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Submission to the Ministry for the Environment

Managing our wetlands – discussion document

Introduction

1. The Chatham Islands Council (the Council) welcomes the opportunity to comment on the *Managing our wetlands* discussion document.
2. This submission is split into two parts: general opening comments regarding matters that apply to the wetlands management system as a whole and individual responses to specific questions raised in the freshwater farm plan discussion document.
3. The Council would like to continue to work with the Ministry for the Environment (MfE) and Ministry for Primary Industries (MPI) to help refine the management of wetlands on the Chatham Islands.

Part 1: Opening Comments

Part 2: Specific questions from the discussion document

Section 2: Change to the definition of a ‘natural wetland’

Question 1. Do you agree with the proposed changes to the definition of ‘natural wetland’? Why/why not?

- The Council agree with the proposed changes to the definition of ‘natural wetland’. Large areas of the Islands are wet, and farming would be limited if too much of the land that is currently grazed needed to be protected. The Council agree that the change strikes the appropriate balance between wetland protection and land use and development.
- The Council agree with the removal of “*improved*” as this term is not necessary if the intent is to exclude pasture from protection.
- The Council agree with the removal of “*at the commencement date*” because evidence of what land constituted pasture on the Islands at that date does not exist.
- The Council agree with the inclusion of “*exotic species associated with pasture*” as the presence of these species indicate that the area is no longer in its natural state and does not constitute a ‘natural wetland’.

- The Council agree with the removal of “*temporary rain derived water pooling*” from the definition now that the hydrology tool for the wetland delineation protocols has been developed.

Question 2. Should anything else be included or excluded from the definition of ‘natural wetland’?

Currently the Chatham Islands Resource Management Document defines a wetland as “*an area of shallow water and land water margins which contain predominantly indigenous vegetation and/or habitat for indigenous fauna. A wetland does not include areas of exotic pasture where water ponds after rain and does not include areas predominantly covered in bracken fern.*” Wet areas predominantly covered by bracken fern are common on the Islands and these are often grazed. Under the Chatham Islands Resource Management Document, these areas are not protected. The Council would like to seek exemption for these areas from the proposed definition of wetlands.

Section 3: Better provision for restoration, maintenance and biosecurity activities in ‘natural wetlands’

Question 3. Should maintenance be included in the regulations alongside restoration? Why/why not?

The Council agree that maintenance of wetlands should be provided for in the regulations alongside restoration. This provision will allow for better protection of wetland values without the need for resource consent. Current requirements can be onerous and can result in maintenance and biosecurity activities not being carried out.

Question 4. Should the regulations relating to restoration and maintenance activities be refined, so any removal of exotic species is permitted, regardless of the size of the area treated, provided the conditions in regulation 55 of the NES-F are met? Why/why not?

The Council agree that, provided the conditions in regulation 55 of the NES-F are met, any removal of exotic species should be a permitted activity. The Council believe that the controls on activities provided by regulation 55 are sufficient to protect wetlands from more than minor adverse effects and that the removal of exotic vegetation will be beneficial in the long term.

Question 5. Should activities be allowed that are necessary to implement regional or pest management plans and those carried out by a biosecurity agency for biosecurity purposes? Why/why not?

The Council agree that activities undertaken by a biosecurity agency for biosecurity purposes should be a permitted activity so long as the regulation 55 conditions are met. The Chatham Islands are vulnerable to pest species, including pest plant species that favour wet conditions. It is important that these are well controlled, especially where they can be eradicated or prevented from becoming widespread.

Question 6. Should restoration and maintenance of a ‘natural wetland’ be made a permitted activity, if it is undertaken in accordance with a council-approved wetland management strategy? Why/why not?

The Council agree that restoration and maintenance of a ‘natural wetland’ should be made a permitted activity so long as the conditions set out in regulation 55, and in a council-approved wetland management strategy are adhered to. Restoration and maintenance activities, when subject to appropriate conditions, can only be beneficial for natural wetlands.

Question 7. Should weed clearance using hand-held tools be a permitted activity? Why/why not?

The Council agree that weed clearance using hand-held tools should be a permitted activity so long as the conditions set out in regulation 55 are adhered to. The Council would like to see a clear definition of what constitutes a hand-held tool included in the regulations.

