



9(2)(a)

9(2)(a)

Dear 9(2)(a)

Thank you for your email of 23 April 2021 requesting the following under the Official Information Act 1982 (the Act):

Can I have a list of all attendees, and copies of documents, including emails, agenda, presentations, and outputs from the workshop as well as a copy of the invitation and who was invited to attend (as opposed to who attended) the workshop?

<https://www.cardno.com/news-insights/wetland-or-pasture-an-experts-guide-to-identification-and-delineation-of-wetlands-in-new-zealand/>

The Ministry for the Environment (the Ministry) has identified 12 documents in scope of your request, as listed in the attached table. Some information within these documents has been withheld under section 9(2)(a) of the Act to protect the privacy of natural persons, section 18(d) as the information requested is publicly available and section 9(2)(f)(iv) to maintain the confidentiality of advice tendered by Ministers of the Crown and officials.

“Emails” was interpreted as emails that contained content related to the ‘Wetlands Implementation workshop’ agenda. Administrative emails that include ‘flight bookings, workshop invite attendance acceptances and catering’ and those that do not have information specifically related to the workshop agenda are out of scope.

The attendees list has been provided in document 11. All attendees that were invited to attend the workshop are provided in document one.

In terms of section 9(1) of the Act, I am satisfied that, in the circumstances, the withholding of this information is not outweighed by other considerations that render it desirable to make the information available in the public interest.

You have the right to seek an investigation and review by the Office of the Ombudsman of my decision to withhold information relating to this request, in accordance with section 28(3) of the Act. The relevant details can be found on their website at: www.ombudsman.parliament.nz.

Please note that due to the public interest in our work the Ministry for the Environment publishes responses to requests for official information on our [OIA responses page](#) shortly after the response has been sent. If you have any queries about this, please feel free to contact our Ministerial Services team: ministerials@mfe.govt.nz.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Sara Clarke', written in a cursive style.

Sara Clarke
Director – Sustainable Land Use Delivery

Released under the provision of
the Official Information Act 1982

Document schedule

Document no.	Document date	Content	Decisions	OIA sections applied
1.	24 February 2021	Outlook invite	Released in part	Section 9(2)(a) to protect the privacy of natural persons
2.	18 January 2021	Emails between Claire Graeme and Jessica Dickinson	Released in full	
3.	18 January 2021	Draft attendees list for wetlands workshop	Released in part	Section 9(2)(a) to protect the privacy of natural persons
4.	29 January 2021 – 4 February 2021	Emails between Amanda De Jong and Jessica Dickinson	Released in full	
5.	10 February 2021	Email from Alison Newell to Jessica Dickinson	Released in full	
6.	10 February 2021	2021 NZ Environment Court Bay of Islands Maritime Park Inc v Northland Regional Council Declaration	Refused	Section 18(d) the information requested is publicly available Please see link: www.environmentcourt.govt.nz/assets/Documents/Publications/2021-NZEnvC-006-Bay-of-Islands-Maritime-Park-Inc-v-Northland-Regional-Council.pdf

7.	24 February 2021 – 4 March 2021	Emails between Jessica Dickinson and Amanda de Jong	Released in full	
8.	25 February 2021	Final Wetlands Workshop Agenda	Released in part	Section 9(2)(f)(iv) to maintain the confidentiality of advice tendered by Ministers of the Crown and officials
9.	25 February 2021	Regional Sector wetland implementation workshop presentation	Released in part	Section 9(2)(f)(iv) to maintain the confidentiality of advice tendered by Ministers of the Crown and officials
10.	25 February 2021	Output presentation (Wetlands work plan update)	Released in part	Section 9(2)(f)(iv) to maintain the confidentiality of advice tendered by Ministers of the Crown and officials
11.	25 February 2021	Draft Wetlands Workshop Minutes	Released in part	Section 9(2)(f)(iv) to maintain the confidentiality of advice tendered by Ministers of the Crown and officials Section 9(2)(a) to protect the privacy of natural persons
12.	18 March – 19 March 2021	Emails between, Christina Robb, Claire Graeme & Jessica Dickinson	Released in part	One email and attachments included in this email are out of scope

Lachlan Brown

Subject: Save the date: MfE wetlands implementation workshop (Freshwater NES/NPS-FM 2020)

