of providing for fish passage, and
  - complies with the fish passage provisions in Part 3, Subpart 3
- Amending NESF Regulation 46(4)(a) to exempt flood control and drainage works from general conditions in Regulation 55(2), (3)(b) to (d) and (5).
- Amending Schedule 4, Condition (7) to allow the use of containers of 20 litres or less to refuel machinery, vehicles or equipment within a natural wetland as part of Sphagnum moss harvesting. The amendment removes the requirement to refuel within a 10-metre setback outside the wetland.

### **Feedback**

Council supports the proposed changes listed in the section of this submission titled “Proposed changes supported by the West Coast Regional Council”.

### **Issues with proposed wetland changes**

#### *NPSFM 3.21 Definition of natural wetland clause (d)*

In the NPSFM definition of a natural wetland, the principal exclusion for farms, covering much of the West

Coast non-conservation land, is:

*“(d) a wetland (is not a natural wetland) that:*

*(i) is within an area of pasture; and*

*(ii) has ground cover comprising more than 50% exotic pasture species (as identified in the National List of Exotic Pasture Species (see Clause 1.8)); and*

*(iii) is not known to contain a threatened species.”*

#### Pasture species list

The pasture species list referred to in subclause (ii) is problematic. The list of species has no obligate (OBL) or facultative wet (FACW) pasture species, and Council considers it is a limited list of species relative to the definition of “pasture”. Wet pasture species - typically Yorkshire fog, mercer grass, creeping bent, and Glyceria species - were introduced into New Zealand as wet pasture species, for the purposes of grazing stock. While they are rarely sown today, (aside from Yorkshire fog) there are farms in which all are present and they are still a substantive component of some wet pasture areas on which the stock graze, meeting the definition of pasture.

The dictionary meaning of pasture is “*plants (such as grass) grown for the feeding especially of grazing animals*”.<sup>4</sup> The word “pasture” is used in the NPSFM exclusion definition of natural wetland, it therefore has weight.

Because “pasture” has a definition, there is no need to list what are considered pasture plants because any such list is unlikely to be complete relative to the definition. It will always therefore be contested. Any ‘pasture’ species list will be out of date as farming practices and species use change.

The absence of any FACW or OBL wet pasture species will automatically result in any wet pasture area being identified as a “natural wetland”, through the assessment method required to be undertaken. It is not possible by the assessment method to exclude wet pasture as being pasture, with a weighted plant list.

Furthermore, the *National List of Exotic Pasture Species* also excludes pasture companion plants or associates, for example, creeping buttercup and, *Juncus effusus*. In doing so, the definition will have the outcome of capturing wet pasture as a natural wetland, and removing a land use activity rather than identifying natural wetlands. We note that these pasture wetlands do not, as a rule, have indigenous biological diversity value, they are largely simple, low diversity exotic species dominated. This is contrary

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<sup>4</sup> <https://www.merriam-webster.com/dictionary/pasture>

to the intended outcome stated in the policy rationale document (Pg 11): *“The purpose of the national list is to capture (and exclude) species that contribute to productive pasture for livestock grazing.”*

### Recommendation 1

- c) To avoid being contested in the Environment Court, the reference to the *National List of Exotic Pasture Species* should be removed from the natural wetland definition, and instead add a dictionary definition of “pasture”.
- d) If the *National List of Exotic Pasture Species* is retained in the natural wetland definition, obligate (OBL) and facultative wet (FACW) pasture species, and pasture companion plants or associates, for example, creeping buttercup and *Juncus effusus*, should be included in the list, to ensure that the definition does not capture wet pasture as natural wetland.

### Plot size as indicator of natural wetland

A perverse outcome of the NPSFM wetland definition changes will be that any exotic OBL or FACW species in any local abundance of more than a 3m diameter area in a paddock will qualify as a natural wetland, according to the methodology for measuring and assessing wet areas in pasture against the natural wetland definition<sup>5</sup>. The methodology requires the assessor to use a 2 metre x 2 metre plot to assess if a wet area is a natural wetland. Council understands that the methodology directs that if a 2 metre x 2 metre plot can fit in the wet land area, then that is the minimum size, and it falls within the definition of a natural wetland. This is despite the NPSFM 3.23(1) requirement that wetlands **larger than 0.05ha (500m<sup>2</sup>)**, or less than 0.05ha that are known to contain threatened species need to be identified as natural wetland. If the minimum size for a natural wetland is 2 metre x 2 metre, this will mean that the regulatory requirements for protection will apply, and farmers will have to fence off small areas throughout their paddocks, or entire paddocks. It will not be economically sustainable to implement on farmland in the West Coast. This is also contrary to one of the intended outcomes stated in the policy rationale document (Pg 10) in relation to assessing possible natural wetlands in pasture areas: *“The intent is to exclude wetlands within pasture areas, where the wetland is dominated by exotic pasture species, so those areas can continue to be used for agriculture”*.

In Council’s view, identifying such small ‘wetlands’ does not have any value on the West Coast in protecting or managing the remaining indigenous wetlands. The NPSFM “avoid” Policy 6 direction

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<sup>5</sup> To determine whether a wetland meets the “natural wetland” definition, the National Policy Statement for Freshwater Management 2020 clause 1.8 requires regional councils to have regard to, by way of reference to, the Wetland Delineation Protocol in cases of uncertainty or dispute about the existence or extent of a natural wetland. Ministry for the Environment. 2020. Wetland delineation protocols. Wellington: Ministry for the Environment. <https://environment.govt.nz/assets/Publications/Files/wetland-delineation-protocols.pdf>



following identification does not improve those situations. At best, it seems to Council that the intent is to reserve small areas of wet soil and hydrology that might allow future indigenous wetland (or more complex exotic wetlands) to form or be restored. The current wet land features are often simple assemblages of a few wetland species only with little wetland value.

### **Recommendation 2**

- c) The methodology for identification needs to focus on the goals of the NPS-FM, which is to identify natural wetlands with biodiversity values, not areas of wet hydrology;
- d) When making wetland assessments, the methodology needs to be clear about the minimum size of a wetland that meets the natural wetland definition.

#### Minimum size of a natural wetland

There is a debatable functional aspect to protecting these small simple features but a size aspect to that functionality is absent and important. Due to wetland systems being very dynamic and highly susceptible to seasonal change, the reference to being just a bit larger than a 2 metre square plot as a minimum size is not one Council considers to be a realistically viable, functional wetland.

The absence of a reasonable and ecologically considered minimum size of a viable, functioning habitat, (which is self-sustaining and valuable to species within the wider landscape) is certainly greater than 3m diameter in a paddock. Arguments in the Environment Court of minimum sizes of ecological features have focused on at least 0.5 ha, and in examples, 2 ha has been considered as a minimum (e.g. NZEnVC 109 (16 May 2013) Madsen Lawrie consultants v Auckland Council 2013).

Council considers that the actual method of assessment via representative plots along transects, to determine the vegetation cover and consider the proportionality of each plot result across the entire community, is useful and works, but is hinged on what is accepted as 'pasture' (ignoring the acceptance or not of exotic wetlands), and the need for a functional minimum size.

### **Recommendation 3**

The NPSFM, and/or the wetland assessment methodology, need to be amended to make it clear that a minimum wetland size needs to be a viable, functioning habitat, which is self-sustaining and valuable to species in the wider landscape. This minimum size should be much greater than 2m<sup>2</sup>.

*Perverse outcome of restricting new sphagnum moss harvesting in unharvested wetlands*

In May 2021, Council wrote to the Ministers for the Environment and Agriculture seeking, amongst other changes to the Freshwater Package documents, to remove the requirement for consent in Regulation 48(1)(a) for new Sphagnum moss harvesting in wetlands not previously harvested before 2010. This request has not been accepted in the proposed NESF changes. Council's 2021 submission on the draft wetland changes explained that on the West Coast, a wetland with sphagnum moss present which is not harvested can dry out by woody vegetation such as manuka establishing amongst the moss and soaking up the water. This is then followed by other woody terrestrial species establishing and eventually drying out the wetland through (as discussed above) forest transpiration- this process is known ecologically as succession.

Requiring resource consent to harvest Sphagnum moss in a wetland not previously harvested before 1 January 2010 is a cost to prospective harvesters, and a disincentive to set up a new harvesting operation. It could have the perverse outcome of wetlands being lost, which is contrary to the NPSFM Policy 6 of "no further loss of extent" of wetlands. Sphagnum moss harvesting using good practice techniques is beneficial for maintaining wetlands, as it involves removing the woody vegetation prior to harvesting. Harvesting maintains the wetland as the moss roots (acrotelm) are left in the wet soil, and the moss regrows, thereby maintaining the wetland. If there is no incentive for a harvester to harvest the moss and maintain the wetland, there will be no gain in biodiversity values, and the wetland may become degraded by weeds and woody vegetation establishing. Sphagnum moss wetlands also have hydrological advantages for flood retention. Managing wetland for sphagnum moss growth halts ecological succession but retains many advantages of wetlands. It is also preferable to manage a site for sphagnum moss harvest as opposed to pasture land.

The conditions of permitted Sphagnum moss harvesting in the NESF Regulation 48(2), and Schedules 3 and 4, provide a sufficient process to enable harvesting to be undertaken in wetlands with the benefit of maintaining the wetland.

#### **Recommendation 4**

Remove the provision in NESF Regulation 48(1)(a) that makes new Sphagnum moss harvesting in a wetland not previously harvested prior to 1 January 2010 a consent activity.

#### *Economic and social impacts of induced wetlands being natural wetlands*

In our 2021 submission on the draft changes to the wetland provisions, Council sought the inclusion of text that excluded West Coast induced wetlands from the definition of natural inland wetland. As this has

not been accepted by the Ministry, the following is further explanation about the adverse economic and social impacts on West Coast landowners of induced wetlands being captured by the wetland definition.

