

Plan Change 1 hearing  
19 June 2018

pages 89 = 2.67  
99 = 4.11

## WCRC – Regional Land and Water Plan 2014 – Plan Change 1 Hearing

Thankyou for the opportunity to express my views on the wetland aspects of the Regional Land and Water Plan 2014 and Plan Change 1.

As stated in my submission, I am a supporter of the concept of protecting vulnerable wetlands.

However, I am uneasy about the way the Wetland aspects of the Regional Land and Water Plan came into being and its subsequent administration.

Specifically:

1. The apparent lack of timely action in confirming wetland status as stated as intended in section 6.1 – Introduction. By this I mean the continued existence of a list of 'unsure / unverified' Schedule 2 Wetlands which make up some 90% of the total number of scheduled wetlands in the plan.
2. The lack of communication with private land owners as to what the specific value of each wetland that the proponents of the wetlands are trying to protect.

For now, I avoid going into the morals of outside groups dictating via the courts without consultation or proof of justification what private landowners do with their land.

I note in the 2014 operational plan that of the 212 wetlands identified,

- 23 are Schedule 1 and described as 'verified' – I have no issue with these
- 189 are Schedule 2 and described as 'are, or are likely to be ecologically significant', of which
  - About 95% are on public land vested with the Department of Conservation.
  - About 5% are on private land.

It is this last category of unverified Schedule 2 Wetlands that most interests me.

The 18Ha wetland HOKP100 extends onto my privately owned property by 3Ha, one of the largest by area of all the Schedule 2 Wetlands on private property.

We are now nearly 6 years into the administration of the operative plan, which first came into being as part of the Regional Land and Riverbed Management Plan 2012, and are currently going through the first plan change.

Yet, there is no change to the 189 number of Schedule 2 Wetlands despite the policy statement in the 11<sup>th</sup> paragraph of the introduction at section 6.1, referring to Schedule 2 Wetlands, that states:

"It is intended that over time as ecological assessments are undertaken wetlands identified as meeting the Schedule 3 criteria will be included in Schedule 1" etc.

That paragraph concludes by saying that:

“where the criteria in Schedule 3 are not met, those wetlands should be removed from Schedule 2 by way of a plan change.”

My request, as stated in my written submission, is that the WCRC act in a timely manner and make a definite commitment to confirming the status of the Schedule 2 Wetlands. Either they are a wetland as defined in the operative plan, or they are not. Especially, the Schedule 2 Wetlands on privately owned land.

My property rights are currently being restricted by ‘outsiders’ seemingly without proof of justification.

In late 2013 / early 2014 the WCRC had a wetlands coordinator (HF) who I met with on my land twice to discuss various aspects of the then new Wetlands provisions of the plan and what it meant to me and my property. This primarily was focused on the seemingly arbitrary nature of the boundary. However, he was unsure of what was specifically trying to be protected as said he had no specific training in this area. He lead me to believe that the status of the wetland on my land would be assessed in due course as stated in the plan and that this would then be subject of a plan change for confirmation.

Then in August 2014 an ecologist representative from DOC (JM) also visited me. But this meeting, as requested by DOC, was limited to evaluating the relatively much smaller portion of HOKP100 (less than 0.1 Ha) that extended onto my neighbours land. I represented my neighbours wishes as she was hospitalised at the time and later passed away. This later meeting with the DOC representative has resulted in the wetland portion of HOKP100 on my neighbours land being proposed to be removed as part of the current Plan Change 1. During that visit the DOC ecologist briefly speculated that rare species such as an equivalent to Canterbury Mudfish may be present in HOKP100 but would not be drawn to comment further until a formal assessment had been made.

It is this formal assessment that I seek.

At this point, I would like to make the observation that no objections were received to my written submission seeking a timely assessment of all Schedule 2 Wetlands.

In regards the Section 42A Staff Recommending Report of May 2018:

- I am disappointed that my written submission has been broken into 2 parts (Decisions 2.67 and 4.11) thus in my opinion reducing my intended emphasis.
- I am disappointed that staffs interpretation at section 2.67 is that I solely seek removal of wetland status from that portion of my land. What I in fact am seeking is a timely evaluation of all Schedule 2 Wetlands. This would be clearer if my submission had been not been broken into two parts.