Location: Environment House 23 Kate Sheppard Place, Pipitea, Wellington 6011

Start: Thu 25/02/2021 9:00 am

End: Thu 25/02/2021 4:00 pm

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Jessica Dickinson

Required Attendees: Kathleen Mackie; alisonn@nrc.govt.nz; martin.king@orc.govt.nz; el.a.tennent@boprc.govt.nz; stuart@nrc.govt.nz; trevor.james@tdc.govt.nz; Amanda.dejong@aucklandcouncil.govt.nz; matthew.hickman@gw.govt.nz; hrobertson@doc.govt.nz; lheijs@doc.govt.nz; lbarea@doc.govt.nz; Philip.grove@ecan.govt.nz; connor.whiteley@aucklandcouncil.govt.nz

Optional Attendees: Catherine Schofield; Claire Graeme; Vicki Addison; Helli Ward; Christina Robb; Bev Clarkson; Trevor James; sophia.murphy@mpi.govt.nz; James Griffin; sasmith@doc.govt.nz; Pam Guest; Hugh Robertson (S&P Nelson); david.hampson@aucklandcouncil.govt.nz; Brenda Baillie; Spencer Clubb; s 9(2)(a); Shannon Wallace

Categories: Wetlands workshop Feb

Tēnā koutou katoa,

I'm looking forward to the workshop tomorrow. Thanks to all those attending in person and online- it will be great to meet you and collaborate.

Instructions for remote joining

We'll be hosting our online participants via MS Teams. To join the workshop, scroll to the bottom of this meeting invite and click on "Join now".

We have switched to MS Teams from Zoom as this allows us to use the inbuilt Whiteboard capability and capture our ideas as we discuss them.

For those arriving in person:

The Ministry for the Environment is located at Environment House, 23 Kate Sheppard Place, Pipitea, Wellington 6011.

Our meeting will be held in the ground floor meeting room located in the Information Centre. This is directly to your right as you enter the main doors.

No need to stop at reception- you will be pre signed in to the building.

If you are able to bring a laptop to the workshop, we can sign you in to be able to collaborate on MS Whiteboard with the online participants during discussions.

Final agenda attached

Please see attached our final agenda for tomorrow. This has a couple of additional issues sent via email included, and a new appendix with MfE's current wetlands implementation support projects.

Wetlands definitions interpretation guidance

The draft wetlands definitions guidance is currently with the MfE Legal team for review. This means we aren't able to circulate it for this workshop, however we will cover the general intent of the guidance in Session 3 tomorrow.

For any difficulties tomorrow and you if can't reach me by email, please give me a call on s 9(2)(a)

Nāku iti noa, nā

Jessica Dickinson (she/her) – Analyst, Freshwater Policy Implementation & At Risk Catchments

Ministry for the Environment – Manatū Mō Te Taiao

Email: jessica.dickinson@mfe.govt.nz Website: www.mfe.govt.nz

23 Kate Sheppard Place, Thorndon, Wellington 6143



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the most liveable place in the world**
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Microsoft Teams meeting

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Ministry for the Environment

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Lachlan Brown

From: Claire Graeme
Sent: Monday, 18 January 2021 9:42 am
To: Jessica Dickinson
Subject: RE: Save the date: MfE wetlands implementation workshop (Freshwater NES/NPS-FM 2020)

Follow Up Flag: Follow up
Flag Status: Completed

Ah that makes sense. Thanks for update. Cripes – quite the list! So for MPI, Charlotte is the director so it might be better to send it to Sophia Murphy, policy manager instead it think, or to Charlotte and explain we need a technical person.

From: Jessica Dickinson <Jessica.Dickinson@mfe.govt.nz>
Sent: Monday, 18 January 2021 9:21 AM
To: Claire Graeme <claire.graeme@mfe.govt.nz>
Subject: RE: Save the date: MfE wetlands implementation workshop (Freshwater NES/NPS-FM 2020)

Hi Claire,

Welcome back! Yes I had a good wee break over Christmas and looking forward to some time off in early Feb as well.

Yes- the plan is to do a couple of tranches of invites.

As the workshop is in-person, I asked Spence regarding numbers of flights we would be able to pay for and we would be looking at around 10-12.