The restrictions on uses of induced wetlands in the NPSFM and NESF, in tandem with the RMA and National Policy Statement for Indigenous Biodiversity (NPSIB) restrictions on the use of land with Significant Natural Areas (SNAs) of terrestrial forest/bush, are having, and will continue to have, a significant adverse economic and social impact on rural property values in the region, and on future generations of current private landowners. Council is aware of a growing number of private landowners with protected SNAs and natural wetlands on their land, who had intended to either sell their land for money as an inheritance for their children and grandchildren, or for their own retirement, but are finding that their land has lost monetary value, and is difficult to sell.

The SNAs and wetlands on the West Coast currently have little or no economic value, but landowners are stuck, being unable to develop these areas for economic return. Nor will those features receive enhancement or management as that too costs money and a loss in productive use. This makes the large land areas unsustainable in terms of economic wellbeing of our Community.

The West Coast has been promoting the tourism potential of the natural environment. Many natural wetlands have the same or similar “representative” ecological values, so there is a limited number of wetlands that can provide income from alternative sources such as eco-tourism. New eco-tourism ventures based on wetlands are likely to be reliant on international tourists, which may become unsustainable in light of another global crisis such as the Covid pandemic, and it may take some time for their numbers to return to pre-Covid levels. Additionally, wetland eco-tourism ventures on private land could be competing with tours in larger and more impressive wetlands on public conservation land.

The West Coast is in a unique situation where large areas are considered ecologically significant. Other regions have a more buoyant local economy and other industry for economic activity. The West Coast is facing impacts to its small local economy with climate adaption requirements and the agricultural restrictions in the Freshwater Package.

No compensation is available from the Government for the loss of economic value of West Coast wetlands on private land as a result of government regulation. The only other potential economic value that Council is aware of for these areas is to have a system of economic incentives for private landowners to be able to receive some benefit from maintaining their wetlands. It is imperative for

the economic and social wellbeing of West Coast people and communities that the Government provides economic incentives for West Coast wetlands. This could be in terms of carbon sinks, as wetlands contribute a significant proportion to absorbing carbon emissions. The Council has submitted on the Government's Draft National Adaptation Plan and Emissions Reduction Plan (ERP) seeking such incentives for West Coast landowners to maintain their natural and induced wetlands. Given that the ERP proposes that the biodiversity and climate crises be addressed together, the most pragmatic way to achieve this will be by the Government providing economic incentives to West Coast landowners for maintaining and improving their wetlands' capacity to remove carbon from the atmosphere. This may include research into the benefits of wetland management for fibre or moss harvest.

#### **Recommendation 5**

That the Ministry for the Environment links wetland protection under the Freshwater regulations in its Implementation Programme with the fair transition climate change mitigation and adaptation directives, to prioritise providing economic incentives for West Coast private landowners to maintain current natural and induced wetlands as carbon sinks.

*NPSFM 3.22(1): Definition of natural wetland clause (d)*

#### **Recommendation 6**

At the start of clause (d), remove "a wetland that:". This wording is repeated at the start of the definition, and is unnecessary in clause (d).

*NPSFM 3.22(1), new gateway clauses (c)(ii) and (c)(iii) for urban development as a discretionary activity*

New gateway test clauses for urban development within or affecting a natural wetland include:

*"(c) the regional council is satisfied that:....*

*(c)(ii) the activity occurs on land identified for urban development in an operative regional or district plan;*

*(iii) the activity does not occur on land that is zoned in a district plan as general rural, rural production, or rural lifestyle;...."*

Clause (c)(ii) could be problematic for land areas that are not identified for urban development in a plan. With the best intentions, regional and district plans do not always identify all land for future urban development at the time of full review. Not all natural hazard events, or the scale of them, can be foreseen, and damage to housing and urban development can consequently require relocation of

urban development to less hazard-risk land. On the West Coast, given the high proportion of conservation land, and land away from steep slopes and landslide risk, and waterways, there may be few suitable low-hazard locations to retreat to. Low slope land tends to be where wetlands form, further limiting relocation options. Under clause (c)(ii), increased natural hazard events from climate change could potentially increase the number of plan changes needed to plans, to add new urban development areas to regional or district plans.

Clause (c)(iii) restricting urban development on rural zoned land further exacerbates the managed retreat issue for the West Coast. There is a potential disconnect between clauses (c)(ii) and (iii) and the Government's managed retreat policy direction which needs to be addressed.

### **Recommendation 7**

That clauses (c)(ii) and (iii) are reviewed to ensure consistency with the Government's managed retreat policy direction.

### *Coastal wetlands*

Council is not aware of any proposed changes to the NPSFM and NESF about the NESF applying to coastal wetlands, as part of the changes recently released for consultation. This is a current contentious issue, and the WCRC, along with other regional councils, have signed a letter to the Minister raising concerns about the Environment Court's determination that the NESF applies to coastal wetlands, and the Ministry's apparent agreement with the Court's determination.

Delineating the extent of wetlands in the CMA is quite different to delineating natural wetlands on land. In the CMA there is a gradual transition from wetland to deep water and there is limited information about the presence of sub-tidal vegetation such as seagrass and kelp.

Wetlands in the CMA are already protected by mechanisms that give effect to the NZCPS and do not require the additional protection of the NES-FWM.

### **Recommendation 8**

1. Exclude the CMA from the NES-F natural wetland regulations. Wetlands in the CMA are adequately protected through regional coastal plans under the New Zealand Coastal Policy Statement (our preferred option).
2. Amend the NES-F to clarify that the natural wetland regulations apply to any area:

- (a) with mangrove, estuary, sandflat and mudflat, but not beaches with seagrass or deeper water with kelp beds, or
- (b) with vegetation noted in the wetlands delineation protocol (including seagrass), or
- (c) that meets the Ramsar Convention on wetlands definition, including marine water up to 6m water depth, or
- (d) where councils determine that local wetland types apply.

3. Amend the wetlands delineation protocol to clarify how it applies in the CMA.

This ends our feedback.

### Attachment 3: Submission on further feedback on options for ETS permanent forest category



388 Main South Rd, Paroa  
P.O. Box 66, Greymouth 7840  
The West Coast, New Zealand  
Telephone (03) 768 0466  
Toll free 0508 800 118  
Facsimile (03) 768 7133  
Email [info@wcr.govt.nz](mailto:info@wcr.govt.nz)  
[www.wcr.govt.nz](http://www.wcr.govt.nz)

20 September 2022

Managing Exotic Afforestation Consultation  
Climate Change Policy  
Ministry for Primary Industries  
PO Box 2526  
**Wellington 6140**

Dear Sir/Madam

#### **Further feedback on options for ETS permanent forest category**

Thank you for the opportunity to provide further comment on the options for the future direction of the ETS permanent forest category.

Please find the West Coast Regional Council's (WCRC or the Council) additional feedback attached. Council consulted with its iwi partners, Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio (Poutini Ngāi Tahu or PNT), who are mana whenua on the West Coast/Tai Poutini, in the development of this submission.

We welcome the opportunity to respond to this consultation. Council acknowledges the Minister's decision to take more time to consider how best to deal with new permanent carbon forest in the ETS.

Our contact details for service are:

Rachel Vaughan  
Acting Planning, Science and Innovation Manager  
West Coast Regional Council  
PO Box 66  
Greymouth 7840

Phone: 021 223 6867

Email: [rachel.vaughan@wcr.govt.nz](mailto:rachel.vaughan@wcr.govt.nz)

We would be grateful for acknowledgement of receipt of our further feedback.

Yours faithfully

A handwritten signature in black ink, appearing to read 'H. Mabin', followed by a long horizontal line extending to the right.

Heather Mabin  
**Chief Executive Officer**



## **Introduction**

The West Coast Regional Council (the WCRC or the Council) appreciates the opportunity to provide an additional submission on the options for the future direction of the ETS permanent forest category.

Council supports in principle the Objective in Appendix 1 of the Minister's letter:

*"A permanent forest category that provides for effective management of forests supported through the NZ ETS, and that delivers forests which provide positive outcomes (e.g. indigenous biodiversity, soil and water health, ongoing jobs and income) while contributing removals towards our targets."*

### **WCRC comment:**

WCRC believes permanent forestry should also be managed to deliver reduced risk of debris fall and natural land subsidence. WCRC do not necessarily believe that all the suggested outcomes deliver the objective.

1. Forests supported by the category realise positive long-term outcomes as part of Aotearoa New Zealand's climate transition

*Inclusion of:*

- *transition forests (regeneration)*
- *transition forests (strip harvesting or cross-subsidisation)*
- *continuous cover forest models.*

### **WCRC comment:**

The WCRC ***gives partial support*** for the use of additional permanent forest cover to contribute to the Emissions Trading Budget.

Partial support is given due to concerns that:

- Permanent forest can be detrimental to the economy and the environment
- Permanent forest can negatively impact rural West Coast communities.

Over the long-term, permanent forests can result in low, long-term economic activity and job creation in the area directly surrounding that land relative to competing land uses (generally sheep and beef, deer, and production forestry).

This result is somewhat due to the strict regulations around permanent forestry management.

If there is a role for permanent forests further research on which species may be appropriate is required. Areas of marginal, hilly land that are unsuitable for sheep, beef or deer being used for production forestry would suit being reverted to permanent forestry.

The ETS does not currently allow for alternative management of these permanent forest areas resulting in the following perverse outcomes of the management regime:

- the lack of economic incentive to retain pre-1989 indigenous forest cover; and

- the lack of flexibility around management of existing permanent forest cover.

This results in greater incentives for West Coast landowners to consider removal of existing forest cover.

Where consistent with previous feedback, WCRC supports Option 3(a) in the discussion document. This option will limit permanent exotic forestry from registering in the permanent post-1989 category in the ETS, with some exemptions to be set out in the regulations.

