



PROPOSED PLAN CHANGE 1 TO THE REGIONAL LAND AND WATER PLAN

SECTION 42A STAFF RECOMMENDING REPORT

Wetland Boundaries Review

December 2018

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Introduction

This December 2018 Section 42A Staff Recommending Report makes recommendations on submission points relevant to the 13 Schedule 2 wetlands that had a further assessment of their boundaries, as requested by the Hearing Panel.

Background

On 22 August 2016 the West Coast Regional Council (WCRC, or the Council) publically notified Proposed Plan Change 1 (pPC1) to the Regional Land and Water Plan. Part of the pPC1 sought to correct the boundaries of some Schedule 1 and 2 significant wetlands which had been identified as not having wetland values through a desktop assessment and/or site visits.

A total of 60 submissions and further submissions were received on pPC1, including in support of, and in opposition to, the proposed boundary amendments. A number of submitters requested that additional areas of designated Schedule 2 wetland be removed from their property.

Council staff analysed submissions, undertook further site visits, and drafted their recommendations to accept, accept in part, or reject, the relief sought by submitters. Refer to the May 2018 Section 42A Staff Recommending Report for staff responses regarding Part 1 of the pPC1, and for submissions on wetlands not covered by this Section 42A Report.

Plan Change 1 Hearing

The Hearing for pPC1 was held on 18th and 19th June 2018 at the West Coast Regional Council offices in Paroa, Greymouth. On 20th June the hearing panel undertook two sites visits to wetland areas to gain a better understanding of the issues at hand. At the completion of the staff right of reply on 21st June, the hearing was adjourned as it became apparent to the hearing panel, after having carried out the aforementioned site visits and receiving the staff right of reply, that further information was required to make a fully informed and robust decision on those submissions that seek amendments to the wetland boundaries.

The hearing panel commissioned a report (pursuant to Section 41C (4) of the Act) from an appropriately qualified person to determine whether the wetland boundaries under submission are correct as notified in the pPC1. At the hearing, the evidence of Dr Jane Marshall for the Department of Conservation, who was involved in the initial ground truthing of the extent of these wetlands, advised that the process to determine the accuracy of the wetland boundaries was not an ecological assessment of the wetlands under Schedule 3 of the Proposed Regional Land and Water Plan. Rather, the exercise was merely to determine the physical extent of the wetland on the ground. The commissioned Report has followed this same process, that is, to assist the hearing panel by advising whether the physical wetland boundaries that are the subject of a submission on pPC1 are accurate or not. A copy of the Brief for the commissioned "Schedule 2 Wetland Boundary Review" Report is included in this December 2018 Section 42A Report in Appendix 1.

December 2018 Section 42A Staff Recommending Report

Council's Planning staff have considered the information and recommendations in the commissioned "Schedule 2 Wetland Boundary Review" Report. This December 2018 Section 42A Staff Recommending Report makes recommendations on submission points relevant to the 13 Schedule 2 wetlands covered by the "Schedule 2 Wetland Boundary Review 2018" Report, which is attached in Appendix 2. As a result of considering the commissioned Report, some of the staff recommendations in this December 2018 Section 42A Report are different to what was in the first May 2018 Section 42A Report, while others remain the same. Where the staff recommendation and/or the reasons differ wholly or in part to the May 2018 Report, they supercede those in the May Report.

Note that on Page 7, the heading titled "PART 2: CHANGES TO WETLAND BOUNDARIES WITHIN SCHEDULE 1 AND 2 TO OMIT AREAS THAT ARE NOT ECOLOGICALLY SIGNIFICANT" has an error in it that is carried over from the May 2018 Section 42A Report. "Ecologically Significant" should be "Wetland". Page 2 of the S32 Report: "Maps Showing Changes to Scheduled Wetland Boundaries", also needs to have the same amendment.

The Hearing will reconvene on Thursday 31 January 2019 at the West Coast Regional Council offices in Paroa, Greymouth. Friday 1 February is also set aside for the hearing if this is required. Those who submitted on one or more of the 13 Schedule 2 wetlands addressed in the commissioned Report can provide evidence in response to that Report, and this December 2018 Section 42A Report, at the Hearing.

Readers Guide

This document follows the same order of Part 2 of the May 2018 Section 42A Staff Recommending Report for those Decision Requested (DR) numbers that relate to the 13 wetlands reviewed in the commissioned Report. The individual decisions requested by submitters are grouped under the General Submission section or the relevant Schedule 2 wetland.

The DR numbers in this Report are the same as those given in the May 2018 Section 42A Staff Recommending Report.

The following shows the format of this December 2018 Section 42A Staff Recommending Report.

Section of Proposed Plan Change 1 on which a submission is made	Part 2: Changes to wetland boundaries within Schedule 1 and 2 to omit areas that are not ecologically significant.		
Decision number	Decision Requested: 2.3		
Who made submission	<i>Submitter</i>	15	ELWEP
Who made submission in support or opposition	<i>Support</i>	56	NDFL
	<u>Submission</u> I oppose all changes to scheduled wetland boundaries where those changes remove marginal strip-like areas along the wetland margins.		
	Reason: Policies 6.3.1 and 6.3.2 and their explanations in the WCRC's Land and Water Plan refer to protecting wetlands and their margins, and mapping them to include "sufficient margins where necessary to control adjoining land drainage activities that might otherwise affect the natural water level within the wetland itself and have adverse effects on the values present". The proposed changes do not make clear whether or not the margins removed are in fact what are "sufficient margins where necessary", and are mapped as integral to the wetland for that reason.		
Submission/Change Sought	Relief sought: Therefore I request that the Proposed Plan Change make clear whether or not the strips proposed for removal have in fact been assessed for their importance or otherwise as "sufficient margins" for the wetlands concerned, and list the qualifications of the person(s) making those assessments, and whether those assessments were peer-reviewed.		
Further submission reason for support or opposition	<u>Further submission (NDFL)</u> Oppose; not farming these areas could result in land reverting to weeds, turning sour and many other associated farming and economic issues. <u>Further submission (BDC)</u> Oppose in part (as it relates to FOUN023) It is unclear whether the Submitter's requested relief is intended to apply to FOUN023 Caledonian Terrace.		
Council's recommendation	The additional wording sought by the Submitter is considered unnecessary in relation to the proposed amendments to the boundaries of FOUN023. The areas to be excluded were developed prior to notification of the Land and Water Plan and are not a functioning wetland. Recommendation Accept in part		

Council's reason for the recommendation

Reason

The reasons given under Decision Requested 2.3 in the May 2018 Section 42A Staff Recommending Report still apply.

Furthermore, following the hearing, the panel requested additional information on the boundaries of 13 wetlands that were submitted on. Site visits to these wetland areas occurred between July and September 2018 to assess their wetland boundaries, and whether removing any additional areas would affect the hydrology of the remaining designated area. Staff have considered the reviewed information and recommend additional boundary adjustments to 9 of the 13 wetlands outlined in the "Schedule 2 Wetland Boundary Review" Report, attached as Appendix 2 of this Report. These additional site visits have the effect of a peer review by providing a second opinion on the wetland boundaries reviewed. Staff accept in part the submitters' point about ensuring that the areas removed do not affect the ongoing functioning of the remaining wetland. In both earlier and latter site visits, this was assessed. However, no change is recommended specifically in response to this submission.

Copies of the submissions made can be downloaded from Council's website at: <http://www.wcrc.govt.nz/our-services/resource-management-planning/landandwater/Pages/default.aspx>

The decisions sought by each submitter and further submitter on general wetland boundary matters, or one or more of the 13 wetlands in the commissioned Report can be found by referring to the tables *Index of Decisions Requested: Submissions* and *Index and Decisions Requested: Further submissions* which follow the Tables of Submitters and Further Submitters below. In the two Indexes, the Decision Requested number assigned shows the relevant section of the Plan Change and the number of the individual submission, as described above.

Table of Submitters

Submitter Number	Submitter	ABR	Wish to be heard	Heard with Others
5	Buller Conservation Group	BCG	Yes	Yes
7	Birchfield Coal Mines Limited	BCML	Yes	
8	Bonar Farms Limited	BFL	Yes	Yes
9	Gordon Bradley	BRADG	Yes	Yes
12	Douglas Chinn	CHIND	Yes	No
15	Paul Elwell-Sutton	ELWEP	Yes	Yes
16	Gerald Essenberg	ESSEG	Yes	Yes
19	Federated Farmers of New Zealand	FFNZ	Yes	
23	Andrew Grigg	GRIGA	No	
25	Colin and Juliette Henry	HENRC	Yes	
27	Frida Inta	INTAF	Yes	Yes
29	Kauri 139 Limited / NZG Limited	KAURI	Yes	Yes
30	Allan Lowe	LOWEA	Yes	Yes
33	Minerals West Coast	MWC	Yes	Yes
34	MJ & CE O'Regan Family Trust	OFT	Yes	Yes
36	Provis Farms Limited	PFL	No	
38	Royal Forest and Bird Protection Society of New Zealand Inc.	RF&B	Yes	Yes

Table of Further Submitters

Further Submitter Number	Submitter	ABR	Wish to be heard	Heard with Others
5	Buller Conservation Group	BCG	Yes	Yes
10	Mike and Wendy Brooks	BROM	No	
19	Federated Farmers of New Zealand	FFNZ	Yes	
27	Frida Inta	INTAF	Yes	Yes
30	Allan Lowe	LOWEA	Yes	Yes
38	Royal Forest and Bird Protection Society of New Zealand Inc.	RF&B	Yes	Yes
47	Buller District Council	BDC	Yes	Yes
48	Nonny Caro	CARN	No	
49	William Foster	FOSTW	No	
51	B.P & C.A Jones And The Kongahu Rating District	JONKRD	Yes	Yes
52	Kawhaka Station Limited	KSL	Yes	Yes
53	Kongahu Farm	KONGF	No	
56	Nikau Deer Farm Limited	NDFL	Yes	Yes
58	Arthur Thomson	THOMA	Yes	Yes
59	Te Runanga o Makaawhio	TROM	Yes	Yes

Index of Decisions Requested: Submissions

Submitter Number	Abrv	Decisions Requested				
5	BCG	2.9	2.48			
7	BCML	2.7	2.51			
8	BFL	2.10				
9	BRADG	2.57				
12	CHIND	2.65				
15	ELWEP	2.3				
16	ESSEG	2.72				
19	FFNZ	2.4				
23	GRIGA	2.70				
25	HENRC	2.11				
27	INTAF	2.12	2.49			
29	KAURI	2.63				
30	LOWEA	2.66				
33	MWC	2.13	2.50	2.52	2.64	
34	OFT	2.47				
36	PFL	2.62				
38	RF&B	2.5	3.1			

Index of Decisions Requested: Further Submissions

Submitter Number	Abrv	Decisions Requested									
5	BCG	2.4									
10	BROM	2.65	2.66								
19	FFNZ	2.5	2.7	2.9	2.10	2.12					
27	INTAF	2.4									
30	LOWEA	2.66									
38	RF&B	2.13	2.51								
47	BDC	2.3	2.5	2.9	2.12						
48	CARN	2.70									
49	FOSTW	2.57									
51	JONKRD	2.4	2.5								
52	KSL	2.70									
53	KONGF	2.4	2.5								
56	NDFL	2.3	2.4	2.5	2.7	2.9	2.11	2.12	2.48	2.49	2.50
58	THOMA	2.9	2.12								
59	TROM	3.1									

PART 2: CHANGES TO WETLAND BOUNDARIES WITHIN SCHEDULE 1 AND 2 TO OMIT AREAS THAT ARE NOT WETLAND ECOLOGICALLY SIGNIFICANT

General Submissions on Schedule 1 and 2 Wetlands

Decision Requested: 2.3

Submitter	15	ELWEP
Oppose	56	NDFL
Oppose in part	47	BDC

Submission

I oppose all changes to scheduled wetland boundaries where those changes remove marginal strip-like areas along the wetland margins.

Reason:

Policies 6.3.1 and 6.3.2 and their explanations in the WCRC's Land and Water Plan refer to protecting wetlands and their margins, and mapping them to include "sufficient margins where necessary to control adjoining land drainage activities that might otherwise affect the natural water level within the wetland itself and have adverse effects on the values present".

The proposed changes do not make clear whether or not the margins removed are in fact what are "sufficient margins where necessary", and are mapped as integral to the wetland for that reason.

Relief sought:

Therefore I request that the Proposed Plan Change make clear whether or not the strips proposed for removal have in fact been assessed for their importance or otherwise as "sufficient margins" for the wetlands concerned, and list the qualifications of the person(s) making those assessments, and whether those assessments were peer-reviewed.

Further submission (NDFL)

Oppose; not farming these areas could result in land reverting to weeds, turning sour and many other associated farming and economic issues.

Further submission (BDC)

Oppose in part (as it relates to FOUP023)

It is unclear whether the Submitter's requested relief is intended to apply to FOUP023 Caledonian Terrace.

The additional wording sought by the Submitter is considered unnecessary in relation to the proposed amendments to the boundaries of FOUP023. The areas to be excluded were developed prior to notification of the Land and Water Plan and are not a functioning wetland.

Recommendation

Accept in part

Reason

The reasons given under Decision Requested 2.3 in the May 2018 Section 42A Staff Recommending Report still apply.

Furthermore, as a result of new information, some of the staff recommendations in the May Section 42A Report for some wetland boundaries have changed. Following the hearing, the panel requested additional information on the boundaries of 13 wetlands that were submitted on. Site visits to these wetland areas occurred between July and September 2018 to assess their wetland boundaries, and whether removing any additional areas would affect the hydrology of the remaining designated area. Staff have considered the new information and recommend additional boundary adjustments to 9 of the 13 wetlands outlined in the "Schedule 2 Wetland Boundary Review" Report, attached as Appendix 2 of this Report. These additional site visits have the effect of a peer review by providing a second opinion on the wetland boundaries reviewed. Staff accept in part the submitters' point about ensuring that the areas removed do not affect the ongoing functioning of the remaining wetland. In both earlier and latter site visits, this was assessed. However, no change is recommended specifically in response to this submission.

Decision Requested: 2.4

Submitter	19	FFNZ
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Oppose	5, 27	BCG, INTAF
Support	51	JONKRD
Support	53	KONGF
Support	56	NDFL

Submission

FFNZ supports the boundary changes for wetland areas where these areas are not ecologically significant, especially on farmland, as this allows farmers to use their land as normal. The proposed boundary changes need to consider current land use and should there be no wetland values associated with a mapped area, that area should not be subject to the land use restrictions imposed on wetland areas.

We are concerned that some mapped 'wetland' areas still cover developed and drained farmland, which could unnecessarily restrict normal farming activities.

Relief sought:

Remove all developed and drained farmland from the mapped 'wetland' areas.

Further submission (BCG, INTAF)

Wetlands need hydrological buffers. Also there is public land involved, which has been developed into farmland that are the subject of boundary changes. Any public land involved in these boundary changes should be retained as wetland.

Further submission (JONKRD)

Drains Roadways and general farm infrastructure need to be excluded for example Maps KAMP002a & 2b contain farm infrastructure ie. roadways and drains that have existed since the 1980s along with the main drain for the Kongahu Swamp (referred to as Blackwater Creek).

Further submission (KONGF)

Drains, Roadways and general farm infrastructure need to be excluded from maps KAMP002a&2b. It contains farm infrastructure ie. roadways and drains that have existed since the 1980s along with the main drain for the Kongahu Swamp (referred to as Blackwater Creek).

Further submission (NDFL)

Support; removing these areas that are not ecologically significant allows landowners to use this land as they normally would.

Recommendation

Accept in part

Reason

The reasons given under Decision Requested 2.4 in the May 2018 Section 42A Staff Recommending Report still apply.

Furthermore, as a result of new information, some of the staff recommendations in the May Section 42A Report for some wetland boundaries have changed. Following the hearing, the panel requested additional information on the boundaries of 13 wetlands that were submitted on. Site visits to these wetland areas occurred between July and September 2018 to assess their wetland boundaries, and whether removing any additional areas would affect the hydrology of the remaining designated area. Staff have considered the new information and recommend additional boundary adjustments to 9 of the 13 wetlands outlined in the "Schedule 2 Wetland Boundary Review" Report, attached as Appendix 2 fo this Report.

Decision Requested: 2.5

Submitter	38	RF&B
Oppose	19	FFNZ
Oppose	51	JONKRD
Oppose	53	KONGF
Oppose	56	NDFL
Oppose in part	47	BDC

Submission

The shapefiles showing the amended wetlands do not identify any hydrological buffer. Failure to delineate a buffer (and in fact in all schedule 1 and 2 wetlands notified in the operative Land and Water Plan) does not give proper effect to objectives and policies in the proposed Regional Policy Statement, the operative Land and Water Plan and section 6(a) RMA.

