

Land and Water Plan Hearing presentation 19/6/2018

Brian Jones representing B.P and C.A Jones and as spokesman for the Kongahu Rating District.

Thank you for the opportunity to speak.

Thanks also to the Regional Council staff who have put time into resolving our problems through negotiation and visits, and those who helped me source information.

Firstly I would like to say that I feel that staff recommendations on most of the Karamea District wetland areas are well based and should be adopted, although I would like to point out that there are areas identified that are on poorly named maps which may result in some people not realising what areas they refer to. For example "KAMP001 Otumahana Estuary" is actually the Karamea River estuary or "Flagstaff" as it is locally known. The exception to our approval is the compromise staff have recommended for "KAMP002a Kongahu Swamp North" and "KAMP002b Kongahu Swamp".

There is no disagreement that the areas involved be recognised as wetlands and we feel that use of permitted activity rules in the Land and Water Plan is a better system than requiring resource consents, but for practical reasons would need the draft permitted activity rules modified to make them useable. We especially dispute the boundaries of the wetlands and still ask that the boundary be adjusted to 5 meters inside the Blackwater channel and exclude the channel from the wetland.

Our reasoning.

Before DoC and regional council staff visited there was a flat 'no' from DoC staff to any change. On visiting and finding that Blackwater had been diverted in around 1978 DoC offered to allow Rating District works to be covered by planning - i.e. permitted activity rules. Despite many contradicting examples of wetland boundary definitions and removals, DoC staff did not want to remove wetland status from the berm beside the channel or the channel itself where it runs through the wetland. Their briefly stated reason on the day was something to do with hydrological integrity but they seemed more concerned with not doing anything which would acknowledge the original wetland designators were in any way wrong (this was mentioned 3 or 4 times). I think it has been well established that there were historical errors and no-one should be in any way embarrassed to admit this.

The brief given to people reviewing wetland areas gave the following criteria for removal:

1. The area was developed prior to notification of the plan and is not a functioning wetland;
2. The area has a combination of exotic vegetation and development occurred prior to notification of the Plan, and so is not a functioning wetland;
3. The area has been subject to resource consent.

The area we request removing fits all these categories.

1 –The channel referred to as Blackwater Creek is actually the main drainage channel for the Kongahu Swamp drainage scheme which started in 1975. Blackwater Creek was diverted down the Contour Channel in around 1978. Once this was done a flood-gated culvert was put under the main road to exclude tidal salt water. The Blackwater channel was deepened, widened and where necessary straightened to form the main channel for the 1000ha of farmland in the scheme.

If you look at the map provided all drains around through and near the wetlands are marked in black.

2 - The 5 meter wide berm is made of spoil from the channel formation and is covered primarily in Yorkshire Fog (*Holcus Lantus* - an introduced pasture grass) and blackberry (*Rubis Armeniacus*). It is grazed by stock regularly. It is the only access for periodic drain clearances.

(Definition of Berm - a flat strip of land; a raised bank or terrace bordering a canal; a path or grass strip beside a road; an artificial ridge or embankment.)

This bank of tailings was not subjected to, or mentioned in the NIWA study but the undisputed wetland beside it was.

3 – The scheme predates the RMA and has had resource consents covering all it's activities since first required to in 1994 (940048 to periodically clean out and construct channels and drains in the Kongahu Swamp, Karama term 25 yrs. and 940034 to discharge Roundup Herbicide into drains in the Kongahu Swamp. Term 10 yrs. (replaced by permitted activity rules))

* Note these consents are for all channels in the swamp, not just the Blackwater Channel.

There appears to be no disagreement from Regional Council staff or NIWA scientists to the fact the Kongahu Rating District's activities in the past 40 years have had minimal impact on the pre-existing wetland hydrology, and that if our activities remain unchanged they will have minimal impact on the wetland environment. I also recall Jane Marshal (DoC ecologist) stated the same opinion.

Current consent conditions for mechanical cleanouts have been:

From the application:

- tracked hydraulic excavators to be used;
- recovered material will be spread and levelled along the berm areas of each drain.

From the consent:

- work shall be carried out according to the plan supplied by the applicant. Any variations or extensions must be approved in writing by the Council's regulations and consents manager;
- in accordance with resource consent 93/56, the consent holder shall, in conjunction with DoC, prepare a long term strategy for the management of the drainage area.