## 2. Forest owners are held accountable for delivering effective forest outcomes

*For example:*

- *forests are not operated as ‘plant and walk away’,*
- *transition forests using regeneration are attempted at manageable scale, and in sites with suitable conditions – such as indigenous seed sources*

*Options:*

- *All forests required to have forest plans.*
- *Bonds.*
- *Pauses in unit earnings or defaulting back to averaging.*
- *Audits of forest management plans.*
- *Forest management requirements linked to outcomes for forests at different ages of forest.*
- *Providing information on forest regime to the regulator (e.g., stocking rate and silvicultural regime).*
- *Requiring transition in no more than one rotation.*
- *How long-term risks are managed towards end of forest life.*

### **WCRC comment:**

The WCRC recognises that there may well be benefits to increased populations of indigenous species and habitat from native carbon afforestation. There is a risk of monoculture monopoly with this approach.

On the West Coast, native carbon afforestation may not necessarily provide a more diverse range of habitat if only the faster growing or best carbon sequestering species of native trees are planted.

The West Coast could end up with more of the same type of native vegetation and no increase in biological diversity of those indigenous species or habitats that are underrepresented.

The WCRC is concerned about the additional administrative requirements associated with forest plans, bonds, NES-PF compliance and monitoring requirements. The WCRC does not have the resourcing or expertise to perform these functions.

## 3. Effective financial management of forests occurs over long-term

*For example, landowners understand and are able to manage the decrease in carbon stock for ‘transition forests’ as these are managed to indigenous.*

*Options:*

- *Bonds.*
- *Examine carbon accounting for novel forest types.*
- *Re-visit look-up tables (including for indigenous).*
- *Long-term forest health and carbon stocks.*

**WCRC comment:**

The WCRC considers that the ETS ‘door’ should be kept open for permanent carbon forestry, but provide only for permanent native carbon forestry, in circumstances where this is appropriate.

It is unclear if the proposed changes are economically feasible and appropriate, or if low carbon emission land uses that will maintain the cultural, environmental, economic and social wellbeing of the West Coast. The outcomes relies on the premise that native afforestation is a viable alternative to exotic carbon forestry as it is better at carbon sequestration and more self-sustaining. Native afforestation is also a low, long-term economic activity and will have the same effects on small rural West Coast populations as permanent exotic carbon forestry.

The advantage of this approach is that restoration of native forests and drained peatlands, and improving the sustainability of managed forests, generally enhances the resilience of carbon stocks and sinks.

In managed forests, adaptation options include:

- sustainable forest management,
- diversifying and adjusting tree species’ compositions to build resilience,
- managing increased risks from pests, diseases, and wildfires,
- the risk of wind-blown timber and ageing trees affecting land stability is an issue.

4. Stable NZ ETS price and market conditions are maintained in the long-term, and the category can be fairly accessed

*For example,*

- *long-term supply volumes are effectively managed,*
- *requirements are not so onerous that they prevent smaller scale landowner or community participation, and*
- *benefits of the category are not concentrated solely towards larger scale commercial entities.*

*Options:*

- *Management of overall volumes per annum.*
- *Enhanced public reporting of information.*
- *Weighting or scoring of applications.*
- *Limits by geographical characteristics (e.g., Land Use Classification (LUC), erosion susceptibility).*

**WCRC comment:**

The WCRC supports additional incentives to enable wider participation in the ETS.

The WCRC wishes to reiterate suggestions specific to the West Coast Region, where support for participation in the ETS would stimulate the economy and the transition to a low carbon economy.

While outside the scope of the letter, these suggestions are:

The WCRC request that an incentive is considered in the ETS for managing and encouraging sphagnum moss wetlands.

Some marginal land on the West Coast may have potential for sphagnum moss harvesting where the land is boggy with a relatively higher water table. Sphagnum moss wetlands enable retention of a wetland with a productive use as opposed to converting into some other form of productive land use.

The ETS needs to provide carbon credits for existing permanent native carbon forestry, which are accounted for in the New Zealand Emissions budget. This is because West Coast landowners are unduly penalised for retaining native forest cover on private land. Other Regions cleared forest land for other productive purposes prior to the regulations coming into place. This means landowners in other areas are free to use their land for any productive purpose, while landowners on the West Coast must retain their permanent forest cover, with no economic incentive.

The WCRCs submission on “Te Ara Paerangi Future Pathways Green Paper 2021” also sought that research be undertaken to identify options for increasing the economic value of wetlands and indigenous forest. These natural resources need an economic value as an incentive for private landowners to protect and retain them on their land.

<b>5. Forests meet environmental and other forest management good practice</b>
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*For example,*

- *health and safety risks for harvest on steep marginal land are well prepared for and managed,*
- *fire breaks and other practices to manage fire risks are used.*

*Options:*

- *Links to the resource management system in CCRA.*
- *Forest management plans.*
- *Expanding National Environmental Standards for Plantation Forestry (NES-PF) to cover ‘carbon forestry’.*
- *Industry code.*

**WCRC comment:**

The WCRC believes greater flexibility needs to be considered in how permanent forest areas are managed to provide for sustainable harvest, wind-blown harvest and under-storey management.

West Coast waterways are frequently impacted by timber debris entering rivers during periods of heavy rainfall. As the rivers clog with dead wood debris, flow capacity is compromised. This results in the damming of waterways, which when released, has significant impact on downstream structures (roads, bridges and stopbanks) and land. This issue has grown since the selective logging of permanent native forested areas ceased. The risk of wind-blown timber and ageing trees falling, affecting land stability, is an issue.

6. Risks to rural communities from the category are managed
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*Options:*

- *Management of overall volumes per annum.*
- *Limits by geographical characteristics (e.g., LUC, erosion susceptibility).*
- *Consider specific needs of Māori rural communities.*

**WCRC comment:**

It is unclear how these options will benefit rural Communities. There is a risk that social and economic impacts are felt in rural Communities as land areas are locked up for permanent forestry. Often the landowner will not live in the community, particularly if owned by a corporation. Therefore, any economic advantage is taken from the local community. The limited job opportunities in permanently forested areas adversely affects rural communities. The flow on effects is loss of social connection, dropping school rolls, loss of volunteers and social services. There would be a subsequent loss of population-based funding to the community, such as health services and education.

**7. The category can support whenua Māori to realise aspirations for the land**

*For example, the category provides land use options that can be suitable for marginal land. The Crown works with Māori to identify options for Māori land and outcomes sought in addressing issues related to permanent exotic forestry.*

*Options:*

*Permanent forest regime provides forest options suitable to marginal land (where production forests are not suitable), e.g., transition forests, continuous cover forests.*

**WCRC comment:**

The WCRC strongly supports provision of redress of historical issues around Iwi/Māori in the carbon farming industry, supporting whenua Māori to practice kaitiaki, tino rangatiratanga and benefit from the NZ ETS, and potentially enabling locally tailored approaches to carbon forestry.

## **Original submission**

### **Issues with proposals for restricting permanent exotic afforestation**

#### *Risk of negative impacts on West Coast rural communities*

One of the Government's concerns with allowing permanent exotic afforestation for carbon credits is that over the long-term, permanent forests can result in low, long-term economic activity and job creation in the area directly surrounding that land relative to competing land uses (generally sheep and beef, deer, and production forestry). This result is somewhat due to the strict regulations around permanent forestry management.

The West Coast has a sparse rural population, with areas of marginal, hilly land that are unsuitable for sheep, beef or deer being used for production forestry, and some areas that would suit being reverted to permanent forestry. Some marginal land on the West Coast may have potential for sphagnum moss harvesting where the land is boggy with a relatively higher water table. WCRC understands that this type of land may be more profitable per hectare for sphagnum moss harvesting than other primary production, for example, dairy farming<sup>6</sup>. There is currently no incentive in the ETS for managing and encouraging sphagnum moss wetlands.

If there is a role for permanent exotic forests on the West Coast, particularly indigenous forestry, WCRC considers further research is required on which species, including exotics, that may be appropriate. The ETS currently does not allow for alternative management of these permanent forest areas. This results in several perverse outcomes of the management regime: one is the lack of economic incentive to retain pre-1989 indigenous forest cover, and the second is lack of flexibility around management of existing permanent forest cover. This results in greater incentives for West Coast landowners to consider removal of existing forest cover. The WCRC also considers greater flexibility needs to be considered in how permanent forest areas are managed to provide for sustainable harvest, wind blown harvest, and understorey management.

#### *Risk of negative biodiversity impacts from exotic carbon forestry*

The discussion document promotes native afforestation as an alternative to exotic carbon forestry as it is better at carbon sequestration and more self-sustaining. However, native afforestation is also a low, long-

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<sup>6</sup> Pers comm, anon, sphagnum moss harvester, 13/4/2022.

term economic activity and will have the same effects on small rural West Coast populations as permanent exotic carbon forestry.

WCRC recognises that there may well be benefits to increased populations of indigenous species and habitat from native carbon afforestation. However, there is the risk of a non-intended outcome of monoculture monopoly with this approach. On the West Coast, native carbon afforestation may not necessarily provide a more diverse range of habitat if only the faster growing or best carbon sequestering species of native trees are planted. The West Coast could end up with more of the same type of native vegetation and no increase in biological diversity of those indigenous species or habitats that are underrepresented.

Having said that, the West Coast is well placed to grow permanent native carbon forestry, as can be seen by the current amount of established and regenerating native forest on DOC and private land. Adaptation for natural forests includes conservation, protection and restoration measures. In managed forests, adaptation options include sustainable forest management, diversifying and adjusting tree species compositions to build resilience, and managing increased risks from pests and diseases and wildfires. Restoring natural forests and drained peatlands and improving sustainability of managed forests, generally enhances the resilience of carbon stocks and sinks.

The ETS needs to provide carbon credits for permanent native carbon forestry, to boost the West Coast economy.

The WCRC's submission on "Te Ara Paerangi Future Pathways Green Paper 2021" also sought that research be undertaken to identify options for increasing the economic value of wetlands and indigenous forest. These natural resources need an economic value as an incentive for private landowners to protect and retain them on their land. None of this land is currently accounted for in the national Emissions Trading Scheme. Currently the only economic incentives are to clear the pre-1989 indigenous forest and plant pines. WCRC reiterates the need for more investigation into incentivising existing, permanent native carbon forestry, options for managing existing permanent forestry and investigating other species.

