

Land Drainage Bylaw 2019

Submissions

Submissions by Surname

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ID	LDB19/1
First Name	Kevin (Joe)
Surname	King
Group / Organisation	Elbury Holdings Ltd
Position	Director
Property within Drainage District?	Yes
Which Drainage District(s)?	Kaitaia; Kaikino
Do you support the proposed Bylaw?	I support the proposed bylaw
My submission is: support in principal	
My reasons are: Very important to keep the bylaw and I want to be part of the any further consultation /submissions on land drainage bylaw 2019.	
I would like Council to make the following amendments to the proposed Bylaw: No response given	

ID	LDB19/2
First Name	Fiona
Surname	King
Group / Organisation	Kaitaia drainage committee and Elbury Holdings Ltd
Position	Chair person , Director
Property within Drainage District?	Yes
Which Drainage District(s)?	Kaitaia; Kaikino
Do you support the proposed Bylaw?	I support the proposed bylaw
<p>My submission is:</p> <p>to support the document in general but would to ensure by adding the following. 1. access- access (gateways) for contractors is to be available in the fencelines on fences, drain crossings and boundaries. 2. Fencing of all drains a requirement on both sides of the county drains, and all fences constructed (Height, number of wires, distance from drain) to be accessible for a digger. 3. Protection of the drainage assets , profiles of drain battering & pictures, . some clause explain the process & what happens if the bylaw is not follow 4. Ensure the lengths of the drains in the assets list are correct . Add drains that are not shown on the list ie. spains road drain. kaitaia area. Or to removed ie. kareponia which is a S H 1 road side drain. Matthews outfall now inside an urban environment but using the rural aspect to not pipe the drain. Yet not following the rules of the bylaw. 5. A necessity to have the FNDC planning Dept when processing building consent and resource consent recognize the scheme . Any subdivision should follow all drainage rules when subdividing land and if possible attach as a consent notice to ensure drains are still able to maintained or the should be removed from the scheme if it has become more urban environment. ie. matthews outfall.</p>	
<p>My reasons are:</p> <p>as above.</p>	
<p>I would like Council to make the following amendments to the proposed Bylaw:</p> <p>I support the bylaw change but want the issues i have outlined addressed within the bylaw or drainage plan.</p>	

ID	LDB19/3
First Name	Malcolm
Surname	Nicholson
Group / Organisation	Northland Regional Council
Position	CEO
Property within Drainage District?	No
Which Drainage District(s)?	
Do you support the proposed Bylaw?	I seek amendments to the proposed bylaw
<p>My submission is:</p> <p>1. The Northland Regional Council (Council) is grateful for the opportunity to have an opportunity to provide a submission on your proposed Land Drainage Bylaw 2019 (the bylaw). 2. Council understands the purpose of drainage districts, the history of the four land drainage districts in the Far North and is obviously cognisant of the fact that regulation of drainage districts is split between the Far North District Council and ourselves (we are responsible for consenting land drainage schemes under the Resource Management Act 1991). 3. Council has reviewed all provisions within the bylaw and note that it is identical to the previous (2009) Land Drainage Bylaw. Our staff have not identified any operational "issues" with the previous Land Drainage Bylaw and, on that basis, we are supportive of the provisions of this bylaw. 4. We note that section 19 (Other Requirements) states that "the provisions of this Bylaw do not remove the need for any resource or other consents required under the Resource Management Act 1991 or Building Act 2004". However, this paragraph goes on to state that where consents are required, they shall be lodged with the Council at the same time. We consider that this is misleading because, in the context of this bylaw, "Council" only refers to the Far North District Council.</p>	
<p>My reasons are:</p> <p>No response given</p>	
<p>I would like Council to make the following amendments to the proposed Bylaw:</p> <p>Either insert specific reference in section 19 to the fact that a resource consent may be required from the Northland Regional Council (under the RMA) for land drainage activities or amend paragraph 4.1 (Purpose) as follows: "The purposed of this Bylaw is to regulate land drainage assets within the Far North District. Please note that this bylaw does not remove the need for any necessary resource consents (under the Resource Management Act 1991) for land drainage activities from the Northland Regional Council".</p>	

