

Definition of a 'natural wetland'	
1. Do you agree with the proposed changes to the definition of 'natural wetland'? Why/Why not?	KCDC agrees with the proposed changes to the definition of wetlands, as the changes should better target the provisions towards the natural wetlands they are intended to protect.
2. Should anything else be included or excluded from the definition of 'natural wetland'?	KCDC supports proposals from Tauranga and Wellington City Councils to add an additional exclusion for artificially-induced wetlands (such as those created by construction or stock). These are not natural wetlands and as such do not provide the ecological functions or values we are seeking to protect through the NPS-F.
Better provision for restoration, maintenance and biosecurity activities	
3. Should maintenance be included in the regulations alongside restoration? Why/why not?	KCDC supports these changes, as facilitating restoration, maintenance, and biosecurity activities will encourage the long-term improvement to the health and functioning of wetlands.
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?	<p>Where the activities are undertaken in accordance with approved management plans/strategies, these activities will have been appropriately considered and will benefit the function and value of the affected wetlands over time.</p> <p>The general conditions outlined in regulation 55 will also ensure that these lower-risk activities are undertaken in a way that minimises adverse effects.</p>
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?	KCDC requests the consideration of including restoration, maintenance and biosecurity activities which are carried out in accordance with other formal protection and management arrangements. Conservation covenants under the Queen Elizabeth the Second National Trust Act 1977, the Conservation Act 1987, the Reserves Act 1977 (including Nga Whenua Rahui kawenata) generally aim to achieve the same outcomes as those sought by the NES-F. Regulation 55 of the NES-F should be sufficient to manage the impacts of activities under these instruments.
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?	KCDC does not see the benefit in requiring a consent for activities which are undertaken in accordance with a council-approved wetland management strategy. These types of activities should be encouraged by removing unnecessary costs and delays associated with the consent process.

<p>7. Should weed clearance using hand-held tools be a permitted activity? Why/why not?</p>	<p>KCDC considers weed clearance using hand-held tools should be a permitted activity subject to appropriate standards to limit the extent of potential adverse effects on the long-term health of the wetland. Regulation 55 appears comprehensive and should therefore form a suitable basis for this activity to be carried out without a consent.</p>
<p>Consenting Pathway for Quarrying</p>	
<p>8. Should a consenting pathway be provided for quarries? Is discretionary the right activity status? Why/why not? (See page 10 for a definition of discretionary activity.)</p>	<p>Yes, providing a consenting pathway is important, as quarrying activities are limited by the geographic location of resources. However, a discretionary status for the effects that would likely impact natural wetlands from quarrying appears to be at odds with the effects that would arise from the existing NES-F non-complying activities. The effects of quarrying within natural wetlands, which may be very site specific and hard to anticipate (but are likely to be significant) would sit more appropriately (with regard to NPS-FM Policies) as a non-complying activity.</p> <p>KCDC notes the wording of NPS-FM Policy 6 does not refer to ‘net’ loss of the extend of natural wetlands. This appears to be a challenge for the suggested effects hierarchy which seeks to introduce a consent pathway that includes minimising, remedying, offsetting, and compensation of wetland loss.</p>
<p>9. Should resource consents for quarrying be subject to any conditions beyond those set out in the ‘gateway test’? Why/why not?</p>	<p>KCDC considers there should be conditions which relate to the vulnerability/rarity and significance of natural wetland which is proposed to be quarried. Not all natural wetlands are of the same significance, so there should be some form of hierarchy introduced to avoid nationally significant wetlands. This may result in some wetlands retaining prohibited status. This approach would be more consistent with NPS-FM Policies 6, 8 and 9; RMA section 6(a) and (c); and NZCPS Policy 11</p> <p>KCDC notes that the gateway test itself may be impossibly high for quarrying activities due to the requirement that “there must be a ‘functional need’ for the activity in that location.” A <i>functional need</i> is defined in the NPS-F as “the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity <u>can only occur in that environment</u>” [added emphasis].</p> <p>It is likely to be very difficult for quarrying activities to satisfy the ‘functional need’ part of the test. Despite the geographical limitations on quarrying activities, demonstrating that quarrying can <i>only</i> be undertaken in that environment is likely to be difficult. There may well be other technically possible options that might be otherwise impractical for technical, logistical, or operations reasons.</p>

