

# Meeting Notes: GWRC and MfE

Date: 8 April 2024

Attendees:

MfE – Hayden Johnston, Clare Barton, Elizabeth Farnham

GWRC – Fathima Iftikar, David Hipkins, Matt Hickman

Notes:

- Context raised
  - Wetlands delineation is difficult, and regulation is complex
  - GWRC first council to take a criminal offence to the court
  - Investigation commenced in 2019
    - There was no NPS-FM at the time and relied on the 'natural wetland definition in proposed council plan
    - The Clarkson Method (vegetation tool was available)
    - The soils tool was new and there wasn't a training module and the was not a hydrology tool yet
- Lessons learnt from the decision
  - Standard of proof for criminal charges is much higher than for other purposes (mapping and consenting)
  - More thorough at place investigations will be needed for future cases
  - GWRC has already adapted their wetland delineation protocols since 2019 following the introduction of the NPS-FM and Wetland delineation protocols
- Concerns following the decision
  - Will this have wider impacts?
    - Agreed that both parties assessment is that this standard of proof is only required for criminal charges
  - Concern that field ecologist with 30 years experience is not an expert because he did not have a requisite qualification
    - Calls to question what is an expert in the court (experience vs. degree)
  - Increase in cost for councils to practically attain evidence
- Possible next steps
  - Guidance on fauna
    - Would take time to develop
    - Could be potentially expensive to implement
    - Provide evidence that the presence of flora/hydric soils/ and fauna is indicative of the presence of wetland fauna
  - Simplify the wetland definition
    - Could be achieved through the RM reform process
  - Incentivise wetland protection