The wetland definition set out in the Plan Glossary includes the land water margins. Objective 5.2.1, Policy 5.5.2 and the Objective and Policies in Chapter 6 refer to the protection of wetlands and their margins.

The provision of a hydrological buffer was intended to be provided for as an outcome of Environment Court proceedings in relation to the identification of significant wetlands in the Plan. (*Friends of Shearer Swamp v WCRC* [2012] NZEnvC 006)

Relief sought:

Add a 20m buffer to each wetland shapefile of amended Schedule 1 and 2 wetlands, and all other scheduled wetlands, to provide for a hydrological buffer and ensure any land owner and decision maker are aware of the need to protect the land margins of these wetlands.

Further submission (FFNZ)

Oppose. This proposal simply adds a buffer to a buffer. The substantial buffers proposed by the submitter are not appropriate – the land at issue either has the wetland values or it doesn't. The RMA does not require councils to provide additional buffer areas in the way proposed; this would be to the significant detriment of impacted landowners.

Further submission (JONKRD)

20m buffer unfair as for sub1.8 (DoC)

Further submission (KONGF)

There are significant wetlands thriving without the need for extra buffer.

Further submission (NDFL)

Oppose; not farming these areas could result in land reverting to weeds, turning sour and many other associated farming and economic issues.

Further submission (BDC)

Oppose in part (as it relates to FOUP023)

The areas proposed for exclusion from FOUP023 Caledonian Terrace were developed prior to notification of the Land and Water Plan and are not a functioning wetland.

Adding a 20m buffer to the proposed boundaries of FOUP023 would in some places negate the proposed exclusions and in others would incorporate parts of the Westport water infrastructure back into the scheduled wetland. It is considered appropriate that the areas of infrastructure be excluded from the scheduled wetland.

Recommendation

Reject

Reason

The reasons given under Decision Requested 2.5 in the May 2018 Section 42A Staff Recommending Report still apply.

Furthermore, adding blanket buffers is not appropriate or necessary for certain wetlands that further information has been obtained on. Following the hearing, the panel requested additional information on 13 wetland boundaries that were submitted on. Site visits to these wetland areas occurred between July and September 2018 to assess their wetland boundaries, and whether removing any additional areas would affect the hydrology of the remaining designated area. Staff have considered the new information and recommend additional boundary adjustments to 9 of the 13 wetlands outlined in the "Schedule 2 Wetland Boundary Review" Report, attached as Appendix 2 of this Report.

Decision Requested: 2.7

<i>Submitter</i>	7	BCML
<i>Support in part</i>	19	FFNZ
<i>Support in part</i>	56	NDFL

Submission

Original Wetland Identification Process

The background to the process of wetland identification needs to be considered. The original process for identifying and classifying the current 'wetland' was and is flawed with no input sought from the landowner. No distinction is made between land removed from the wetland area and those left in.

Birchfield Coal Mines Ltd. have been operating in the Mai Mai Valley for over 30 years and through this time have gathered significant local knowledge around the land covered by and surrounding the current coal mining activity.

There appears to have been no on ground assessment of the characteristics or historical use of the land covered by the 'wetland' definition. Nor has any evidence been provided to BCML who either own the land or have an interest in the land area through minerals permit rights regarding identification of the values associated with the so called wetland.

The boundaries don't appear to have been defined by any scientific process as some areas of land adjoining the 'wetland' appear to be similar in characteristics.

Economics / Development

Coal won from these areas [MAIP003 Fletcher Creek and MAIP004 Giles Creek] are delivered direct to industries in the South Island ensuring the continued prosperity of this region. BCML customers depend on the ability to receive quality energy units direct to their factories. The known minerals deposits under these blocks are coal and gold. BCML has invested significantly to provide continued supply to industry users and if these areas are not removed it would be detrimental to both BCML and their customers.

The wetlands areas have been put on top of either granted working coal or gold mining licences' or over granted prospecting licences. There are proven coal reserves under these areas which will continue to ensure the economic prosperity of the primary industries of West Coast in particular and the New Zealand as a whole.

Relief sought:

We submit that the entire areas of nominated wetland identified as MAIP003 and MAIP004 be removed.

Further submission (FFNZ)

Support in part. For the same reasons as those within our submission decision requested (2.4); we do not consider adequate input from landowners or appropriate ground-truthing has taken place and that any areas subsequently determined to not contain the required values, must be removed from the maps.

Further submission (NDFL)

Support in part; WCRC did a good job in the process, however when this went to the environment court, the environment court decided to include private land without any consultation with the landowner affected, this would appear to go against our democratic rights.

Recommendation

Accept in part

Reason

The staff recommendation to reject the general points in this submission and remove the wetland designation from the entire area of wetland MAIP004 Giles Creek, plus the reasons given, under Decision Requested 2.7 in the May 2018 Section 42A Staff Recommending Report still apply.

However, as a result of new information, the staff recommendation in the May Section 42A Report regarding wetland MAIP004 Fletcher Creek has changed to now accept in part the submitter's request to remove further parts of this wetland designation. Following the hearing panel's request for additional information on 13 wetlands that were submitted on, wetland MAIP004 Fletcher Creek being one of the 13, a site visit was undertaken on 4 September 2018 as outlined in the "Schedule 2 Wetland Boundary Review" Report, attached as Appendix 2 of this Report. The boundary review Report concluded that the entirety of Perserverance Road with a buffer on both sides of the road, as shown in Figure 76 of the Report, does not have wetland values, and so the designation should be removed from this area. The Report also concluded that removing the buffer on either side of the road will not affect the hydrology of the remaining designated area. Staff support this suggestion for the reasons given in the Report, and recommend removing the designation from this area.

Decision Requested: 2.9

<i>Submitter</i>	5	BCG
<i>Oppose</i>	19	FFNZ
<i>Oppose</i>	56	NDFL
<i>Oppose</i>	58	THOMA
<i>Oppose in part</i>	47	BDC

Submission

There are a lot of deletions involved but very few additions. The only places we found proposed additions are at Otumahana, Mahinapua, Kapitea. There are 77 wetland sites with proposed deletions.

The Land and Water Plan's section 6, objective 1, Explanation, says, "...Mapping included sufficient margins where necessary to control adjoining land drainage activities that might otherwise affect the natural water level within the wetland itself and have adverse effects on the values present."

Most of the deletions are in marginal areas of wetlands. These marginal areas are buffer areas to the wetlands. Note that the Land and Water Plan says that mapping has included sufficient margins to control adjacent activities.

Some areas proposed for removal, especially some block areas, are obviously developed and it is understandable that they be excluded, however a buffer margin to the wetland should still be included from those blocks.

Of major concern is that some areas proposed for exclusion are on public land. Too many adjacent landowners on the west coast have developed, and profit, from public land whilst paying no rates and having no lease. It is a breach of regional and district plans that private activity, including indigenous degradation/ destruction, occurs on our public lands in cases where no permission/ lease for such has been issued.

Relief sought:

We would like to see any marginal areas around these wetlands retained as buffer areas where restricted activities are permitted, with any drainage activity excluded.

These marginal areas could be allowed to continue to function as they are but any land drainage should be prohibited via rules in the Plan.

Exclude such developed block areas but include buffer margin.

Any public land proposed for removal from the wetland schedule is objectionable. Such areas, even if developed, should have any private activity removed from it and the land allowed to revert to its natural state.

Further submission (FFNZ)

Oppose. Requiring buffers as proposed by the submitter is not appropriate – the land at issue either has the wetland values or it doesn't. The RMA does not require councils to provide additional buffer areas in the way proposed; this would be to the significant detriment of impacted landowners, whether private or otherwise.

We similarly oppose this submitter's objections to a range of mapping changes based on their apparent vague glance at maps and their surmising from this on what the values or land ownership might be; this lacks credibility and any kind of appropriate factual or scientific basis.

Further submission (NDFL)

Oppose; not farming these areas could result in land reverting to weeds, turning sour and many other associated farming and economic issues.

Further submission (THOMA)

I oppose Buller Conservation Group and Frida Inta submissions because Council has done a detailed assessment of these wetland boundaries.

Further submission (BDC)

Oppose in part (as it relates to FOUP023)

FOUP023 Caledonian Terrace is within a reserve for water-conservation purposes vested in the Buller District Council and as such could be considered to be "public land". The areas to be excluded from FOUP023 are considered appropriate exclusions, despite their status as public land, given that they were developed prior to notification of the Land and Water Plan and are not a functioning wetland.

Council supports the exclusions from FOUP023 as notified as a minimum and does not support the addition of any marginal areas or buffers back into the scheduled wetland.

Recommendation

Accept in part

Reason

The reasons given under Decision Requested 2.9 in the May 2018 Section 42A Staff Recommending Report still apply.

Furthermore, as a result of new information, some of the staff recommendations in the May Section 42A Report for some wetland boundaries have changed. Following the hearing, the panel requested additional information on 13 wetland boundaries that were submitted on. Site visits to these wetland areas occurred between July and September 2018 to assess their wetland boundaries, and whether removing any additional areas would affect the hydrology of the remaining designated area. Staff have considered the new information and recommend additional boundary adjustments

to 9 of the 13 wetlands outlined in the "Schedule 2 Wetland Boundary Review" Report, attached as Appendix 2 of this Report.

At the hearing, further submitter Mr Arthur Thompson (THOMA) requested for the area of Schedule 2 wetland on his property to be purchased by DOC. For this reason, this wetland was one of the 13 wetlands the hearing panel requested additional information on. The wetland area is wetland HOKP009/HOKP064 Totara Lagoon which is partly owned by Mr Thompson. A site visit was undertaken on 14 September 2018 as outlined in the "Schedule 2 Wetland Boundary Review" Report, attached as Appendix 2 of this Report. The boundary review Report supported removing the designation from the areas originally proposed in the Plan Change 1, as shown in the document titled "S32 Report: Maps Showing Changes to Scheduled Wetland Boundaries", as these areas are confirmed as not having wetland values. However, the boundary review Report did not recommend removing the designation from any additional areas as the remaining designated areas have wetland values. Staff support this suggestion for the reasons given in the boundary review Report, and recommend only removing the designation from the areas originally proposed.

Decision Requested: 2.10

Submitter	8	BFL
Support	19	FFNZ

Submission

Process of handling of our situation

Drawing in Boundaries on a Map without proper consultation with us landowner.

Boundary

We made a fair offer and was not even considered.

River protection

What proportion of river is to be paid DOC/WCRC?

Who are we dealing with?

DOC/ WCRC?

Consent put in to finish development, was not expected.

Relief sought:

Un-bias person to walk our boundary with us.

We want a proper negotiation process.

Further submission (FFNZ)

Support. For the same reasons as those within our submission decision requested (2.4); we do not consider adequate input from landowners or appropriate ground-truthing has taken place and that any areas subsequently determined to not contain the required values, must be removed from the maps.

Recommendation

Accept in part

Reason

The staff recommendation to reject most of the points in this submission, plus the reasons given, under Decision Requested 2.10 in the May 2018 Section 42A Staff Recommending Report still applies.

However, as a result of new information, the staff recommendation in the May Section 42A Report has changed to now accept in part removing further parts of this wetland designation. At the hearing, the submitter provided evidence that part of the wetland designation on their land is not wetland. Following the hearing panel's request for additional information on 13 wetlands that were submitted on, this being one of the 13, a site visit was undertaken on 20 August 2018 as outlined in the "Schedule 2 Wetland Boundary Review" Report, attached as Appendix 2 of this Report. The boundary review Report concluded that the area, as shown in light blue of Figure 13 of the Report, does not have wetland values. It also stated that removing the designation from this area will not affect the hydrology of the remaining designated area, and so the designation should be removed. Staff support this suggestion for the reasons given in the boundary review Report, and recommend removing the designation from this area.

Decision Requested: 2.11

Submitter	25	HENRC
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Support

56

NDFL

Submission

Time taken. This is year number 4.

Are our submissions really going to be heard? Or is this yet another joke?
That this is yet another VORTEX for schedule 1 and 2 owners. Even Methuselah had to die at some time.

Schedule 1 and 2 are preventing farmers from the enjoyment and husbandry of their land which is rightfully theirs. As a result they are not seen as adding to the economy of this land.

Rule 28(j)(iii) is ridiculous. Whose land is this? Who is paying the rates? These rules, whilst dictating what can and can't be done on Schedule 1 and 2 land, do not contain a provision for the sale of said land as was outlined in original legislation.

Relief sought:

That farm owners in this designated Schedule 1 and 2 be bought out at a fair and reasonable price, or be given a land exchange post haste. Or the designation of a wetland is taken off their title.

If this piece of land cannot be bought by the powers that be then the designation of wetlands be removed. Forth with.

Further submission (NDFL)

Support; A democratic and justifiable method of dealing with SNW on private land, is to buy or swap land at a fair price or completely remove these SNW's. The method our central government has arranged for creating SNW's goes against New Zealanders private property rights.

Recommendation

Reject

Reason

The staff recommendation under Decision Requested 2.11 in the May 2018 Section 42A Staff Recommending Report to reject most of the points in this submission regarding land purchase, plus the reasons given, still applies.

At the hearing the submitter requested again for the area to be purchased by DOC or the Council. For this reason, this wetland was one of the 13 wetlands the hearing panel requested additional information on. A site visit was undertaken on 26 July 2018 as outlined in the "Schedule 2 Wetland Boundary Review" Report, attached as Appendix 2 of this Report. The boundary review Report confirmed that the remainder of the wetland designation area does have wetland values and so the designation should stay in place. Staff support this suggestion for the reasons given in the Report, and recommend leaving the remaining designation in place.

Decision Requested: 2.12

Submitter	27	INTAF
Oppose	19	FFNZ
Oppose	56	NDFL
Oppose	58	THOMA
Oppose in part	47	BDC

Submission

There are a lot of deletions involved but very few additions. The only places I found proposed additions are at Otumahana, Mahinapua, Kapitea. There are 77 wetland sites with proposed deletions.

The Land and Water Plan's section 6, objective 1, Explanation, says, "...Mapping included sufficient margins where necessary to control adjoining land drainage activities that might otherwise affect the natural water level within the wetland itself and have adverse effects on the values present."

Most of the deletions are in marginal areas of wetlands. These marginal areas are buffer areas to the wetlands. Note that the Land and Water Plan says that mapping has included sufficient margins to control adjacent activities.

Some areas proposed for removal, especially some block areas, are obviously developed and it is understandable that they be excluded, however a buffer margin to the wetland should still be included from those blocks.

Of major concern is that some areas proposed for exclusion are on public land. Too many adjacent landowners on the west coast have developed, and profit, from public land whilst paying no rates and having no lease. It is a breach of regional and district plans that private activity, including indigenous degradation/ destruction, occurs on our public lands in cases where no permission/ lease for such has been issued.

Relief sought:

I would like to see any marginal areas around these wetlands retained as buffer areas where restricted activities are permitted, with any drainage activity excluded.

These marginal areas could be allowed to continue to function as they are but any land drainage should be prohibited via rules in the Plan.

Exclude such developed block areas but include buffer margin.

Any public land proposed for removal from the wetland schedule is objectionable. Such areas, even if developed, should have any private activity removed from it and the land allowed to revert to its natural state.

Further submission (FFNZ)

Oppose. Requiring buffers as proposed by the submitter is not appropriate – the land at issue either has the wetland values or it doesn't. The RMA does not require councils to provide additional buffer areas in the way proposed; this would be to the significant detriment of impacted landowners, whether private or otherwise.

We similarly oppose this submitter's objections to a range of mapping changes based on their apparent vague glance at maps and their surmising from this on what the values or land ownership might be; this lacks credibility and any kind of appropriate factual or scientific basis.

Further submission (NDFL)

Oppose; not farming these areas could result in land reverting to weeds, turning sour and many other associated farming and economic issues.

Further submission (THOMA)

I oppose Buller Conservation Group and Frida Inta submissions because Council has done a detailed assessment of these wetland boundaries.

Further submission (BDC)

Oppose in part (as it relates to FOUP023)

FOUP023 Caledonian Terrace is within a reserve for water-conservation purposes vested in the Buller District Council and as such could be considered to be "public land". The areas to be excluded from FOUP023 are considered appropriate exclusions, despite their status as public land, given that they were developed prior to notification of the Land and Water Plan and are not a functioning wetland.

Council supports the exclusions from FOUP023 as notified as a minimum and does not support the addition of any marginal areas or buffers back into the scheduled wetland.

Recommendation

Accept in part

Reason

Note that the recommendation to reject this submission in the May 2018 Section 42A Staff Recommending Report was an error. The recommendation should have been Accept in part.

This submission is exactly the same as Decision Requested 2.9 by the Buller Conservation Group. Refer to the reasons given under Decision Requested 2.9 which apply to this submission.