ID	LDB19/4
First Name	Ian
Surname	Broadhurst
Group / Organisation	Largus, Mapua and Tiri Avocado Orchards
Position	General Manager
Property within Drainage District?	Yes
Which Drainage District(s)?	Waiharara; Motutangi
Do you support the proposed Bylaw?	I seek amendments to the proposed bylaw
<p>My submission is:</p> <p>Thank you for the opportunity to provide comment upon the proposed Land Drainage Bylaw. I would like to provide the following feedback based upon my experience as a resident, grower and orchard developer within the Waiharara and Motutangi Drainage Districts. â€¢ Stock should not be allowed access directly to drains for drinking water. There are people who rely on surface water as a supply, and the risk of defecation and stock death if stuck in the drains is high, which obviously has significant potential risk to water quality. Further to this, whilst not applicable to an orchard, I note that the 2 m setback for grazing will have implications on much existing fencing. How will this be enforced? There is no point in having a rule that will be not be observed.</p>	
<p>My reasons are:</p> <p>outlined below with recommended amendments.</p>	
<p>I would like Council to make the following amendments to the proposed Bylaw:</p> <ul style="list-style-type: none"> • Replace the term consent with “permission” or “approval” where the text does not relate to a building consent or resource consent to avoid confusion. • Specify the position of the person within Council the permission or approval needs to be sought from, rather than saying Council i.e. the nominated drainage engineer. It should also always be clear to us as land owners who this person is. • Outline in more detail how “fair and reasonable” inspection fees or requests for information will be determined. This is protecting ourselves against being burdened by any inspection or request for detail, if it is proven to be unnecessary. This is especially important in the current environment given some of the unfounded public views on recent orchard developments. • Outline a clear process on the Council landowner contact procedure for accessing private land i.e. how Council will make contact with the land owners prior to going onto their property. This is important to cover landowners and orchard managers from a H&S perspective as well as we could potentially provide easier and safer access through our site. This should provide minimum notice periods unless deemed an emergency • Ensure that any cost recovery referenced refers to responsible parties rather than landowners such as that in clause 8.8. There is inconsistency in current wording. • Show key features such as crossing points, culverts and bridges on the maps so we understand what are considered authorised. This avoids any doubt. 	

ID	LDB19/5
First Name	Sue
Surname	Ferens
Group / Organisation	
Position	
Property within Drainage District?	Yes
Which Drainage District(s)?	Motutangi
Do you support the proposed Bylaw?	No response given
<p>My submission is:</p> <p>That the FNDC extend the submission period so that all members of the local community who wish to are able to consider the bylaw/amendment and make any submissions accordingly. We are within the area concerned for Motutangi drainage but received no notification of the submission process. We became aware of it only one day ago.</p>	
<p>My reasons are:</p> <p>There are several aspects we are concerned about: 1/ the need for on-going water monitoring in the Motutangi Stream and the Houhora Harbour, particularly due to land change in the area with increased risk of sediment flowing through the drainage system into the harbour; the value of native riparian plantings along the Motutangi Stream could be considered to aid stream health rather than spraying; possibility of kaitiaki status for those living along the stream to be investigated, in cooperation with FNDC, iwi and DoC; information regarding penalties for breaching the bylaw. 2/ All stake holders/community members in the area should be involved in the submission process (we understand there was one notice in the local paper 11/7 which was not widely seen)</p>	
<p>I would like Council to make the following amendments to the proposed Bylaw:</p> <p>Extend the time-frame for submissions in order to enable all members in the local community with an interest in the Motutangi Stream and drainage area, to consider the proposed bylaw and to make submissions if required.</p>	