We had quite a long list of other potential people to invite (see attached) so I was going to have a look today and see:

- 1) Who the remaining ~5-6 flights could go to as a priority and send these invites today
- 2) Who on the list is Wellington based so wouldn't need travel booked, and send a modified invite without the travel offer
- 3) (if needed) Who else could be invited but potentially only via Zoom or if they have funding from their organisation to travel.

Thanks
Jess

-----Original Appointment-----

From: Claire Graeme <claire.graeme@mfe.govt.nz>
Sent: Monday, 18 January 2021 8:55 am
To: Jessica Dickinson
Subject: Accepted: Save the date: MfE wetlands implementation workshop (Freshwater NES/NPS-FM 2020)
When: Thursday, 25 February 2021 9:00 am-4:00 pm (UTC+12:00) Auckland, Wellington.
Where: Environment House 23 Kate Sheppard Place, Pipitea, Wellington 6011; Meetingroom EH 1C (Ahumairangi)

Hi Jess. Hope you are nice and rested. Great to have this date in people's diaries.

Just wondering why the invite list is only to regional council people? Can't recall where we got to with the invite list but thought the list presented in the table had quite a number of other people. DOC people like Hugh Robertson will

be important to include. Be slower if we have to relitigate things with multiple audiences, though you may not want regulated parties included in some discussions possibly.

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Wetlands Workshop

Attendees

Mix of MPI/DOC/primary industries/public/ENGOS/Christina Robb recommended.

Need people from MPI, primary industries and ENGOS- any contact suggestions?

Graeme Mackenzie – point of contact with MPI

Primary industries/landowners

MPI – the workshop will focus on mapping/definitions and won't be appropriate for landowners.

Vanessa (KWM) CC in to say we would like someone to cover the matauranga maori perspective.

KWN

Hannah (KWM)

Send to: Hugh Robertson (DOC), Sophia Murphy (MPI) as an FYI

Name	Organisation	Skills	Invite sent?	Do we fund their travel?
Matthew Hickman (GWRC) matthew.hickman@gwrc.govt.nz	GWRC	(Policy) Recommended by CR for wetlands working group Manager of environmental policy department at GWRC.	Yes	Yes
Alison Newell (NRC) alisonn@nrc.govt.nz	NRC	(Policy) Recommended by CR for wetlands working group. Water Quality Policy Specialist at Northland Regional Council	Yes	Yes
Amanda De Jong (ARC) Amanda.dejong@arc.govt.nz	ARC	(Compliance) Recommended by CR for wetlands working group. Manager Compliance Monitoring at Auckland Council	Yes	Yes
Martin King (ORC) martin.king@orc.govt.nz	ORC	(environmental services) Recommended by CR for wetlands working group. manager environmental	Yes	Yes

		services at otago regional council		
Ella Tennent (BOPRC) ella.tennent@boprc.govt.nz	BOPRC	(consents) Recommended by CR for wetlands working group. Principal Advisor, Consents BOPRC	YES	Yes
Stuart Savill (NRC) stuarts@nrc.govt.nz	NRC	(consents) Recommended by CR for wetlands working group. Resource consents manager	YES	Yes
Trevor James (TDC) trevor.james@tdc.govt.nz	TDC	(scientist) Recommended by CR for wetlands working group. Resource scientist at Tasman District Council.	YES	Yes
Bev Clarkson	Manaaki Whenua/LandCare	(ecologist) recommended by Helli. Previous wetland attributes TAG, developed NZ application of delineation tool.		Yes
s 9(2)(a)	Manaaki Whenua/Landcare	(ecologist/matauranga maori) recommended by Helli. Tangata whenua perspectives		
Jamie Steer	GWRC	(ecologist) recommended by Helli. Has produced draft guidance for EMH.		Yes
Laurence Barva	DOC	(ecologist) recommended by Helli. Helped develop EMH for terrestrial environments. Principal Advisor - Ecology at Department of Conservation		Ask whether DOC can fund
Laurien Heijs	DOC	recommended by Helli. Leading EMH		Ask whether