Decision Requested: 2.13

<i>Submitter</i>	33	MWC
<i>Oppose</i>	38	RF&B

Submission

Provisions to which submission relates

- MAIP003
- MAIP004
- HOKP086

- HOKP009
- PUNP001

Minerals West Coast supports the proposed removal of areas of the following wetland areas:

- HOKP009
- PUNP001

Minerals also supports the proposed removal of areas of the following wetlands but also requests that further areas are removed due to previous modification and development of these areas.

- MAIP003
- MAIP004
- MAIP006
- HOKP086

The wetland identified above cover existing minerals permits that allow the holder to either explore or mine for minerals and coal. The incorrect classification or identification of wetlands in these areas will result in increased costs associated with the exploration and development of the mineral and coal resources in these areas.

In some cases this classification has the potential to adversely affect existing mining activities, including current and future investment and employment opportunities.

In assessing the current wetland maps and the associated areas designated for amendment, it appears that there is no consistent approach taken to identification or classification of wetland areas.

In some instances, areas of previous track or road construction and previous land development has been removed where in others this has not.

As a general comment, Minerals West Coast holds concerns regarding the process for identification of the wetlands and the subsequent this process has had on landowners across the region. The inclusion of wetland areas without appropriate assessment has resulted in additional costs being imposed on exploration and mining activities without any information being available to either the land owner or permit holder.

Relief sought:

The following amendments are sought:

- Removal from MAIP003 all areas of previous modification including Perserverance Road, previous tracking and roading and areas of previous modification associated with logging activities within Minerals Exploration Permit EP60154
- Removal of MAIP006 from within Minerals Mining Permit MP41646 given the level of previous modification within this area as evident on the attached aerial photograph.
- Removal of MAIP004 from within Minerals Mining Permit 52160 given the level of previous modification within this area.
- An increase in the area to be removed from HOKP086 to more fully capture land that has been developed prior to the notification of the Land and Water Plan.
- A more thorough assessment of the values associated with the wetlands identified above and this information provided to the land owners or persons holding interests over the land in question, including minerals permit holders, prior to confirmation or removal or addition to these areas.

The maps attached to this submission show the areas initially identified by the submitter as being consistent with other areas that have been removed from the current wetland areas. Given the significance of the mineral potential underlying these areas a fuller assessment of the identified wetland areas should be undertaken.

[Map submitted in support of submission is included at Appendix 1 of the May 2018 Section 42A Staff Recommending Report, DR 2.52, DR 2.54, DR 2.64, & DR 4.10]

Further submission (RF&B)

Forest and Bird is opposed to any further deletions of wetland areas. A thorough (and pragmatic) ecological assessment of the Coast's wetlands has occurred. Further removal would be contrary to Council's responsibilities as set out in the RMA and its own objectives and policies in the Land and Water Plan.

Recommendation

Accept in part

Reason

The reasons given under Decision Requested 2.13 in the May 2018 Section 42A Staff Recommending Report for the staff recommendation on wetlands PUNP001 Barrytown Flats, Maher Swamp, MAIP004 Giles Creek and MAIP006 Te Wharau still apply.

Refer to Decision Requested 2.10 for the staff response to wetland HOKP009 Totara Lagoon.

As a result of new information, the previous staff recommendation in the May Section 42A Report regarding wetland MAIP004 Fletcher Creek has changed to now accept in part removing further parts of this wetland designation. Following the hearing panel's request for additional information on 13 wetlands that were submitted on, wetland MAIP003 Fletcher Creek being one of the 13, a site visit was undertaken on 4 September 2018 as outlined in the "Schedule 2 Wetland Boundary Review" Report, attached as Appendix 2 of this Report. The boundary review Report concluded that the entirety of Perserverance Road, with a buffer on both sides of the road, as shown in Figure 76 of the Report, does not have wetland values, and so the designation should be removed from this area. Staff support this suggestion for the reasons given in the Report, and recommend removing the designation from this area.

As a result of the boundary review Report, it is recommended to remove the whole designation from wetland HOKP086 Ross. Refer to Decision Requested 2.63 of this Report for further detail.

BULP050 Oweka

Decision Requested: 2.47

Submitter

34

OFT

Submission

Part 1, Oppose. The rules in the original identification of the wetland were unreasonable as they did not allow for consultation with the landowner. As the owner of the land involved I find it unusual that we are now expected to submit on how a proposed change to a decision that was made without any opportunity to submit to the original decision. We do not accept this area is a Wetland.

Part 2, Oppose. This type of land and vegetation is well represented in other land held by the Department of Conservation in the Inangahua Valley.

This land was offered to the Department of Conservation to be purchased through the Heritage Fund by the previous owner, we have offered this land as part of a land swap with the Department of Conservation. Both of these have been turned down.

Relief sought:

Compensation should be payable for land that is privately owned but can not be used by the land owner due to it being of significance to the rest of NZ.

If these areas are to stay as recognized wetlands, land owners should be compensated for the cost of seeking a resource consent to use the area.

Rates should not be paid on these areas by the land owner but instead be paid by the central government.

Where applicable a land swap of the same financial value should be offered to the land owner.

Owners should be advised as to the effect on the value of their property that these areas are part of. Banks should be consulted as it is part of their loan security.

This area to be removed from the Wetlands schedule. (Boundaries removed completely).

Recommendation

Accept in part

Reason

The reasons given in relation to the submission points about land swaps and compensation under Decision Requested 2.47 in the May 2018 Section 42A Staff Recommending Report still apply.

However, at the hearing the submitter reiterated his view that part of the wetland designation on his land is not wetland. As a result of new information, the previous staff recommendation in the May Section 42A Report has changed to now accept in part removing this wetland designation. Following the hearing panel's request for additional information on 13 wetlands that were submitted on, this being one of the 13, a site visit was undertaken on 5 September 2018 as outlined in the "Schedule 2 Wetland Boundary Review" Report, attached as Appendix 2 of this Report. The boundary review Report concluded that the area does not have wetland values and so the designation should be removed. Staff support this suggestion for the reasons given in the Report, and recommend removing the designation from this area. The area recommended to be removed is shown in Figure 2 of the Report.

PUNP001 Barrytown Flats, Maher Swamp

Decision Requested: 2.48

Submitter	5	BCG
Oppose	56	NDFL

Submission

P30 This swamp particularly needs all the protection it can get.

Relief sought:

Object

Further submission (NDFL)

Oppose; In a report DOC prepared on the 25th August 2009 (file DOCDM463214) declared this area as “not outstanding or remarkable”. For this reason the whole of the area on private land should be removed, not just the area identified by WCRC as not ecologically significant.

Recommendation

Reject submission by BCG

Accept further submission by NDFL

Reason

The recommendation to reject the submission by the Buller Conservation Group, and the reasons given, under Decision Requested 2.48 in the May 2018 Section 42A Staff Recommending Report still apply.

Regarding the further submission by Nikau Deer Farms Limited, as a result of new information, the further submission is accepted. Following the hearing panel’s request for additional information on 13 wetlands that were submitted on, this being one of the 13, a site visit was undertaken on 25 July 2018 as outlined in the “Schedule 2 Wetland Boundary Review” Report, attached as Appendix 2 of this Report. The boundary review Report concluded that the designated wetland area on the further submitter’s property does not have wetland values. It also concluded that removing the designation would not affect the hydrology of the remaining designated area, and so the designation should be removed. Staff support this suggestion for the reasons given in the Report, and recommend removing the designation from the submitter’s property. The area recommended to be removed is shown in Figure 82 of the boundary review Report.

Decision Requested: 2.49

Submitter	27	INTAF
Oppose	56	NDFL

Submission

P30 This swamp particularly needs all the protection it can get.

Relief sought:

Object

Further submission (NDFL)

Oppose; In a report DOC prepared on the 25th August 2009 (file DOCDM463214) declared this area as “not outstanding or remarkable”. For this reason the whole of the area on private land should be removed, not just the area identified by WCRC as not ecologically significant.

Recommendation

Reject

Reason

This submission is exactly the same as Decision Requested 2.48 by the Buller Conservation Group. Refer to the reasons given under Decision Requested 2.48 which apply to this submission.

Decision Requested: 2.50

Submitter	33	MWC
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Support in part

56

NDFL

Submission

Minerals West Coast supports the proposed removal of areas of the following wetland areas:

- PUNP001

Further submission (NDFL)

Support in part; This area WCRC identified as not ecologically significant should be removed. However this does not go far enough, WCRC should remove the whole area on private land because DOC identified it as "not outstanding or remarkable".

Recommendation

Accept

Reason

The support from the submitter is acknowledged.

Regarding the further submission, see the response under Decision Requested 2.48 of this Report.

MAIP003 Fletcher Creek**Decision Requested: 2.51****Submitter**

7

BCML

Oppose

38

RF&B

Submission

A recent survey of the area has identified significant historical logging and development through tracking and road construction. Much of the area is regenerating bush and is not considered to be wetland. The land is made up of alluvial gravels and river flats. There are three opencast coal mines in the area marked. This area has granted mining licences and prospecting licences over it.

The area was extensively logged from 1970 to the early 1990 and has pinus radiata and eucalyptus plantations. The roads and areas of previous logging have not been taken into consideration which is inconsistent with other changes being made to wetland boundaries. There is little or no information regarding the values associated with this wetland available to the submitter in order to make an informed assessment of the proposed changes therefore there can be little confidence in the assessment of the overall area.

- Granted mining on licence on land
- Land has been mined.
- Has a granted EP over area.

Area is not wetland. It is free draining alluvial gravel base with steep terraces. Re vegetated forest cover. No ecological assessment has been done to prove significance of the area.

Granted mining licence on the area.

Relief sought:

Given the above BCML submit that the entire MAIP003 Wetland be removed given the level of error associated with the current wetland boundary.

Remove area from Regional Land and Water Plan.

Further submission (RF&B)

Forest and Bird is opposed to any further deletions of wetland areas. A thorough (and pragmatic) ecological assessment of the Coast's wetlands has occurred. Further removal would be contrary to Council's responsibilities as set out in the RMA and its own objectives and policies in the Land and Water Plan.

Recommendation

Accept in part

Reason

This submission point was also made by the submitter under Decision Requested 2.7. Refer to the reasons given under DR 2.7 which apply to this submission point.

Decision Requested: 2.52**Submitter**

33

MWC

Submission**Relief sought:**

- Removal from MAIP003 all areas of previous modification including Perseverance Road, previous tracking and roading and areas of previous modification associated with logging activities within Minerals Exploration Permit EP60154

The maps attached to this submission show the areas initially identified by the submitter as being consistent with other areas that have been removed from the current wetland areas. Given the significance of the mineral potential underlying these areas a fuller assessment of the identified wetland areas should be undertaken.

[Map submitted in support of submission is included at Appendix 1 of the May 2018 Section 42A Staff Recommending Report, D.R 2.52]

Recommendation

Accept in part

Reason

This submission point was also made by the submitter under Decision Requested 2.13. Refer to the reasons given under Decision Requested 2.13 which apply to this submission point.

HOCP004 Candlelight Pakihi**Decision Requested: 2.57****Submitter**

9

BRADG

Support

49

FOSTW

Submission

Support in part.

Relief sought:

That the remaining mapped area on my property is removed from the Schedule 2 wetland classification.

The S32 map highlights the reason for removal being that the area is not a functioning wetland, it has conspicuous pasture development, under gone spraying for pest plants and sown with exotic grass seed.

As all the mapped areas of my farm has been modified in exactly the same way (subsurface drainage, pasture development, and sown with exotic grasses) it is unclear why only a portion is proposed to have the wetland classification removed. This area has no wetland values attached to it and should not be subject to the land use restriction imposed on wetland areas.

For consistency and workability all mapped wetlands areas on my farm should be removed.

Further submission (FOSTW)

Proposed Plan Change for our Property at Candlelight. This land has been developed and we are happy for it to be removed from a designated wetland.

Recommendation

Accept

Reason

The support in part for the wetland designation over the area originally proposed to be removed is acknowledged.

In the May 2018 Section 42A Staff Recommending Report staff recommended to remove the wetland designation from the northern area as proposed in Plan Change 1, and leave the designation on the southern area based on the Department of Conservation's assessment. However, as a result of new information, staff now recommend to accept the submission and remove the southern area. Following the hearing panel's request for additional information on 13 wetlands that were submitted on, this being one of the 13, a site visit was undertaken on 17 August 2018 as outlined in the "Schedule 2 Wetland Boundary Review" Report, attached as Appendix 2 of this Report. The boundary review

Report concluded that the area outlined in light blue in Figure 19 of the Report does not have wetland values, and so the designation should be removed. The Report also concluded that removing the designation from this area will not affect the hydrology of the remaining designated area. Staff support this suggestion for the reasons given in the Report, and recommend removing the designation from this southern area.

HOKP018 Whiley Creek

Decision Requested: 2.62

Submitter

36

PFL

Submission

I am replying to a letter received by Provis Family Farms in relation to a proposed wetland as indicated on a map attached to the proposal. I note that my father (A C Provis) the former land owner has received some correspondence in regard this wet land and I have to admit I am not familiar as to what has been agreed in regards to the area marked as wetland.

Relief sought:

I would like to suggest that the land as marker in blue on the map enclosed be removed from the classification as wetland as it doesn't really fall within this category for the following reasons:

- 1) The 4 darker lines (within the blue zone), on the map, are pilot drains which were dug in the 1970's. The ground is actually relatively dry, and unfortunately for us we have had difficulty even getting the sphagnum moss to grow.
- 2) We have planted a mixture of exotic and native trees (mainly totara trees) in this area which are at different stages with the plan to use them for fence posts and fire wood.
- 3) The valuable wetland is further back beyond the boundary, where there is some drainage, we hoped to have been able to put an access track along the boundary to cut off the water which drains out of the wetland by using the track as a dual access and barrier to the drainage of this area.

I hope you will consider this proposal, and I look forward to your reply. If you would like a tour of the area, I would be more than willing to do this.

[Map submitted in support of submission is included at Appendix 1 of the May 2018 Section 42A Staff Recommending Report, D.R 2.62]

Recommendation

Reject

Reason

The reasons given for recommending to reject this submission under Decision Requested 2.62 in the May 2018 Section 42A Staff Recommending Report still apply.

The submitter provided further evidence at the hearing to support their view that the additional area sought to have the wetland designation removed from is not wetland. However, following the hearing panel's request for additional information on 13 wetlands that were submitted on, this being one of the 13, a site visit was undertaken on 20 July 2018 as outlined in the "Schedule 2 Wetland Boundary Review" Report, attached as Appendix 2 of this Report. The boundary review Report confirmed that the area does have wetland values and suggested the designation should remain in place. Staff support this suggestion for the reasons given in the Report, and recommend for the designation to remain on the area requested by the submitter.

HOKP086 Ross

Decision Requested: 2.63

Submitter

29

KAURI

Submission

Kauri 139 Ltd/ NZG Limited support the removal of part of HOKP086, however the current area of removal does not fully cover the areas that have been modified previously. Therefore an amendment is requested, this is reflected in the attached map.

Relief sought:

The removal area should be increased to cover the area shown on the attached map.

[Map submitted in support of submission is included at Appendix 1 of the May 2018 Section 42A Staff Recommending Report, D.R 2.63]

Recommendation

Accept

Reason

As a result of new information, staff now recommend to accept the submission and remove the whole wetland designation. Following the hearing panel's request for additional information on 13 wetlands that were submitted on, this being one of the 13, a site visit was undertaken on 6 September 2018 as outlined in the "Schedule 2 Wetland Boundary Review" Report, attached as Appendix 2 of this Report. The boundary review Report concluded that the entire area does not have wetland values and so the designation should be removed. Staff support this suggestion for the reasons given in the Report, and recommend removing the designation from this area. The area recommended to be removed is shown in Figure 37 of the boundary review Report.

Decision Requested: 2.64

Submitter

33

MWC

Submission

Relief sought:

- An increase in the area to be removed from HOKP086 to more fully capture land that has been developed prior to the notification of the Land and Water Plan.

The maps attached to this submission show the areas initially identified by the submitter as being consistent with other areas that have been removed from the current wetland areas. Given the significance of the mineral potential underlying these areas a fuller assessment of the identified wetland areas should be undertaken.

[Map submitted in support of submission is included at Appendix 1 of the May 2018 Section 42A Staff Recommending Report, D.R 2.64]

Recommendation

Accept in part

Reason

As a result of new information, staff now recommend to accept the submission and remove the whole wetland designation. Refer to the reasons given under Decision Requested 2.63 of this Report which apply to this submission point.

HOKP099 Little Houhou Creek

Decision Requested: 2.65

Submitter

12

CHIND

Support

10

BROM

Submission

I have attached a plan showing the change I would like to see in place on land designated as RS. 1182. (HOKP009).

I would like to retain all land within the True Right of the existing waterway that backs onto my grazing area. Also would like to retain the area that forms the bird habitat adjacent to my grazing area.