WCRC also experiences land stability issues during periods of heavy rainfall. This is particularly an issue since the selective logging of permanent forested area was stopped. The net result during heavy rain and storm events is windblown timber and dead trees being washed into the river network. The downstream effects are stability issues on bridges, stopbanks and roads. As the rivers get clogged with timber, flow capacity issues are experienced in the river networks as they are clogged up with timber.



## Feedback 1

**That Government investigates incentivising existing and new, permanent native carbon forestry by:**

- a) Amending the ETS to provide carbon management incentives for existing permanent native carbon forestry; and**
- b) Providing incentives for indigenous carbon forest to be planted and used to offset emissions.**

### *Timing issue with proposed change*

WCRC agrees with Economist Adolf Stroomberger's view<sup>7</sup>, that with no incentives for new permanent exotic carbon forests to be planted, and because native forest is much slower to sequester carbon, this will leave a big gap in New Zealand's carbon reductions in the short term. New Zealanders will pay for having to buy carbon credits from other countries, with the cost estimated to be around \$2billion. WCRC understands that the discussion document does not address the cost of the gap left from less exotics being planted in the short term.

An in-between option is regenerative forest, where exotics are planted at a staggered rate over a period of, say, 15 years. When the first exotic trees are harvested, the land is replanted with natives. This covers both short term and long term sequestrations.

There could be a role for permanent exotic forests on the West Coast in certain circumstances, for example, where these can be grown on marginal land that is unsuitable for other productive land uses.

## Feedback 2

**That the Government provides for an in-between option of regenerative forest, where:**

- a) exotics are planted in appropriate locations at a staggered rate over a period of time; and**
- b) when the first exotic trees are harvested, the land is replanted with natives, to cover both short- and long-term sequestrations.**

### *Support for LGNZ submission*

Given the uncertain impacts of the proposed ETS changes on West Coast ratepayers and communities, and the uncertainty of economically feasible and appropriate low carbon emission land uses that will maintain the cultural, environmental, economic and social wellbeing of the West Coast, the WCRC

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<sup>7</sup> Pers comm, Adolf Stroomberger, Chief economist at Infometrics 5/4/2022

considers that the ETS 'door' should be kept open for some permanent exotic carbon forestry, and provide for permanent native carbon forestry, in circumstances where this is appropriate on the West Coast.

Where consistent with Feedback 1 and 2 of this submission, WCRC supports the LGNZ submission which supports Option 3(a) in the discussion document. This option will limit permanent exotic forestry from registering in the permanent post-1989 category in the ETS, with some exemptions to be set out in regulations.

### **Feedback 3**

**The Government adopts Option 3(a) in the discussion document, to limit permanent exotic forestry from registering in the permanent post-1989 category in the ETS, with some exemptions to be set out in regulations.**

WCRC strongly supports the parts of the LGNZ submission that will provide room to redress historical issues around Iwi/Māori in the carbon farming industry, support whenua Māori to practice kaitiaki, tino rangatiratanga and benefit from the NZ ETS, and potentially enable locally tailored approaches to carbon forestry.

To achieve this, WCRC supports the LGNZ recommendations as the WCRC's Feedback 4.

### **Feedback 4**

**Subject to being consistent with Feedback 1-3 of this submission, the Government:**

- a) explores whether there is opportunity for greater local democratic input into carbon farming (e.g., in local/regional government being able to determine where permanent exotic forests can be planted);**
- b) consider a start date of 1 January 2024 – so that the exemptions regime set out in regulations can be designed and consulted on at the same time as legislation amending the NZ ETS goes through Parliament.**

### **Alternative management**

The need for more land areas to grow exotic production forestry to provide biomass for biofuels as alternatives to fossil fuels may also affect demand for permanent exotic carbon forestry on the West Coast. WCRC submitted on the Ministry of Business, Innovation and Employment's discussion document "Te Ara Paerangi Future Pathways Green Paper 2021", seeking that priorities and funding

be provided for future research, science and innovation on biomass crops grown on the West Coast for biofuel:

*“....Alternative use of biomass production on marginal land for biofuel is another area that the WCRC believes requires research and investigation....Identifying suitable and available areas on the West Coast to grow energy crops....could be in conjunction with forestry land. It is estimated 50,000ha of land is required.<sup>8</sup>”*

WCRC consider that biomass harvesting could be managed through a more flexible approach to the regulations around permanent forest management. The forest industry is going to struggle to meet the demand from New Zealand dairy processors, such as Westland Milk Products to deliver enough wood material for heating as the processors move out of burning coal. The feasibility of harvesting biomass for biofuel compared to carbon sequestration from permanent exotic forestry needs to be further researched for the West Coast.

There will be additional demand on wood products from the emergence of a global bioeconomy, where wood is going to be used much more widely to replace greenhouse gas emitting substances, such as concrete, steel and plastics. Support should be given to regional communities to lead the world by producing these products, not adopting policies which would result in having to import them.

In addition to the exotic forest estate providing carbon sequestration capacity for the Government to budget for a carbon zero economy by 2050, the economic incentives need to support other uses for exotic forestry. Forestry and horticulture are predicted to lead the way to export recovery over the next few years. To meet the demand for new housing, biofuel and export there will be a huge increase in wood demand for new products.

In addition, freshwater wetland management should be investigated for its contribution to carbon sequestration. The sphagnum moss industry is a valuable economic industry for the West Coast. The industry also has an indirect benefit by contribution to the carbon sequestration. Active management of wetlands for sphagnum moss cultivation results in sequestration of carbon and by promoting sphagnum moss grown. The net result is carbon sequestration as the soil layer increases, even as the moss is harvested. The wetland can easily be reverted to a natural state through ecological succession.

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<sup>8</sup> West Coast Regional Council’s Resource Management Committee workshop on the draft submission on the Government’s Emissions Reduction Plan Discussion Document, 19 November 2021.

## **Feedback 5**

**That the Government supports further research on:**

- a) which species, including exotics, may be appropriate;**
- b) the regulations around permanent forest management to provide for other economic incentives through management options;**
- c) supporting natural and managed sphagnum moss wetlands through the ETS.**

This ends our feedback.

## West Coast Regional Council

### Fish Passage Assessment Report

July - September 2022

Over this quarter an additional 712 instream structures were assessed bringing the total to 1068 assessments. Fieldwork was expanded south toward Harihari, and northward toward Westport. Assessors also took two weeklong trips to both Karamea and Franz Josef (Figure 1). Catchments of interest were selected in relation to spawning information, location of whitebait stands as well as in areas where other work within the Sustainable Wild Whitebait Fishery Project is taking place. Land types have included road corridor/road reserve, District Council and DOC land, and Ngai Tahu Forestry. Work started on private land towards the end of the quarter.

Tim moved on to other work at the start of July, and during the six week recruitment process, Emily undertook a desktop assessment of structures on private land in order to prepare for permissions, completed 4WD training and worked on assessing structures throughout Kokatahi and Ianthe forest. Our new assessor Dan started in September.

Mapping on GIS has proven useful with aerial imaging being used to indicate where potential instream structures are and helpful in identify where private land permissions are required (Figure 2). Catchments have been chosen in relation to their value, such as other aspects of the project (fencing or weed control), whitebait spawning grounds, and the presence of whitebait stands at the river mouth.