		related policies for NPS-IB		DOC can fund
Jenny Fuller	AC	recommended by Helli. Attended EMH workshop, keen to be involved. Team Leader Biodiversity and Coastal Strategy at Auckland Council		Yes
Hugh Robertson	DOC	recommended by Helli. Best practice wetlands monitoring techniques. Principal Science Advisor at Department of Conservation (DOC)		
Philippe Gerbeaux (DOC)	DOC	recommended by Helli. Best practice wetlands monitoring techniques. Expert in Freshwater /Wetland ecology and management		
Roger Uys (GWRC)	GWRC	B recommended by Helli. Best practice wetlands monitoring techniques Senior Terrestrial Ecologist at Greater Wellington Regional Council		
or s 9(2)(a)	Myres Ecology	Probably not as private so would need funding...?		
Keiko Hashiba	HBRC	Terrestrial ecologist, HBRC		
s 9(2)(a)	Waikato University	(Ecologist) recommended by Helli. Best practice wetlands restoration.		
s 9(2)(a)	Dairy NZ	(ecologist) recommended by Helli. Technical advice on constructed wetlands- s 9(2)(a) has been working on guidance products and experimental constructed wetlands		
s 9(2)(a)	NIWA	recommended by Helli. works with s 9(2)(a) on the above		

s 9(2)(a)	NIWA	recommended by Helli. s 9(2)(a) (NIWA) works with s on the above. 9(2) Aquatic Biogeochemist at NIWA	Yes?
David Hampson	AC	Attended EMH workshop. Team Leader - Earth, Streams and Trees, Specialist Unit, Resource Consents at Auckland Council	Yes
Charlotte Denny	MPI	Mentioned in wetlands workshop meeting – Claire said that Keita send it through to her.	
Paul Dutton	Waikato regional council	Vicki contacted him regarding some feedback provided on wetland d fs and invited him to workshop.	

Scope

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From: [Amanda De Jong](#)
To: [Jessica Dickinson](#)
Subject: RE: MfE wetlands implementation workshop- 25 Feb
Date: Thursday, 4 February 2021 7:19:55 am
Attachments: [image001.png](#)

Morena Jess

Thanks for coming back to me. That seems to make sense. I am happy to attend this one.

We have no travel budget at the moment so its great to hear that MfE are covering these costs to get attendance in person. If you could please sort out travel arrangements for me for the workshop that would be great. I'll need return flights from Auckland to Wellington.

Nga mihi | Kind regards,

Amanda de Jong

**Amanda de Jong | Manager Compliance Monitoring
Licensing & Regulatory Compliance**
Phone (09) 301 0101 | M: 021 724 367
Auckland Council, Level 1, 35 Graham Street, Auckland Central
Visit our website: www.aucklandcouncil.govt.nz

Useful Council contact numbers:
24 hr Pollution Hotline: 09 377 3107
Call Centre: 09 301 0101

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From: Jessica Dickinson <Jessica.Dickinson@mfe.govt.nz>
Sent: Friday, 29 January 2021 4:51 pm
To: Amanda De Jong <amanda.dejong@aucklandcouncil.govt.nz>
Cc: Christina Robb <Christina.Robb@happen.co.nz>; Martin King <martin.king@orc.govt.nz>
Subject: RE: MfE wetlands implementation workshop 25 Feb

Kia ora Amanda,

Thanks for your email. You make a great point regarding best use of time for people with different areas of expertise.

Our internal thinking has shifted somewhat since the agenda was written and we want to ensure this provides a good forum to discuss implementation challenges and potential guidance as one of our primary aims.

I can't give you a concrete answer yet as to session lengths, but there will be a substantial session dedicated to exploring implementation challenges and solutions, so your input in person would be very valuable.

I'm also considering splitting the group by topic if necessary to discuss the more technical aspects such as the definitions, which your feedback seems to support.

If you have further thoughts on what priority any particular implementation issues should be given in discussion, that would be great feedback to help me shape the agenda.

I'll send out an updated agenda, with session times and lengths prior to the workshop which will clarify further what we'll focus on and whether there will be breakout groups for more technical topics. This is quite an iterative process as we receive feedback and develop our thinking on what outputs would best suit councils' needs.