Given that these minimalist rules have proven adequate to date, returning the area requested to the drainage scheme with a modified permitted activities rule, should protect the wetlands should be more than adequately.

Permitted activity rules changes.

There is an obsession with Parrot's Feather. Our normal annual drain spraying has not been allowed for.

Advice I got from Regional Council consents is that, while use of Glyphosate (Roundup) for drain spraying is a permitted activity, use in a wetland area would likely require a special permitted activity rule or consent.

I ask that all spraying for drain maintenance and weed control be included as a permitted activity, subject to following manufacturer's recommended methods and where necessary (as in the case of Garlon for Parrot's Feather) EPA (Environmental Protection Authority) approval.

Cleaning of machines before entering the wetland is an impractical rule if wetland status isn't removed from the channel and berm. When we clean any channel it is usually from one end to the other, and, for the Blackwater channel and contour channel, from both sides to reach the full width. The excavator would have to be cleaned around 6 times during this to do the wetland parts. No contractor would comply. I recommend employing current best practice which is cleaning before coming to the site and before leaving, but treating the whole swamp area as one. The same weeds are spread throughout the whole system already anyway.

There is no need to have any rules governing machines entering the wetlands if the wetlands have the correct boundaries. If they have the correct boundaries there is simply no need to enter them.

Allowance also needs to be made for works on drains within the undisputed areas.

Points of interest.

The Kongahu Rating District oversees and drains around 1000 ha of farmland. Almost all of the water goes down the Blackwater channel.

All activities are administered by the Regional Council.

The spraying of Parrot's Feather is already highly restricted due to the spray used.

No works are done on the Rating District infrastructure without request by the Rating District to the Regional Council for initiation.

There are 7 major landowners and several smallholdings. 10 landowners show continual interest in the Rating District's functions.

