

30 November 2020



Hon David Parker
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BY EMAIL AND POST

Dear Minister

Effect of the Freshwater NES on the Waste Disposal Industry

Following the release of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-FW), we write to advise you of the unexpected consequences for the waste disposal industry. In short, it is likely to result in the almost complete prohibition on the development of new and expansion of existing disposal facilities.

Landfills, managed fills and clean fills are essential infrastructure for the disposal of waste and excess fill materials from the development of housing and other urban infrastructure. As Judge Kirkpatrick said in his 2017 Environment Court decision on the Blackbridge Road Managed Fill in Auckland:

"We were told, without apparent challenge, that every new house results in approximately 25 m³ of spoil which is usually disposed of in a cleanfill or managed fill. If any large number of houses are to be built in the short to medium term in Auckland region (and the Auckland Unitary Plan is predicated on a stated need for some 400,000 new homes over the next 30 years) then roughly 10,000,000 m³ of spoil may need to be disposed of."

Most disposal sites are located in valleys, gullies or depressions. The presence of natural wetlands, as defined in the NES-FW, is common place with these sites. Infilling a natural wetland, or altering its hydrological regime, is a prohibited activity under Regulation 53 of the NES-FW. This new regulation will inhibit the waste disposal industry's ability to cater for urban development and new infrastructure requirements since existing fill sites in most regions are inadequate to meet projected demand.

Acknowledging the high environmental value of wetlands in general, and the historical loss of wetlands across New Zealand, our view is that it is possible to develop fill sites that minimise wetland loss, and to offset the harm done by way of additional wetland construction or improvement.

As a solution, we seek a change to the activity status for earthworks and related activities in natural wetlands in the regulations from prohibited, to discretionary or non-complying activities. This change would reflect the RMA's effects based ethos, whereby operators have the ability to undertake site specific assessments of effects on the environment and provide appropriate on-site or off-site offset restoration to ensure "no net-loss" of ecological function and values. We believe this change is consistent with the Government's objective to protect wetlands across New Zealand.

We would be happy to discuss this issue further in any forum you consider appropriate.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Jo Ferry".

Jo Ferry
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cc: Hon Grant Robertson, Mayor Phil Goff and Deputy Mayor Bill Cashmore