ID	LDB19/6
First Name	Brendon
Surname	Liggett
Group / Organisation	Housing New Zealand
Position	Development Planning Manager
Property within Drainage District?	
Which Drainage District(s)?	
Do you support the proposed Bylaw?	I seek amendments to the proposed bylaw
<p>My submission is:</p> <p>The Corporation opposes part of the Proposed Land Drainage Bylaw 2019 ('proposed bylaw') on the basis that the proposed bylaw will have adverse effects on the amenity value and development potential for the Corporation's tenants and assets adjoining the drainage channels. In making this submission the Corporation acknowledges and supports an improvement to the management to the drainage district within the Far North region. However, the Corporation is concerned that the nature of the proposed bylaw will result in adverse effects on the residential amenity through the limitation to plant or grow any tree, shrub or hedge for a distance of 10 metres from the edge of the drain or erect any form of structure such as a fence or building within this distance edge of the drain. Any such proposed setback should only apply to open, above ground drains. Furthermore the Corporation is concerned that the proposed bylaw will not contribute positively to the development potential in the Far North District Council ('FNDC'). In particular, the Corporation is concerned with the restriction of landowner actions in regards to council access to and along the banks of drainage channel (section 6 of the proposed bylaw) and the obligations on landowners and other persons to ensure that the drainage channel and the flow of water is not in any way obstructed (section 8 of the proposed bylaw).</p>	
<p>My reasons are:</p> <p>Whilst it is acknowledged that the Land Drainage Bylaw 2009 currently has similar limitations to the ability to build or plant within 10 metres of a drain and have an access way within 3.5m of a drain, the increased demand for development in the FNDC and the ability to mitigate any development effects makes it clear that the current and proposed restrictions are excessive. Hence, the Corporation is of the opinion that the proposed bylaw will be detrimental to the Corporation's interests and may limit the ability to increase the neighbourhood amenity.</p>	
<p>I would like Council to make the following amendments to the proposed Bylaw:</p> <p>The Corporation opposes the proposed bylaw in part and seeks that:</p> <ol style="list-style-type: none"> 1) the use of 'minor damage' be defined; 2) the setback distance for access to and along drains be reduced to 3 metres; and 3) the setback distance for vehicle access from drains be reduced to 3 metres; 4) landscaping be enabled within the proposed setback of 3 metres without the prior consent of council 5) the proposed setback should exclude those drains which are underground 	

ID	LDB19/7
First Name	Mark
Surname	Tattley
Group / Organisation	
Position	
Property within Drainage District?	Yes
Which Drainage District(s)?	Motutangi
Do you support the proposed Bylaw?	I seek amendments to the proposed bylaw
<p>My submission is:</p> <p>Mr Tattley has provided a detailed submission that is attached and should be read in full. His main points are summarized below:</p> <ul style="list-style-type: none"> • Please note I request you allow submissions another 40 days after all parties are notified. • I suggest a series of weirs with datum heights to filter the water and having sediment holes dug and cleaned (possibly six monthly) • I suggest we head towards keeping grazing animals and crops 10 metres off and and drain to allow sufficient nutrient filtering • I see no reason a digger is required once sand traps are installed every 1km and on bends etc • I imagine a flat bottomed barge pulling a weed hook and possibly baling the weed. • The main cut has been covered over the last 10 years at least 1 metre, which is illegal. • I do not know if any datum heights have ever been taken and recorded on the Motutangi Drainage scheme. • I suggest any farm that has a drain going into the cut or the Motutangi Stream drainage has their own approved filtration devices to stop sediment. • Oxygen weed has progressively headed southwards. I suggest the drain be pumped out and then helicopter spray the stream bed. • Reinstate stream heights to a reasonable level. • At the upper end of the harbour, there used to be white sand, now you need gumboots because of the silt. • Key properties which are highly productive and require extra levels of water table height protection should be identified and pay extra costs for cleaning weeds and supervisory costs. • Seasonal weirs at the cut to allow water to be in the peat ground so as not to dry out too much. • Widen stream bed to create multiple series of weirs with filters in. • Remove mangroves to allow the streams to flush. Mangroves have intruded up all the waterways and caused silting effect. • Consult with the elders and see if and at what cost it would be to return the beaches to white fluffy sand. <p>My reasons are:</p> <p>I live within 80 metres of Motutangi Stream and I care about Houhora Harbour and wish to be a responsible person.</p>	

I would like Council to make the following amendments to the proposed Bylaw:

We need to enlargen our views and vision to incorporate all those whose land drains into the Motutangi Drainage system and all those affected by the drainage into Houhora Harbours East beach.

SECTION 3: TELL US WHAT YOU THINK

Council is consulting on changing the Far North District Council Land Drainage Bylaw to regulate and manage any Land Drainage Districts within the Far North District. The proposed Land Drainage Bylaw can be found at www.fndc.govt.nz/drainage2019

Do you support the proposed bylaw ?