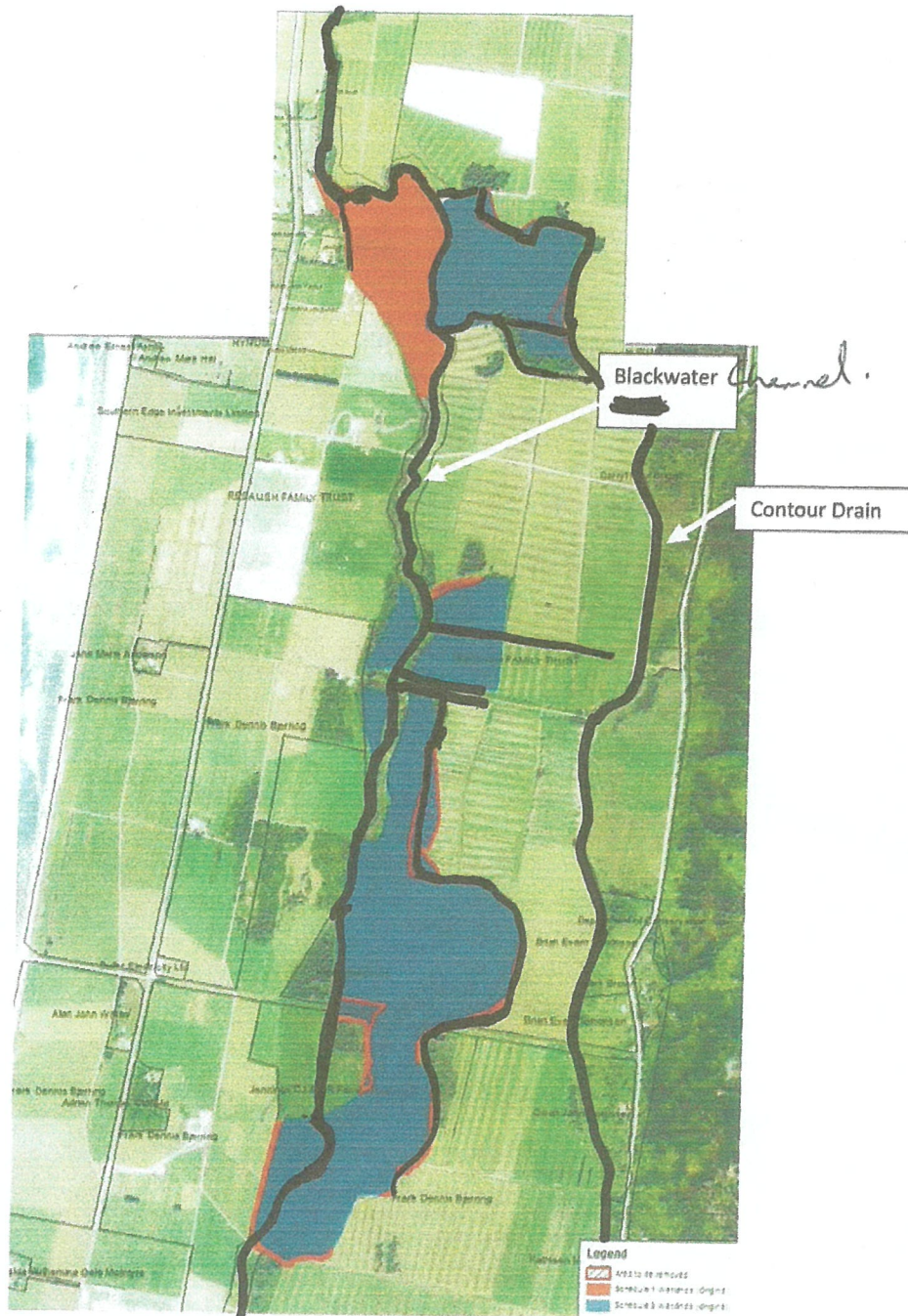
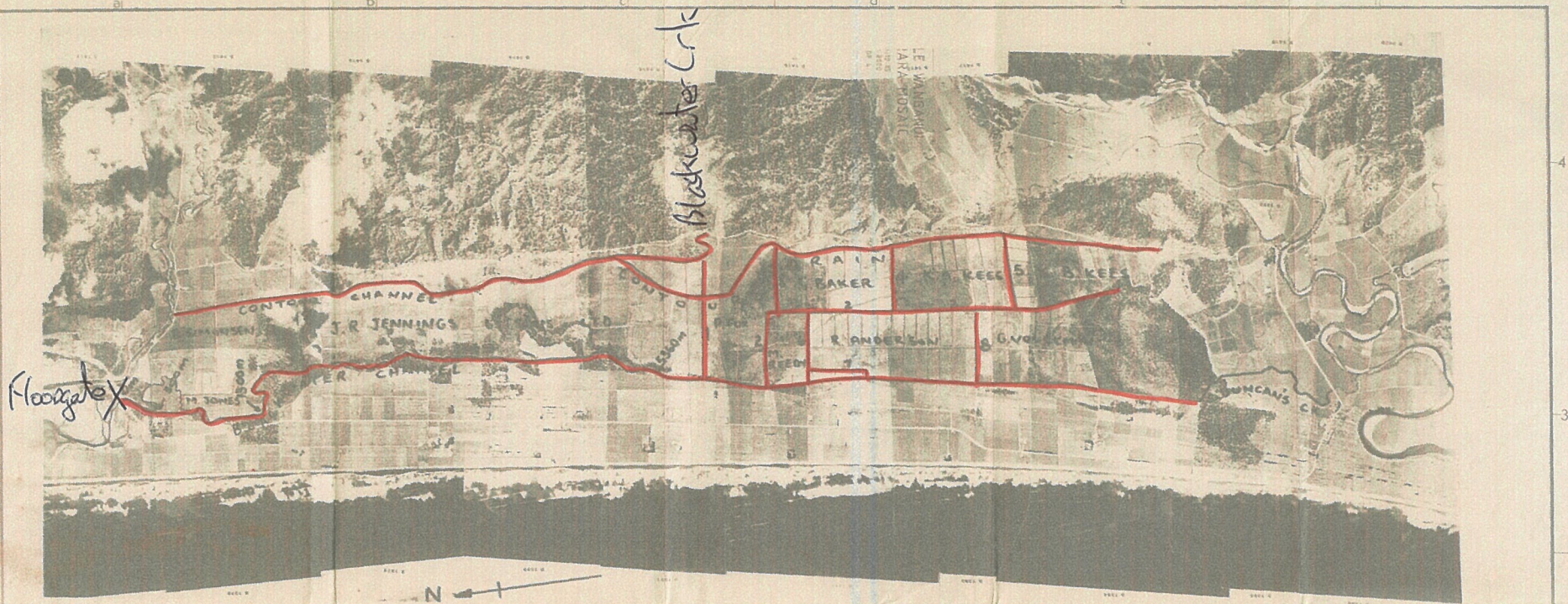


Figure 1-1: Kongahu Swamp North (KAMP002a) and Kongahu Swamp (KAMP002b) illustrating Blackwater Creek between them.