Nga mihi,
Jess

From: Amanda De Jong <amanda.dejong@aucklandcouncil.govt.nz>
Sent: Friday, 29 January 2021 4:09 pm
To: Jessica Dickinson <Jessica.Dickinson@mfe.govt.nz>
Cc: ChristinaRobb <Christina.Robb@happen.co.nz>; Martin King <martin.king@orc.govt.nz>
Subject: RE: MfE wetlands implementation workshop- 25 Feb

MFE CYBER SECURITY WARNING

This email originated from outside our organisation. Please take extra care when clicking on any links or opening any attachments.

Kia ora Jessica

Thanks for the invite.

I have taken a look at the agenda and the purpose of the workshop and would just like to clarify a few bits so I can decide if I should attend or not.

The agenda says:

The focus of this workshop will be:

- Primarily the definitions relating to wetlands in the NPS-FM
- Time permitting, additional implementation issues (see agenda for suggested topics)

Are you able to clarify? If it's a matter of thrashing out definitions for most of the day then I don't think I will be able to add much value as I leave that to the technical experts. If a big focus of the day will be implementation challenges and how MfE can assist the regional sector with guidance for implementation then that is something I think I could contribute to. If that is only going to be a small part of the day then my preference would be to attend via zoom...

Many thanks

Nga mihi | Kind regards,

Amanda de Jong

**Amanda de Jong | Manager Compliance Monitoring
Licensing & Regulatory Compliance**
Phone (09) 301 0101 | M: 021 724 367
Auckland Council, Level 1, 35 Graham Street, Auckland Central
Visit our website: www.aucklandcouncil.govt.nz

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From: Jessica Dickinson <Jessica.Dickinson@mfe.govt.nz>
Sent: Friday, 29 January 2021 10:31 am
To: Amanda De Jong <amanda.dejong@aucklandcouncil.govt.nz>;
matthew.hickman@gw.govt.nz
Subject: MfE wetlands implementation workshop- 25 Feb

Kia ora koutou,

I've just sent through an invite to MfE's wetlands implementation workshop which is coming up on 25 February.

Apologies for the delay in getting this out- I had incorrect email addresses for you

Please let me know of your attendance plans by 15 Feb 2021 (the invite will say last week, but please ignore due to the delay).

If you require a travel booking to attend, do get in touch with the details as requested in the invite so we can organise this for you

If you have any other questions please feel free to email.

Nga mihi nui,

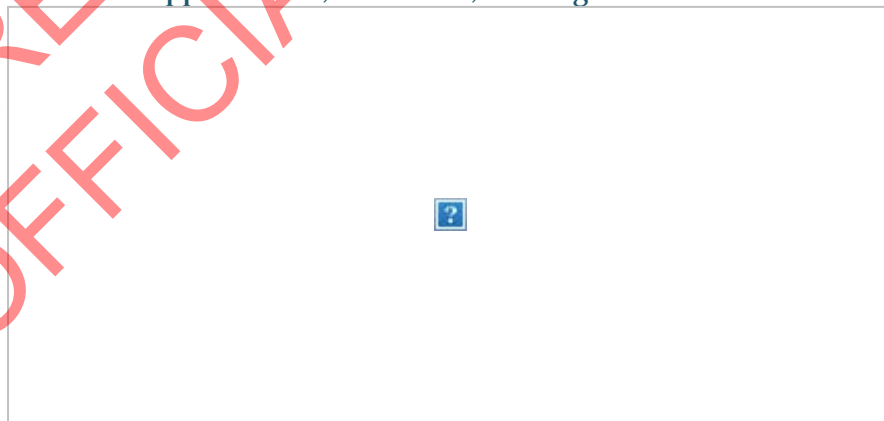
Jess

Jessica Dickinson (she/her) – Analyst, Freshwater Policy Implementation & At Risk Catchments

Ministry for the Environment – Manatu Mo Te Taiao

Email: jessica.dickinson@mfe.govt.nz Website: www.mfe.govt.nz

23 Kate Sheppard Place, Thorndon, Wellington 6143



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Lachlan Brown

From: Alison Newell <alisonn@nrc.govt.nz>
Sent: Wednesday, 10 February 2021 4:57 pm
To: Jessica Dickinson; Brenda Baillie; James Griffin; Kathleen Mackie; Justin Murfitt; martin.king@orc.govt.nz; ella.tennent@boprc.govt.nz; Stuart Savill; trevor.james@tdc.govt.nz; Amanda.dejong@aucklandcouncil.govt.nz; matthew.hickman@gw.govt.nz
Cc: Catherine Schofield; Claire Graeme; Vicki Addison; Helli Ward; ChristinaRobb
Subject: RE: Save the date: MfE wetlands implementation workshop (Freshwater NES/NPS-FM 2020)
Attachments: 2021 NZEnvC 006 Bay of Islands Maritime Park Inc v Northland Regional Council.pdf