I (please tick one box):

☐ Support

☐ Oppose

☒ Seek amendments to the proposed bylaw

My submission is:

As per
9 pages

Please not I request you allow submissions
another 40 days after all parties are notified.

My reasons are: (giving reasons for your view helps us better understand your submission and what you are seeking)

I live within 80mtrs of Motetangi
Stream and I care about
Houhora harbour and wish to be
a responsible person.

The decision I wish Council to make is: (this helps Council make sure the issues you raise can be addressed accurately)

We need to enlarge our views
and vision to incorporate all those
whose land drains into the Motetangi
Drainage system and all those affected
by the drainage into Houhora harbour East beach

If you need more space, please feel free to write on extra pages. If you have extra information you would like Council to consider, please attach it to your submission or email it to submissions@fndc.govt.nz

Return your submission



By post:

Submissions – Land Drainage Bylaw 2019
Far North District Council
Private Bag 752
Kaikohe 0440



By email:

submissions@fndc.govt.nz



In person:

hand it in to any Council service
centre or library

SUBMISSIONS CLOSE AT 4.30PM FRIDAY 9 AUGUST 2019

PNV
Manning

WJH

Mark Stephen Tattley

R.D.4 Kaitia

4 July 2019

Submissions - Land Drainage Bylaws 2019

Far North District Council

Private Bag 752

Kaikōhe 0440

note 9 pages in total

Kia ora,

Thanks.

Thank you for letter dated 3 July 2019. This is my submission and also request to speak in person concerning this process.

As part of my submission I ask you to look at notified people groups and owners of land over the whole Houhora Drainage Catchment area. ie from Motutangi Stream, Houhora harbour entrance I believe there is around 12km of land further south and west that flows into the Motutangi Stream.

I would like to see a further 40 days from when all parties are notified to allow them time to submit and have input into this achievement of have a 10 year plan into the future.

I live approx 60mtrs away from the Motutangi Stream and have beautiful views of Motutangi Stream approx 1km to the North and hidden in bush views South.

I am not truly a local as I have only lived here 20 years.

Allan Summers was my neighbour until he headed to the West Coast, he was a good ambassador of this land environmentally.

FAR NORTH DISTRICT
COUNCIL

- 9 AUG 2019

My property has the main cut on it which has been abused in the modern process of achieving drainage even though it is illegal to drain land and create new drains this area is basically the wild west and I appreciate that but I must say we do need to consider the Houhora Harbour and the Kairua wetland, in saying this I believe farmers and passionate people can come up with solutions that don't need gold bars to pay for.

My gift to nature is alternative to live without power and computer and in doing so the pioneering spirit is alive and well.

My suggestions would be to work in with local iwi and farmers and create a system that we can maintain and have power over.

I suggest a series of weirs with datum heights surveyed and recorded the weirs I believe could be holders for large square bales of fibre to filter the water and having sediment holes dug and cleaned possible bi-monthly as for cleaning the stream Motutangi stream was not called Motutangi Drain, we do now have a drain but, as the local iwi know this historically has been an accessway to Maika Pa down Motutangi Road.

I further suggest we head towards keeping grazing animals and crops 10mtrs off and drain to allow nutrient filtering farmers can harvest grass but not fertilize the 10m strip ie cut and carry grass system.

Fraser
Maitland

Mark Tattler 4 July 2019 MZ 3

As for maintaining the stream I see no reason why a digger is required once sand traps are installed possible every 1 km and on bends etc.

I could imagine a flat bottomed barge pulling a weed hook and possible baling the weeds and putting onto another barge with a hydraulic lifting arm.

The main cut has been lowered over the last 10 years at least 1 mtr, which is illegal but not immoral unless you view the implications it has on the Houhora Harbour.

I have found it hard to stop this as it is done by stealth.

Historically we have had drainage meetings and elected people to run the different areas which is good to a point. However I do not know if any datum height have ever been taken and recorded on the Motutangi Drainage Scheme. If those records exist it would be easy to see what has happened.

I suggest any farm that has a drain going into the cut or the Motutangi stream drainage has their own approved filtration devices to stop sediment going into the stream and Houhora Harbour.