- I note that 2.67 is not an accurate transcription of my written submission.
- I am disappointed that the reason given at the end of 2.67 implies that a formal assessment has already been made of HOKP100 and that it is a wetland. On my recent enquiry to the WCRC, following reading this reason, I have obtained a copy of the report from the WCRC and I make the following observations:
  - The report makes no cross reference to the Schedule 3 criteria for a wetland.
  - The report, which is entitled site visit notes, has apparently been prepared by the WCRC's then wetlands coordinator who by my understanding is not a qualified ecologist, although I was informed by email that it was reviewed by a DOC ecologist. I have received no evidence of such a review or endorsement.
  - The site visit notes make observations of the presence of rimu and totara – neither of which thrive naturally in a wetland. In my observation only one lone old Rimu, presumably from the days prior to timber extraction during 1875 to 1910, exists in the whole of the 18Ha HOKP100 area. Also, that any totara present, I planted in 2009 following putting a digger in to create several dry islands within what later became HOKP100 by flipping and draining areas for the purpose of enhancing the regeneration of vegetation.
  - The site notes conclude that it is a Pakihi type wetland. The minimum size Pakihi wetland in the Schedule 3 criteria is 40Ha. HOKP100 at 18Ha is less than the minimum.
- If the WCRC staff do regard this as a formal report, which I do not, then I am surprised it was not carried forward as per the procedure set out in the operative plan and HOKP100 included in PC1 and changed from Schedule 2 to Schedule 1.
- I suggest that if I had presented such a 'report' to the WCRC as part of a Resource Consent it would have quickly been turned down.
- I feel that the WCRC have given scant regard to my submission at 2.67.
- Turning to my request for an additional paragraph be added to the plan setting a rule containing a definitive time frame by which all Schedule 2 wetlands be formally assessed, I am disappointed to find at 4.11 the reason given for not including it in PC1 is that it is '...outside the scope of this Plan Change 1 as there are no amendments proposed to the wording of Chapter 6....'.
  - Firstly, there is precedence elsewhere in PC1 where new paragraphs have been added – eg around the CMA at page 1, section 1.2,
  - Secondly, this is the first time affected land owners have been allowed to participate in the process since Schedule 2 Wetlands were introduced.
  - Thirdly, there was no scope limitation made when invitations were sent out seeking submissions – I contend that my submission is relevant,
- The WCRC staff's reason at 4.11 also states that the WCRC cannot legally remove Wetlands from the Plan. I dispute this. There is a democratic procedure in place under the RMA, namely a Plan Change, which allows for submissions and further (counter)

submissions. Again I note that no objections were received to my submission and one further submission in support (the summary at 4.11 neglects to mention this). Resource Consent application is not the only pathway to a Plan Change.

I contend that the plan as it was formed and currently stands, including the proposed PC1 before us, is one sided and does not fully address the implied commitment given to the Environment Court to address certain issues in return for the Environment Court allowing certain concessions such as inclusion of a list of 'unsure / unverified' Schedule 2 Wetlands in the Plan. The Plan as it stands places constraints on land owners but no onus on the original proponents of the wetlands to reciprocate and act in a timely manner to justify their assertion of wetlands. It is my reading of the Environment Courts decision that Schedule 2 wetlands were created as a compromise to give the proponents time to sort themselves out. If refer to the following paragraphs from the Environment Court Decisions:

2010/345 paragraphs [74],[119],[120],[122] to [124],[148],[151],[160],[161] and [165]

2012/006 paragraphs [9], [21],[52] to [54], [61],[77] and [136] to [138]

2012/053 paragraph [8]

(d)

**I strongly believe that the original proponents for the inclusion of Schedule 2 Wetlands, have an outstanding obligation to prove that all Schedule 2 Wetlands meet the Appendix 8 / Schedule 3 criteria and that this is the reason why a list of 'unsure / unverified' Schedule 2 Wetlands list was ordered by the court to be included in the Plan together with a statement that an assessment is to be carried out to a defined set of criteria.**

The scope of PC1 currently before us does not address what I undersand to be the basis for the courts inclusion of a list of 'unsure / unverified' Schedule 2 Wetlands & I believe this is a glaring omission in PC1.

At the moment, I doubt the sincerity of the proponents of the wetlands to acknowledge the compromise that has been made in their favour and I consider the current focus of the PC1 towards minor boundary adjustments, putting aside sphagnum moss harvesting, to be petty in comparison.

