

LAND AND WATER PLAN

PLAN CHANGES 1

REPLY TO S42A REPORT:

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Part 1

Change C

17.3 riparian margins

Decision requested 1.7; 1.10

New inclusion:

For the purposes of this definition, 'river' does not include any ephemeral river, stormwater flow path or artificial watercourse (including race and electricity canal).

We said:

If the glossary referred to ephemeral as being those waterbodies (rivers) holding water from days to weeks the change to 17.3.4 could be more acceptable.

Glossary:

Ephemeral water body *a water body, which has the physical characteristics of the bed of a river, that dries up periodically, typically holding water for only a few days to months.*

'a few days to months' is not really logical, it would be logical to have, 'a few days to a week'. 'months' has no quantification. Surely 'months' was not intended, but rather 'week' was.

If a waterbody holds water for months at a time then surely it should be classed as intermittent or seasonal. The dictionary (Oxford, Merriam Webster) says ephemeral is something lasting a very short time, typically a day. The Greek - ephemeris - lasting one day. Ephemeral waterbodies, typically from heavy rain or snowfall, are not the same as intermittent or seasonal waterbodies, which exist for longer periods, but not all year round. As the s42A authors say, *'... the wetland definition in the Plan includes permanently or intermittently wet areas. Therefore ephemeral areas can be considered as part of a wetland'*. Their statement implies that the L&W Plan has confused ephemeral with intermittent, because surely 'months' is analogous to 'intermittent'.

We realize that the glossary definition of ephemeral is not part of Plan Changes 1, but the definition is being introduced to 17.3.4 so it follows that if there is a problem with the glossary definition then it needs to be righted now. If the glossary definition cannot be changed then we reject change C.

Change L

Rule 79

Decision requested 1.33; 1.34

We accept the changes made i.e. Note 7 to the rule explaining what AS/NZS1547:2012 'On-site Domestic Waste Water Management'. soils 3-6 are, being 'clay-like'. However Rule 79(c) refers to category 1-3 and it would help if soils 1 -3 are clarified as to what types of soils they are.

Change N

Glossary Vegetation disturbance

Decision requested 1.40; 1.48

We are astounded with claims within the Landcare Research report on sphagnum moss harvesting that, ' *The negative impacts of harvesting are generally short term and minor.*', when large machinery with wide feet is used to crush vegetation to ensure that sphagnum moss regenerates. Photos in the report have made us realize how destructive this industry is when such practices are used. We cannot see how any protection at all can occur on Schedule 2 wetlands when this heavy machinery activity is occurring. There appears to be a direct conflict between the sphagnum industry and protection of inherent values on Schedule 2 wetlands.

Conclusions to the report say, '*the Council may determine that harvesting in Scheduled wetlands is more suitable as a controlled or limited discretionary activity in order to protect values on private land.*'

The report provides 7 recommendations, and council has opted for a permitted activity. This decision favours industry above protection of intrinsic wetland values. Although the rule allows for continuation of existing sphagnum industry it appears that no new sites for the industry are allowed as permitted, as the permitted rule says that existing access only can be used. The permitted rule therefore gives some protection to intrinsic wetland values whilst appeasing the demands of the sphagnum industry.

7A

Explanation

Where one or more of the conditions are not met, a resource consent under Rule 17 will be required.

Rule 17 refers to vegetation disturbance. If sphagnum moss harvesting is deleted from the glossary definition of vegetation disturbance, rule 17 will not encompass rule 7A.

We see this as a glaring omission that needs immediate attention to update it.

17.3: Introduction to the rules; says that only if an activity contravenes a rule does it need consent. If rule 17 does not expressly include sphagnum moss harvesting then rule 7A cannot refer to it. The alternative is to retain sphagnum moss harvesting in vegetation disturbance.

Monitoring:

Our concern is that monitoring is not always done. For instance gravel extraction records have not been kept up to date at all by various contractors, albeit a number of compliant contractors always keep accurate records and submit them to the council. The onus appears to be on the contractors though, not the council i.e. if contractors do not want to be compliant there is little chance they will be pursued by the council unless there is 3rd party interference.