Drains in and near the wetland areas



Area	Area within	Area
1	1.1	1.1
2	2.1	2.1
3	3.1	3.1
4	4.1	4.1
5	5.1	5.1
6	6.1	6.1
7	7.1	7.1
8	8.1	8.1
9	9.1	9.1
10	10.1	10.1

WESTLAND CATCHMENT BOARD

FOR THE LAMP DRAINAGE SCHEMES

EST. 1911

Project	SHEET 1 OF 1
Reference	950/16 A1



153 Tainui Street
P.O. Box 66, Greymouth.
The West Coast, New Zealand.
Telephone (03) 768 0466
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FILE

RESOURCE CONSENT

Pursuant to Part VI of the Resource Management Act 1991 The West Coast Regional Council hereby grants to:

KONGAHU SWAMP RATING DISTRICT
C/- WEST COAST REGIONAL COUNCIL
P O BOX 66
GREYMOUTH

A Resource Consent for the term and upon the conditions hereinafter set forth.

FILE NO: 94/4

DATE OF ISSUE: 24 August 1994

TERM: twenty five years from the 3rd day of May 1994

PURPOSE OF RESOURCE CONSENT: Periodically clean out and construct channels and drains.

LOCATION/SOURCE: Karamea - Kongahu Swamp

LEGAL DESCRIPTION OF LAND: Part Sections 21,22,23,34,335,36,& others Blk II Kongahu S.D.

RESOURCE CONSENT NO.	TYPE OF RESOURCE CONSENT	QUANTITY/ RATE	DESCRIPTION
940048	Land Use Consent		Periodically clean out and construct channels and drains.

From: scanner@wrc.govt.nz
Sent: 6 May 2015 14:18:40 +1200
To: Colin Helem
Subject: Message from KMBT_C284
Attachments: SConsents15050614180.pdf

FILE

RESOURCE CONSENTS CONDITIONS:

1. Work shall be carried out according to the plan supplied by the applicant. Any variations or extensions must be approved in writing by the Council's Regulations and Consents Manager.
2. In accordance with Resource Consent 93/56 the consent holder shall in conjunction with the Department of Conservation prepare a long term strategy for the management of the drainage area.

SIGNED AT GREYMOUTH THIS 8TH DAY OF AUGUST 1994

For and on behalf of the
West Coast Regional Council



.....
G.W., SIMPSON
ACTING GENERAL MANAGER

9448-k
RESCON.K



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Form 5A



APPLICATION FOR RESOURCE CONSENT

Pursuant to Section 88 of the Resource Management Act 1991, the undersigned:

Full Name: Kongahu Swamp Rating District

Address for Service: P.O. Box 66, Greymouth

Applicants Address: P.O. Box 66, Greymouth

Occupation/Business: Rating District

Telephone Number: 03-768 0466

Fax Number: 03-768 7133

Hereby Applies for the following resource consent(s):

- * Land Use Consent to:
- * disturb the land surface or remove vegetation
 - * carry out earthworks on land or in the beds of lakes and rivers
 - * place or remove structures on beds of lakes or rivers.

- * Coastal Permit - In the coastal marine area or seabed to:
- * disturb the land surface
 - * carry out earthworks
 - * take, use, dam, divert or discharge contaminant or water
 - * place or remove structures.
 - * carry out any activity

- * Water Permit - To take, use, dam or divert water.