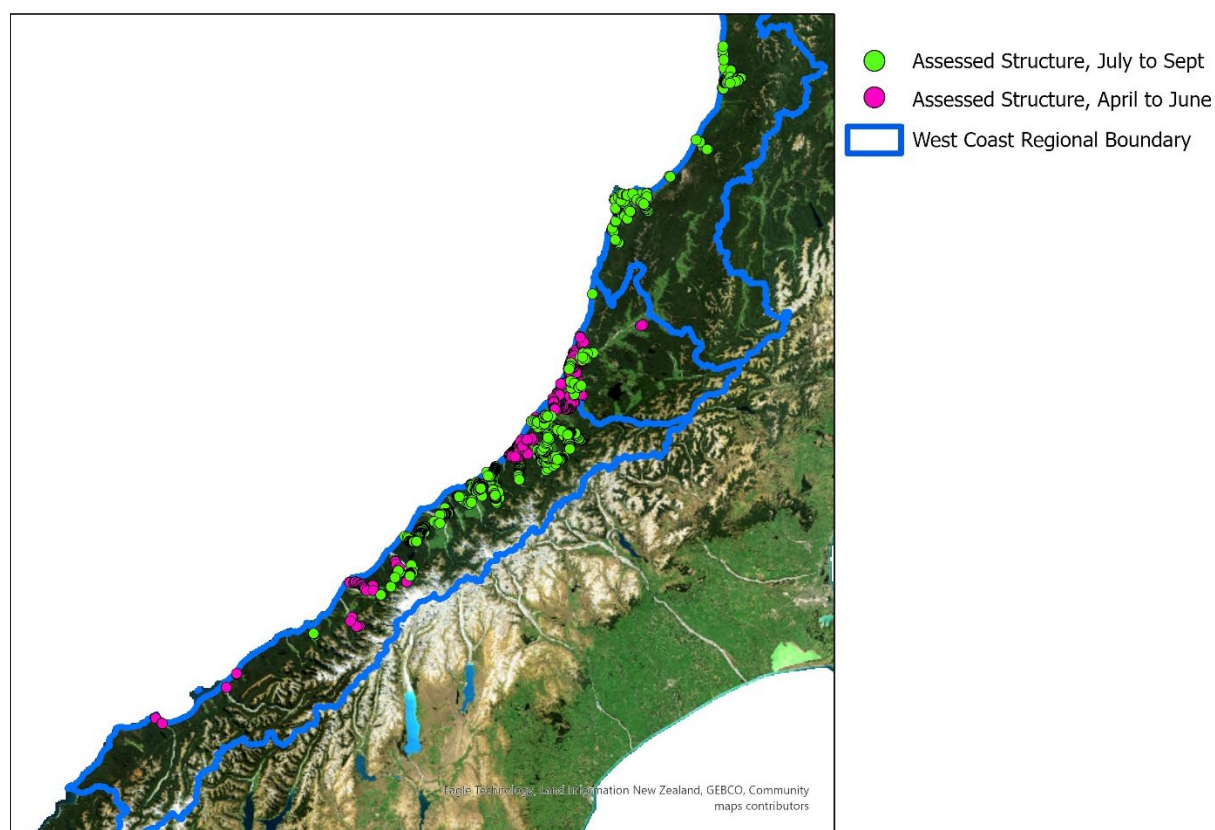
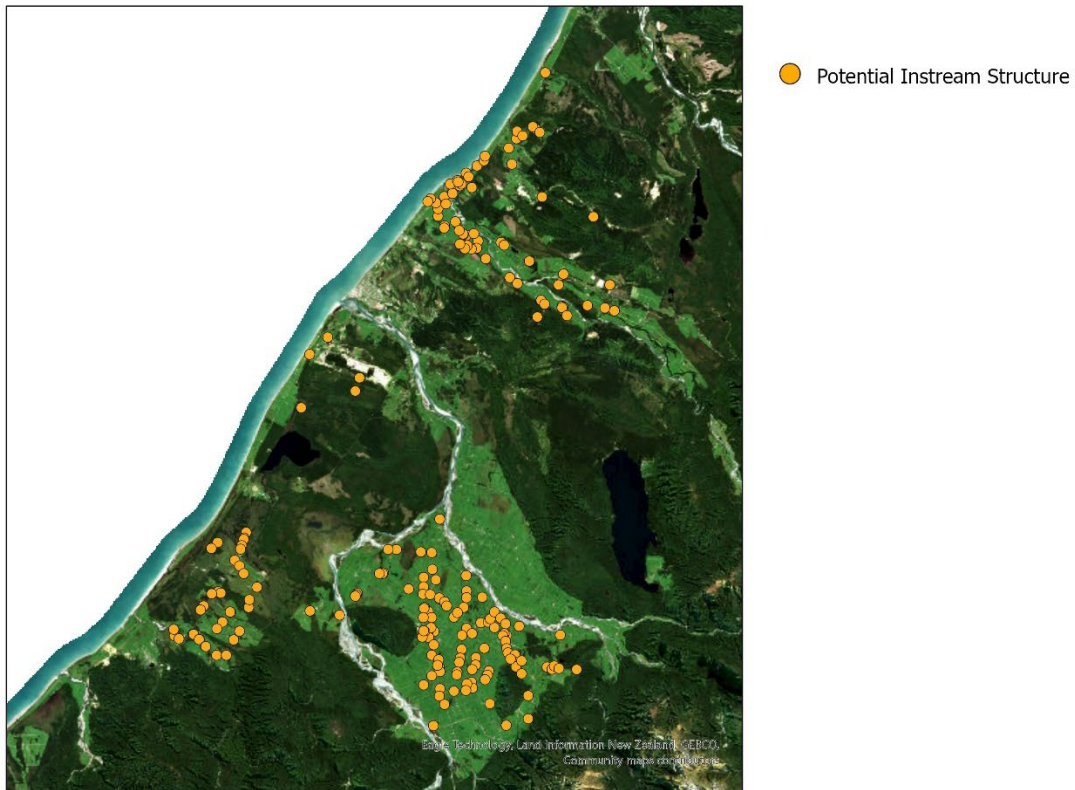
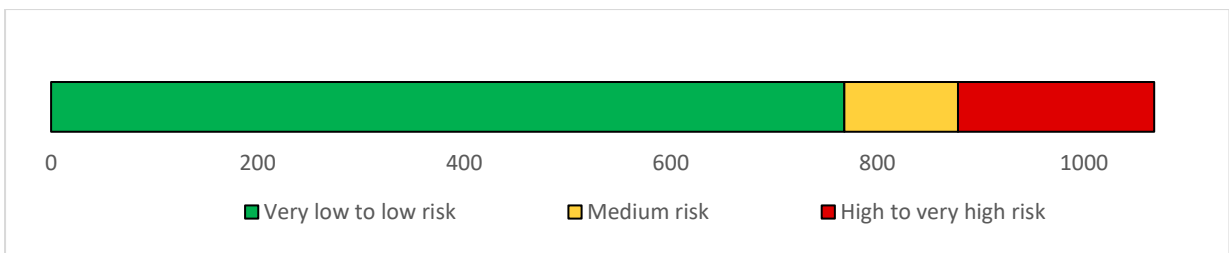


Figure 1: Total assessed structures across the West Coast Region.



**Figure 2:** Aerial imaging is being used to identify where private land permissions are required. Catchments Arahura River, Hokitika River, Fishermans creek, and Totara lagoon.

Out of the total completed 1068 assessments 70% have been identified as very low to low risk, with 768 structures not posing risk to fish passage. The remaining 30% have been classed as medium to high risk, these structures are identified as barriers which have a high potential of restricting movement of fish traveling upstream (Figure 3). The key factors attributing to the higher risk rating were significant drops and/or undercuts on the downstream end of structure, along with low water levels (less than 0.01m) and high-water velocity within the culvert. The increase in high risk structures can generally be attributed to forestry land. Highway structures range between low to high risk, and structures on farmland tend to be low risk.

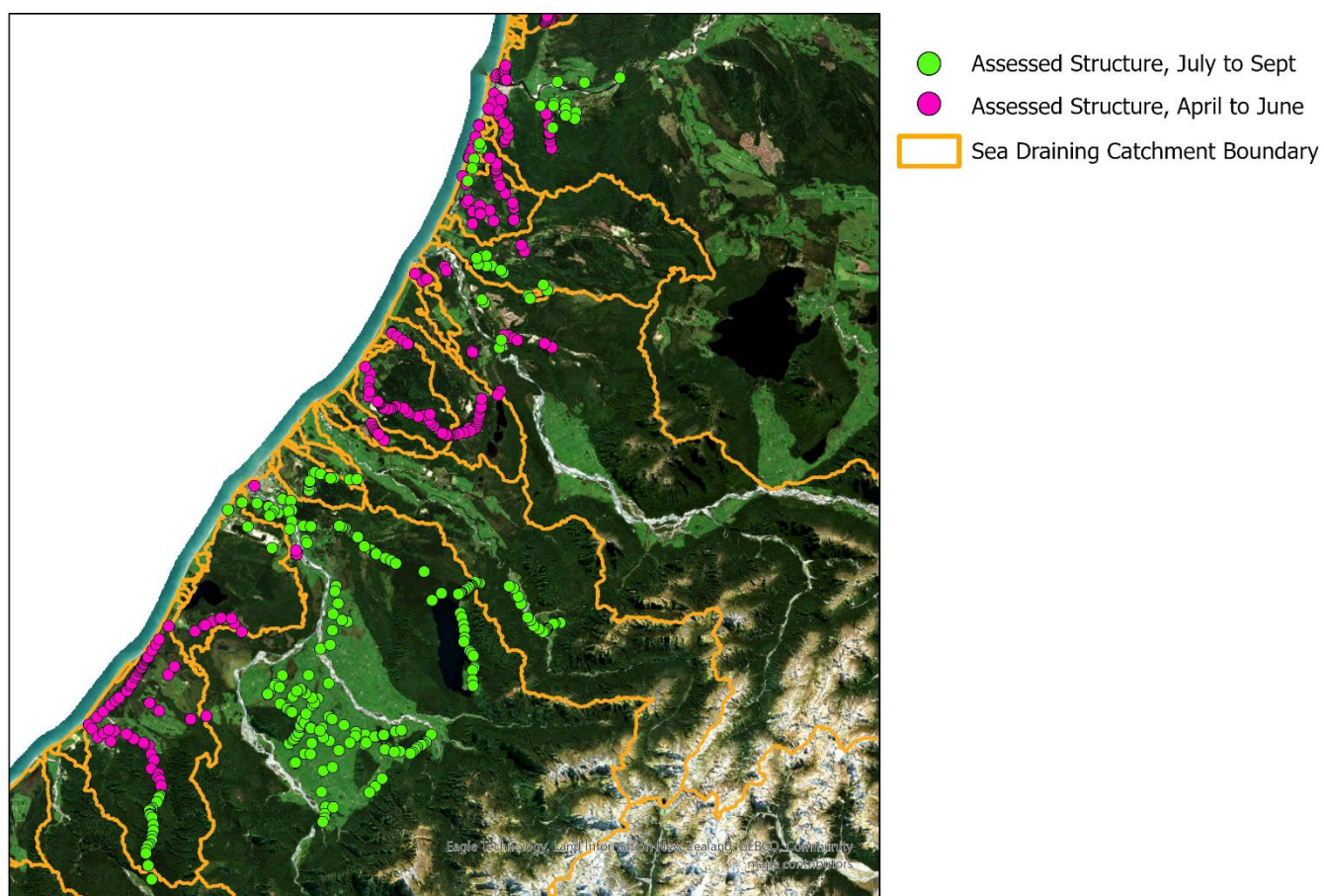


**Figure 3:** Instream structures assessed risk for Fish Passage.

**Table 1:** Risk matrix used for Fish Passage Assessments.

**Risk Matrix**

Very low risk	Movements are unimpeded for most or all fish species and life stages for most or all of the time.
Low risk	Some chance that movements of weaker swimming species are restricted some of the time.
Medium risk	moderate chance that movements of some fish species and life stages are commonly restricted.
High risk	High chance movements of fish species and life stages will be restricted for much of the time.
Very high risk	very high chance that most or all fish species will be blocked most or all of the time.

