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Ministry for the Environment  
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I am writing on behalf of the Waitākere Ranges Protection Society (WRPS) to submit on **Managing our wetlands: A discussion document on proposed changes to the wetlands regulations.**

#### *Executive summary*

WRPS holds serious concern that in regards to the Waitakere Ranges Heritage Area, which contains wetlands amongst its many precious natural features, it has not been taken into account how these proposed changes to regulations would work in relation to the protection offered and required by the Heritage Area Act 2008. There is concern that the proposed changes to the wetlands regulations, in particular redefining 'wetlands' as well as introducing 'consenting pathways', would dilute the protection the Heritage Area Act 2008 currently offers. WRPS strongly opposes the idea of 'consenting pathways' for mining, quarrying, and urban development within 100m of wetland areas as they are currently defined. These proposals effectively strip wetlands of any meaningful protection, and are contrary to the express requirements of section 6 of the RMA and the NZ Coastal Policy Statement (NZCPS). WRPS also strongly opposes the changes to the definition of wetlands as there is a great danger to biodiversity in excluding areas of improved pasture from the wetland definition.

The Heritage Area Act 2008 'heritage features' include wetlands, and the blanket intention of the Act is:

- (a) to protect, restore, and enhance the area and its heritage features:
- (b) to ensure that impacts on the area as a whole are considered when decisions are made affecting any part of it:
- (c) to adopt the following approach when considering decisions that threaten serious or irreversible damage to a heritage feature:
  - i. carefully consider risks and uncertainties associated with any particular course of action; and
  - ii. take into account the best information available;
 and
  - iii. endeavour to protect the heritage feature:
- (d) to recognise and avoid adverse potential, or adverse cumulative, effects of activities on the area's environment (including its amenity) or its heritage features.

### *Background on the WRPS*

The WRPS was incorporated in 1973. Its purpose is the conservation and protection of the Waitākere Ranges and to oppose any activity that may threaten or adversely affect the natural environment in the area, including the coastal and marine environment.

WRPS and its members are strong advocates for the conservation and protection of the natural environment of the Waitākere Ranges and WRPS was one of the key groups promoting the concept of the Waitākere Ranges Heritage Area (WRHA) for 35 years before it was achieved through an Act of Parliament in 2008.

### *Introduction to the WRHA*

The WRHA is of local, regional and national significance due to its unique heritage features outlined in the Waitākere Ranges Heritage Area Act (WRHA Act) which (s7 (1) (2)) sets out that the heritage area is of national significance, with heritage features including that the area provides a diversity of habitats for indigenous flora and fauna; (s7 (a)) its terrestrial and aquatic ecosystems of prominent indigenous character and (l) its distinctive local communities. The WRHA is also unique because of the population it services; New Zealand's largest metropolitan area with a relatively low proportion of accessible natural/non-built environments. The WRHA Act clearly states that among the heritage features (s7) of the area are: (g) the opportunities that the area provides for wilderness experiences, recreation, and relaxation in close proximity to metropolitan Auckland (m) the Waitākere Ranges Regional Park and its importance as an accessible public place with significant natural, historical, cultural, and recreational resources. It is therefore of significant and increasing value as it constitutes an essential public amenity for an increasingly urbanised population.

The WRHA Act sets out objectives which include to protect, restore and enhance the WRHA and its heritage features. Adverse cumulative effects of activities on the WRHA's heritage features must also be recognised and avoided. Auckland Council is

also obliged, when considering decisions that threaten serious or irreversible damage to a heritage feature, to endeavour to protect the heritage feature.

*Below are specific submissions relating to the discussion document: Managing our wetlands: A discussion document on proposed changes to the wetland regulations.*

## **Section 2: Change to the definition of a 'natural wetland'**

1. WRPS has concerns around the proposed definition of a 'natural wetland' regarding improved pasture. The Discussion Document proposes changing (c) of the NPS-FM definition to state "*any area of pasture that has more than 50 percent ground cover comprising exotic pasture species or exotic species associated with pasture.*"
2. There is a great danger to biodiversity in excluding areas of improved pasture from the wetland definition. The inclusion of the 50% exotic pasture threshold means that many significant wetlands as defined by the RMA are not protected as they meet the definition of improved pasture. The discussion document does not touch on this issue, and now proposes to further widen the coverage of the improved pasture exemption by removing the requirement for such areas to be (only) temporarily wet after rain. We are concerned whether the Government has had reports or advice received about the ecological effect of this change and what it means in terms of protecting wetlands.
3. The changes dilute the definition of a wetland leaving a path open for drainage, agricultural conversion, and heavy grazing. Some internationally-significant ephemeral wetlands that support large numbers of waterbirds would not be defined as natural wetlands at all. There are incredible wetlands across the Buller Plateau home to a range of native species, many of which are threatened, like the roroa/great spotted kiwi and the North Westland snow tussock. The revised definition is intended to reflect that wet pasture areas are highly modified environments and should be able to continue their current use or be able to change their land use, even if they were once 'natural wetlands'.  
WRPS strongly disagrees with this change. The RMA defines 'wetland' as "*permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions*". The revised definition would not include areas that would be included under the RMA definition.