- * Discharge Permit - To discharge contaminants or water:
- * ~~into water~~
 - * ~~onto the land~~
 - * ~~into the land~~
 - * ~~into the air.~~
 - * ~~into the coastal marine area~~

* (delete resource consents which do not apply)

Dated at Greymouth this 28 day of January 1994

W. J. M. M. M. Signature of Applicant or Agent

NOTES FOR APPLICANTS

All applicants must complete:

- A: This form (Form 5A)
- B: Form 5B "Assessment of effects on the environment" (attached)

Plus one or more of the following forms must also be completed as applicable

- C: Form 5C "Application for Land use consent or coastal permit"
- D: Form 5D "Application for Water permit - take, use, divert or dam water outside the coastal marine area"
- E: Form 5E "Application for Discharge permit - discharge of contaminants into water, onto land or into the air"

YOU ARE ADVISED THAT PAYMENT OF AN APPLICATION FEE APPLIES. THIS DOES NOT GUARANTEE ISSUE OF A CONSENT (*Application fees are to cover administration and processing costs. Information on fees payable can be obtained on request*)

- A.1 Draw a site plan, or supply an aerial photograph or map showing locality of resource consents applied for (*three copies required*).

(See attached plan)

Details must show: boundaries, watercourses, lakes, dams, major physical features, vegetation, formed or proposed access, walking tracks, houses, sheds, powerlines, pipelines, historical/archaeological sites.

For mining, exploration and prospecting (if applicable) the plan must also show direction and starting point, trench, pit and drill sites, location of soil, overburden, tailings stockpiles. Settling ponds, areas mined in recent times and restored/unrestored and railway lines, bridges, hazardous material storage facilities.

This application cannot be processed unless copies of the site plan, map or aerial photograph identify where the resource consent will be exercised is attached

A.2 Describe the activity to which the application relates.

The application relates to the occasional clean-out and reconstruction of all channels and drains shown on WRC Plan No 950/16 (attached). All associated internal drains are also included.

A.3 Describe the general location of the application:

The area is the coastal swamp area known as Kongahu Swamp. It is located immediately to the north of The Little Wanganni River and extends northwards for approximately 10 kilometers.

A.4 Nearest town(s)

Little Wanganni

A.5 What is the land tenure (freehold, Crown Lease, legal road etc)?

Freehold

A.6 Legal description.

—

A.7 Name and addresses of the owners(s) and occupier(s) of land within and adjacent to this application.

B. E + K Simonsen RD 1 Westport.
L + G. Baker R.D. 1 Karamea
L Kees RD 1 Karamea.
K. Kees Jnr + Snr RD 1 Karamea
G. Volkman - RD 1 Karamea
R. Anderson - RD 1 Karamea
M. Reedy RD 1 Karamea
P. Fox - RD 1 Karamea
V Johnson RD 1 Karamea
C Jennings R.D 1 Karamea.
M. Jones, - RD 1 - Karamea

NOTE: If you propose to carry out mining, exploration or prospecting the landowners adjacent to, and within the application must be substantiated by copies of search of title certificates (to be attached). If copies are not attached, the appropriate consent authority will undertake a search of title certificates at the applicant's expense.

A.8 Has any consultation been undertaken with any of the following people affected?

	Yes	No	Specify
owners and occupiers of land within application	☒	☐	Applying on their behalf.
owners and occupiers of land adjacent to application	☐	☒	To be consulted...
government authorities (e.g. DOC)	☐	☒	To be consulted...
local authorities	☒	☐	To be consulted
individuals	☒	☐	
wider community	☐	☒	
interest groups/organisations	☐	☒	
environmental groups, societies/organisations (e.g Fish & Game)	☐	☒	
tangata whenua	☐	☒	To be consulted.
other persons affected by application	☐	☐	To be consulted...

It is recommended applicants consult with DOC, West Coast Fish and Game Council, Iwi authority, adjoining landowners and any other party likely to be affected by the Resource Consent, prior to submitting the application to the Regional Council.

Such consultation may circumvent submissions, which could otherwise cause delay and additional costs to the applicant.

A.9 Describe the consultation you have undertaken with any of the above people and any response to the views of those consulted: (Append any written comments supplied by the above parties).

contact has been made. is awaiting reply from Buller District, D.O.C and Fish and Game Council at the time of completing this application. Tangata whenua is to be consulted through Komiti Rangapu and any issues addressed there.

- A.10 Discuss any steps you propose to take to manage social impacts, address individual and community concerns and resolve any conflicts.