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Dear all – please find attached Environment Court declaration which you (I am sure) will find relevant. Thanks Alison

-----Original Appointment-----

From: Alison Newell On Behalf Of Jessica Dickinson
Sent: Wednesday, 3 February 2021 9:00 AM
To: Brenda Baillie; James Griffin; Justin Murfitt
Subject: FW: Save the date: MfE wetlands implementation workshop (Freshwater NES/NPS-FM 2020)
When: Thursday, 25 February 2021 9:00 AM-4:00 PM (UTC+12:00) Auckland, Wellington.
Where: Environment House 23 Kate Sheppard Place, Pipitea, Wellington 6011

-----Original Appointment-----

From: Jessica Dickinson <Jessica.Dickinson@mfe.govt.nz>
Sent: Friday, 15 January 2021 4:49 PM
To: Jessica Dickinson; Kathleen Mackie; Alison Newell; martin.king@orc.govt.nz; ella.tennent@boprc.govt.nz; Stuart Savill; trevor.james@tdc.govt.nz; Amanda.dejong@aucklandcouncil.govt.nz; matthew.hickman@gw.govt.nz
Cc: Catherine Schofield; Claire Graeme; Vicki Addison; Helli Ward; ChristinaRobb
Subject: Save the date: MfE wetlands implementation workshop (Freshwater NES/NPS-FM 2020)
When: Thursday, 25 February 2021 9:00 AM-4:00 PM (UTC+12:00) Auckland, Wellington.
Where: Environment House 23 Kate Sheppard Place, Pipitea, Wellington 6011

Tēnā koutou katoa,

Happy New Year! I hope you've had a relaxing holiday break.

The Ministry for the Environment would like to invite you to save the date for an implementation workshop for the wetlands policies in the Freshwater NES and NPS-FM (2020).

This will be held in person at Environment House in Wellington on **Thursday 25th February 2021, 9am-4pm**. There will be the option to join remotely over Zoom if in-person attendance isn't possible.

Please reply by Friday, 22 January 2021 with:

- Whether you will attend
- Whether you will be attending via Zoom or in-person.

Purpose

This workshop will provide a forum to discuss implementation of the wetlands policies and rules in the NPS-FM and Freshwater NES (2020), and progress scoping for implementation support on issues raised to date. Individual attendees have been nominated as those with interest and expertise in wetlands implementation.

The focus of this workshop will be:

- Primarily the definitions relating to wetlands in the NPS-FM
- Time permitting, additional implementation issues (see agenda for suggested topics)

Policy change recommendations are out of scope for this session.

Future workshops will be convened through 2021 with this group and any additional expertise needed, to discuss the remaining issues and any emerging concerns. We will discuss the timing of these at the February workshop.

Travel expenses

For those located outside of Wellington, your travel will be booked by MfE once you have confirmed your attendance.

Please indicate whether you will require travel to Wellington and from which location.

Catering requirements

Catering will be provided on the day. If you have any dietary requirements, please let me know in your response.

Feedback request- draft agenda

Please find attached a draft agenda which we invite your comment on.

Please submit any comments on the draft agenda items into [this online form](#) by **29 January 2021**.

If you need more space for your comments, please email additional feedback to Jessica.dickinson@mfe.govt.nz.

A finalised agenda will be circulated prior to the workshop once feedback has been incorporated.

Upcoming guidance draft for review- wetlands definitions

MfE is currently drafting wetlands definitions interpretation guidance which will be circulated with this group to ensure it is fit for purpose.

Your feedback would be appreciated to help shape this. I will email out the draft once it is at a review stage.

I look forward to working with you, and a productive discussion to move forward on protecting wetland health.

If you have any questions on the workshop or the wetlands policy implementation programme at MfE, please don't hesitate to email me.