We therefore see this rule as inadequate for protecting the intrinsic values of schedule 2 wetlands. We recommend that either helicopter lifting out of sphagnum, or narrow-width

human tracking, is allowed within schedule 2 wetlands. Sphagnum areas of schedule 2 wetlands should be allowed to revert naturally instead of being crushed to perpetuate the sphagnum industry.

Decision requested 1.41; 1.49

This refers to our request to have 'clearance for fencing' removed from the vegetation disturbance definition. The authors of the changes misinterpreted our request. We would like to see the reference to fencelines within riparian margins removed. We would like to see fencelines being excluded from riparian margins and instead run along the landward edge of riparian margins, thus preventing stock from accessing riparian margins. When riparian margins are cleared for grazing, or mowed, those riparian margins are not adequate to maintain good riparian functioning, but make the banks prone to slipping.

There will be loss of:

- shade,
- cooling of water, and
- aquatic habitat in instances where the original riparian margin was forested.

An unnatural riparian margin destroys habitat and contiguous corridors for indigenous flora and fauna, including invertebrates and avifauna.

The s42A authors say, 'Perversely, what the submitter is proposing, by expecting the landowner to take even more productive land out of use and placing fences even further away from waterways, simply results in an even greater expanse of land between the waterway and the fence, which is much more likely to encourage the potential for grazing'

The Land and Water plan provides for small rivers to have a 3 metre wide riparian margin, and larger rivers a 10 metre margin. Often a legal road reserve or Queen's chain (or other) provide further protection. A 3 metre margin is not at all wide, in fact is the minimum to ameliorate sedimentation and slipping. Stock should not be any closer than 3 metres to the waterway in order for stream health to be maintained. With larger waterways the minimum respect for that waterway should be 10 metres. 10 Metres is not a large distance in the context of these large rivers. We reject what the authors say concerning fencelines in riparian margins. Fences located outside of the landward edge of riparian margins would not encourage potential for grazing. Considering that the margins of larger rivers largely have reserve status, and many smaller rivers do also, the authors' remarks are akin to encouraging breaches into those margins and protected areas. Proper fences will not allow stock beyond them, so from that perspective what the authors say is inaccurate.

Part 2

Changes to wetland boundaries:

Decision requested 2.9; 2.12

Ecological experts have studied the areas considered for amendment, but often their analyses have been only desktop assessments. We accept the findings of ecological experts in many instances. It is plain to see that some of the boundary readjustments are appropriate. However, when it comes to public lands, the issue expands. The s42A authors say,

'Land ownership status is not necessarily an indicator of the presence of significant wetland values. Areas on DOC land that are proposed to be removed are areas that clearly have no wetland values and are not going to impact on the hydrology of the remaining designated wetland areas.'

Many of these wetland boundary changes have been prompted by land-owners, mainly farmers, who want to have their land excluded. If the only reason the exclusions are happening is because they are on private land then that is not a good enough excuse. A number of the areas marked for exclusion are on public land which has been used for farming, with proposed exclusions possibly requested by those farming on those public lands. That such of our public lands have been drained for farming in breach of land status is unacceptable. If those lands were left to regenerate they would no doubt become high value wetlands once again. Such areas must be excluded from these plan changes and be allowed to regenerate naturally.

Kongahu Swamp North:

We object to these extra deletions to the wetlands. The one through the middle is clearly road reserve, the one on the left is forested riparian margin.

Oparara:

The area just north of the river is clearly public land which is being farmed. The area in red on the south bank of the river is riparian margin. Both areas should be allowed to revert to their original wetland.

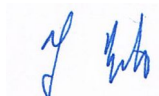
Costello Hill:

The large area to be eliminated at Costello Hill appears to be a decision based only on the fact that that area is private property.

Otumahana Estuary

The proposed deletions are mostly public land that has been cleared for farming.

Frida Inta,
for,
myself,
and,
Buller Conservation Group



01.06.2018

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