## **Section 3: Better provision for restoration, maintenance and biosecurity activities in 'natural wetlands'.**

4. WRPS supports the proposal to include 'maintenance' within the regulations relating to 'restoration'; to amend regulations so that the removal of exotic species is permitted; and to allow activities that are necessary to implement pest management plans.

**Section 4: Additional consenting pathways:**

- **for quarrying**
  - **for landfills, cleanfills, managed fills**
  - **for mining (minerals)**
  - **for urban development**
5. The proposed consenting pathways for quarrying, landfills, cleanfills, managed fills, mining (minerals), and urban development is a significant change from the current framework, and would better enable these sorts of developments in a wetland. WRPS sees it as extremely important that the current framework remains very restrictive of development in or near wetlands.
6. The proposal of a consenting pathway for several types of fills within 100 metres of a 'natural wetland' is not justified. Landfills, cleanfills, and managed fills operations do not have to be situated where a natural resource occurs, however it is argued that fills are necessary for construction and maintenance of infrastructure and there are substantial cost implications if they are not situated close to development sites. The cost implications of fills located further afield should not be prioritised over the preservation and conservation of natural wetlands.
7. Of particular concern is the provision for a consenting pathway for mining. The gateway test ("eg, providing a consent pathway only for the mining of minerals that are required for projects of national significance, and are not fossil fuels, or requiring additional conditions around offsetting ") do not provide protection. Significant regional benefits are not defined. The discussion document does not specify what type of minerals it would apply to, and does not specifically preclude coal. Compensation is not like for like so could allow the loss of wetlands to be compensated by other vegetation types. Overall these provisions are likely to add up to permanent loss of wetlands, potentially compensated for by temporary enhancement of some wetlands or other vegetation, or by predator and weed control.
8. It is the Government's intention that no net loss of natural wetland extent or values will occur as a result of providing additional consenting pathways however WRPS is concerned if truly adequate off-setting is possible and realistic.
9. This is contrary to s 6(b) and 6(c) of the RMA, which respectively provide for the preservation of the natural character of wetlands and the protection of significant indigenous biodiversity. In the coastal environment the consent pathway proposed is contrary to Policies 11 and 15 of the NZCPS which provide for the protection of natural character and indigenous biodiversity. The proposed changes that provide a consenting pathway for landfills, quarrying, mining and urban development must be rejected.

## *Conclusion*

The proposal has far-reaching implications for wetlands across NZ. It could enable dumps to destroy wetlands, urban development to drain our waterways, and hundreds of quarries and mines to bulldoze through fragile native ecosystems. The current proposal would exclude many significant wetlands from protection. We must listen to the Climate Change Commission's advice and keep carbon in the ground by stopping wetland destruction. Given the widespread loss of wetlands, policies protecting them needed to be robust.

Changes to the national freshwater planning regime in 2020 significantly restricted development in wetlands. This was a commendable and progressive move. The National Policy Statement on Freshwater Management 2020 (NPS-FM) includes policies to avoid the loss of natural wetlands, and the National Environmental Standards on Freshwater (NES-F) set standards, including prohibiting activities likely to result in drainage of a wetland.

However the current proposed changes to the NPS-FM and the NES-F, which seek to redefine what a 'natural wetland' is in order to limit the protection offered by the NPS-FM and NES-F, as well as offer concerning '*consenting pathways*' to enable landfills, mining, quarrying and urban development nearby wetlands. These proposals effectively strip wetlands of any meaningful protection, are contrary to the express requirements of section 6 of the RMA and the NZ Coastal Policy Statement (NZCPS), and must be rejected.

Yours sincerely,

A handwritten signature in black ink that reads "Anna Maria Fomison". The signature is written in a cursive style with a large, stylized 'A' and 'M'.

Anna Maria Fomison  
President  
Waitākere Ranges Protection Society