Oxeye weed has progressively headed southwards and in all

FNDC
Maitland

Mark Tattley 4 July 2019 WHP

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honestly I believe we need to write this
my suggestion is to work with
DCA find out fish patterns and
plan to drain pump out Motutangi
Stream with 12" or 300mm pumps
and my property can be used
to pump water into sand hollows
to allow the stream bed to be dry
and then helicopter spray stream
bed and also have people spraying
if required. Allow poison to take
effect then allow water to fill
Stream again. My property has
some large hollows between
ridges which would take a lot
of water and I will may also
allow this to happen ie pump
over toward East Beach.

We do need to reinstate
Stream heights to a reasonable level
ie restore more appropriate heights
and investigate errors of the past.

Farm land is adjacent to
Kaimauman reserve and some
drains may need to be filled in
to rectify past abuse of privilege to
farm the land.

My sons grand father Russel Jobe
was the drag line operator who did a lot
of work on the Motutangi Stream 40 years
ago. Norm Bryans has passed away.

I know that they have deepened the
cutby at least 1m and have deepened
the gravel drains by cutting through the
pan 1970 to enable drier farm land

PNDC
M82

Mark Tattley M82

4 July 2019

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I realise people need to make a profit
I have had the privilege of around
5 years work in avocado industry
on the Aupouri Peninsula, to see
the incredible production of the
trees up here the work that it has
given the area, and the upsurge
of the sand silt with all the leaves
that fall off the trees.

I got to know Crunch Bradley
now passed on, whilst working on
a bulldozer, he told me about his
youth and the changes to the
Houhora harbour, where the pub is
at the upper end of harbour there
used to be white sand, but now
you need gumboots because of
the silt.

The Motutangi Stream has
a venturine effect as the tide comes
in it drags the dirty water up stream
and the opposite applies with outgoing
tide.

At Houhora Camping ground
adjacent to Motutangi Stream, there
has been mud for the last 20
years that I know of, I couldn't
say if the mud is much deeper you
would need to ask Owen & Lois Wagner
as they live on the harbour edge and
their family leases the camping ground.

So with a positive focus, I'm sure
we can plan 10 years ahead and hopefully
have another 10 year plan after that,
but I can see mallet jumping in the
stream like it used to be, I can see

#DC
Motutangi

Mak Tattlex 1st 4 July 2019

6

the full range of native trees growing alongside the Stream, but I can also see that we have adequate drainage, maybe invent a specialist machine mounted on a moored barge I'm sure we can do this.

Seasonal weirs at the cut to allow water to be in the peat ground so as not to dry out too much.

Widen Stream bed to create multiple series of weirs with filters in.

Change happens, then in hindsight we realise was it really worth the damage to our harbours.

I'm privileged to live overlooking Motutangi Stream, Harbour Harbour entrance and Rangunu Harbour entrance very unique a east coast beach with a harbour at both ends crown jewels.

Let's enjoy and consider what we do, and command a better price for our products due to our mitigation of pioneering endeavours

~~Yare Sirey
Mak Tattlex~~

XXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXX

I request to be able to discuss in person my submission, thank you.

PNDC Mak Tattē Mā - 4 July 2019

7
I rang a local tonight who has dived and swum in the Houhora Harbour and he clearly remembers the white fluffy sand of around 40 years ago and further.

It appears the Motutangi Drainage Scheme has inflicted silt into the Houhora Harbour. From this conversation there were no mangroves in the Houhora harbour 40-50 years ago and combined with oyster production silt has amassed up.

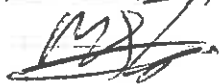
Remedy remove the mangroves allow the streams to flush.

Mangroves have intruded up all the water-ways and caused silting effect.

Locally we have silica sand which is clean, peat soils are also giving a natural cocoa colour to some areas.

Consult the elders, and see if and at what cost it would be to return the beaches to white flaky sand.

It maybe achievable.

Yours Sincerely
Mak Tattē.


XXXXXXXXXXXXXXXXXXXXXXXXXXXX
017 700 23 87
XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Continued Page

FNRC 4 July 2019
Motutangi

Mark Stephen Tait RD.