This water way is a major component with the grazing areas as it helps in the drainage process throughout the top farm. This drain needs to be cleared at times to maintain flow. Also this drain starts at the top of my property then continues through the adjacent land so this access water needs to be controlled on my property.

The area within the bird habitat has been built up over the years to provide a small pond for all bird life to use and also assist in water flow in high rainfall.

The wetland area within RS. 1068 and RS.1150 has also been used to supplement my income by picking moss. I have been picking moss over 25 years in this area. I have sprayed the gorse, crushed the gorse and have picked moss at various places over a 5-6 year cycle. This I hope to continue for future generations.

[Map submitted in support of submission is included at Appendix 1 of the May 2018 Section 42A Staff Recommending Report, D.R 2.65]

Further submission (BROM)

We would like to add a further submission to state that we support D Chinn and A Lowe in their submissions to your council. As you know they both boundary our land.

Recommendation

Accept

Reason

As a result of the hearing panel's request for additional information on 13 wetlands that were submitted on, this being one of the 13, a site visit was undertaken on 1 August 2018 as outlined in the "Schedule 2 Wetland Boundary Review" Report, attached as Appendix 2 of this Report. The boundary review Report concluded that a further area around the pond does not have wetland values. The Report also suggested moving the boundary of the Schedule 2 wetland, which runs along the edge of the true left side of the drain, into the wetland by three metres. This area is considered to not have wetland values, and the boundary adjustment will not have an effect on the hydrology of the remaining designated wetland area. Staff support these suggestions for the reasons given in the Report, and recommend removing the wider areas of the designation from the drain and pond. The areas recommended to be removed are shown in Figure 50 of the boundary review Report.

Decision Requested: 2.66

Submitter	30	LOWEA
Support	10	BROM
Support	30	LOWEA

Submission

I oppose this section of the Plan as I am a landowner who has lost significant value of my property and also lost the option to build on this land; without any compensation offered.

Relief sought:

Withdraw the reclassification of my property, which is now useless to me as an investment, or arrange appropriate compensation for the loss of value.

Further submission (BROM)

We would like to add a further submission to state that we support D Chinn and A Lowe in their submissions to your council. As you know they both boundary our land.

Further submission (LOWEA)

Oppose. Land that I own is directly affected by the proposed Plan in that the land will lose significant valuation and resale values, due to the wetland classification. I would accept appropriate compensation or a land swap for the loss of value I have incurred.

Recommendation

Accept in part

Reason

The reasons given in the May 2018 Section 42A Staff Recommending Report in relation to rejecting the parts of this submission regarding compensation and land swaps still apply.

However, we note that the May 2018 Staff Recommending Report explanation about the 2013 Boffa Miskell Schedule 3 assessment of this wetland overlooked that Boffa Miskell identified an area of designated wetland that was previously cleared for a building site, which does not have wetland values. Boffa Miskell further advised in their Report that the boundary can be adjusted to remove the wetland designation from the building site.

As a result of reviewing the Boffa Miskell assessment and the new information from the recent site visit, staff now recommend to accept in part removing part of this wetland designation. Following the hearing panel's request for additional information on this wetland as part of the review of 13 wetlands that were submitted on, a site visit was undertaken on 30 July 2018 as outlined in the "Schedule 2 Wetland Boundary Review" Report, attached as Appendix 2 of this Report. The boundary review Report concluded that the area shown in light blue in Figure 42 of the Report does not have wetland values, and removing the designation will not affect the hydrology of the remaining designated area. Therefore, the designation should be removed from this area.

HOKP119 Lake Mudgie

Decision Requested: 2.70

Submitter	23	GRIGA
Support	48	CARN
Support	52	KSL

Submission

I am in support of each separate provision because the land is not wetland and this areas been developed for a long time.

Further submission (CARN)

I support the original submission and request an additional adjustment to remove the remaining wetland on my property for the same reason (not wetland and developed). See attached area in white.

[Map submitted in support of submission is included at Appendix 3 of the May 2018 Section 42A Staff Recommending Report, D.R 2.70]

Further submission (KSL)

Please note that the Lake Mudgie HOKP119 page 59 of maps is in two distinct catchments.

The one around lake Mudgie itself drains to the west and not through our property, Kawhaka Station. It is of little concern to us. However we do support Andrew Grigg in his further submission. I have told him this in person.

Summary

We are not opposed to some of the wetter area going into a wetland but we do want to see a proper assessment done of the eastern area of Lake Mudgie HOKP119. Both the Kawhaka Station land and the DoC land as the present proposal looks quite ludicrous.

Our Concerns:

Whoever drew the blue on the map did not take any care whatsoever as spelt out below.

1. The eastern area does drain out through Kawhaka Station via numerous creeks that come down over the terrace and Whisky Creek which also runs down through a neighbouring property that is not affected by the proposal.
2. The blue marked area bisects two of the three sections affected (1121 1064 1062) and isolates the northern parts of two of the sections.
3. On both north and south margins there is undulating to steep land and in parts forested.
4. The Malfroys tram runs through the blue marked area. This tram has drains in operational condition on both sides in parts.
5. There is an old gravel pit within the blue area used to build the tram.
6. Much of the southern part is broken country having eroded over thousands of years and is covered in gorse and scrub. It can be clearly seen on the WCRC provided map under the blue shading.
7. Some of the blue shaded area to the west of our boundary has been V bladed and planted with radiata pine trees some twenty years ago.
8. The DoC area to the east of our boundary and up to the Old Christchurch Road has quite a steady slope (30 metre drop over 400 metre distance) and while it is pakihi, it can be driven through with a two wheel drive tractor in a straight line as I have done back in the 1970s for a proposed water line.
9. Other significant areas of DoC land is hilly and covered in bush.
10. The Supply Water Race runs through the Blue marked area, has its own reserve and is on hilly terrain, much covered in bush.
11. The process of taking control of the so-called wet land leaves a lot to be desired.
12. Initially there was no consultation and was done in secrecy with legal threats if made public.
13. We had a visit from Hamish Fairburn on a rainy day and we walked over the open pakihi. Where we walked there was no pooling water and you could have walked through it in shoes except the vegetation was wet. We discussed that I had little objection to the area along our western boundary being declared a wetland as a creek drains into it leaving the area very wet and you could not walk or make your way through it. It covers both part of 1121 and our neighbours. Whisky Creek comes out of it and drains through part of section 1121.
14. Following Hamish Fairburn's visit we got a letter stating we would need to get a resource consent to do anything relating to the affected area.
15. We believe that the total area identified with the blue shading is totally over the top and whoever drew that did not take particular care whatsoever. Our concerns were not addressed following Hamish Fairburn's visit.

We pay the rates on this area based on potentially being developed for dairying.

DoC has similar land and pays no rates. If our wings are to be clipped then it is only proper that the appropriate area be exempted from rates.

In Summary - Relief sought

We are not opposed to some of the wetter area going into a wetland but we do want to see a proper assessment done of the eastern area of Lake Mudgie HOKP119 on both the Kawhaka Station land and the DoC land as the present proposal looks quite ludicrous.

Recommendation

Accept submission by GRIGA

Accept in part further submission by CARN

Accept in part further submission by KSL

Reason

The staff recommendation and reasons given in the May 2018 Section 42A Staff Recommending Report for the submission by Andrew Grigg (GRIGA) and further submission by Nony Caro (CARN) still apply.

As a result of new information, the staff recommendation has changed to now accept in part the further submission by Kawhaka Station Limited and recommend removing part of this wetland designation. At the hearing, Mr van Beek for Kawhaka Station Limited reiterated that some areas on his land are not wetland. Following the hearing panel's request for additional information on 13 wetlands that were submitted on, this being one of the 13, a site visit was undertaken on 1 August 2018 as outlined in the "Schedule 2 Wetland Boundary Review" Report, attached as Appendix 2 of this Report. The boundary review Report concluded that the area outlined in light blue in Figure 58 of the Report does not have wetland values, and removing the the designation will not affect the hydrology of the remaining designated area. Therefore, the designation should be removed from this area. Staff support this suggestion for the reasons given in the Report.

HAAP009 Okuru Estuary and HAAP012 Turnbull Waiatoto

Decision Requested: 2.72

Submitter

16

ESSEG

Submission

HAAP012 Turnbull

Specifically Sec 1 SO 394482 Pt SEC 1 SO11949

This section in Schedule 2 wetland also needs to be removed from the Plan as it was incorrectly added. There has never been an ecological study undertaken on the land that shows that this is wetland. A study would identify that this land was previously logged in the 1950's and is slowly regenerating. The land is also dry under drought conditions and does not have any of the species normally associated with a wetland. Unless a detailed report can show that this is a significant wetland then the council must remove this from the schedule.

Relief sought:

That Sec 1 SO 394482 Pt SEC 1 SO11949 be removed from the Schedule.

Recommendation

Reject

Reason

The staff recommendation and reasons given in the May 2018 Section 42A Staff Recommending Report to reject the submission still apply.

Furthermore, following the hearing panel's request for additional information on 13 wetlands that were submitted on, this being one of the 13, a site visit was undertaken on 11 September 2018 as outlined in the "Schedule 2 Wetland Boundary Review" Report, attached as Appendix 2 of this Report. The boundary review Report confirmed that the area does have wetland values and so the designation should remain. Staff support this suggestion for the reasons given in the Report, and recommend leaving the designation in place.

PART 3: CHANGES TO WETLAND KAGP008 LAKE KINI TO RECOGNISE CULTURAL AND SPIRITUAL VALUES

KAGP008 Lake Kini

Decision Requested: 3.1

Submitter	38	RF&B
Reject	59	TROM

Submission

- It is inappropriate to remove areas of wetlands (KAGP008) from Schedule 2 of the Operative Plan to recognise local Ngai Tahu cultural and spiritual values.
The identification of significant wetlands occurs as a result of ecological criteria.
The recognition of matters in relation to s 6 (e) should occur elsewhere in the Plan to address the management of wetlands with cultural values and these values addressed through a consenting process.
- The tenure of the subject land needs to be established. If it is fully or in part land subject to the South Island Native Land Act (SILNA) the Environment Court (Environment Court A039/01 paras 147-148) has found that a rule in a Plan relating to SILNA land did not 'necessarily fail to take into account the Treaty of Waitangi.
- Forest and Bird submits regardless of whether it is SILNA land or not identifying a wetland as ecologically significant in the Plan and on land owned by iwi does not in itself fail to properly consider the Treaty nor does exempting the land from any Schedule or rule.

Relief sought:

Retain Schedule 2 wetland status in areas on map KAGP008 proposed to be removed to 'recognise local Ngai Tahu cultural and spiritual values'.

[Note that the full Environment Court decision was included with the submission and is included at appendix 2 of the May 2018 Section 42A Staff Recommending Report]

Further submission (TROM)

Te Rūnanga o Makaawhio support the proposed Plan Change 1.

Recommendation

Accept in part

Reason

The reasons given in the May 2018 Section 42A Staff Recommending Report to accept the Forest and Bird submission to leave the wetland designation in place still partly apply. The Plan Change 1 proposal was to remove parts of the wetland designation for cultural and spiritual reasons based on information provided by Te Rūnanga o Makaawhio staff. In the May 2018 Staff Recommending Report, staff recommended leaving the remaining wetland designation in place for the reasons given in the Report.

At the time of the hearing, a site visit by Council or DOC staff to the Lake Kini wetland had not been undertaken to view and confirm which parts had wetland values or not. Tim Rochford, on behalf of the Rūnanga, stated at the hearing that there were areas that do not have wetland values.

As a result of new information, the staff recommendation on the Makaawhio further submission has changed to now accept in part removing parts of the wetland designation from Māori-owned land at Lake Kini. Following the hearing panel's request for additional information on 13 wetlands that were submitted on, this being one of the 13, two site visits were undertaken on the 18 and 24 September 2018 as outlined in the "Schedule 2 Wetland Boundary Review" Report, attached as Appendix 2 of this Report. The boundary review Report concluded that three parts of the area do not have wetland values, and removing the designation from these areas will not affect the hydrology of the remaining designated area. Therefore, the designation should be removed from these three areas. Staff support this suggestion for the reasons given in the Report, and recommend removing the designation from these areas as per Figure 66 of the Report.

Submitter Address for Service

Submitter 5: BCG Buller Conservation Group PO Box 463 Westport 7866 Attention: Frida Inta Email: karearea.f@gmail.com	Submitter 7: BCML Birchfield Coal Mines Ltd. PO BOX 264 Greymouth 7840 Attention: Phil McKinnel Email: phil@birchfieldcoal.co.nz	Submitter 8: BFL Andrew and Jackie Campbell Bonar Farms Ltd. Private Bag 758 Hokitika 7842 Email: acam@xtra.co.nz
Submitter 9: BRADG Gordon Bradley 99 Blair Road RD1 Dobson 7872 Email: bradleyfarming@gmail.com	Submitter 10: BROM Mike and Wendy Brooks Kaihinu Farms Ltd. 82 One Mile Line Road RD2 Hokitika 7882	Submitter 12: CHIND Douglas Chinn 342 Kumara Junction Highway 3 Mile RD2 Hokitika 7882
Submitter 15: ELWEP Paul Elwell-Sutton PO Box 99 Haast 7844 Email: pelwellsutton@fastmail.fm	Submitter 16: ESSEG Gerard Essenberg 29 Kotare Place South Bay Kaikoura 7300 Email: gerry@kaikoura.govt.nz	Submitter 19: FFNZ Federated Farmers of New Zealand PO Box 20448 Bishopdale Christchurch 8543 Attention: Angela Johnston Email: ajohnston@fedfarm.org.nz
Submitter 23: GRIGA Andrew Grigg PO Box 206 Hokitika 7842 Email: bushmanz2002@yahoo.co.nz	Submitter 25: HENRC Colin and Juliette Henry 31 Bonar Drive Hokitika 7810	Submitter 27: INTAF Frida Inta PO Box 463 Westport 7866 Email: karearea.f@gmail.com
Submitter 29: KAURI Kauri 139 Ltd. /NZG Ltd. C/- Resource Solutions West Coast Ltd. PO Box 257 Greymouth 7840 Attention: Phillip McKinnel Email: phil@rswc.co.nz	Submitter 30: LOWEA Allan Lowe 3314 Karamea Highway RD1 Westport 7891 Email: GeorgiaWilkinson@gghannabee@hotmail.com	Submitter 33: MWC Minerals West Coast PO Box 77 Greymouth 7840 Attention: Peter O'Sullivan Email: petero@mwco.org.nz

Submitter 34: OFT MJ & CE O'Regan Family Trust 223 O'Regans Road RD1 Reefton 7895 Attention: Matthew O'Regan Email: mcoregan@ihug.co.nz	Submitter 36: PFL Provis Farms Ltd. 2 Pine Tree Road Kaniere Hokitika 7811 Attention: Graham Provis	Submitter 38: RF&B Royal Forest and Bird Protection Society of New Zealand PO Box 2516 Christchurch 8140 Attention: Nicky Snoyink Email: n.snoyink@forestandbird.org.nz
Submitter 47: BDC Rachel Townrow Team Leader Planning Buller District Council PO Box 21 Westport 7866 Email: rachel@bdc.govt.nz	Submitter 48: CARN Nonny Caro 112 Holliss Avenue Cashmere Christchurch 8022 Email: Nonnynz13@gmail.com	Submitter 49: FOSTW William and Caroline Foster 19 Matai Street Dobson 7805
Submitter 51: JONKRD B Jones & Kongahu Rating District 4300 Karamea Highway RD3 Karamea 7893 Email: cb.jones@farmside.co.nz	Submitter 52: KSL Kawhaka Station Limited 1616 Old Christchurch Road RD2 Hokitika 7882 Attention: Cornelius (Kees) Adrianus van Beek Email: kees46@outlook.co.nz	Submitter 53: KONGF Stuart McGregor Kongahu Farm Limited 107 Puawai Road RD7 Palmerston North 4477 Email: smcgregor.family@xtra.co.nz
Submitter 56: NDFL GE & CE Coates Nikau Deer Farm Limited 3789 Coast Road RD1 Runanga 7873 Email: grgncryl@xtra.co.nz	Submitter 58: THOMA Arthur Thomson PO Box 4 Ross 7860	Submitter 59: TROM Te Runanga o Makaawhio Po Box 225 Hokitika 7842 Attention: Tim Rochford Email: rocht@tpk.govt.nz
Submitter 14: DOC RMA Shared Services Department of Conservation Private Bag 4715 Christchurch Mail Centre 8140 Attention: Ken Murray Email: kmurray@doc.govt.nz		

Appendix 1



Brief for the Assessor. **Proposed Plan Change 1 Hearing – Schedule 2 Wetland** **Boundary Review**

Purpose of the project

The purpose of this project is for a suitably qualified environmental expert or ecologist (the Assessor) to review specific areas of Schedule 2 wetlands where a submitter on Proposed Plan Change 1 (pPC1) has requested to have part of the wetland designation removed from areas that are not wetland, through the pPC1 process. The Assessor is to determine the physical extent of the wetland on the ground. The Assessor will not be undertaking a Land and Water Plan Schedule 3 Ecological Assessment. The Assessor will be appointed by the Panel.

