

22nd February 2022

To: Bathurst Resources

Attention: Campbell Robertson

Canterbury coal mine closure: Consultation on updated wetland remediation and restoration plans

Manawhenua Statement

Ngāi Tahu are tangata whenua of the Canterbury region and hold ancestral and contemporary relationships with Canterbury. The contemporary structure of Ngāi Tahu is set down through the Te Rūnanga o Ngāi Tahu Act 1996 (TRoNT Act) and, through this structure and this Act, sets the requirements for recognition of tangata whenua in Canterbury.

The following Rūnanga hold manawhenua over the project's location, as it is within their takiwā:

- Te Ngāi Tūāhuriri Rūnanga and Taumutu Rūnanga

The natural resources – water (waterways, waipuna (springs), groundwater, wetlands); mahinga kai; indigenous flora and fauna; cultural landscapes and land - are taonga to manawhenua and they have concerns for activities potentially adversely affecting these taonga. These taonga are integral to the cultural identity of ngā rūnanga manawhenua and they have a kaitiaki responsibility to protect them. The policies for protection of taonga that are of high cultural significance to ngā rūnanga manawhenua are articulated in the Mahaanui Iwi Management Plan (IMP).

Background

As part of preparing for mine closure, Bathurst Coal Limited (BCL) are seeking retrospective resource consents from Environment Canterbury and Selwyn District Council to permit operations which have already been completed at the site, including removal of wetlands.

BCL proposes to offset, compensate and provide positive enhancement for wetland loss, focussed on enhancement and restoration of areas of natural or constructed wetland nearby.

These areas include a raised mire and surrounding marsh and swamp areas known as the North Property Wetland as well as buffer plantings around that wetland and at four other locations (NELF ponds, N02 pond, West pit drains and Tara Pond).

Following the submission and hearing process, Bathurst have provided a larger compensation package, further remediation or habitat improvement of remaining water bodies and better protection and improvement of Kōwaro/Canterbury mudfish habitat.

Summary of proposal

- The restoration sites occupy approximately 3.55ha.
- Approximately 1.15ha is wetland and the balance (2.4ha) is comprised of riparian and dryland habitats.
- Grass skinks may be present in the area. 0.19ha of lizard habitat will be planted with tussock and dense, wiry shrubs such as mingimingi (*Coprosma propinqua*).
- Small areas of planting are proposed around the Northern ELF ponds, the N02 pond and the Tara Pond, as well as planting around the drains in the former West Pit.
- 70% indigenous vegetation cover will be restored at the North Property site and ecological corridors created for wildlife movement.
- Corridors of indigenous vegetation will not be created between each planting site.
- The North Property Wetland and Enhancement Area will be monitored bi-annually in spring and autumn for woody weed species. Monitoring is not proposed at the other sites.
- Annual monitoring of the wetlands condition and photographs at photo points shall be undertaken until 2026.
- Six established photo points will document restoration over time.
- Six months after planting a report will be prepared for SDC and ECan outlining strategies for ongoing management.

Evaluation in relation to Mahaanui Iwi Management Plan (IMP)

The matters that are relevant to this proposal have been identified as:

TM3.1 To approach the restoration of indigenous biodiversity in the takiwā based on the following principles:

- (a) Restoration of indigenous biodiversity is about restoring original and natural landscapes, and therefore the mauri of the land.

TM3.2 To advocate for an approach to restoration based on 'working with the land rather than against it', including but not limited to:

- (a) Establishment of long term, intergenerational vision and objectives (50 and 100 years ahead); and
- (b) Use of natural succession and staged re-planting rather than spraying and burning (e.g. natural succession of indigenous species into areas of gorse and broom; staged underplanting of natives into wetland and lagoon areas full of willow).

Objectives include establishment of a nurse crop and promotion of ecological succession.

TM3.5 To require that seeds and plants for restoration projects are appropriate to the area, and as much as possible locally sourced.

A plant list has been created for each area according to habitat. 29,000 plants comprised of 28 species will be planted before Spring 2023.

WM13.3 To support the establishment, enhancement and restoration of wetlands, riparian areas and waipuna as a measure to avoid, remedy or mitigate any actual or potential adverse effects of land use and development activities on cultural and environmental values.

The Canterbury Coal Mine site (CCM) is drained by Oyster Gully Creek, Tara Stream and Bush Gully Stream which all connect to Waianiwanawa River before entering Waikirikiri River.