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In the Motutangi area especially
there are certain key properties which
are highly productive and require extra
levels of water table height protection.
I submit these properties be identified

ie possible Paul Harvey property
old Alan Simmonds property.

Mapua Avocadoe ex Blutchers farm
Old Wiggins property Bob Cambels
and other possible Bigans farm
may desire drainage twice a year
my suggestion is that those properties
foot that extra clearing of the
Motutangi Stream ie costs of
clearing weed & any supervisory costs
in full, as myself along with
many others would be happy for
a late Autumn clearing of
waterway once a year.

As to define issues with drains
connecting into Motutangi Stream or
the coast or other drains we need
to look at standardisation & system
that farmers can make them self ie
square bale or round bale filter of
sediment and silt ponds at the near
inflow side of filter bale

PAGE
Monday

Mark Tattler MS 14 July 2019 9

Cont I could envisage a galvanised frame for square bales or round bales may fit into a culvert pipe?

Then wrap bale of suitable product maybe straw twice tips mulched or cut and compressed even a wool pack would be great with suitable holes punched in it. and obviously easily a press to compact material into the wool bale.

Canisters may be a future option ie the staller are of good nature for a bi product to the seeds, or for those who look at it as a help to survive in this day and age, deepened on the heads to medicate their existence.

Quite possible a good industry bi product.

So lets come up with something real positive and life giving.

* Note I want opportunity to be heard to speak into this sub mission thanks.

Yours Sincerely
Mark Tattler
MS

I also put forth my name may an opportunity arise as a contractor

Also please make applicable to the general public the tendering process.

Also all drainage and Haulage Harbour meeting should be in conjunction with one another. To broaden the consent approach to the Haulage Harbour

ID	LDB19/8
First Name	Hamish
Surname	Eglinton
Group / Organisation	Department of Conservation
Position	Regional Representative
Property within Drainage District?	Yes
Which Drainage District(s)?	Motutangi
Do you support the proposed Bylaw?	I seek amendments to the proposed bylaw
<p>My submission is:</p> <p>This draft bylaw is intended to regulate land drainage assets in the Far North District. The particular assets are listed in the schedule to the bylaw. Some of these land drainage assets are located within Crown land administered by the Department of Conservation ("public conservation land"). It is noted that water flow measurements confirm that the drains passing through the Motutangi-Kaimaumau Wetland are not merely conveying water from farmland but are also lowering the water level in the wetlands in the vicinity of the drains. The application of the draft Land Drainage Bylaw 2019 to this public conservation land would be ineffective and unnecessary. The Far North District Council is legally unable to undertake any activities on these land drainage assets within public conservation land without a legal agreement (a concession) from the Department of Conservation. A concession, if granted, would provide for the District Council to undertake land drainage maintenance activities, subject to conditions intended to protect important ecological freshwater and wetland values. (The District Council has applied for a concession to allow the maintenance of land drainage assets associated with the Motutangi Drainage District that are located within public conservation land. No decision has been made to date on that application.)</p>	
<p>My reasons are:</p> <p>The Far North District Council has to promote the social, economic, environmental, and cultural well-being of communities in the present and in the future. This includes promoting the environmental well-being arising from the protection of indigenous wetlands and aquatic ecosystems, including the significant Motutangi- Kaimaumau wetland; and promoting cultural well-being. There are provisions with the draft Land Drainage Bylaw 2019 that are inconsistent with the protection of indigenous wetlands and of aquatic ecosystems affected by the existing land drainage schemes.</p>	

I would like Council to make the following amendments to the proposed Bylaw:

The Department of Conservation has provided a detailed submission, which should be read in full. The amendments requested are summarized below.

The amendment of clause 3 of the draft Land Drainage Bylaw 2019 to read (additional wording underlined):

3. Application

This Bylaw applies to the Far North District except that it does not apply to land within the Far North District that is administered by the Department of Conservation.

Clause 6.1 - Access to and along drains

Reduce the required cleared access along the edge of drains within any indigenous wetland or any area of indigenous wetland or in any culturally significant area to no more than 5 metres width, or such further reduced width as may be appropriate give the ecological or cultural significance.