This further assessment has been requested by the Hearing Panel to assist with their decision-making on submissions.

Background

In October 2005, the West Coast Regional Council (the Council) proposed to add 22 Schedule 1 wetlands to the proposed Land and Riverbed Management Plan through a Variation 1 process. The schedule only focused on wetlands that were on private land as the Council considered that wetlands on the Department of Conservation estate would be well protected.

A number of submitters to Variation 1 disagreed with the process used to identify the Schedule 1 wetlands, and the omission of scheduled wetlands on conservation land, and so they appealed the Council's Decision to the Environment Court.

At the Environment Court hearing, the Department of Conservation (DOC) provided maps showing the locations of another 215 wetlands that they considered were likely to be significant. These were located on both private and DOC land, and were based on old soil maps. The Court accepted these maps, acknowledging that some of the boundaries were incorrect and would need to be checked. DOC and the Council were ordered to work together on this.

Following the Court's final decision in August 2012, DOC and the Council worked together to review incorrect wetland boundaries. In 2013, the Council and DOC jointly appointed a Wetlands Coordinator to undertake site visits to areas where landowners had contacted the Council about incorrect wetland boundaries. The Wetlands Coordinator then met with the landowner and assessed whether an area in dispute was a wetland or not. If the area clearly was not wetland, the Wetland Co-ordinator recommended removing the Schedule 2 wetland designation from the area. If the Wetland Co-ordinator was uncertain whether the area was wetland or not, then he recommended for the DOC Ecologist to undertake a site visit. At the hearing of the plan change, the evidence of Dr Marshall for the Department of Conservation, who was involved in the initial ground truthing of the extent of these wetlands, advised that the process to determine the accuracy of the wetland boundaries was not an ecological assessment of the wetlands under Schedule 3 of the Proposed Regional Land and Water but was an exercise to determine the physical extent of the wetland on the ground. In most cases, the Wetland Coordinator and the DOC Ecologist both agreed to the areas proposed to be removed through the pPC1 process.

Proposed Plan Change 1

The purpose of pPC1 is to amend Schedule 1 and 2 wetland boundaries to remove areas that are not wetland, and to make other minor changes to the Regional Land and Water Plan. The pPC1 was notified on 22 August 2016 and the Council received 46 submissions, and 25 further submissions, mostly in regards to the wetland boundaries. A number of submitters requested the designation to be removed from additional areas. Some additional assessments were made which led to a few additional areas being recommended to be removed.

At the pPC1 hearing on 18 and 19 July 2018, a number of submitters presented evidence explaining why they believed the Schedule 2 designation should be removed from the areas they requested in their submission. After having carried out some site visits and receiving the staff reply, it became apparent to the Commission that further

information is required to make a fully informed and robust decision on those submissions that seek amendments to the wetland boundaries.

Things to consider when undertaking the site visits

The task is to determine whether the areas described below are wetland.

In carrying out this task, the statutory definition of wetland must be applied.

"Wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions."

It should be noted that the definition is not exhaustive.

The ordinary sense of the word as wet land applies.

The first critical question is whether the land is permanently or intermittently wet. If so, it is "*wet land*".

The principal consideration is whether the land is wet, whether at the time of inspection or otherwise. The Assessor should record the presence, extent and depth of water, if any. The Assessor will also need to consider and record the proximity of other water bodies, and the direction of flow. The Assessor must note how firm or soft the ground is.

The second question is whether there are plants and animals present adapted to wet conditions.

The third question is whether those plants and animals form a community of interacting organisms in a wet environment.

The Assessor must determine what vegetation is present. A tool which can be used to identify wetland vegetation is the document "*A vegetation tool for wetland delineation in New Zealand*" by Landcare Research. This document can be found at the following link:

https://www.landcareresearch.co.nz/_data/assets/pdf_file/0003/71949/vegetation_tool_wetland_delineation.pdf

The Assessor must also ascertain whether any fauna are present and whether the fauna are adapted to wet conditions.

The relationship and interaction between flora and fauna must be assessed and recorded. The Assessor should try to establish whether the flora and fauna comprise a natural ecosystem of plants and animals adapted to wet conditions.

The Assessor must:

1. Write a file note about each site visited, recording the matters set out above.
2. State whether the area is wetland, giving full reasons.
3. Take photos of each site to record its hydrological and ecological features; the photos must be catalogued. Records of the location, date and time of all photos must be kept; in reporting, the Assessor should describe the type of camera and lens used and the focal lengths employed for each photo.
4. Potential changes to wetland boundaries should be recorded by GPS to ensure they can be accurately transcribed on to maps.

Existing information on scheduled wetlands

Existing information on each wetland and wetland landowner will be made available to the Assessor once appointed.

Wetlands needing a site visit

Below is a list of submitters' wetlands who the hearing panel require a further site visit.

HOKP099 Little Houhou Creek – Allan Lowe (LOWEA) (note this wetland is near Hokitika)

Address: 3314 Karamea Highway, RD3 Westport

Email (Allan's Step Daughter): Georgia@homebuilderswpt.co.nz

Phone: 037826642

In May 2013, the Wetland Coordinator undertook a site visit to Mr Lowes property north of Hokitika and concluded that a large part of the area was wetland, but a boundary adjustment needs to occur to remove the Schedule designation from the area of land that he has cleared. The DOC Ecologist then reviewed the area and concluded that the area is wetland. The DOC Ecologist also tried to get the Nature Heritage Fund (NHF) to purchase the wetland on this property and the neighbouring properties of Mike Brooks, Douglas Chinn, and a couple of other landowners. However, the area was never purchased. At this time, Mr Lowe obtained an ecological assessment of this area. Staff recently reviewed the report in more detail and found that on Page 8, section 5.2 Wetland boundaries, it states "...It is recommended that the boundary of the wetland is amended to exclude the building site and vehicle access way." Staff presume that this was not included in the Plan Change as a proposed boundary adjustment as the DOC Ecologist was trying to get the NHF to purchase the area. The Assessor should view this area.

In regards to landowners Mike Brooks and Douglas Chinn, multiple site visits have occurred by the Wetland Coordinator, the DOC Ecologist, Sarah Jones (previous Planning Team Leader) and Alyce Melrose, who have all concluded that the parts of scheduled wetland on their land is wetland.

HAAP012 Turnbull Waiatoto – Gerald Essenburg (ESSEG)

Address: 29 Kotare Place, South Bay, Kaikoura 7300

Email: gerry@kaikoura.govt.nz

Cell phone: 0272246597

In February 2015, a site visit by the Wetland Coordinator was undertaken to the area, of which he concluded that the area is wetland. Mr Essenburg made a submission and following submissions, planning staff asked for more information, however it was not possible for the submitter to provide this due to the submitter being located in the Kaikoura area, and at the time it was not long after the Kaikoura earthquakes. The Assessor should organise a site visit to this area.

PUNP001 Barrytown Flats, Maher Swamp – Nikau Deer Farm Limited – George and Carole Coates (NDFL)

Address: 3789 Coast Road, RD1, Runanga 7873

Home Number: 03 731 1805

Cell Phone: 021 261 0956

Email: grgncryl@xtra.co.nz

Mr and Mrs Coates presented evidence at the hearing which focussed on the Environment Court process, and did not appear to request at the hearing for the boundary of the wetland on their land to be adjusted. Staff need to check the evidence the submitter provided at the hearing in more detail, and their submission, to clarify if a site visit is needed to this wetland.

HOKP099 and HOKP064 Totara Lagoon – Arthur Thomson – THOMA

Address: PO Box 4, Ross 7860

Phone: 03 755 4179

Multiple site visits have occurred to this wetland by Council's Planner, Alyce Melrose, and the DOC Ecologist. This has led to the proposed areas to be removed. The Wetland Co-ordinator did try and get the Nature Heritage Fund to purchase the remaining wetland area, however the purchase did not occur. The staff view is that the remaining area is wetland as it is part of a lagoon system.

HARP021 Lake Ianthe – Bonar Farms Limited (BFL) – Andrew and Jackie Campbell

Email: acam@xtra.co.nz

Home phone: 03 753 3132

Cell Phone: 027 631 1410

Address: Private Bag 758, Hokitika 7842

In March 2013, the Council's Wetland Coordinator undertook a site visit to the Campbell's property and concluded that the DOC Ecologist would need to undertake a secondary site visit. However, Mr and Mrs Campbell would not let the DOC Ecologist onto their property, and so only a very small area of designated wetland was recommended to be removed. In the Campbell's submission, they questioned the Environment Court process (page 58 of the S42A Report), and requested for another opinion on the area. At the hearing, they indicated that an area on the landward side of the drain near the Lake is, in their view, not wetland. For this reason, the Assessor should contact Mr and Mrs Campbell to view the area that they believe is not wetland.

HOKP079 Cropp Road, Kowhitirangi – Colin and Juliette Henry (HENRC)

Phone: 03 755 6176

Address: 31 Bonar Drive, Hokitika 7810

In October 2013, the Wetland Coordinator undertook a site visit to Mr and Mrs Henry's property to review the area. He concluded that a small area is not wetland, but the remaining area is. DOC did try and get the Nature Heritage Fund to purchase the area as DOC considered it has significant wetland values. However, the area was not purchased. In Mr and Mrs Henry's submission, they have questioned the Environment Court process and have requested that the area is either purchased or the designation is removed. It is understood that the area is in fact wetland but it is necessary for the Assessor to confirm this.

FOUP014 Okari Lagoon – Warren Stratford (STRATW)

Email: warren@zelan.co.nz

Address: PO Box 426, Westport 7866

Home phone: 03 789 5502

Cell phone: 027 444 5503

In November 2013, the Wetland Coordinator met with Mr Stratford and viewed the area of designated wetland on his property. The Wetland Coordinator concluded that a portion of the designated wetland is not wetland and recommended for the designation to be removed from this area. He also recommended for another area to be checked by the DOC Ecologist. However Mr Stratford would not let the DOC Ecologist onto his property. In Mr Stratford's submission, he requested that the designation is removed from his property or the area is purchased. Following submissions, Sarah Jones (previous Planning Team Leader) and Alyce Melrose tried to organise a site visit with Mr Stratford to view the area where the Wetland Coordinator was uncertain if it is wetland or not. Mr Stratford refused to meet with Sarah and Alyce. The Assessor should contact Mr Stratford and attempt to organise a site visit to the area.

HOKP018 Whiley Creek – Provis Farms Limited (PFL) – Graham Provis

Address: 2 Pine Tree Road, Kaniere, Hokitika 7811

Email: Kaniere4@xtra.co.nz

Work Phone (Hokitika Pharmacy): 03 755 8150

In December 2013, the Wetland Coordinator met with Mr Provis's parents and viewed the area of Schedule 2 wetland on their property, and concluded that the area is wetland. In Mr Provis's submission, he requested that the designation is removed from this area. The Assessor needs to undertake a site visit to this area to confirm whether the area is wetland.

HOKP119 Lake Mudgie – Kawhaka Station Limited – Cornelis (Kees) van Beek

Address: 1616 Old Christchurch Road, Hokitika 7882

Email: kees46@outlook.co.nz

Phone: 03 736 9844

In December 2012, the Wetland Coordinator met with Mr van Beek to view the area of Schedule 2 wetland on his property, and concluded that the area is wetland. Mr van Beek's further submission requested that the Schedule 2 wetland designation is removed from this area. At the hearing, Mr van Beek provided an aerial photo and ground photos of the site, showing areas that he considers are not wetland as they are drier. The Assessor needs to undertake a site visit to this area to confirm whether the area is wetland.

BULP050 Oweka – O'Regan Family Trust – Matthew O'Regan

Address: 223 O'Regans Road, Reefton 7895

Email: mcoregan@ihug.co.nz

Phone: 03 789 0241

Cell phone: 021 670 287

Three small areas are proposed to be removed from the south eastern boundary. These were identified through a desktop exercise. Mr O'Regan made a submission questioning the Environment Court process, and requesting for the designation to be removed from another area of wetland at the toe of a western bush-covered slope. Council staff then sent a letter to Mr O'Regan asking for more information on the site. More information was provided, and Alyce and Sarah met with Mr O'Regan on his property to discuss the background and view the area of Schedule 2 wetland. However, Sarah and Alyce did not get to view the area as Mr O'Regan decided that he preferred to do a land swap with DOC. Mr O'Regan stated at the hearing that he considers the second site is not wetland. The Assessor should organise a site visit to this area.

KAGP008 Lake Kini – Te Runanga o Makaawhio (TROM) – Tim Rochford

Address: PO Box 225, Hokitika 7842

Email: roch@tpk.govt.nz

Phone: 04 819 6128

Cell Phone: 027 243 4629

Prior to publically notifying Plan Change 1, Te Rūnanga o Makaawhio (TROM) contacted the Council requesting for the Schedule 2 wetland designation to be removed from two areas of the Lake Kini wetland for cultural and spiritual reasons. The Council initially agreed to remove the designation for these reasons to give effect to s6(e) of the RMA. Forest and Bird made a submission on this area stating that a designation can only be removed if it is not wetland. Council encouraged Forest and Bird and TROM to discuss and resolve the matter however, by the time of the hearing no clear decision had been made, and so the Council recommended for the wetland designation to remain on these two areas. During the hearing, the Makaawhio representative believed that the two areas are not wetland, however no site visit has been done to these particular parts of the Lake Kini wetland. Further discussions occurred with Forest and Bird and TROM which led to the parties agreeing that the two areas should be assessed to see whether they are wetland or not. The Assessor needs to contact Mr Tim Rochford to organise a site visit to these areas. Nicky Snoyink (Forest and Bird Regional Manager for Canterbury and Westland) would like to attend any site visits, and she has been advised to contact Te Rūnanga o Makaawhio about this. The Assessor will need to follow this up when arranging a site visit.

MAIP003 – Minerals West Coast - Peter O'Sullivan

Address: PO Box 77, Greymouth 7840

Email: petero@mwco.org.nz

Phone: 0274 318 581

Support proposed removal and requests further areas removed due to previous modification and development. Seeking removal of all areas of previous modification including Perseverance Road, previous tracking and roading and areas of modification associated with logging and associated Minerals Exploration Permit EP60154. The Assessor needs to undertake a site visit to confirm whether parts of the area are wetland.

MAIP004 – Minerals West Coast - Peter O'Sullivan

Address: PO Box 77, Greymouth 7840

Email: petero@mwco.org.nz

Phone: 0274 318 581

Support proposed removal and requests further area removed due to previous modification and development associated with minerals mining permit 52160. The Assessor needs to undertake a site visit to confirm whether parts of the area are wetland.

HOKP086 – Minerals West Coast - Peter O'Sullivan

Address: PO Box 77, Greymouth 7840

Email: petero@mwco.org.nz

Phone: 0274 318 581

Support proposed removal and requests further area removed due to previous modification and development. The Assessor needs to undertake a site visit to confirm whether parts of the area are wetland.

HOKP099 Little Houhou - Douglas Chinn

Address: 342 Kumara Junction Highway, 3 Mile, RD2, Hokitika 7882

Map submitted showing adjustment sought. The Assessor needs to undertake a site visit to confirm whether the map provided is a reasonable representation of the area of wetland.

HOKP086 - Kauri 139 Ltd. /NZG Ltd. - Phillip McKinnel

Address: C/- Resource Solutions West Coast Ltd. PO Box 257, Greymouth 7840

Email: phil@rswc.co.nz

Phone. 03 768 9978 / 021 849 978

The submitter supports the removal of part of HOKP086, however proposed removal doesn't fully cover the areas that have been modified previously. The Assessor needs to undertake a site visit to confirm whether a further amendment is required.

BRUP003 Lake Poerua- Smart Farms Limited - Leslie Smart

Address: PO Box 54, Amberley

Email: bluejeans@callplus.net.nz

Phone 03 314 8892

Further submitter opposing original boundary adjustment by DOC, no clear plan showing drainage channels constructed or distance from Lake Poerua or plan showing map amendment. The Assessor needs to undertake a site visit to confirm whether a further amendment is required.

Appendix 2

Schedule 2 Wetland Boundary Review 2018

Charlotte Phelps

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Introduction

The purpose of this project was to review specific areas of Schedule 2 wetlands where a submitter on Proposed Plan Change 1 to the Regional Land and Water Plan (pPC1) had requested to have part of the wetland designation removed from areas on their land that are not wetland, through the pPC1 process.