A 240m² area will be fenced around a raised spring. No planting or further management will occur at this location.

WM13.2 To protect, restore and enhance remaining wetlands, waipuna and riparian areas by:

- (a) Maintaining accurate maps of existing wetlands, waipuna and riparian margins;
- (b) Requiring that the drainage of existing wetlands or waipuna or the destruction or modification of existing native riparian areas be a prohibited activity;
- (c) Requiring the use of appropriate fencing, buffers and set back areas to protect wetlands, waipuna and riparian areas from intensive land use, including stock access and irrigation;
- (d) Supporting initiatives to restore wetlands, waipuna and riparian areas; and
- (e) Continuing to educate the wider community and landowners of the taonga value of these ecosystems.

Wīwī/rushes will be established approximately 10m either side of the constructed drains which run to Oyster Creek from the West Pit area.

No fencing is proposed at the West Pit drains, N02 pond, NELF ponds or Tara Pond as these areas are considered inaccessible to livestock.

TM3.3 To promote the value of Ngāi Tahu knowledge, tools and tikanga in restoration planning and projects, in particular:

- (a) The establishment of long term, achievable restoration goals (tāngata whenua are not going anywhere!);
- (b) Provision of information on the flora and fauna present in pre-European times, based on oral tradition and historical maps; and

- (c) Use of tools such as State of the Takiwā to provide assessments of current and desired states of cultural health of an area and cultural assessments of restoration requirements and risks.

The Consent Holder shall engage an ecologist to prepare and implement a Wetland Management and Planting Plan.

TM3.4 To incorporate, where appropriate, mahinga kai objectives into restoration project planning and objectives.

Taonga species including Canterbury galaxias, Upland bully and Kōwaro/Canterbury mudfish are all present in Bush Gully Stream.

TM4.2 To address weed and pest control strategies and operations based on the following principles, consistent with the protection of Ngāi Tahu values:

- (a) Articulation of clear strategies of eradication, as opposed to control or management;
- (b) Use of a range of tools and methods, rather than reliance on a 'silver bullet';

TM4.5 To support private landowners and conservation groups that are undertaking weed and pest control programmes.

Woody weed species (including gorse, broom, pine, Himalayan honeysuckle) will be controlled to a level of less than 5% cover.

Plant and animal weeds will be monitored and actively controlled for a period of five years.

TM2.10 To require that indigenous biodiversity is recognised and provided for as the natural capital of Papatūānuku, providing essential and invaluable ecosystem services.

Conclusion

The proposal was assessed against the policies of the Mahaanui Iwi Management Plan and discussed with kaitiakitanga representatives from Te Ngāi Tūāhuriri and Te Taumutu Rūnanga.

Rūnanga kaitiaki expressed a generally positive view of the intended restoration and remediation plans. Both rūnanga have declined the offer of a hui as the information provided was sufficient for their understanding and assessment.

Ngā rūnanga have declined to participate in the implementation of or overseeing of the planting of the restoration area. They have requested that the final planting plan and species list be provided to Mahaanui Kurataiao for review prior to planting commencing.

They wished to emphasise the importance of creating habitat for taonga species present on site and within the waterways.

The rūnanga were also asked whether they would like a role in the management of the wetland area. They have declined to be involved in management or monitoring but have requested that results of the monitoring be provided to Mahaanui Kurataiao in order to inform ngā rūnanga.

The kaitiaki emphasized that ongoing water quality monitoring should be undertaken and include testing for key heavy metals.

Recommendations

Recommendation 1:

The monitoring reports should be provided to Mahaanui Kurataiao in order to provide updates to ngā rūnanga kaitiaki.

Recommendation 2:

The final plant lists and landscaping plan to be provided to Mahaanui Kurataiao prior to planting commencement for Mahaanui to review.

Recommendation 3:

Ongoing water quality monitoring should include a range of heavy metals.

Recommendation 4:

All waterways should be fenced to exclude livestock.

Recommendation 5:

The proposed Tara Pond planting of wetland and margins should be increased to a minimum of five metres planted buffer. The proposed density of plants should also be increased to ensure success of the planting and enhance habitat quality.

Recommendation 6:

Ongoing weed and pest management for a period of five years should commence once planting has been completed.

Mahaanui Kurataiao and its staff are available to discuss this report further and assist in any follow up engagement that may be required.

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