Clause 7.1 - Private drain connections

Revise the clause to make it clear that deepening of a connected private drain is not allowed, and that no new drains will be allowed within 100 metres of any significant indigenous wetland or other water body or area of significance to Maori.

Clause 7.2 - private drain connections

Include a requirement to identify any wetland and/or indigenous vegetation within 200 metres of the area proposed to be drained.

Clause 8.2 - Obstruction of flow (a similar comment applies to Clause 9 - Removal of Obstructions)

Revise the clause to ensure that sufficient plant growth is retained in and beside drains to provide for the needs of indigenous freshwater fish, including inanga. Retaining a minimum of 10% of vegetation each 10 metres is suggested. Further, restrict the use of spraying and clearing of drains to those times of the year where there will not be adverse effects on indigenous freshwater fish species.

Clause 10.1 - Alterations to Drainage Channel

Revise the clause so that no application will be considered for deepening of a drain within 100 metres of any significant indigenous wetland or other water body or area of significance to Maori.

Clause 19-1 - Other Requirements

Amend the clause to provide for any necessary application(s) to the Northland Regional Council to be lodged at the same time as the application for written consent under this draft Bylaw is lodged with Far North District Council.

Mitigating and Remedying Adverse Effects

Insert a further clause providing for works with respect to drains intended to mitigate or remedy existing adverse effects of drainage on significant indigenous wetlands and on other ecological and cultural values.



14 August 2019

submissions@fndc.govt.nz

Submissions - Land Drainage Bylaw 2019
Far North District Council
Private Bag 752
KAIKOHE 0440

Tēnā koe,

Submission - Draft Land Drainage Bylaw 2019

This letter is to inform that the Director-General of Conservation wishes to make a submission on the Far North District Council's draft Land Drainage Bylaw 2019.

We thank you for the opportunity to contribute our attached submission.

In the future please address any further correspondence to regional contact Hamish Eglinton, Statutory Manager at heglinton@doc.govt.nz and Kaitaia contact Doug Te Wake at dtewake@doc.govt.nz.

Ngā mihi

Sue Reed-Thomas
Director Operations
Northern North Island Region



SUBMISSION ON DRAFT LAND DRAINAGE BYLAW 2019

SUBMITTER: The Director-General of Conservation

The Director-General of Conservation wishes to be heard in support of this submission.

Contact Person: Regional rep - Hamish Eglinton, 0275403701, heglinton@doc.govt.nz

Contact Person: Kaitia rep – Doug Te Wake, 094086104, dtewake@doc.govt.nz

1. This is a submission by the Director-General of Conservation on the Far North District Council's draft Land Drainage Bylaw 2019.
2. This draft bylaw is intended to regulate land drainage assets in the Far North District. The particular assets are listed in the schedule to the bylaw. Some of these land drainage assets are located within Crown land administered by the Department of Conservation ("public conservation land"). It is noted that water flow measurements confirm that the drains passing through the Motutangi-Kaimaumau Wetland are not merely conveying water from farmland but are also lowering the water level in the wetlands in the vicinity of the drains.
3. The application of the draft Land Drainage Bylaw 2019 to this public conservation land would be ineffective and unnecessary. The Far North District Council is legally unable to undertake any activities on these land drainage assets within public conservation land without a legal agreement (a concession) from the Department of Conservation.
4. A concession, if granted,¹ would provide for the District Council to undertake land drainage maintenance activities, subject to conditions intended to protect important ecological freshwater and wetland values.
5. Relief sought: The amendment of clause 3 of the draft Land Drainage Bylaw 2019 to read (additional wording underlined):²
 3. Application
This Bylaw applies to the Far North District except that it does not apply to land within the Far North District that is administered by the Department of Conservation.
6. The Far North District Council has to promote the social, economic, environmental, and cultural well-being of communities in the present and in the future.³
7. This includes promoting the environmental well-being arising from the protection of indigenous wetlands and aquatic ecosystems, including the significant Motutangi-Kaimaumau wetland; and promoting cultural well-being.
8. There are provisions with the draft Land Drainage Bylaw 2019 that are inconsistent with the protection of indigenous wetlands and of aquatic ecosystems affected by the existing land drainage schemes.