	KCDC also notes the wording of NPS-FM Policy 6 does not refer to 'net' loss of the extend of natural wetlands. This appears to be a challenge for the suggested effects hierarchy which seeks to introduce a consent pathway that includes minimising, remedying, offsetting, and compensation of wetland loss.
Consenting Pathway for landfills, cleanfills, and managed fills	
10. Should a consenting pathway be created for landfills, cleanfills and managed fills? Is discretionary the right activity status? Why/why not? (See page 10 for a definition of discretionary activity.)	<p>Yes, providing a consenting pathway is important, as fill activities are limited by location. See comments above under quarrying regarding non-complying status, which equally apply to the likely adverse effects on wetlands from landfill, cleanfill and managed fill activities.</p> <p>KCDC notes the wording of NPS-FM Policy 6 does not refer to 'net' loss of the extend of natural wetlands. This appears to be a challenge for the suggested effects hierarchy which seeks to introduce a consent pathway that includes minimising, remedying, offsetting, and compensation of wetland loss.</p>
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? Consenting pathway for mining (minerals)	<p>As for quarrying activities above, KCDC considers the pathway includes conditions which relate to the vulnerability/rarity and significance of natural wetland which is proposed to be impacted by landfills etc. Not all natural wetlands are of the same significance, so there should be some form of hierarchy introduced to avoid nationally significant wetlands. This may result in some wetlands retaining prohibited status. This approach would appear to be more consistent with NPS-FM policies 6, 8 and 9; RMA section 6(a) and (c); and NZCPS Policy 11 requirements.</p> <p>KCDC notes that applications for fill activities, particularly landfill activities, are unlikely to pass the "functional need" part of the gateway test.</p> <p>KCDC also notes the wording of NPS-FM Policy 6 does not refer to 'net' loss of the extend of natural wetlands. This appears to be a challenge for the suggested effects hierarchy which seeks to introduce a consent pathway that includes minimising, remedying, offsetting, and compensation of wetland loss.</p>
Consenting Pathway for Mining (mineral)	
12. Should a consenting pathway be provided for mineral mining? Is discretionary the right activity status? Why/why not? (See page 10 for a definition of discretionary activity.)	Consenting pathways for mining activities is not relevant for KCDC.
13. Should the regulations specify which minerals are able to be mined subject to a resource consent? Why/why not?	

<p>14. Should resource consents for mining be subject to any conditions beyond those set out in the 'gateway test'? Why/why not?</p>	
<p>Consenting pathway for plan-enabled development</p>	
<p>15. Should a consenting pathway be provided for plan-enabled urban development? Is discretionary the right activity status? Why/why not? (See page 10 for a definition of discretionary activity.)</p>	<p>KCDC supports the creation of a consenting pathway for plan-enabled urban development. Councils are required to provide adequate development capacity to meet the future needs of their community. In doing so, we are required to balance a range of needs and directives (and impending directives) from Government – including the management of natural hazard risk, protection of significant natural areas (including wetlands), mitigating the impacts of climate change, and the protection of highly productive lands.</p> <p>Having no consent pathway for plan-enabled development within wetlands prevents Councils from appropriately balancing these competing needs in the development of well-functioning urban environments and adequately providing for growth. Most greenfields development opportunities within our District are affected by at least one, if not several, of the above considerations. This means that identifying appropriate areas for growth is not as simple as choosing the land that is unencumbered – it is about making hard choices about how and where we trade-off between the various values and objectives in different pieces of national direction, while still providing sufficient growth across the district and minimising the adverse effects on our environment.</p> <p>KCDC does not consider that discretionary status is correct for plan-enabled urban development activities. We consider that restricted discretionary status is more appropriate for the following reasons:</p> <ol style="list-style-type: none"> 1. The effects of plan-enabled development should be broadly predictable and identified through the development process. Therefore, restricted discretionary is likely to be an appropriate activity status. This activity status also provides greater clarity and increased certainty for applicants and the community, which makes delivery of plan-enabled development more likely to occur. 2. A restricted discretionary status, combined with regulation 56, will provide adequate scope for consideration and management of adverse effects. 3. A discretionary status is out of step with the definition of “plan enabled development” in the NPS-UD. Under this policy statement, identified development capacity may only be considered