The Hearing Panel requested that I undertake the site visits and assessments of certain Schedule 2 wetland boundaries. I hold a Bachelor of Science in Biological Sciences and Geography with an endorsement in Environmental Sciences (University of Canterbury). In conjunction with this, I have completed the Level 4 Plant Identification course through the Nelson Marlborough Institute of Technology. Relevant employment experience includes biodiversity monitoring with the Department of Conservation, vegetation auditing with Canterbury University and conducting ecological assessments while employed by VCS Environmental.

In carrying out this task, the Resource Management Act 1991 definition of a wetland was applied:

“Wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.”

The following Report states the presence, extent and depth of water at each wetland designation. Furthermore, the presence of plants and animals adapted to wet conditions and the firmness of the ground was also recorded along with recommended boundary adjustments.

Note that the following wetland designations were not assessed:

MAI004 Giles Creek was not assessed as the submitter did not see it as necessary.

BRUP003 Lake Poerua was not assessed as planner Alyce Melrose confirmed that the landowner was not seeking a boundary adjustment.

FOUP014 Okari Lagoon was not assessed as there has been a change in landowner and approval for a site visit was not granted. The new landowner of FOUP014 Okari Lagoon is Jennifer Lake, based in the United States. Warren Stratford, the former landowner, informed me of this, saying he had not been part of the property for over a year. Several attempts were made to contact Ms Lake however these were unsuccessful, therefore no site visit occurred.

BULP050 Oweka

Date of Visit: 5 September 2018

Wetland: BULP050 Oweka

Location: Inangahua

Total Rainfall Seven Days Prior to Visit: 36.5mm

Owner: Matthew O'Regan

Summary:

During the hearing, Mr O'Regan questioned the Environment Court process and requested that the designation be removed from another area aside from the already proposed three areas to be removed from the south eastern boundary.

I met with Mr O'Regan on site and we discussed the history of the whole designated area. He stated that the area has been drained, it was logged in the 1950's and is comprised mainly of regenerating podocarp vegetation. A site visit onto the designated site has not occurred during the Plan Change 1 process.

From my site visit, I can confirm that the area has been extensively drained – there is a drain running along the eastern side of the designation. The ground was solid underfoot and I did not observe any pooling of water or any communities of species that would give me reason to consider the area as a wetland.

Vegetation consisted of, but was not limited to: regenerating Kahikatea, Rimu, Pepperwood, Five Finger, Lancewood, flax and gorse. Pell Creek runs north up the western side of the designation. I observed evidence of pig rooting around the site and saw a female goat with two kids. Access to areas of the designation was limited due to the density of gorse present, which indicates the ground is dry and unlikely to support a community of wetland species.

Based on my site visit, I suggest removing the entire designation of wetland BULP050 Oweka as I do not consider it to be representative of a wetland.

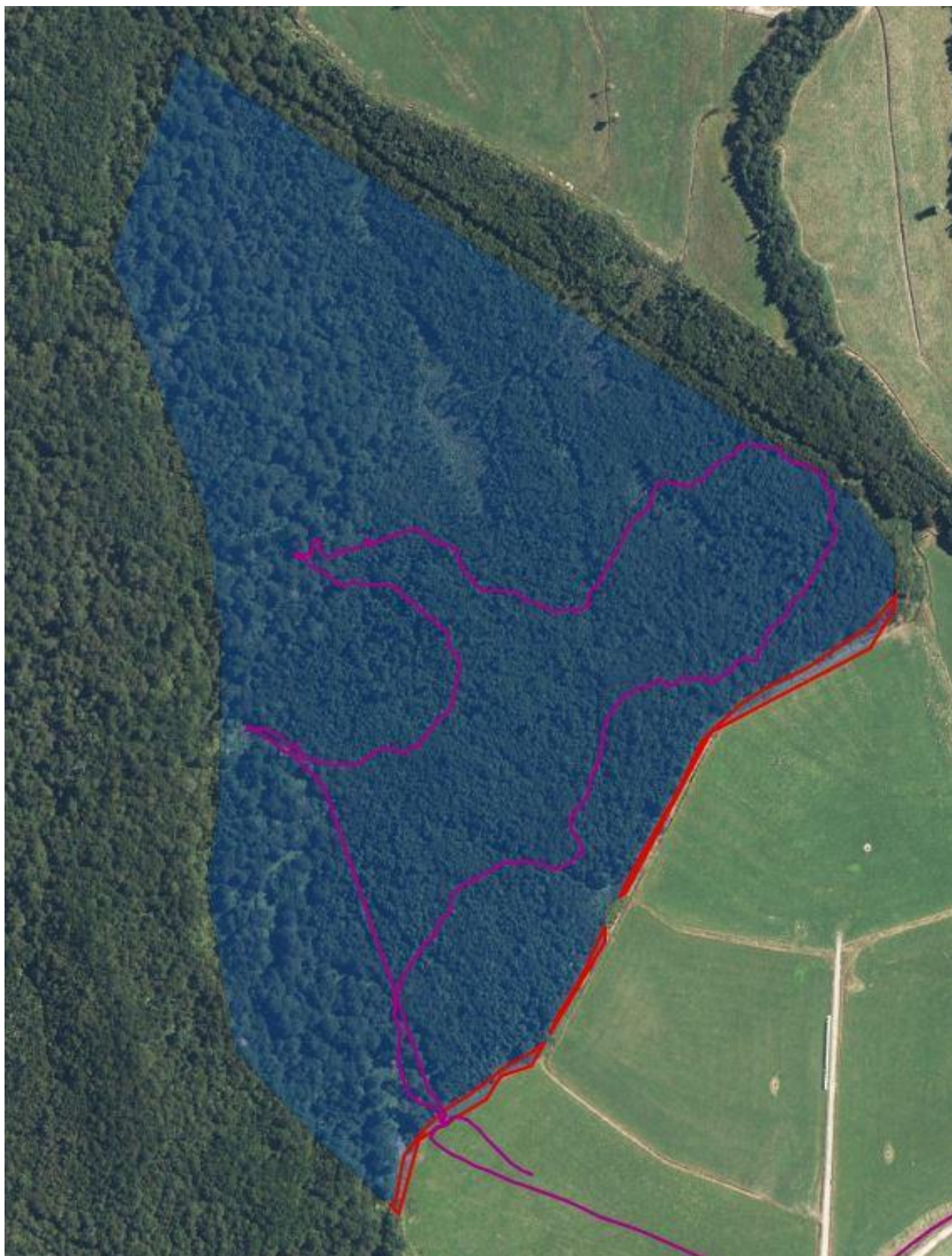


Figure 1 Area Assessed. Key: Designated Wetland – Blue, Changes recommended in Plan Change 1 – Red, GPS track of this site visit – Purple



Figure 2 Figure 2 Recommended Adjustments



Figure 3 Photo representative of the designation



Figure 4 Evidence of pig rooting



Figure 5 Gorse within the designation



Figure 6 Grass within the designation



Figure 7 Pell Creek

HAAP012 Turnbull Waiatoto

Date of Visit: 11 September 2018

Wetland: HAAP012 Turnbull Waiatoto

Location: Haast

Total Rainfall Seven Days Prior to Visit: 1mm

Owner: Gerald Essenburg

Summary:

Mr Essenburg made a submission on pPC1, however he was unable to give planning staff more information about the wetland as he was based in Kaikoura (now based in Balclutha), and was unable to get to the wetland as it was not long after the Kaikoura earthquakes. No areas are proposed to be removed from Mr Essenburg's property through the Plan Change 1 process.

South Turnbull Road runs down the eastern side of the designation, with a drain running parallel between the designation and South Turnbull Road. There had been little rainfall during the week prior to the assessment, however the area was permanently wet indicating poor drainage and the ground was soft underfoot. There was no water flow through the wetland. The wetland was flat overall, however the ground was very uneven, with a number of large dips. I anticipate that during periods of high rainfall the area will retain a large amount of pooled water.

Indicative communities of wetland species observed included, but were not limited to, tangle fern, wire rush, Sphagnum Moss, bog pine, inaka and ghania. Around the western periphery of the pakihi the wetland begins to merge into forest. This area was very soft underfoot, at one point I sunk knee deep into the ground. Vegetation in this area consisted of Totara, Kahikatea, wire rush and Sphagnum Moss.

Overall, the area is made up of a community of wetland species, is poorly drained and I would class this area as predominantly pakihi (a type of wetland). It would be my recommendation for the designation to remain and for no adjustments to be made.



Figure 8 HAAP012 Area Assessed

Key: Designated Wetland – Blue, GPS track of this site visit - Purple



Figure 9 Photo representative of the area



Figure 10 Looking east towards South Turnbull Road



Figure 11 Drain running along South Turnbull Road

HARP021 Lake lanthe

Date Assessed: 20 August 2018

Wetland: HARP021 Lake lanthe

Location: Lake lanthe

Total Rainfall Seven Days Prior to Visit: 25.5mm (15.5mm on day of visit)

Owner: Andrew and Jackie Campbell (Bonar Farms Ltd)

Summary:

In March 2013, the Council's Wetland Coordinator undertook a site visit to the Campbell's property and concluded that the Department of Conservation (DOC) Ecologist would need to undertake a site visit. However, Mr and Mrs Campbell were not comfortable allowing the DOC Ecologist onto their property. Consequently, only a very small area of the designated wetland was able to be assessed and recommended to be removed. The Campbell's submission requested another opinion of the area. At the hearing they indicated that an area on the landward side of the drain near the lake is, in their view, not wetland.

I walked around the area that Mr and Mrs Campbell had said was not wetland, and where they had begun development of the land prior to the Plan Change 1 process. At the time of the visit, there was relatively heavy rainfall (15.5mm total), as well as a substantial amount of rain during the days leading up to the site visit (25.5mm total). The ground that I covered was hard underfoot, and there was no permanent pooling of water observed. Due to the current and previous day's rainfall, there was surface water up to approximately 5cm deep.

In terms of vegetation and wetland values in the designation, I did not observe communities of flora or fauna that would lead me to believe the area assessed is wetland or has wetland values. The area has been previously developed and was made up of grass, gorse, blackberry and Manuka. There is a stand of trees in the centre of the area assessed, which the submitter advised was predominantly Kahikatea and ferns. I did not access this area, however from conversations with Mr and Mrs Campbell, I am led to believe that this area does have wetland values and should remain as part of the scheduled wetland designation, which Mr and Mrs Campbell are in agreement with.

We headed down the cattle race on the southern boundary of the wetland (the race is proposed to have the designation removed from it) to assess the area northward. Mr Campbell requested for the wetland boundary to be moved approximately 50m northward from the race for the purpose of potential future development. The ground was, again, hard underfoot, there was no permanent surface water observed and vegetation consisted of gorse, Manuka and some Kahikatea.

Based on my site visit I recommend removing part of the designation as shown on the attached map. This is due to the land being previously modified, the ground being solid underfoot, no permanent surface water observed and the vegetation in the area not being typical of that of a wetland.



Figure 12 HARP021 Area Assessed

Key: Designated Wetland – Blue, Changes recommended in Plan Change 1 – Red, GPS track of this site visit – Purple

Please note, there was a technical issue with the tracker and the straight purple lines north of the drain line are not part of the track.

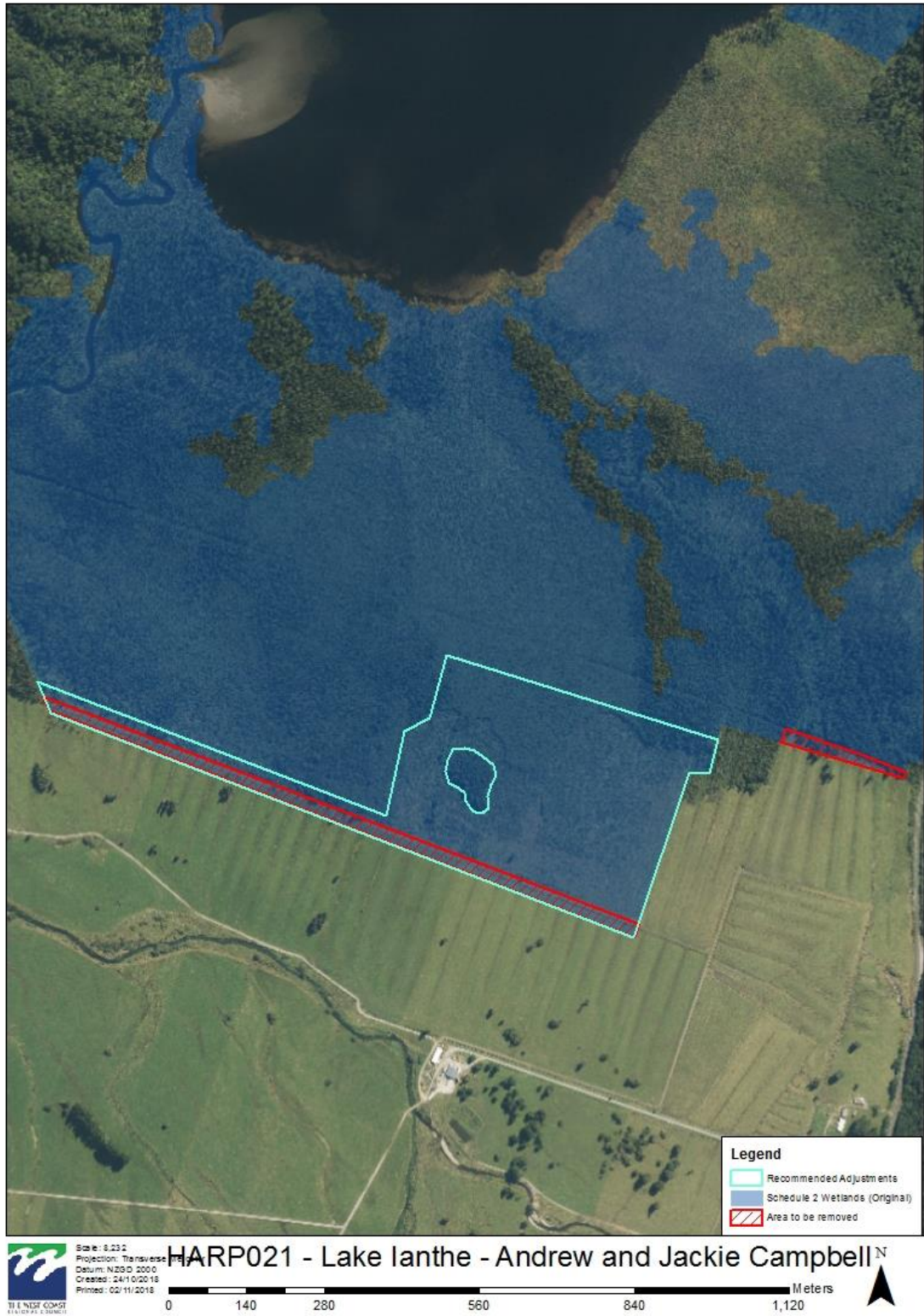


Figure 13 Recommended Adjustments



Figure 14 Area within the designation recommended to be removed



Figure 15 Area within the designation recommended to be removed



Figure 16 Area within the proposed 50m buffer from the race



Figure 17 Area within the proposed 50m buffer from the race

HOCP004 Candlelight Pakihi

Date Assessed: 17 August 2018

Wetland: HOCP004 Candlelight Pakihi

Location: Stillwater

Total Rainfall Seven Days Prior to Visit: 25.5mm

Owner: Gordon and Dianne Bradley

Summary:

During the hearing Mr and Mrs Bradley requested that some areas within the designation be removed. They consider them to not be wetland as they were highly developed prior to the wetland designation coming into effect. Mr and Mrs Bradley intend to further develop the paddocks and control invasion from exotic vegetation such as gorse.

The entirety of the area that I looked at was not wetland. The land was as Mr and Mrs Bradley described it - highly modified and the vegetation consisted of gorse, rushes and grass. The ground was gravelly, dry and there was no indication of wetland communities within the area in question.

Based on the site visit, I would recommend removing the entirety of the wetland designation that the submitter requested. This would leave smaller areas of designated wetland remaining which surround the proposed area to be removed (I did not visit these areas as they have not been requested to be removed).