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- 1 The District Council has applied for a concession to allow the maintenance of land drainage assets associated with the Motutangi Drainage District that are located within public conservation land. No decision has been made to date on that application.
 - 2 Or such other amendment to the draft Land Drainage Bylaw 2019 as has the same effect.
 - 3 Section 10(1)(b) of Local Government Act 2002.



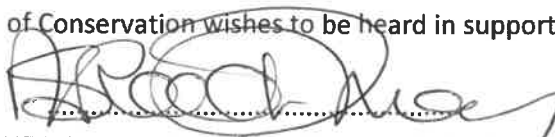
9. The following table sets out the further relief sought to ensure that the draft Land Drainage Bylaw 2019 is consistent with the protection of indigenous wetlands and of aquatic ecosystems.

Bylaw Clause	Concern	Amendment Sought
Clause 6.1 – access to and along drains	Maintaining a 10-metre-wide clear access along the edge of drains may be appropriate within farms. However, this is too wide where the access is through an indigenous wetland or any area indigenous vegetation.	Reduce the required cleared access along the edge of drains within any indigenous wetland or any area of indigenous vegetation or in any culturally significant area to no more than 5 metres width, or such further reduced width as may be appropriate given the ecological or cultural significance.
Clause 7.1 – private drain connections	This clause provides for a person to enlarge a private drain with Council permission. It is known that drains affect the natural hydrology and water level of nearby wetlands. There is an existing level of adverse effect on wetlands from the existing drains. Providing for the enlargement of drains could adversely increase the effect of the drain on nearby wetlands and wetland values, especially if the deepening of the drain occurs.	Revise the clause to make it clear that deepening of a connected private drain is not allowed, and that no new drains will be allowed within 100 metres of any significant indigenous wetland or other water body or area of significance to Māori.
Clause 7.2 – private drain connections	This clause sets out the information requirements for any application consent to connect a private drain or to enlarge a connected private drain. The information required does not include information on the proximity of any wetland or indigenous vegetation that may be affected by the drainage.	Include a requirement to identify any wetland and/or indigenous vegetation within 200 metres of the area proposed to be drained.



Bylaw Clause	Concern	Amendment Sought
Clause 8.2 – obstruction of flow (a similar comment applies to clause 9 – removal of obstructions)	Clause 8.2 prohibits landowners from allowing plant growth that is likely to impede the flow of water in a drain. Plant growth within a water body or on the banks of a water body can be important to indigenous freshwater fish species, including for inanga spawning.	Revise the clause to ensure that sufficient plant growth is retained in and beside drains to provide for the needs of indigenous freshwater fish, including inanga. Retaining a minimum of 10% of vegetation each 10 metres is suggested. Further, restrict the use of spraying and cleaning of drains to those times of the year where there will not be adverse effects on indigenous freshwater fish species.
Clause 10.1 – alterations to drainage channel	Clause 10.1 provides for the deepening of drains with the written consent of the Far North District Council. Deepening of drains, especially in the vicinity of indigenous wetlands has adverse effects on ecological values.	Revise the clause so that no application will be considered for deepening of a drain within 100 metres of any significant indigenous wetland or other water body or area of significance to Māori.
Clause 19.1 – other requirements	Clause 19.1 requires any necessary resource consent applications for proposed drain works to be lodged with the District Council at the same time as written consent is sought for the proposed works under this draft bylaw. The clause does not provide for any resource consents required from the Northland Regional Council.	Amend the clause to provide for any necessary application(s) to the Northland Regional Council to be lodged at the same time as the application for written consent under this draft Bylaw is lodged with the Far North District Council.
Mitigating and remedying adverse effects	The clauses in the draft Land Drainage Bylaw do not provide for works with respect to drains intended to mitigate or remedy existing adverse effects of drainage on significant indigenous wetlands and on other ecological and cultural values. It would be consistent with the promoting of environmental and cultural well-being to explicitly provide for drain works for this effects-reduction purpose.	Insert a further clause providing for works with respect to drains intended to mitigate or remedy existing adverse effects of drainage on significant indigenous wetlands and on other ecological and cultural values.

10. The Director-General of Conservation wishes to be heard in support of this submission


SUE REED-THOMAS, DIRECTOR OPERATIONS
on behalf of the Director-General