	<p>to be plan enabled if housing (or business) is a permitted, controlled, or restricted discretionary. Discretionary status is therefore considered to be overly restrictive for development.</p> <p>KCDC considers such an approach should be complimented by refining the conditions to ensure only the nationally and regionally significant natural wetlands are excluded from the consent pathway. KCDC considers such an approach would be more consistent with NPS-FM policies 6, 8 and 9; RMA section 6(a) and (c); and NZCPS Policy 11 requirements.</p> <p>KCDC notes the wording of NPS-FM Policy 6 does not refer to ‘net’ loss of the extend of natural wetlands. This appears to be a challenge for the suggested effects hierarchy which seeks to introduce a consent pathway that includes minimising, remedying, offsetting, and compensation of wetland loss.</p>
<p>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?</p>	<p>KCDC would like to express our significant concerns about the workability of the existing gateway test for urban development.</p> <p>The effect of the “functional need” requirement within the gateway test is unlikely to be able to be met for any urban development consents, as it could always be argued that development (both brownfields and greenfields) could be undertaken elsewhere in the district (even if that development may be considered less-viable for other reasons). Wetlands are just one of many considerations that Councils must consider and weigh up in deciding which areas of their district are most appropriate for urban development, and wetland protection should not be the overriding consideration for how we develop our urban areas, particularly where a Council has an identified shortage in housing or business land.</p> <p>In the event the gateway test is retained, then as a minimum and less preferable solution, the suggested conditions should be refined to ensure only the most significant natural wetlands are excluded from the consent pathway. KCDC considers such an approach would be more consistent with NPS-FM policies 6, 8 and 9; RMA section 6(a) and (c); and NZCPS Policy 11 requirements.</p> <p>KCDC notes the wording of NPS-FM Policy 6 does not refer to ‘net’ loss of the extend of natural wetlands. This appears to be a challenge for the suggested effects hierarchy which seeks to introduce a consent pathway that includes minimising, remedying, offsetting, and compensation of wetland loss. KCDC requests Policy 6 of the NPS-FM be amended to better provide for suggested consenting pathway.</p>

	<p>Council has not had time to consider how these provisions may intersect with the newly announced Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill. However, it is possible that the new requirements for intensification may not be compatible with the proposed management framework for wetlands. Council strongly urges consideration of how these two requirements will interact in practice for councils.</p>
<p>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</p>	<p>KCDC does not consider that the current requirement for offsetting is appropriate for all types of urban infrastructure (or, indeed, all forms of urban development). Schools, for example, are more likely to have large campuses with significant open spaces that can better provide for offsetting than other activities. Conversely, medical centres are more likely to be on smaller, residential sized sites with much reduced capacity for offsetting. A more flexible approach is therefore desirable.</p> <p>While this question is specifically related to urban infrastructure, KCDC would like to take to opportunity to seek a more flexible approach to offsetting more broadly. For residential development, large scale green-fields development is more likely to have the scope and ability to provide for offsetting than smaller scale developments. Topography also has significant impacts of the ability to offset the loss of wetlands. A more flexible approach to offsetting would encourage it to occur <i>where it is feasible</i>. The hard requirement to provide for offsetting again places protection of wetlands above the many other outcomes that Councils are required to trade-off in making decisions about where to develop and provide for growth. As above, Council also strongly urges consideration of how these offsetting requirements will interact with the requirements set out in the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill.</p>