Figure 18 Area Assessed Key: Designated Wetland – Blue, Changes recommended in Plan Change 1 – Red, GPS track of this site visit – Purple

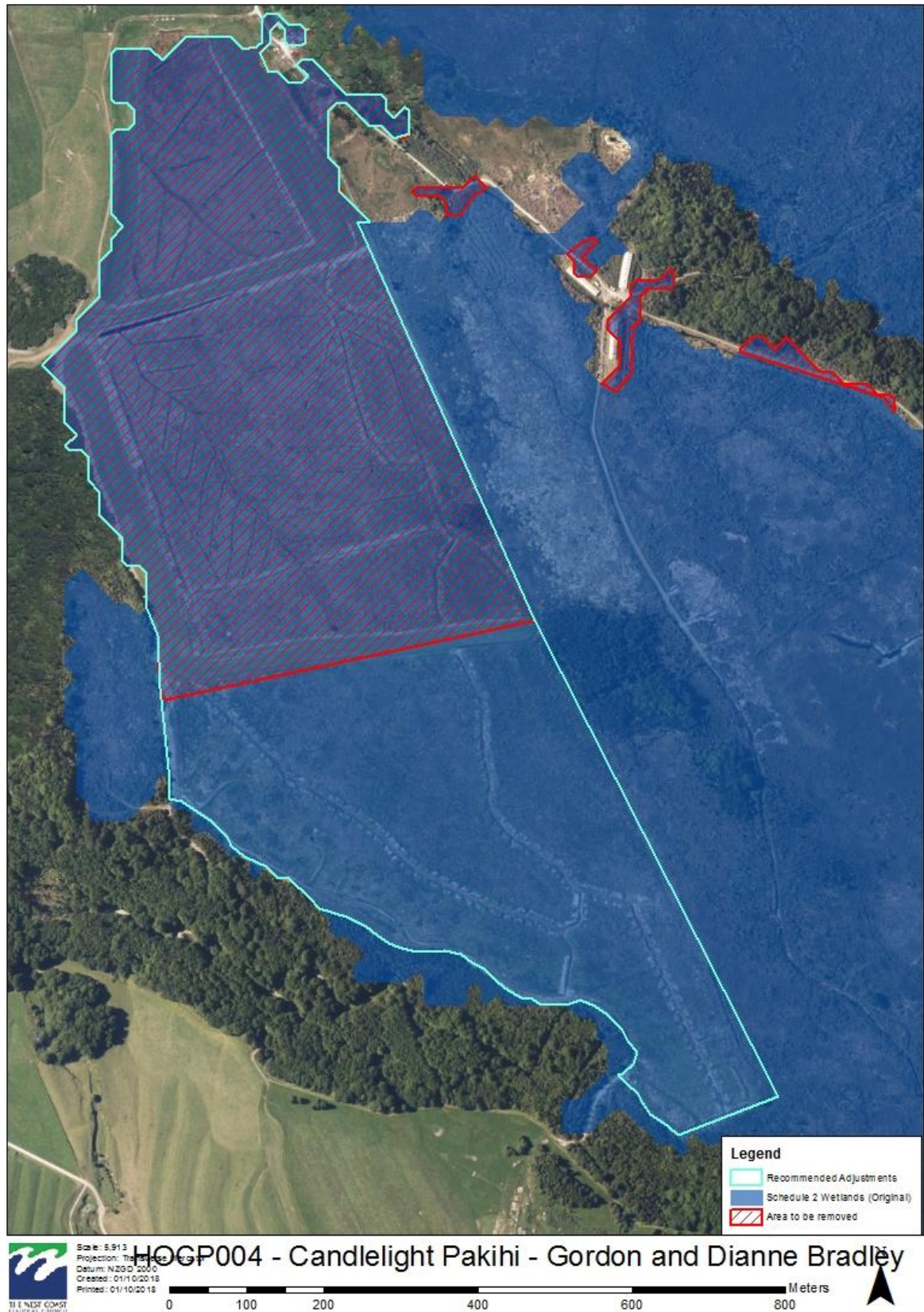


Figure 19 Recommended Adjustments – light blue



Figure 20 Area within the designation recommended to be removed



Figure 21 Area within the designation recommended to be removed



Figure 22 Photo showing modification

HOKP009 and HOKP064 Totara Lagoon

Date Assessed: 14 August 2018

Wetland: HOKP009 and HOKP064 Totara Lagoon

Location: Ross

Total Rainfall Seven Days Prior to Visit: 67.5mm

Owner: Arthur Thompson

Summary:

Multiple site visits have occurred to this wetland by the Council Planner and DOC Ecologist. This led to areas being proposed to be removed. The Wetland Coordinator attempted to facilitate the Nature Heritage Fund in purchasing the remaining wetland, however this did not occur during that funding round.

Mr Thompson is seeking the land to be purchased by DOC. During my visit Mr Thompson informed me that the initial plan of mining areas, if they were to have the wetland designation removed, is no longer relevant and he wants the land to be purchased as he does not want to be paying rates on land that he cannot utilise or sell.

Based on my site visit, I support removing the areas recommended by Proposed Plan Change 1 as they are comprised predominantly of gorse and are not wetland.

No additional areas are recommended to be removed. Both Stenhouse and Woolhouse Creeks run through the wetland, running east to west. From what I observed, I would recommend retaining the remaining designation as wetland as it includes communities of wetland vegetation such as Cabbage trees, flax and Kahikatea. We were unable to go to these areas for further assessment as the submitter advised it would be unsafe, as these areas are very wet.

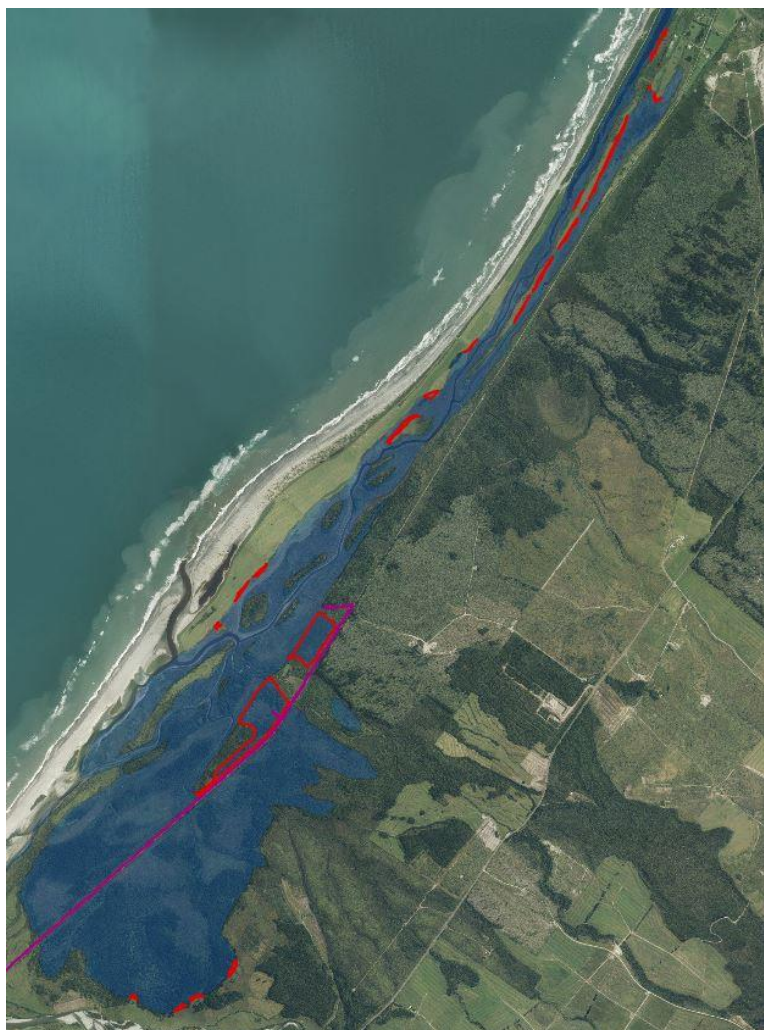


Figure 23 HOKP009 and HOKP084 Area Assessed

Key: Designated Wetland – Blue, Changes recommended in Plan Change 1 – Red, GPS track of this site visit - Purple



Figure 24 Looking into one of the areas proposed to be removed



Figure 25 At the northern end of the designation near Stenhouse Creek



Figure 26 At the northern end of the designation near Stenhouse Creek

HOKP018 Whiley Creek

Date Assessed: 30 July 2018

Wetland: HOKP018 Whiley Creek

Location: Hokitika

Total Rainfall Seven Days Prior to Visit: 106.1mm

Owner: Arthur Provis (Assessment done with his son, Graham Provis)

Summary:

During the hearing, Mr Graham Provis, on behalf of his father Arthur, requested that some areas within the designation be removed.

A small portion of the designation was accessed. In the areas assessed, the ground was soft underfoot and there was permanently pooled surface water to a depth of approximately 30cm. Walking through the designation I observed a community of wetland species typical of a pakihi wetland. These species included, but were not limited to, tangle fern, Sphagnum moss, Manuka, wire rush and Juncus. Drains are running north to south through the northern half of the wetland. Although I did not walk out to the area further north towards the boundary, it looked to be similar to what was observed in the area we accessed on foot, and I would anticipate the nature of that area to also be pakihi.

The area outlined in red on the map (proposed to be removed in Plan Change 1) was not accessible due to the density of gorse surrounding it, which indicates this area is dry and does not have wetland values.

Based on my site visit, I support removing the area recommended in the proposed Plan Change 1, and retaining the remainder of the designation as I consider the remaining area to be wetland.



Figure 27 HOKP018 Area Assessed

Key: Designated Wetland – Blue, Changes recommended in Plan Change 1 – Red, GPS track of this site visit – Purple



Figure 28 Looking at the area outlined in red



Figure 29 Looking north on the property



Figure 30 Surface Water

HOKP079 Cropp Road, Kowhitirangi

Date of Visit: 26 July 2018

Wetland: HOKP079 Cropp Road, Kowhitirangi

Location: Kowhitirangi

Total Rainfall Seven Days Prior to Visit: 69mm

Owner: Colin and Juliette Henry

Summary:

In October 2013, the Wetland Coordinator undertook a site visit to Mr and Mrs Henry's property to review the area. It was concluded that a small area is not wetland, but the remaining area is. DOC attempted to get the Nature Heritage Fund to purchase the area as DOC considered it has significant wetland values. However, the area was not purchased. In Mr and Mrs Henry's submission, they requested that the area is either purchased or the entire designation is removed.

The area outlined in red in Figure 1 was not accessible due to the density of gorse surrounding it. This is an indication that the area is predominantly dry and is not wetland, so I would support removing this area from the designation as proposed in Plan Change 1.

Walking in and around other areas of the designation, the ground was soft underfoot, it was permanently wet and pooled water was at a depth of approximately 20cm. There are two drains running through the designation, with poor natural drainage. Communities of wetland species seen include Sphagnum Moss, Manuka and Juncus. I would class this area as pakihi (a type of wetland). Further around the designation the area represented more of a swamp (another type of wetland) and vegetation in that area included species such as flax, swamp coprosma, swamp kiokio, Totara and Kahikatea.

Based on the site visit, I support removing the area outlined in red on the following map as proposed in Plan Change 1, and retaining the remainder of the designation as I consider it to be wetland. Due to time constraints and limited resources, a more thorough assessment was unable to be undertaken. If the submitter seeks removal of further specific areas of designation, they may wish to commission their own specialist to complete this work.



Figure 31 HOKP079 Area Assessed

Key: Designated Wetland – Blue, Changes recommended in Plan Change 1 – Red, GPS track of this site visit - Purple



Figure 32 Looking into the area outlined in red suggested to be removed



Figure 33 Within the designation



Figure 34 Surface water within the designation



Figure 35 On the edge of the wetland looking into the designation

HOKP086 Ross

Date Assessed: 06 September 2018

Wetland: HOKP086 Ross

Location: Ross

Total Rainfall Seven Days Prior to Visit: 5mm

Owner: Kauri Limited

Summary:

The submitter supports the removal of part of HOKP086 Ross as proposed in Plan Change 1, however they further propose that this does not fully cover the previously modified areas.

I observed on the site visit that the area has been extensively drained, with a drain running around the edge of the designation. Vegetation included, but was not limited to, Kahikatea, flax, Cabbage trees, gorse, grass and blackberry. Both Tui and Kereru were observed within the area. The ground was hard underfoot and I did not observe any pooling of water within the designation aside from minor areas near the proposed area to be removed. Access within the wetland was limited due to the density of vegetation such as flax and gorse.

Commenting on the area I did access, I would not class the area to be wetland or to hold wetland values and recommend that the entire designation be removed.



Figure 36 HOKP086 Area Assessed

Key: Designated Wetland – Blue, Changes recommended in Plan Change 1 – Red, GPS track of this site visit – Purple



Figure 37 Recommended Adjustments



Figure 38 Looking into the designation from the south east corner



Figure 39 Looking into the designation from the south east point proposed to be removed



Figure 40 Drain on the edge of the south side of designation

HOKP099 Little Houhou Creek (Allan Lowe)

Date of Visit: 30 July 2018

Wetland: HOKP009 Little Houhou Creek

Location: Hokitika

Total Rainfall Seven Days Prior to Visit: 106.1mm

Owner: Allan Lowe

Summary:

In May 2013, the Wetland Coordinator undertook a site visit to Mr Lowe's property and concluded that a large part of the area was wetland, however a boundary adjustment needed to occur to remove the designation from the area of land that he had previously cleared. A DOC Ecologist applied to the Nature Heritage Fund (NHF) to purchase the wetland on this property and the neighbouring properties. However the purchase did not occur.

Mr Lowe obtained a Schedule 3 Ecological Assessment of this area on the 2nd July 2013 from Boffa Miskell. The report was prepared by Scott Hooson, Senior Ecologist, and reviewed by Diane Robertson Senior Principal Ecologist. Staff recently reviewed this Report in more detail and found that on Page 8, section 5.2 Wetland boundaries, it states "...it is recommended that the boundary of the wetland is amended to exclude the building site and vehicle accessway." Staff presume that this was not included in Plan Change 1 as the DOC Ecologist was in the process of applying to the NHF to purchase the area.

During the submission period Mr Lowe requested that the wetland designation be removed from the previously cleared area as he considers it to not be wetland and wants to further develop it into a site for a residential dwelling.

From my observations on the site visit, I do not consider the vehicle accessway, and the immediate land either side of the accessway that are currently designated, to be wetland. The area was hard under foot, there was no pooling of water and vegetation consisted of plants such as wineberry, marble leaf and whiteywood which are not typically found as part of a wetland community. The building site contains weeds such as gorse and blackberry and some regenerating wetland species, and has permanent surface water.

Towards the rear part of the designation on Mr Lowe's property, the land is very soft underfoot and there is permanent surface water present, as well as a community of wetland species such as swamp kiekie and Kahikatea.

Based on my site visit and the Schedule 3 Ecological Assessment from 2013, I suggest the area in and around the building site (as shown in Figure 42) and the driveway, including a buffer along either side of the driveway, be removed from the designation as I do not consider them to have characteristics of a wetland.



Figure 41 HOKP099 (Lowe) Area Assessed

Key: Designated Wetland – Blue, GPS track of this site visit – Purple

Note: The red area recommended to be removed as part of Plan Change 1 is on the neighbouring property and not part of Mr Lowe's property.



Figure 42 Recommended Adjustments

Please note the area to be removed in red is on a different property to Mr Lowe's.



Figure 43 Looking into the house site



Figure 44 Looking towards the back of the designation behind the house site



Figure 45 Pooling within the designation



Figure 46 Water within the designation



Figure 47 Looking into the wetland from the west side



Figure 48 House Site

HOKP099 Little Houhou Creek (Douglas Chinn)

Date of Visit: 01 August 2018

Wetland: HOKP099 Little Houhou Creek

Location: Hokitika

Total Rainfall Seven Days Prior to Visit: 145.5mm

Owner: Douglas Chinn

Summary:

The proposed Plan Change 1 (pPC1) recommended to remove three small areas from the south-west corner of the wetland. During the submission period, Mr Chinn requested the boundary of the wetland to have additional adjustments made, and for a further area around the pond to be removed. A general visual observation of the designation reveals the dominant vegetation to be common to wetlands, including species such as flax, Kahikatea, Rimu, Cabbage trees and Manuka.

I walked around the entire edge of the designation where Mr Chinn is seeking the boundary adjustment, and on the true left side (wetland side) of the drain adjoining the south-west corner of the wetland, these areas have no wetland values. Mr Chinn requests the adjustment so he can clean out the drain, which requires cleaning approximately every twenty years. Adjusting the boundary on the wetland side of the drain will not have an effect on the wetland, therefore I recommend the boundary be adjusted to move inwards three metres from where it currently is.

The second designation area the submitter has requested to remove is a wider area in and around a manmade pond (created by the submitter). The pond is approximately 1.3 metres deep and is near the edge of the designation. Removing the wider area in and around the pond, in my opinion, will not have an adverse effect on the greater wetland. I walked to the pond and around a portion of it. From what I saw, the vegetation was a combination of planted exotic trees such as Banksia and Oak and native trees such as Kowhai and Totara. The ground was relatively firm underfoot and I did not observe any surface water.

The areas outlined in red on the map below that are already proposed to be removed in PC1 have been developed and do not have wetland values. The ground in these areas is firm and comprises of grass, gorse and blackberry.