Section 4: Additional consenting pathways

Consenting pathway for quarrying

Question 8. Should a consenting pathway be provided for quarries? Is discretionary the right activity status? Why/why not?

The Council agree that there should be a consenting pathway provided for quarries, and that a discretionary activity status is appropriate. This status would allow the Council to consider any proposal for the expansion of existing quarries, or the development of new quarries in or near wetlands, on an individual basis. Under the Chatham Islands Resource Management Document, quarrying is a permitted activity at scheduled sites, provided that conditions on effects on water quality and fish passage are met. Quarrying outside these sites is a discretionary activity, as such the proposal is in keeping with existing arrangements on the Islands.

Question 9. Should resource consents for quarrying be subject to any conditions beyond those set out in the 'gateway test'? Why/why not?

The Council support the 'gateway test' as a method for distinguishing between proposals that provide significant national or regional benefits and those which do not. It is appropriate that these activities have a consent pathway given their potential benefits, but careful consideration needs to be made of the potential for such activities to adversely impact the environment. The Council consider that they should have the ability to decide on resource consent conditions, and that they should not be limited to those set out in the 'gateway test'.

Consenting pathway for landfills, cleanfills and managed fills

Question 10. Should a consenting pathway be created for landfills, cleanfills and managed fills? Is discretionary the right activity status? Why/why not?

The Council adopted a Waste Management Plan in 2005 which provides for the progressive closure of the existing landfills at Kaingaroa, Owenga and Te One; the establishment of a transfer station system and a new landfill designed and operated in accordance with MfE guidelines. A new landfill has been established and the other existing landfills will be progressively closed.

The Council considers that while there should be a consenting pathway for landfills, cleanfills and managed fills, this is unlikely to be needed on the Islands in the near future. The proposed discretionary activity status is appropriate as this would allow the Council to consider each proposal on its individual merits.

Question 11. Should resource consents for landfills, cleanfills and managed fills be subject to any conditions beyond those set out in the 'gateway test'? Why/why not?

The Council support the 'gateway test' as a method for distinguishing between proposals that provide significant national or regional benefits and those which do not. It is appropriate that these activities have a consent pathway given their potential benefits, but careful consideration needs to be made of the potential for such activities to adversely impact the environment. The Council consider that they should have the ability to decide on resource consent conditions, and that they should not be limited to those set out in the 'gateway test'.

Consenting pathway for mining (minerals)

Question 12. Should a consenting pathway be provided for mineral mining? Is discretionary the right activity status? Why/why not?

Mineral mining is not currently undertaken on the Chatham Islands. As such the Council has no opinion on the proposed consenting pathway.

Question 13. Should the regulations specify which minerals are able to be mined subject to a resource consent? Why/why not?

Mineral mining is not currently undertaken on the Chatham Islands. As such the Council has no opinion on the proposed consenting pathway.

Question 14. Should resource consents for mining be subject to any conditions beyond those set out in the 'gateway test'? Why/why not?

Mineral mining is not currently undertaken on the Chatham Islands. As such the Council has no opinion on the proposed consenting pathway.

Consenting pathway for urban development

Question 15. Should a consenting pathway be provided for plan-enabled urban development? Is discretionary the right activity status? Why/why not?

The Council supports the provision of a consenting pathway for plan-enabled urban development. Urban development is not a major activity on the Islands, with a population of around 600 people, and any associated adverse impacts on the environment will be minor. The Council agree that discretionary activity status is appropriate, as this will enable the Council to consider any proposals on an individual basis.

Question 16. Should resource consents for urban development listed in a district plan be subject to any conditions beyond those set out in the 'gateway test'? Why/why not?

The Council support the 'gateway test' as a method for distinguishing between proposals that provide significant national or regional benefits and those which do not. It is appropriate that these activities have a consent pathway given their potential benefits, but careful consideration needs to be made of the potential for such activities to adversely impact the environment. The Council consider that they should have the ability to decide on resource consent conditions, and that they should not be limited to those set out in the 'gateway test'.

Question 17. Is the current offsetting requirement appropriate for all types of urban infrastructure, for example, public amenities such as schools and medical centres? Why/why not?

The Council agree that the offsetting requirement is appropriate for all types of urban infrastructure. It is unlikely that on the Chatham Islands, where there is no shortage of land for development, there will be a need to place such infrastructure within or near to a natural wetland.