I remind the parties to the Environment Court Hearings, that affected land owners have Existing Use Rights as defined in the RMA, and that these could be mobilized if necessary. I could, for example, claim that I and Mother Nature have been actively regenerating the vegetation on the land since before the plan was proposed and that the plan seeks a change to this. However, I think that there is more to be gained by collaboration, education and positive action than extremist actions such as dictating to others by court action without consulting the other party first as would be common courtesy.



What I seek from this PC is a commitment to a timely and transparent assessment process, which I suggest for the wetlands on privately owned land is done as a group at site specific level by a coherent group of qualified ecologists rather than piecemeal at individual Resource Consent application level. In my opinion this is the best and most cost effective way to achieve consistency.

The reason I suggest priority is given to the privately owned wetlands is DOC as a group should be able to manage their group coherently and consistently and they were a party to the Environment Court and a proponent of the wetlands so they knew what they were getting into.

If say there are 20 privately owned wetlands and it took 3 months per assessment, then one qualified ecologist alone should have been able to complete the exercise in 5 years. We are now 6 years into the operative plan, it would appear that no assessments have been made. Why?

Now I address the physical features on the portion of my land that is part of HOKP100. It is my current intention, and indeed my passion, to retain as much of my 20Ha block including the portion of HOKP100 on my land in as close to natural state as possible while eking out a space to live. I acknowledge that HOKP100 contains wetland plant species but I consider it to be a manmade wetland having been denuded of its pre 1840 Kahikatea forest for timber in the late 1800's. It is a damaged land and I intend nursing at least the part of HOKP100 on my land back to health.

I have never seen evidence of mudfish. However, I make the observation that domestic cats from neighbouring properties as well as feral cats and stoats and are occasionally seen on my property and it concerns me that they may be preying on fauna that may be considered rare or endangered. Indeed, I may also be unknowingly trampling on and endangering mudfish.

Finally, I ask that if the WCRC and the original proponents persist in scheduling part of my land as a wetland that they actively assist me in protecting it. There is little point in having a plan unless it is physically followed up with action. Cats, for example, do not read plans or take out Resource Consents before they go hunting.

Thankyou.

### Background History:

*I do not intended to read this at the hearing, but it is supplied to the commissioners for information:*

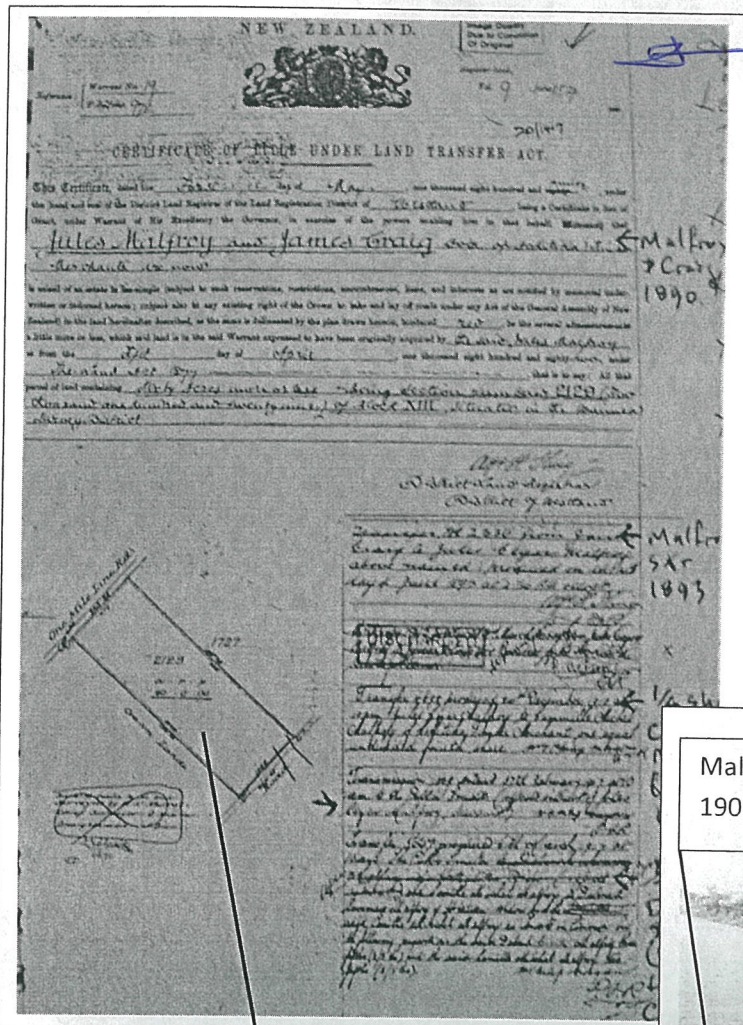
The following is my understanding of the history of man's activities on and adjacent to the land which now is Schedule 2 Wetland HOKP100.