Based on my site visit I recommend removing the additional requested area in and around the manmade pond so it is not part of the designation.



Figure 49 HOKP099 Area Assessed

Key: Designated Wetland – Blue, Changes recommended in Plan Change 1 – Red, GPS track of this site visit – Purple

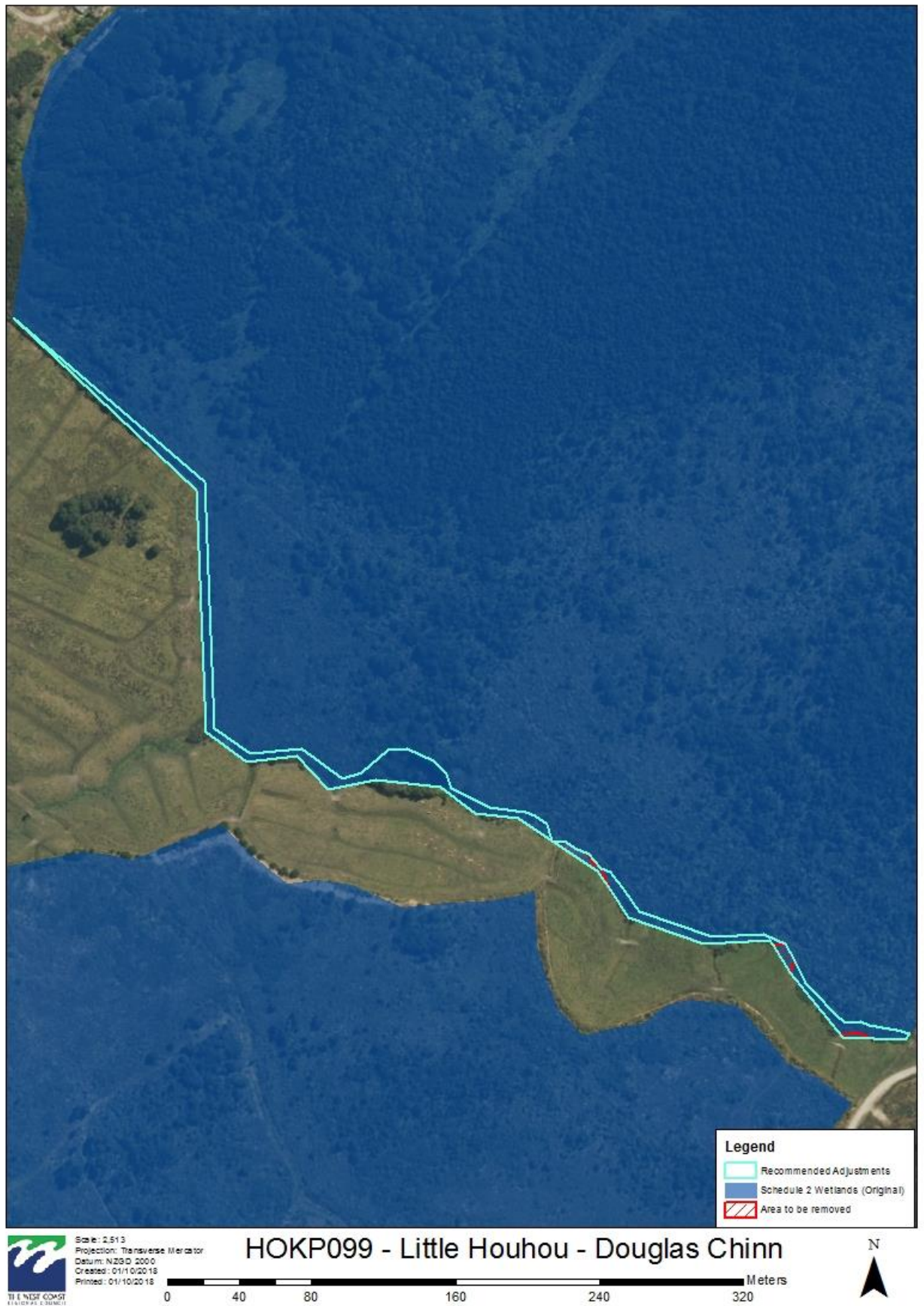


Figure 50 Recommended Adjustments



Figure 51 Looking into the western end of the designation showing the drain



Figure 52 Looking into the designation from the adjacent side of the drain



Figure 53 At the corner of the eastern end of the designation



Figure 54 Bridge that crosses over the creek that leads to the man-made pond and planted exotic vegetation



Figure 55 Grassed area is one of the areas identified in red recommended to be removed in Plan Change 1



Figure 56 Area near the man made pond

HOKP119 Lake Mudgie

Date of Visit: 01 August 2018

Wetland: HOKP119 Lake Mudgie

Location: Hokitika

Total Rainfall Seven Days Prior to Visit: 145.5mm

Owner: Kawhaka Station Limited (Cornelius (Kees) Van Beek)

Summary:

In December 2012, the Wetland Coordinator met with Mr van Beek to view the area of Schedule 2 wetland on his property, and concluded that the area is wetland. Mr van Beek's further submission requested that the Schedule 2 wetland designation be removed from this area. At the hearing, Mr van Beek provided an aerial photo and ground photos of the site, showing areas that he considers are not wetland as they are drier.

I walked around a large area of the wetland. At the time of the visit the ground was generally very soft underfoot and at times I walked through patches of water that were over 50cm deep.

Whiskey Creek runs along the northern end of the property east to west, and feeds into the swamp. I did not go to the western boundary, however I was advised by the submitter that it is very wet. There are two drains towards the southern end of the property going east to west. One area requested to be removed is at the southern extent of the designation and this was partially accessed. Access to this area was limited due to the density of gorse and other vegetation surrounding it such as Manuka and Kamahi. From the observations I was able to identify this area as being different to the other ground cover in the designation. Here, the area had been previously developed, the ground was firm underfoot and there was no pooling of water.

Based on my site visit I recommend removing the designation at the south-west extent shown in Figure 56 as the land there has been previously modified, I did not observe a community of wetland species there, and the ground was hard underfoot.

I would class the balance of the designation to be wetland as the ground was very soft underfoot, there was a large amount of surface water present and vegetation was made up of a community of wetland species such as moss, juncus and tangle fern.



Figure 57 HOKP119 Area Assessed

Key: Designated Wetland – Blue, Changes recommended in Plan Change 1 – Red, GPS track of this site visit - Purple

Please note that the GPS's tracker tracked a straight line through the designation as seen in Figure 1, this was not assessed.



Figure 58 Recommended Adjustments



Figure 59 At the south east end of the designation



Figure 60 Looking into the designation



Figure 61 Surface water within the designation



Figure 62 Small channel within the designation



Figure 63 Looking to the area recommended to be removed

KAGP008 Lake Kini

Date of Visit: 18 and 24th September 2019

Wetland: KAGP008 Lake Kini

Location: Bruce Bay

Total Rainfall Seven Days Prior to Visit: 186mm

Owner: Te Rūnanga o Makaawhio

Summary:

The Royal Forest and Bird Protection Society of New Zealand (Forest and Bird) submitted against removing the wetland designation for cultural and spiritual reasons, as sought by Te Rūnanga o Makaawhio. It was noted that Forest and Bird requested being present at the site visit, however when contacting Nicky Snoyink (representative for Forest and Bird), a site visit was unable to be coordinated. I was advised by Ms Snoyink to undertake the site visit without Forest and Bird present as long as there was an ecologist present.

I met with Paul Wilson of Te Rūnanga o Makaawhio as the Rūnanga representative at the Hearing, Tim Rochford, was unavailable, (he is based in Wellington). The area is important for mahinga kai and there are potentially some canoes buried in a part of the designation that Te Rūnanga o Makaawhio would want rights to if ever discovered.

The designation is large in size, only a small portion was assessed. Access was limited in some areas of both the northern and southern designations due to pooling of water and drains running around the edge. At the first few areas accessed in the northern designation, the ground was soft underfoot and dominated by moss. The area was poorly drained with a significant amount of surface water and pooling of water over 30cm. Vegetation was that typical of a wetland and included, but was not limited to, Bryophytes, Kahikatea, tangle fern and Rimu.

The south-western corner of the northern designation that was assessed was different. This area was hard underfoot and well drained. There were patches of pooled water, however these were low. Unlike the other area assessed, the ground here was not a mossfield. This area had vegetation such as Miro, Kahikatea, Lancewood, Matai, Rimu and Totara. There were deer droppings found in several locations in this area.

I would not consider this specific area to be wetland, however to what extent the surrounding area is the same is unknown, as only a small portion was assessed. I would recommend more extensive work be carried out within this designation to determine overall wetland values.

At the northern end of the southern designation shown in Figure 63, the ground was hard underfoot with vegetation being a mixture of Totara, Supplejack, Rimu and Miro. Further away from the road boundary the vegetation changed slightly and included Sphagnum Moss and filmy ferns.

At the eastern end of the most southern designation there is an area that has been developed into pasture which was hard underfoot and comprised of grass and gorse. The remaining area of the southern designation was made up of a community of wetland species including

watercress, swamp fern, Cabbage trees, moss and reeds. This area was soft underfoot with pooling of water exceeding 30cm in depth.

Looking at whether the remaining southern designation areas hold characteristics of those associated with a wetland, I recommend retaining the designation aside from what has been identified in Figure 64 as the vegetation types and ground conditions indicate that the remaining areas are also likely to be wetland.



Figure 64 Area Assessed – Northern

Key: Designated Wetland – Blue, Changes recommended in Plan Change 1 – Red, GPS track of this site visit – Purple

Please note, there was a technical issue with the tracker and the straight purple lines are not part of the track.



Figure 65 Area Assessed - Southern

Key: Designated Wetland – Blue, Changes recommended in Plan Change 1 – Red, GPS track of this site visit – Purple



Figure 66 Recommended Adjustments



Figures 67 and 68 Pooled water within the northern designation



Figure 69 Ground within the northern designation



Figure 70 Pooled water within the northern designation



Figure 71 Drain around the northern designation



Figure 72 Ground within the area recommended to be removed at the Northern designation



Figure 73 Photo showing watercress within the Southern designation



Figure 74 Developed land within the southern designation

MAI003 Fletcher Creek

Date Assessed: 04 September 2018

Wetland: MAI003 Fletcher Creek

Location: Reefton

Total Rainfall Seven Days Prior to Visit: 36.5mm

Owner: Birchfield Coal Mines Limited (Site visit attended by Luke McNeish on behalf of the owner)

Summary:

The submitter requested some additional areas to be removed from the Fletcher Creek designation due to previous modification and development. These areas include Perseverance Road and previous tracking and logging roads. Due to the enormity of the area, the assessment was limited to areas in and immediately around Perseverance Road.

The wetland characteristics of the Fletcher Creek designation have been previously assessed by Boffa Miskell for an application by the submitter to DOC for access to the area. In August 2018, the consultant for the submitter advised that the conclusion from this assessment was that there are substantial areas that are not wetland, however due to the size and extent of the current area, an accurate determination of the boundary is not possible without extensive field work that will cost in excess of \$50,000. A copy of this report was requested from Phil McKinnel on 05/11/2018 to gain more of an understanding of the area however at the date of this report being finalised the report had not been received.

Based on my site visit I recommend removing the entirety of Perseverance Road from the designation along with a buffer on both sides of the road as shown in Figure 75. From my observations along Perseverance Road, the ground was hard underfoot, there was no pooling of water and the vegetation consisted of, but was not limited to, Pepperwood, Lancewood and Beech trees, which are not indicative wetland species.

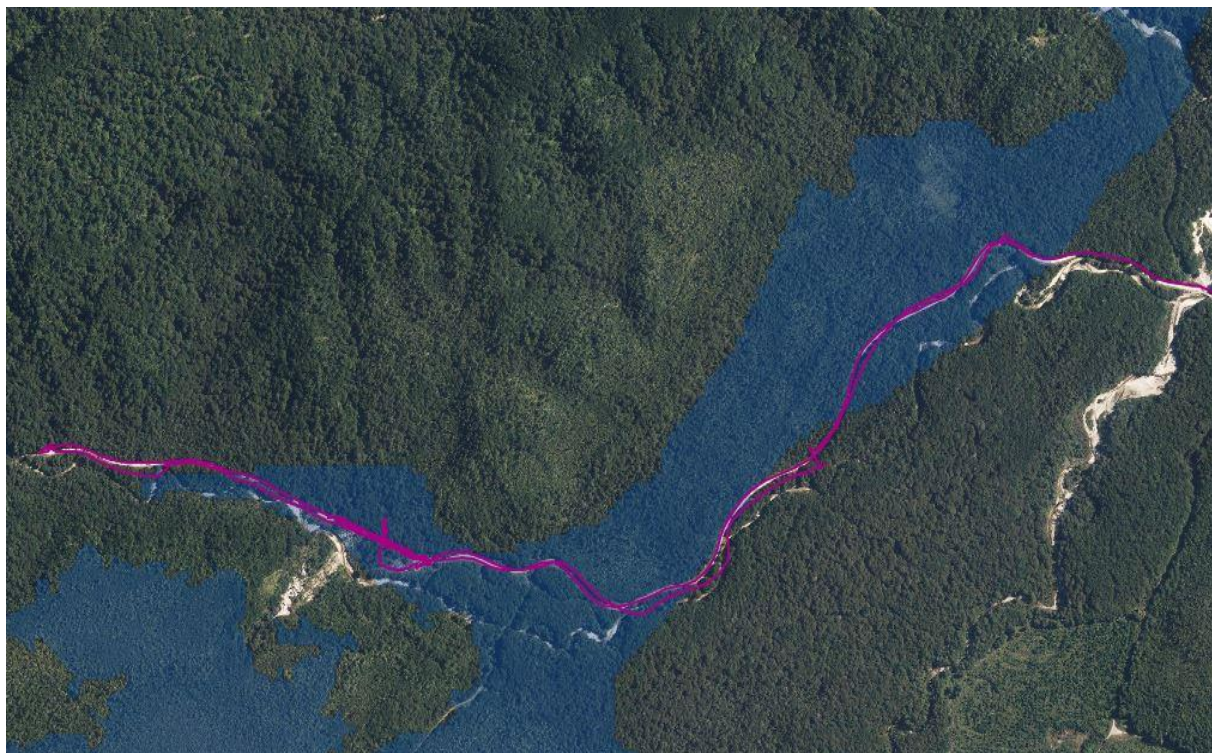


Figure 75 MAI003 Area Assessed

Key: Designated Wetland – Blue, GPS track of this site visit – Purple

Note that areas proposed to be removed through Plan Change 1 are in other parts of the Fletcher Creek wetland, and are not shown on this map.



Figure 76 Recommended Adjustments



Figure 77 Photo taken within the designation



Figure 78 Perseverance Road



Figure 79 Photo taken within the designation



Figure 80 Modified area within the designation

PUNP001 Barrytown Flats, Maher Swamp

Date of Visit: 25 July 2018

Wetland: PUNP001 Barrytown Flats, Maher Swamp

Location: Barrytown

Total Rainfall Seven Days Prior to Visit: 55.5mm

Owner: George and Caryl Coates

Summary:

At the hearing, Mr and Mrs Coates did not appear to request for the boundary of the wetland on their land to be adjusted, however the Hearing Panel requested clarification by a site visit.

I assessed a large majority of the designation. At the time of the site visit the ground was boggy, however not particularly soft underfoot and I would consider that this is due to recent rain. I did find small areas of pooled water up to approximately 20cm deep, however I concluded that this is also a result of the recent rainfall and not permanent due to the ground condition being reasonably firm.

There is a drain and a small creek running through the property towards the adjacent Department of Conservation land to the West. The submitter stated that the small creek does not permanently flow as it tends to dry up in the summer time.

The areas outlined in red in Figure 72 which are proposed to be removed in Plan Change 1 have been developed, are in pasture and do not have wetland values. The remaining areas of the designation also did not make up a community of wetland species. In the remaining areas, the vegetation observed included, but was not limited to, marble leaf, pigeon wood, wineberry, Kahikatea and Lancewood.

Based on the site visit I recommend removing the entire wetland designation on the Nikau Deer Farms Ltd property (including the red areas identified in Plan Change 1). This is because I did not observe a community of wetland flora and fauna, the ground was mostly solid underfoot and there were no permanent water tables seen.



Figure 81 PUNP001 Area Assessed Key: Designated Wetland – Blue, Changes recommended in Plan Change 1 – Red. Due to losing satellite coverage a GPS track of the area walked is not able to be provided. The boundary fence running from east to west at the top of the map, then southward, was followed.



Figure 82 Recommended Adjustments



Figure 83 Looking towards one of the developed areas identified to be removed



Figure 84 Within the designation



Figure 85 Creek running through the designation towards the adjoining DOC land



Figure 86 Photo representative of the designation



Figure 87 Surface water within the designation