Informal discussions will be held to discuss any concerns that are expressed from all parties with a view to resolve any outstanding matters regarding the application.

- A.11 List the Territorial Authorities administering the land subject to this application.

Bulle District Council

- A.12 Are any additional resource consents required in relation to this proposal and have they been applied for?

Type of Consent	Consent Authority	Applied for (Yes/No)

- A.13 The period this resource consent is required is 25... (months/years)



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Form 5B

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

all applicants to complete

Physical

B.1 Describe the:
(a) landforms

Flat swamp area, marine terrace

(b) land slopes

Flat Coastal Lowlands.

(c) soils

coastal sands + peat material

B.2 Describe any potential for natural hazards (e.g flooding, erosion, land slip)

possible tsunami hazard exists

B.3 Are any of the following present in the area? (delete which do not apply)

- (a) ~~river protection works,~~ *drainage works.*
- (b) bridges
- (c) ~~railways and roads~~
- (d) telephone/electricity wires or cables

Flora, Fauna and ecosystems

- B.4 Describe the vegetation within the application area. List the major species, and any rare or endangered species. ("Native bush" and "scrub" is not a satisfactory answer)
- mosaic of dense reedbeds, flax, raupo, Carex secta, coprosma shrubs, braeken, umbrella fern, swamp grasses and lightly-logged Kahikatea forest.
- B.5 Describe and/or list the birdlife, wildlife, freshwater and marine life within the application area, or in the vicinity and any recognised special wildlife habitats ("usual West Coast wildlife" or similar is not a satisfactory answer)

The existing swamp area is a habitat for fernbird, bittern, cranes, pukeko and some waterfowl.

The extent of introduced fish species is unknown, however it is anticipated that some native species of unknown quantities would be present.

- B.6 Describe the effects the activity will have on ecosystems, including effects on plants or animals, any physical disturbance of habitats in the vicinity:

The removal of growth and weed from the channels will obviously have an effect on the marine life within the drains, however, as this would only occur as and when required, regeneration of the habitat would be guaranteed.

Land Use

- B.7 Describe the current land use (give as many details as possible)

The area is mainly dairy farming

- B.8 What is the public use of the area?

Farming

- B.9 Describe any recreational values

None worth noting

- B.10 What is the intended post-activity vegetation cover, and land use?
(e.g. forestry, road, residential subdivision, pasture etc)

farmland.

- B.11 What effect will this application have on alternative uses of the land, resources and/or the environment at present or in the future?
Discuss the reasons for your answer.

no alternative uses.

- B.12 Describe the present land surface and how it will be rehabilitated
(if applicable)

Not Applicable.

Contingencies or safeguards

- B.13 If your activity includes the use of hazardous substances and installations, provide an assessment of any risks to the following which are likely to arise from such use:

(a) risks to the physical environment

N/A.

(b) the neighbourhood

N/A.

(c) the wider community

N/A.

- B.14 Describe any mitigation measures (safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of any chemical or other contaminant accidents. i.e. where will the contents go, how will they be contained, treated, recycled or disposed?

(continue on separate sheet if necessary)

N/A.

- B.15 Describe any possible alternative locations or methods for undertaking the activity

N/A.

Monitoring

B.16 How will the effects of the activity be monitored?

N/A.

B.17 Who will monitor the effects of the activity?

N/A.

Socio-economic impacts

B.18 State the numbers of people who will work at the site.....!

B.19 Give details of the hours of work (Provide details of any shift times)

7am to 7pm when excavation is taking place (ie approximately every 3-5 years)

B.20 Do you intend working on weekends or outside the hours 7 a.m. to 6 p.m.? Yes/No *unknown but possible.*

Noise

B.21 Is a residential area or any occupied dwelling close by or within the application area? *Yes/No*

B.22 Give details and distances.

N/A.

B.23 Give details of any anticipated noise levels and likely impacts on both wildlife and residents in the area.

N/A.

B.24 Details of noise reduction measures (rubber lined hoppers, mufflers, shelters, vegetation or soil screens etc.)

Explosives

B.25 Will you use explosives? *Yes/No*

- B.26 If so give details of purpose, public warning methods, frequency, timing, storage and handling facilities, type and quantity of blast. Discuss the impacts blasting will have on nearby residents and any measures that will be taken to minimise such effects.

n/a.