- (1) In the period 1865 to 1890 the area was prospected for gold:
  - Presence of shafts and tunnels with excavated materials likely altering the natural drainage patterns both surficial and subterranean.
  - Historical records of Mr Larke (Larks Terrace) and Mr Howe lodging claims.
  - While the area during this period was within two kilometres of a significant goldfield this area itself was not found to be a paying goldfield with the methods then available.
- (2) JC Malfroy was cutting timber from this area in the period 1875 to 1910
  - Map from 1900c showing the extent of standing forest and where timber was being extracted indicates that the area of HOKP100 prior to 1840 would have likely been predominantly Kahikatea forest judging by the current regeneration.
  - The wholesale clearance of trees as was common practice at the time resulted in further damage to drainage, particularly by formation of extensive unbroken iron pans 1m below the surface in the underlying alluvial gravels due to rotting vegetation and the loss of an ecology that was actively transpiring water and keeping the soils healthy.
  - Land title for Lot 2129 on which HOKP100 partly covers was issued to Malfroy in 1890
  - Malfroys tramway for hauling logs passes within 200m of HOKP100.
- (3) In the period 1910 to 1970 fires were used to control the regenerating bush and scrub so it could be used for rough grazing
  - Presence of burned stumps
  - Presence of old fences
  - Anecdotal tales of the January 1961 'Big Dry Fires' in which nearly all vegetation was erased exposing old shafts and tunnels.
- (4) Since 1970 the land has been left largely untouched by man and in my opinion is naturally regenerating at an exponentially faster rate in recent times with the area of wet land reducing as the volume of vegetation and consequent transpiration increases.

My belief is that HOKP100 is a man-made wetland that is slowly healing itself and if left untouched by man and natural disaster, including fire, will in 30 to 50 years time, once again be dominated by non-wetland shrubs and trees as there will come a point when there is not enough water crossing the land or sunlight light to support the low wetland ferns and reeds currently observable.

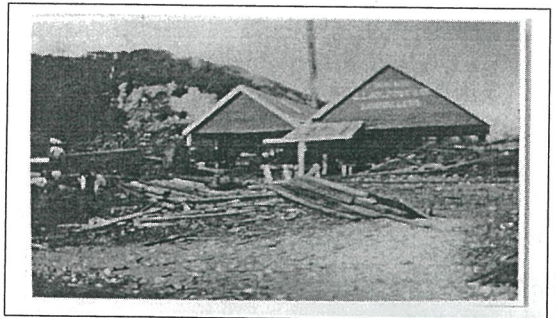
The rate of healing for fauna however, will be restricted by pressures from introduced predatory animals associated with rapidly increasing neighbouring human habitation unless a barrier or some other control can be formed.



