

Submission by



to the

Ministry for the Environment

on

**Managing our Wetlands: A Discussion Document on Proposed
Changes to the Wetland Regulations**

October 2021

MANAGING OUR WETLANDS: A DISCUSSION DOCUMENT ON PROPOSED CHANGES TO THE WETLAND REGULATIONS SUBMISSION BY BUSINESSNZ¹

1.0 INTRODUCTION

- 1.1 BusinessNZ welcomes the opportunity to comment on Managing Our Wetlands: A Discussion Document on Proposed Changes to the Wetland Regulations (*"The Discussion Document"*).
- 1.2 It is noted that the Discussion Document has been prepared in response to a considerable amount of feedback from many organisations, including BusinessNZ. Those responding were particularly concerned about the unintended consequences of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 and their adoption of a very tight definition of 'wetlands', and the activities associated with wetlands.
- 1.3 The Regulations essentially prohibit earthworks on all 'natural wetlands' – very broadly defined. Unfortunately, this is a prime example of what happens when national specific definitions are introduced to the detriment of existing activities such as quarrying and construction. No account was taken of the unique circumstances facing individual regions and communities or the regulations' impact on broader economic development. The potential impacts have been well canvassed over the past year so are not repeated here, suffice to say that BusinessNZ is pleased the Government has now seen fit to review the regulations to ensure they are at least workable.
- 1.4 BusinessNZ broadly supports the proposed changes outlined in the Discussion Document, and in particular:
- i. The proposed revised definition of 'natural wetland' given the revised definition reflects the original intent that wet pasture areas, even if once 'natural wetlands', should be able either to continue their current use, or that a shift in usage should be possible.
 - ii. The proposed activity status of 'discretionary' for the activities in question.
 - iii. The government proposal to provide a consent pathway for appropriate use, specifically for activities that meet specified criteria.

¹ Background information on BusinessNZ is attached as Appendix 1.

- iv. The explicit provision for urban development, enabling more urban development than is currently provided for while still providing protection to 'natural wetlands' given the requirement to offset any wetland loss will still apply.

1.5 Notwithstanding the above, BusinessNZ considers:

- No distinction is needed between the different types of minerals found, or mines and quarries operating in the wetlands, as the extractive sector's effect on wetlands does not depend on the type of mineral extracted.
- The regulations should be about addressing activities' effects, not about the activities themselves. This means it is not appropriate to use the natural wetland regulations to try and achieve a reduction in fossil fuel (e.g. coal) consumption. Other policies already in place, including the Emissions Trading Scheme (ETS), focus on greenhouse gas emissions and, as BusinessNZ has commented in recent submissions, it is the ETS that should be the primary means of encouraging emissions' reductions, at least cost.²
- That if the regulations are to provide a consenting pathway for the resources needed in the construction of specified infrastructure, then a broad set of minerals are relevant (not just aggregate).

1.6 Given the diversity of BusinessNZ's membership, some members and sectors will have specific issues they wish to comment on in more detail. Therefore, we have encouraged individual members and sector representatives to make their own submissions raising those issues specific to their areas of interest.

² See for example, BusinessNZ Submission to the Environment Select Committee on the Natural and Built Environments Bill (August 2021):

"Provided emissions are adequately covered by the ETS, authorities should be agnostic as to which specific projects should be supported. Therefore, when it comes to meeting domestic and international obligations to reach net zero carbon emissions by 2050, we consider the focus should be on:

1. *Net emissions and not gross emissions*
2. *The ETS as the sole tool except where it can be clearly demonstrated that further interventions will have net benefits*
3. *Any supporting policies as outcome-focused and technology agnostic*
4. *Avoiding bans and interventions as typically these increase cost for no gain, given the ETS cap*
5. *The importance of lowest cost abatement as cost matters to the wellbeing and livelihood of New Zealand families and businesses."*

Appendix One - Background information on BusinessNZ



BusinessNZ is New Zealand's largest business advocacy body, representing:

- Regional business groups [EMA](#), [Business Central](#), [Canterbury Employers' Chamber of Commerce](#), and [Employers Otago Southland](#)
- [Major Companies Group](#) of New Zealand's largest businesses
- [Gold Group](#) of medium sized businesses
- [Affiliated Industries Group](#) of national industry associations
- [ExportNZ](#) representing New Zealand exporting enterprises
- [ManufacturingNZ](#) representing New Zealand manufacturing enterprises
- [Sustainable Business Council](#) of enterprises leading sustainable business practice
- [BusinessNZ Energy Council](#) of enterprises leading sustainable energy production and use
- [Buy NZ Made](#) representing producers, retailers and consumers of New Zealand-made goods

BusinessNZ is able to tap into the views of over 76,000 employers and businesses, ranging from the smallest to the largest and reflecting the make-up of the New Zealand economy.

In addition to advocacy and services for enterprise, BusinessNZ contributes to Government, tripartite working parties and international bodies including the International Labour Organisation ([ILO](#)), the International Organisation of Employers ([IOE](#)) and the Business and Industry Advisory Council ([BIAC](#)) to the Organisation for Economic Cooperation and Development ([OECD](#)).