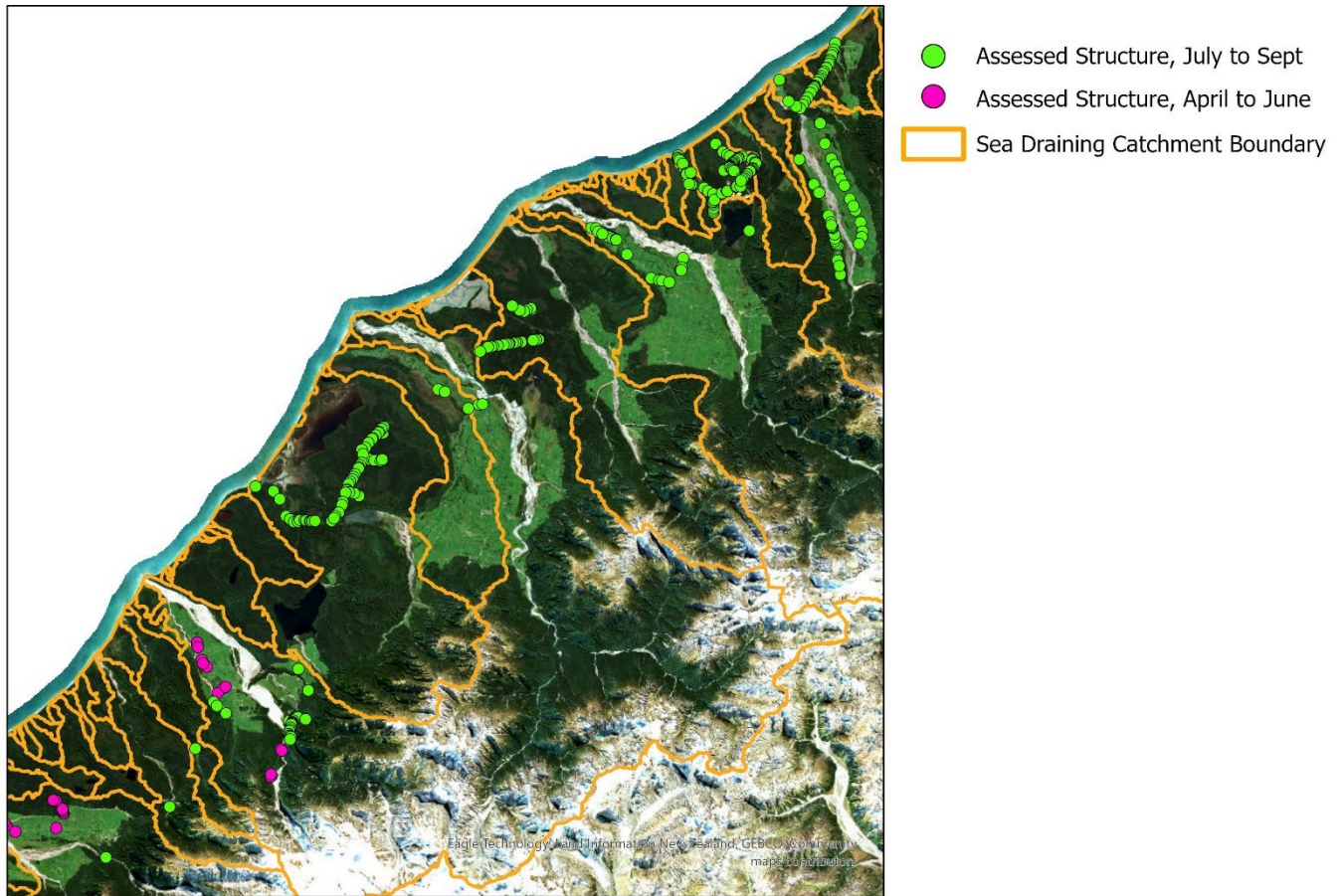


**Figure 4:** Locations of assessed structures between Greymouth and Ross, April to September.

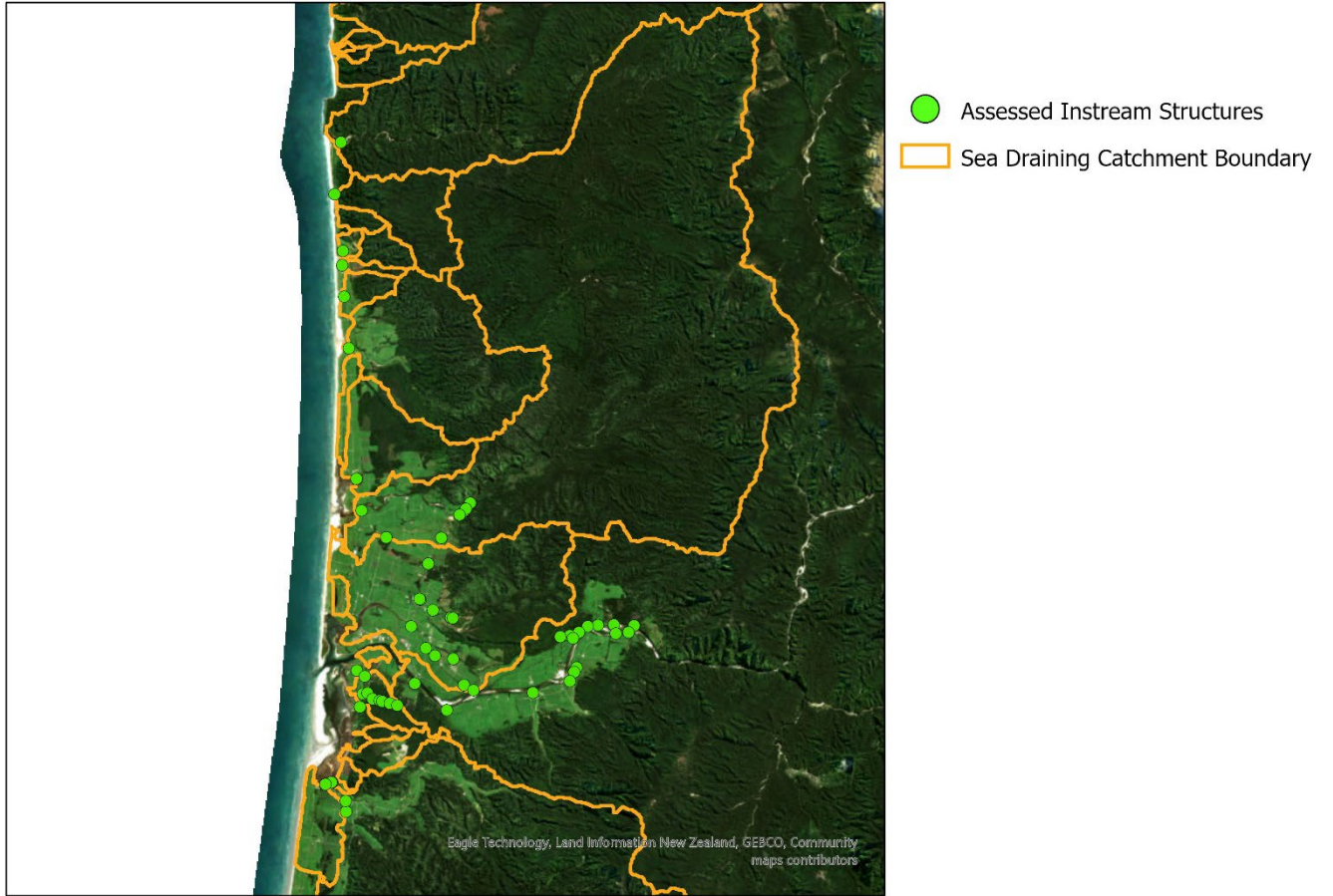


**Figure 5:** Locations of assessed structures between Westport to Charleston, July to September.





**Figure 6:** Locations of assessed structures between Waitaha River and Fox Glacier, April to September.



**Figure 7:** Locations of assessed structures in Karamea, July to September.

<b>Report to:</b> Resource Management Committee	<b>Meeting Date:</b> 8 November 2022
<b>Title of Item:</b> Consents Monthly Report	
<b>Report by:</b> Leah Templeman, Consents & Compliance Business Support Officer	
<b>Reviewed by:</b> Rachel Clark, Acting Consents & Compliance Manager	
<b>Public excluded?</b> No	

## Purpose

For the Resource Management Committee to be kept informed of activities in the Consents department, and to provide an update on current matters.

## Summary

This is the Consents report for September & October 2022 activities.

## Recommendation

It is recommended that the Committee:

1. receive the November 2022 report of the Consents Group.

## Site Visits

Two consent site visits were undertaken in the period 1 September 2022 to 31 October 2022:

12/09/2021	RC-2022-0108 Western Dynasty Stafford	Staff met onsite with Consents Officer Rachel Clark, Compliance Officer Kayla Smith and Mine Manager. Walked over the site, looked to see if any waterbodies or any wetlands on the site. Looked at area where mining is to expand into and could not see neighbours due to surrounding forest. Observed existing ponds used for previous mining.
14/09/2022	RC-2022-0107 Tuckers Flat Mining Tuckers Flat	Staff met onsite with Consents Officer Rachel Clark, Compliance Officer Kayla Smith, DOC Ranger, Mining Company owner and Mine Manger. Walked over the site, observed wetland onsite and discussed buffers to the wetland to ensure no adverse effects on wetland. Also observed area of significance native forest. Mining will be staged to allow an ecological assessment of forest area before mining can be approved in that area.

## Non-notified Resource Consents Granted

Thirteen non-notified resource consent applications were granted between 01 September to 31 October 2022, as follows:

RC-2022-0103 Rosco Contracting Limited Inangahua River – Reefton Town Road Bridge to Golf Club and the Oceania Gold Access Bridge	To disturb the dry bed of the Inangahua River for the purpose of removing gravel at the Reefton Town Road Bridge to the Golf Club.
	To disturb the dry bed of the Inangahua River for the purpose of removing gravel adjacent to the Oceania Gold Access Bridge.