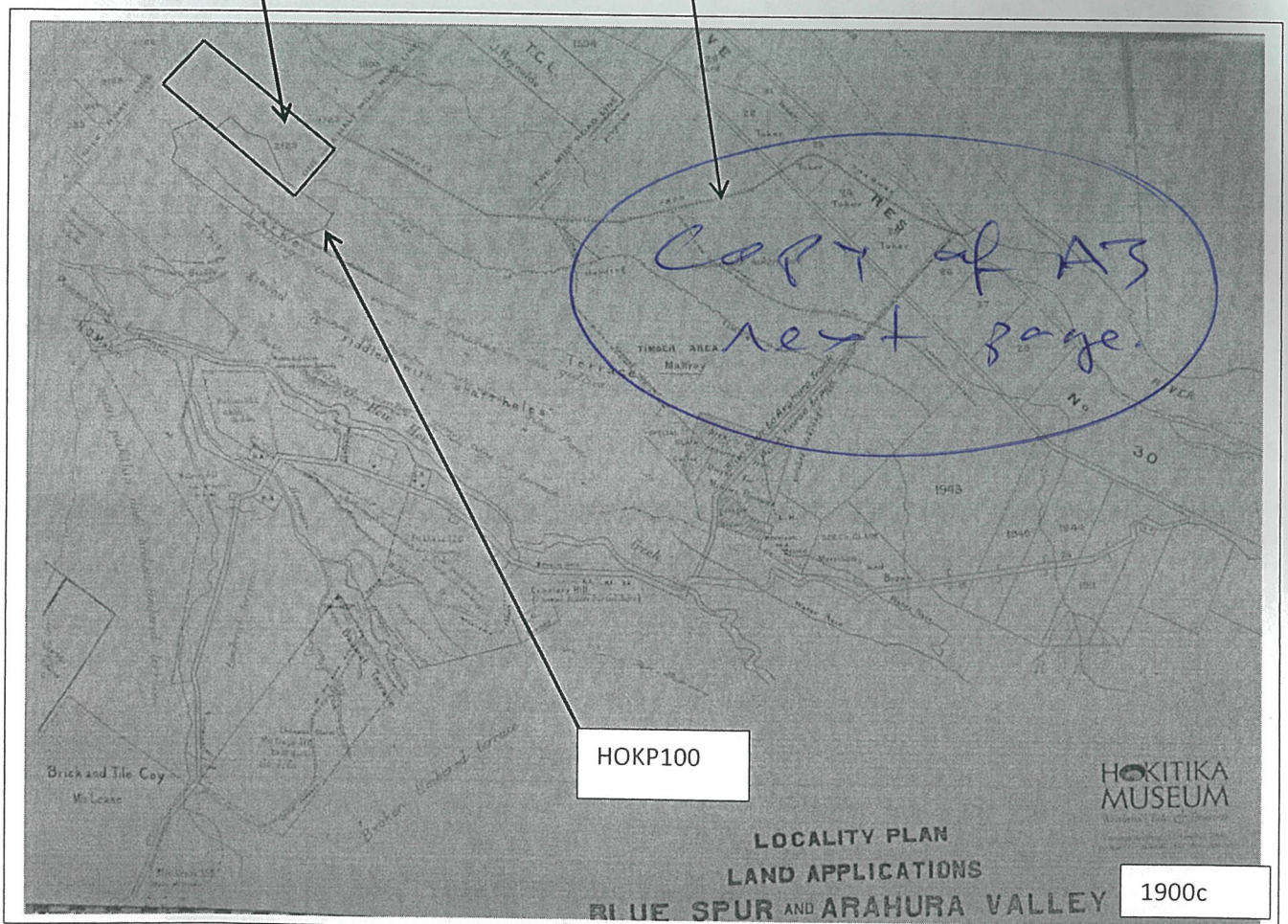
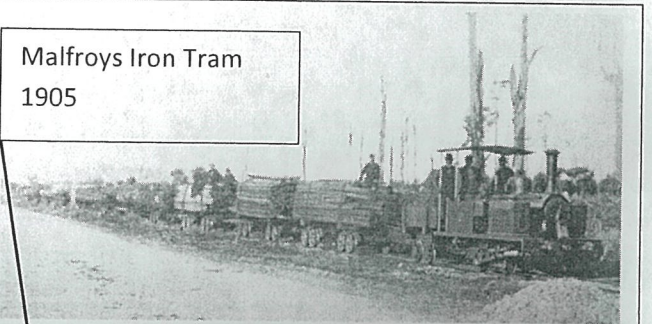


HOKP100

First Issue of land title on block 2129 in 1890 to Malfroy & Craig who owned a major sawmill at Three Mile and many other blocks of land in the Arahura Valley for the purpose of extracting timber.