Maori Interests

- B.27 Give details of particular Maori interest in the land or water within or bordering the application area, or likely to be affected by the application (sacred or spiritual sites and values, traditional food gathering areas etc).

Komiti Rangapu is being consulted on these issues

Visual Impacts

- B.28 Is the operation or activity visible from:

- | | |
|--------------------------------|-------------------------------------|
| - nearby dwellings | ☐ |
| - roads (including rest areas) | ☒ |
| - walking tracks | ☐ |
| - known observation points | ☐ |
| - areas of public access? | ☐ |

If so give details, and discuss any measures that will be taken to minimise the visual impact (i.e. buffers, vegetation, screens planted trees etc).

Effects on present and future generations

- B.29 Discuss socio-economic and cultural effects the (both positive and/or adverse) activity will have on the immediate neighbourhood and where relevant the wider community for present and future generations (e.g. additional housing and service requirements, noise, vibration, dust, lighting, aesthetic values, change of lifestyle, recreation, scientific values, water supply, increased traffic, historical, spiritual values etc.)

No changes to socio-economic or cultural activities are envisaged as a result of this proposal.

- B.30 Describe any effects (both positive and negative) on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural, or other special value for present or future generations:

No changes to ~~socio~~ natural & physical resources are envisaged as a result of these proposals.

Other information

- B.31 Outline other information (if any), required to be included in the application by the district plan or regulations.



THE WEST COAST
REGIONAL COUNCIL

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Form 5C

APPLICATION FOR LAND USE CONSENT OR COASTAL PERMIT

This part of the form must be completed by those who propose to:

- (i) disturb the land surface, remove vegetation or carry out earthworks
 - * on land or
 - * on the beds of lakes and rivers or
 - * in the coastal marine area - which includes the seabed.
- (ii) to take, use, dam divert or discharge contaminant or water in the coastal marine area

Applicants who propose to discharge contaminants must also complete Form 5E

- C.1 Describe the type of disturbance of the land surface or earthworks to which this application relates (*Disturbance of the land surface relates to activities that usually disturb only the topsoil such as cultivation, vegetation clearance, burning, V blading and logging. Earthworks refers to activities which go deeper than just the land surface such as prospecting, exploration, mining, river protection, gravel removal, excavation of land for buildings, roading etc).*

The bed and batter of outflow channels and internal drains will be cleaned out using tracked hydraulic excavators.

- C.2 Give details of proposed methods and equipment to be used for carrying out the activity.

Tracked hydraulic excavators will be used.

Recovered material will be spread and levelled along the berm areas of each drain

C.3 Will you be constructing or upgrading any tracks, roads or helicopter pads? Yes/~~No~~

C.4 Give details of intended work, machinery to be used, drainage, gradients (*Provide details on plan if necessary*).

Proposed cleanout of drains will be carried out with hydraulic excavators. Existing gradients will be maintained.

C.5 Is the application for a Coastal Permit for reclamation? ~~Yes~~/no

If yes detail the area proposed to be reclaimed, including its size and location, and the portion of that area (if any) to be set apart as an esplanade reserve.

C.6 Has the Historic Places Trust filekeeper been contacted? ~~Yes~~/No

C.7 Provide details including recorded site numbers of any historical/archaeological sites within the application area. (Show these on your map, plan or aerial photograph). *Your attention is drawn to the consent authority's duty to consider such matters by virtue of S.7(e) of the Resource Management Act 1991.*

C.8 Where the application involves disturbance of the land surface or earthworks (including disturbance and earthworks on the beds of lakes and rivers) the area of land to be modified is

.....hectares.

10/11

THE WEST COAST REGIONAL COUNCIL

New Job Request
Resource Management Consents

AWS

Client Details

Name: Kongahu Swamp Rating District

Address: P.O. BOX 66
GREYMOUTH.

Contact: _____

Telephone: _____

Project Details:

Project File Key: _____

Project Manager: _____

New Application ☐ Monitor/Enforcement ☐

Accounts:

Debtor: Existing, or New Debtor Code: KONSWA

Deposit Paid:

Job Code:

Cost Centre:

Job Details Entered: Client

Debit Note Raised: _____