<p>RC-2022-0104 Department of Conservation Lake Gault</p>	<p>To undertake earthworks and vegetation clearance in the riparian margins of Lake Gault.</p> <p>To disturb the bed of the Lake Gault to construct a jetty.</p>
<p>RC-2021-0110 Brett &amp; Dianne Cummings 4191B State Highway 6 – SEC 1 Blk 1 Punakaiki SD</p>	<p>To discharge treated onsite sewage wastewater from a domestic dwelling to land at Punakaiki on SEC 1 Blk 1.</p>
<p>RC-2022-0041 West Coast (Dairy) Ltd More Cow 1 Dairy Farm, Maruia River</p>	<p>To disturb the dry bed of the Maruia River to extract gravel to form a diversion channel.</p> <p>To divert water into a diversion channel, Maruia River.</p>
<p>RC-2022-0101 Glen Nordmeyer 10 Punga Grove, Lake Kaniere- Lot 14 DP 1580 Blk XI Kaniere SD</p>	<p>To discharge treated onsite sewage wastewater from a dwelling to land in circumstances where it may enter water at 10 Punga grove, Kaniere.</p>
<p>RCF-2022-0109 Westpower Ltd Ohinetamatea River/Saltwater Creek</p>	<p>To undertake earthworks in riparian margins, Ohinetamatea River/Saltwater Creek.</p> <p>To disturb the bed of Ohinetamatea River/Saltwater Creek to undertake protection works.</p> <p>To undertake dry bed gravel extraction, Flagstaff Creek.</p> <p>To reclaim part of the bed of Ohinetamatea River/Saltwater Creek.</p>
<p>RC-2022-0107 Tuckers Flat Limited Tuckers Flat Road, Kaniere.</p>	<p>To undertake mining, including earthworks and vegetation clearance in Stages 1 &amp; 2, in the Westland District, Tuckers Flat.</p> <p>To undertake native vegetation clearance and earthworks for mining purposes within Stages 1 &amp; 2, Tuckers Flat.</p> <p>To undertake earthworks associated with alluvial gold mining within Stages 1 &amp; 2, Tuckers Flat.</p> <p>To take groundwater via seepage associated with alluvial gold mining within Stages 1 &amp; 2, Tuckers Flat.</p> <p>To discharge contaminants to land where it may enter water associated with alluvial gold mining within Stages 1 &amp; 2, Tuckers Flat.</p>

<p>RC-2022-0112 Transpower NZ Ltd Otira River, Otira.</p>	<p>To undertake earthworks in the riparian margins of the Otira River associated with the replacement of power poles.</p> <p>To disturb the bed of the Otira River associated with the replacement of power poles.</p>
<p>RC-2022-0113 Murray and Sarah Nixon Big Paddock – Lot 18 DP</p>	<p>To discharge treated onsite sewage wastewater from a dwelling to land in circumstances where it may enter water, at 8 Big Paddock Road, Blue Spur.</p>
<p>RC-2021-0049 Arthur Gillman Okuru, Turnbull and the Waiatoto River</p>	<p>To disturb the wet bed of the Okuru River for the purpose of removing logs.</p> <p>To disturb the wet bed of the Turnbull River for the purpose of removing logs.</p>
<p>RC-2022-0120 Westreef Services Ltd Nile, Mokihinui, Punakaiki and Buller Rivers</p>	<p>To disturb the wet bed of the Waiatoto River for the purpose of removing logs.</p> <p>To disturb the dry bed of the Nile River for the purpose of removing gravel.</p> <p>To disturb the dry bed of the Mokihinui River for the purpose of removing gravel.</p> <p>To disturb the dry bed of the Punakaiki River for the purpose of removing gravel.</p> <p>To disturb the dry bed of the Buller River (Organs Island) for the purpose of removing gravel.</p>
<p>RC-2022-0118 Fahey Contracting Ltd MP41127, Red Jacks, Notown</p>	<p>To undertake alluvial gold mining activities including earthworks, Red Jacks, Notown.</p> <p>To take and use surface water and groundwater via seepage into mining ponds for the purposes of alluvial gold mining activities, Red Jacks, Notown.</p> <p>To discharge water containing sediment to land in circumstances where it may enter water associated with alluvial gold mining at Red Jacks, Nowtown.</p>
<p>RC-2021-0158 West Coast Regional Council Lot 1 DP 419200, Waiho River</p>	<p>To disturb the bed and banks of the Waiho River for the purpose of undertaking river protection works.</p> <p>The incidental discharge of sediment to the Waiho River while the bund is under construction.</p>

## Changes to Consent Conditions

Four applications to change consent conditions were granted in the period 01 September 2022 to 31 October 2022:

RC00300-v2 MBD Contracting Ltd Haast	Variation to increase the disturbed area.
RC-2022-0002-V1 M L Contracting Limited Adairs Road	Variation to take water associated with exploration alluvial gold mining.
RC-2021-0097-V3 Taylorville Resource Park Ltd Taylorville	To allow construction of an additional lined asbestos cell and to allow coal tar and pitch to be disposed of in the lined asbestos cells,
RC-2021-0090-V1 Luke and Jessica Brownlee Blind River	Variation to change the location of water take.

## Consents processed on behalf of Westland District Council

Four consents were granted, including variations, for the period 01 July 2022 to 31 October 2022.

## Consent applications lodged on behalf of Westland District Council

Six applications were lodged, including variations, for the period 01 July 2022 to 31 October 2022.

**Note:** The number of consents lodged and processed on behalf of Westland District Council has not previously been reported on. However it was thought to be of interest to the Committee, so has been reported for the first time. Going forward the consents for each month will be included.

## Considerations

### Implications/Risks

There are no implications/risks associated with this report.

### Significance and Engagement Policy Assessment

There are no issues within this report which trigger matters in this policy.

### Tangata whenua views

In line with the implementation of Paetae Kotahitanga ki Te Tai Poutini Partnership Protocol in the Mana whakahono ā Rohe Resource Management Act Iwi Participation Arrangement, Poutini Ngāi Tahu are provided with a report on a weekly basis of consent applications received.

This provides opportunity to alert Council to any resource consent applications received in the weekly table that are of particular interest.

An application for dry bed gravel extraction received for the Taramakau River, which is a Statutory Acknowledgement Area, has been forwarded to both Poutini Ngai Tahu and Ngāti Waewae for comment in accordance with the Mana Whakahono agreement.

### **Financial implications**

There are no financial implications associated with this report.

### **Legal implications**

Resource consents and changes of consent conditions are processed under the Resource Management Act 1991. There are no legal implications associated with this report.

<b>Report to:</b> Resource Management Committee	<b>Meeting Date:</b> 8 November 2022
<b>Title of Item: Compliance and Enforcement Monthly Report</b>	
<b>Report by:</b> Chris Barnes, Compliance Team Leader	
<b>Reviewed by:</b> Rachel Clark, Acting Consents and Compliance Manager	
<b>Public excluded:</b> No	

## Purpose

For the Resource Management Committee to be kept informed of activities in the Compliance and Enforcement department, and to provide an update on current matters.

## Summary

This is the Compliance and Enforcement report for the September and October 2022 activities.

## Recommendations

It is recommended that the Committee resolve to:

1. Receive the November 2022 report of the Compliance Group.

## Site Visits

A total of 139 site visits were undertaken during the reporting period, which consisted of:

Activity	Number of Visits
Resource consent monitoring	82
Mining compliance & bond release	13
Complaints	22
Dairy farm	22

This report covers the period of 1 September 2022 to 27 October 2022.

- A total of 29 complaints and incidents were recorded.

## Non-Compliances

There were 9 non-compliances that occurred during the reporting period.

Activity	Description	Location	Action/Outcome	INC/Comp
Rubbish Burning	Complaint about tyres been burnt on a domestic property	Greymouth	A compliance officer visited the site and found rubbish being burnt in a rubbish skip. The compliance officer instructed the alleged offender to extinguish the fire. No tyres were found to have been burnt on the fire. No further action to take place.	Complaint



Activity	Description	Location	Action/Outcome	INC/Comp
Land Development	Complaint about a small creek being discoloured for several weeks. The complainant believes this is a result of earthworks happening in a nearby land development.	Kaiata	A Compliance officer visited the site and found that a pre-existing pond had been excavated to extract more gravels for the development site. This left the pond laden in sediments which continually discharged into a nearby creek. Samples were taken and it was found to be a non-compliant activity. Enforcement action is still to be recommended at the time of writing this report.	Complaint
Landfill	While reviewing reports from a public enquiry about a demolition landfill site it was found that unauthorised materials were present within the landfill site.	Dunganville	Two compliance officers visited the site and found that the site was non-compliant with its consent conditions. The site contained materials that were not consented to be disposed onsite, and that part of the landfill had not been capped as required by the consent. At the time of the writing this report the council is working with the consent holder to understand their obligations and the requirement for accurate paperwork. Enforcement decision still to be made.	Complaint
Dairy Farming	Routine Compliance inspection of a dairy farm.	Inchbonnie	During the site inspection it was found that the backup effluent storage pond was overflowing and discharging to an adjacent paddock where pooling occurred. Enforcement action by way of a Formal Warning has been issued.	Incident
Gravel Extraction	The Council received a complaint about gravel being removed from a small creek that was potentially causing erosion.	Mitchells	A compliance officer carried out a site visit and found that the activity of removing gravel needed a gravel take consent. Enquiries are still ongoing.	Complaint

Activity	Description	Location	Action/Outcome	INC/Comp
Lifestyle Block Farming	Complaint received about a landowner restricting the flow of water down a waterway which is causing flooding to the upstream property.	Westport	A compliance officer visited the site, the officer found that the culvert had a plug installed in it to stop water flowing through it. Enquiries are still ongoing to establish an outcome for all parties concerned.	Complaint
Fossil Hunting	Multiple complaints received about the removal of a rock containing fossilized remains.	Little Wanganui	Several different agencies have been involved in the collection of information relating to this incident. It has been established that the removal of the rock by mechanical means from the Coastal Marine Area would have needed a resource consent. Enquiries are still ongoing.	Complaint
Rubbish Burning	Complaint received about plastics being burnt and causing issues to other residents.	Ross	A site visit was carried out and it was found that a resident of Ross was burning ice-cream containers and clothing in their back yard. The resident extinguished the fire when the attending officer explained the rules around burning of prohibited items. No further action.	Complaint
Gold Mining	Complaint received about Waimea Creek been discoloured.	Stafford	A compliance officer carried out a visit to the area and found that a gold mining operation was discharging sediment laden water to Waimea Creek by way of a stormwater channel. The miners had been carrying out work that caused this discharge. Samples were taken and sent for analysis. These were found to be in breach of the consented conditions. An infringement notice was issued to the mining company.	Complaint

### Other Complaints/Incidents

Note: These are the complaints/incidents assessed during the reporting period whereby the activity was found to be compliant, or non-compliance is not yet established at the time of reporting.