Malfroys Iron Tram  
1905



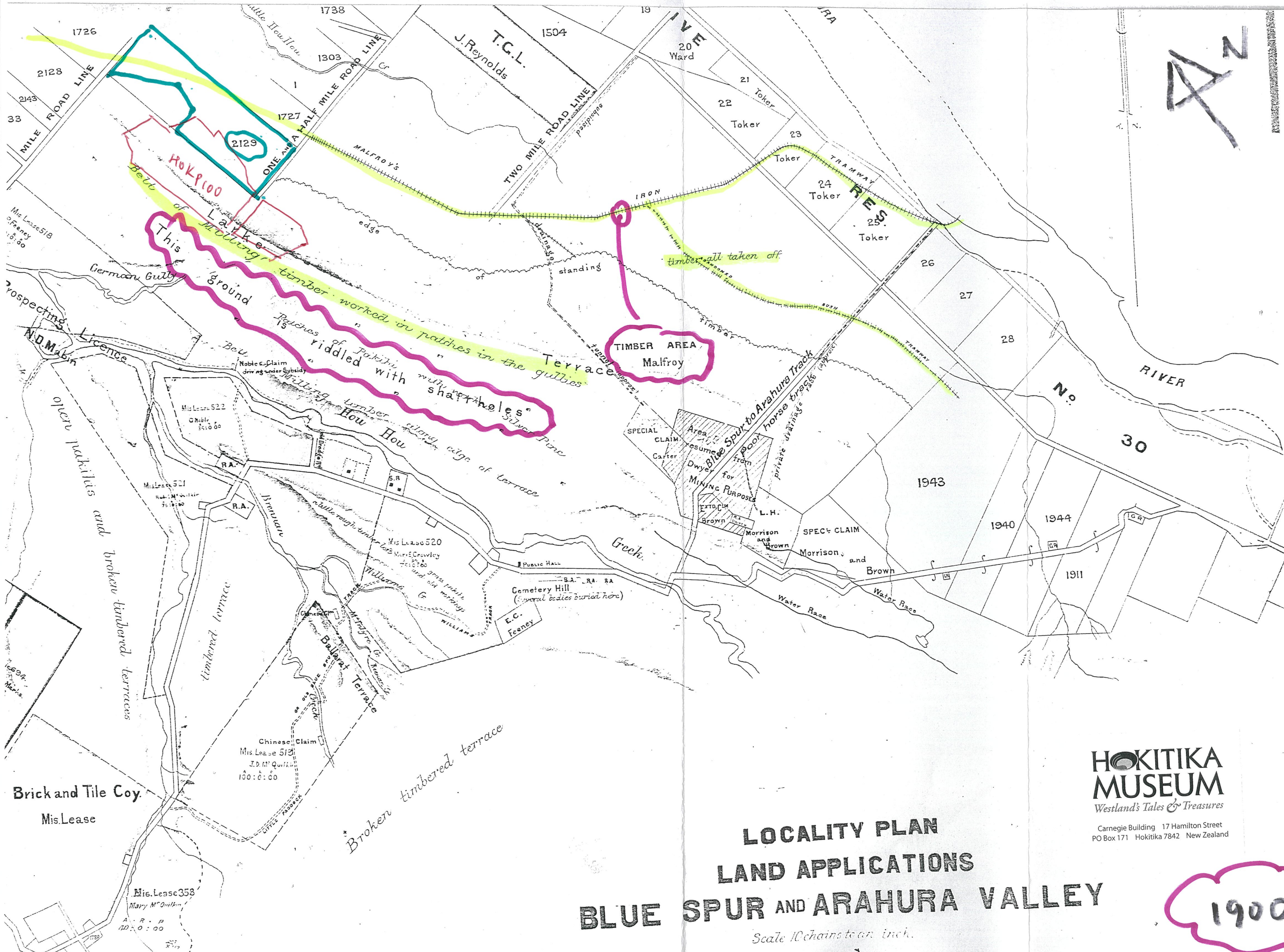
HOKP100

HOKITIKA  
MUSEUM

LOCALITY PLAN  
LAND APPLICATIONS  
BLUE SPUR AND ARAHURA VALLEY

1900c





**HOKITIKA MUSEUM**  
Westland's Tales & Treasures  
Carnegie Building 17 Hamilton Street  
PO Box 171 Hokitika 7842 New Zealand