Activity	Description	Location	Action/Outcome	INC/Comp
Gold Mining	Complaint received relating to Shamrock Creek been discoloured from gold mining activities.	Goldsborough	A compliance officer carried out a site visit and took water samples. These samples were sent for analysis. The results showed that the discharge was within the consented limits, no further action required.	Complaint
River Works	An excavator was seen by council staff in the bed of a small creek.	Matai	A compliance officer visited the site and found that the landowner was carrying out protection work around a structure. The excavator was only in the creek as it needed to cross it. No further action.	Complaint
Gold Mining	Self-notification of dirty water discharge from a gold mining operation.	Goldsborough	A compliance officer carried out a site visit and found that the discharge was minor and within consented limits. No further action.	Incident
River Protection	Complaint about a rock wall being constructed on the Atarau side of the Grey River.	Atarau	The work being carried out was to repair a consented structure, no further action.	Complaint
Gold Mining	Complaint received about Waimea Creek being discoloured.	Goldsborough	A compliance officer carried out a visit to the area and found that the discharge was coming from a gold mining operation, but it was not breaching the miners consent conditions, no further action.	Complaint
Discharge to water	Compliance staff observed that Hauhau Creek was significantly discoloured with sediment laden water at the state highway bridge.	Hokitika	Enquiries were unable to establish the source of the discharge.	Incident
Discharge to Water	Complaint received that Hauhau Creek was significantly discoloured with sediment laden water at the state highway bridge.	Hokitika	Compliance officers visited the area and could not find where this second discharge was coming from.	Complaint
Discharge to Water	The council received a complaint, the Kapitea Creek was discoloured at the state highway bridge.	Kapitea	A compliance officer carried out an inspection at the state highway bridge and found the river flowing clear.	Complaint

Activity	Description	Location	Action/Outcome	INC/Comp
Saw Milling	Complaint from nearby resident regarding maintenance of a boiler.	Gladstone	Compliance officer visited the factory and found that new machinery had been installed and tested, no further issues were expected, and the nearby resident was happy, no further action.	Complaint
Land Reinstatement	Complainant has concerns about some land reinstatement carried out after the July 2021 floods.	Westport	A compliance officer carried out an inspection. They found no issues with drainage, but have indicated that a retrospective consent may be needed for work carried out in the Coastal Marine Area. Investigation is still ongoing.	Complaint
Contaminated Site Earthworks	Complaint relating to earthworks carried out within a Sawmill site, complainant believes material that has been removed contains contaminants.	Reefton	Compliance officers carried out a site visit, it was found that the sawmill is a HAIL site, the work that was carried out was minimal and no material was removed, the sawmilling company has taken samples and will provide these to the Council. Enquiries are still ongoing.	Complaint
Discharge to the Coastal Marine Area	Complaint passed onto the council regarding a potential septic tank discharge to the Coastal Marine Area.	Ngakawau	A site visit was undertaken, it was found that erosion had exposed piping to the septic tank, the house had been condemned in 2018. The compliance officer advised the landowner to have the tank cleaned out (as squatters had been living there recently). Receipts were provided to the council. No further action.	Complaint
Demolition Waste	Enquiry relating to the removal of a burnt out building potentially containing asbestos and whether it was been disposed of correctly.	Greymouth	A compliance officer carried out a visit of the building site and the site where the building was being disposed of. The removal, transportation and disposal were all in line with requirements and consented conditions.	Complaint

Activity	Description	Location	Action/Outcome	INC/Comp
Earthworks	Complaint received about a dried-up creek, which the complainant believes has been caused by earthworks further upstream.	Stafford	Enquiries are still ongoing into a consented activity and its relationship to the complaint.	Complaint
Discharge to Water	Complaint about a discharge from a septic tank to a creek.	Kumara	Compliance officer visited the site and found that it was a domestic stormwater pipe from the dwellings roof.	
Discharge to Water	Complaint about a discharge of a milky white substance to Watson's Creek, Paroa.	Greymouth	It was established that the incident happened on the weekend. Using the photo provided it was established the substance came from the Stanton Crescent stormwater system. Potentially someone cleaning paint brushes. The complainants were informed of the after-hours pollution hotline phone number.	Complaint
Gold Mining	Complaint that Waimea Creek at the state highway bridge was a coffee like colour and that it was coming from a gold mining operation.	Stafford	An area visit was undertaken by compliance staff and no discharge location was found.	Complaint
Discharge to Creek	A whitebaiter contacted the council regarding a creek flowing into the Seven Mile Creek near the mouth had been discoloured.	Rapahoe	Two compliance officers carried out a site visit and found that the small creek was dirty, but this was only within the tidal zone. It was noticed that earthworks had been carried out further upstream. The landowner was contacted, and he said it would not be from their works, he was asked about the potential issue of certain areas were the works were happening been a wetland. He said that it had already been assessed by the council as not a wetland. Investigation is still ongoing.	Complaint
Weed Spraying	Complaint about the Department of Conservation poisoning willow trees on West Coast Rivers. Complainant wanted this to be noted on file.	West Coast	Assessed as a permitted activity.	Complaint

Activity	Description	Location	Action/Outcome	INC/Comp
Discharge to Water	Complaint about a whitebaiter pouring cooking oil into the Buller River.	Westport	Compliance officer visited the area and found no evidence of this. The officer also spoke to a number of whitebaiters in the alleged area of discharge and they said they had never seen or heard of this. No further enquiries to be made.	Complaint
Disposal of Offal	Phone call about a butchered cow being buried along boundary in front of a dwelling. The caller was asking about advice.	Grey District	The rules were explained to the caller and explained that they may want the opportunity to explain the rule to the party that had disposed of the carcass, if they felt comfortable with this. They said they would be.	Complaint
Flood Damage	Resident has concerns about creek cutting into his property and believes that this is a council job to fix.	Kaiata	An officer explained the permitted activity rules and consents process to the resident, and also said they will pass on his complaint to the council engineers.	Complaint

#### Update on Previously Reported Ongoing Complaints/Incidents

Activity	Description	Location	Action/Outcome	INC/Comp
Gold Mining	Complaint regarding Donnelly's Creek being discoloured.	Ross	Sample results taken found the discharge was in breach of the consent conditions, an Infringement Notice was issued.	Complaint
Gold Mining	Complaint regarding Waimea Creek being discoloured.	Goldsborough	Sample results taken found the discharge was in breach of the consent conditions, an Abatement Notice and an Infringement Notice were issued.	Complaint
Gold Mining	Complaint regarding New River being discoloured.	Nemona Forest	Sample results taken found the discharge was in breach of the consent conditions, an Infringement Notice was issued.	Complaint
Gold Mining	Complaint regarding Shamrock Creek being discoloured.	Goldsborough	Sample results taken found the discharge was in breach of the consent conditions, an Abatement Notice and an Infringement Notice was issued.	Complaint

#### Formal Enforcement Action

**Formal Warning:** There was one Formal Warning Notice issued during the reporting period.

Activity	Location
Dairy Farming : Discharge of dairy effluent from an effluent pond	Inchbonnie

**Abatement Notice:** There were two Abatement Notices issued during the reporting period.

Activity	Location
Gold mining: discharge of sediment laden water	Goldsborough
Gold mining: discharge of sediment laden water	Goldsborough

**Infringement notice:** There were four Infringement Notices issued during the reporting period.

Activity	Location
Gold Mining: discharge of sediment laden water	Nemona Forest
Gold Mining: discharge of sediment laden water	Ross
Gold Mining: discharge of sediment laden water	Goldsborough
Gold Mining: discharge of sediment laden water	Goldsborough

### Mining Work Programmes and Bonds

The Council received three mining work programmes during the reporting period. The programmes have been approved.

Date	Mining Authorisation	Holder	Location	Approved
04/09/2022	RC-2018-0049	Aureon Limited	Goldsborough	Y
29/09/2022	RC-2017-0085	M L Contracting Limited	Dead Horse Creek	Y
30/09/2022	RC-2017-0051	Bathurst Coal Limited	Denniston	Y
04/10/2022	RC08109	M R Mills	Atarau	Y

There are no bonds received or recommended for release this reporting period.

## Considerations

### Implications/Risks

There are no implications/risks associated with this report.

### Significance and Engagement Policy Assessment

There are no issues within this report which trigger matters in this policy.

### Financial implications

There are no financial implications associated with this report.

### Legal implications

Monitoring of activities is required under the Resource Management Act 1991, and compliance and enforcement activities follow the provisions in the Act. There are no legal implications associated with this information report.



**THE WEST COAST REGIONAL COUNCIL**

To: Chair, Resource Management Committee

I move that the public be excluded from the following parts of the proceedings of this meeting, namely,-

- Item 9.1

<b>Item No.</b>	<b>General Subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 7 of LGOIMA for the passing of this resolution</b>
9.1	<i>Legal matters</i>	<i>The item contains information that is legally privileged</i>	<i>To maintain legal professional privilege (s 7(2)(g)).</i>

I also move that:

- Heather Mabin, Marc Ferguson, and Rachel Vaughan be permitted to remain at this meeting after the public has been excluded, because of their knowledge on these subjects. This knowledge will be of assistance in relation to the matters to be discussed; and
- The Minutes Clerk also be permitted to remain at the meeting.