**LOCALITY PLAN**  
**LAND APPLICATIONS**  
**BLUE SPUR AND ARAHURA VALLEY**  
Scale 10 chains to an inch.

1900c



General  
HokP100

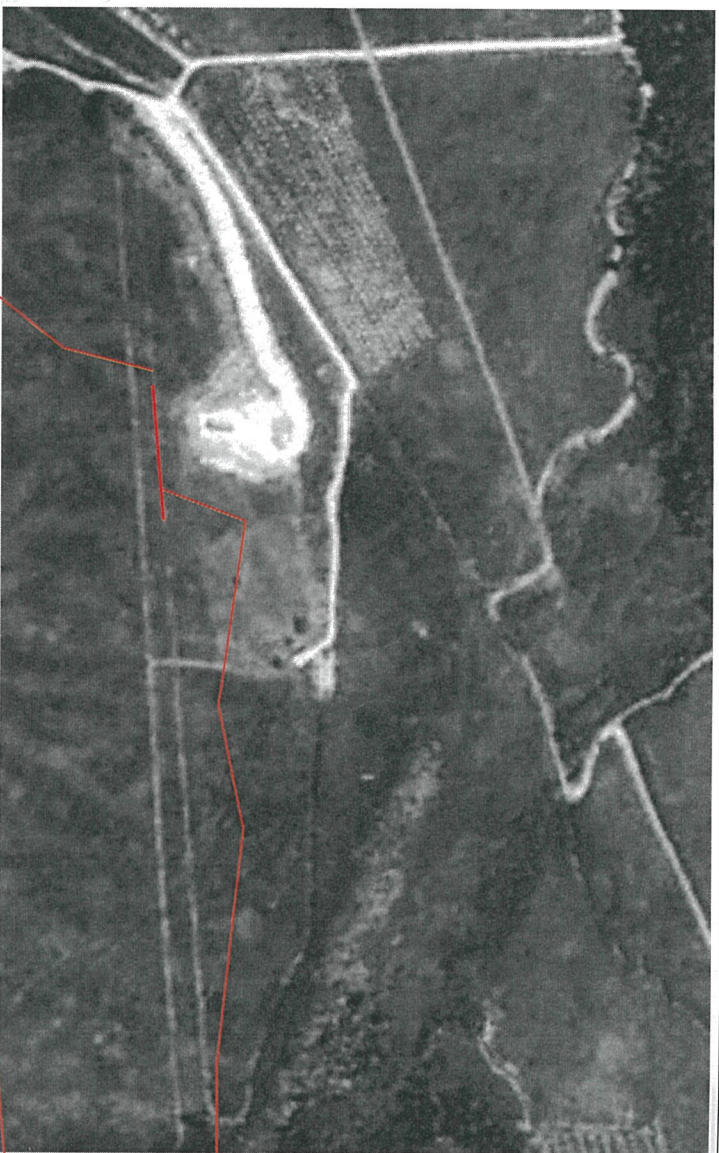


2001



2001



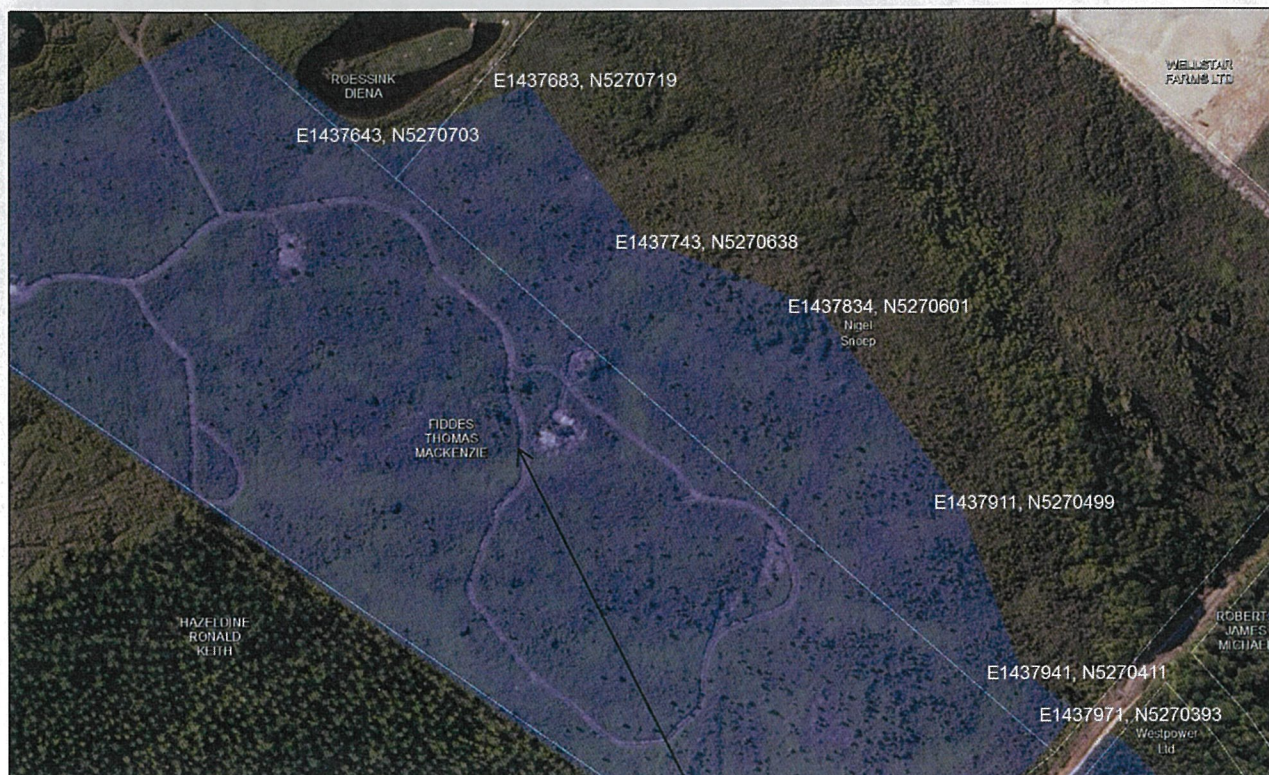


1996



2003





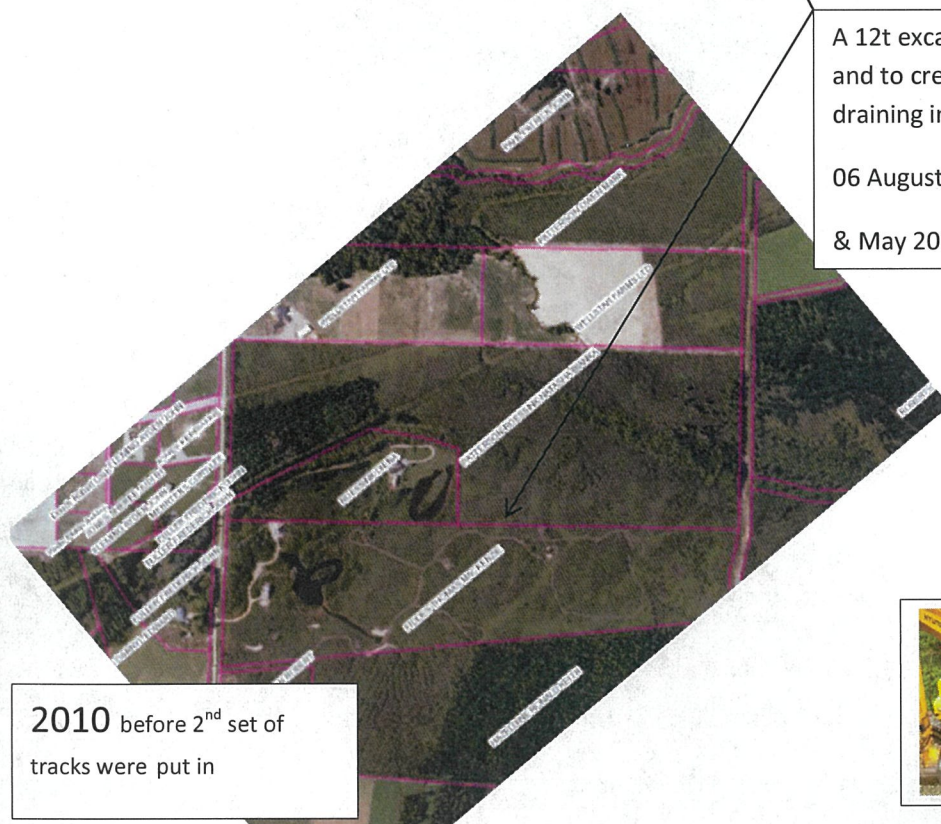
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Datum: NZGD 2000  
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Printed: 28/03/2014

Notes:  
No notes

Nigel Snoop, Houhou Creek, HOKP100

#### Legend

Original Wetland Boundary  
Property



2010 before 2<sup>nd</sup> set of  
tracks were put in

A 12t excavator was used to put in tracks  
and to create 'dry islands' by flipping and  
draining in

06 August 2009

& May 2010





2016

couple with Abel  
(pic w/ helicopter)