Nāku ti noa, nā

Jessica Dickinson (she/her) – Analyst, Freshwater Policy Implementation & At Risk Catchments

Ministry for the Environment – Manatū Mō Te Taiao

Email: jessica.dickinson@mfe.govt.nz Website: www.mfe.govt.nz

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IN THE ENVIRONMENT COURT
AT AUCKLAND

I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU

[2021] NZEnvC 006

IN THE MATTER OF

an appeal under clause 14 of Schedule 1
of the Resource Management Act 1991,
and of a Declaration pursuant to section
310 of the Act, and of NES-F 2020 and
jurisdiction on appeals before this Court
on Topics 7, 9 and 15

BETWEEN

BAY OF ISLANDS MARITIME
PARK INCORPORATED

(ENV-2019-AKL-117)

CEP SERVICES MATAUWHI
LIMITED

(ENV-2019-AKL-111)

ROYAL FOREST AND BIRD
PROTECTION SOCIETY OF NEW
ZEALAND INCORPORATED

(ENV-2019-AKL-127)

MANGAWHAI HARBOUR
RESTORATION SOCIETY
INCORPORATED

(ENV-2019-AKL-110)

FEDERATED FARMERS OF NEW
ZEALAND INCORPORATED

(ENV-2019-AKL-114)

MINISTER OF CONSERVATION

(ENV-2019-AKL-122)

Appellants

AND

NORTHLAND REGIONAL
COUNCIL

Respondent

BAY OF ISLANDS MARITIME PARK INC v NORTHLAND REGIONAL COUNCIL



Court: Environment Judge J A Smith
Environment Commissioner R M Bartlett

Hearing: At Whangarei on 9 and 10 December 2020
Last case event: Memorandum of Mr Doesburg, dated 27 January 2021

Appearances: S Gepp for Bay of Islands Maritime Park Incorporated
(BOIMP)
P D Anderson for Royal Forest and Bird Protection Society of
NZ Inc **(Forest & Bird)**
M Downing for Minister of Conservation **(MoC)**
S Shaw for Patuharakeke Te Iwi Trust Board **(the Trust)**
A Riddell for CEP Services Matauwhi Ltd **(CEP)**
R Gardner for Federated Farmers of New Zealand Limited
(Federated Farmers)
K Littlejohn for Mangawhai Harbour Restoration Society
Incorporated **(MHRS)**
M Doesburg for Northland Regional Council **(the Council)**

Date of Decision: 10 February 2021
Date of Issue: 10 February 2021

DECLARATION OF THE ENVIRONMENT COURT

- A: The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (**NES-F / Regulations**) apply to the coastal marine area (**CMA**) only to the extent that they cover the area of CMA upstream of the “river mouth” as defined in the Resource Management Act 1991. In particular, they do not apply to the general CMA, open oceans, estuaries, bays and other areas not falling within the definition of “river or connected area”.
- B: The Court is empowered to consider the Regional Plan provisions affecting those parts of the CMA not encompassed within that definition in terms of the New Zealand Coastal Policy Statement (**NZCPS**) and other documents, without considering any constraints imposed by virtue of the said NES-F.
- C: For those areas of the CMA that are covered within the definition of “rivers or connected areas” where the Regulations do apply, the NES-F will need to be

considered in forming a view as to the most appropriate provisions for those areas.

Directions

D: The Court issues Directions as follows:

The Council has provided a draft list of provisions that could be affected by the NES-F if:

- (i) The list should be modified and circulated to the parties and Court as a consequence of the declarations by **26 February 2021**;
- (ii) By **5 March 2021**, the Council is to file a memorandum with a draft timetable to rehearing, and identifying steps necessary; and
- (iii) The Court will hold a further pre-hearing conference as soon as possible after 5 March to consider the conduct of the final hearing in respect of the CMA areas not covered by the NES-F and an approach to be adopted for those freshwater areas (Topics 9 and 7) and any areas that maybe covered in terms of any appeals that are within the rivers or connected areas.

E: A copy of this declaration is to be provided to the Minister of Conservation as to the inter-relationship of the Coastal Marine Area and the NES-F-2020.

F: Costs applications are not encouraged but reserved to the conclusion of the substantive issues.

REASONS

Introduction

Background to the Declaration

[1] During the course of a hearing on Topic 15 relating to mangroves, the potential for the NES-F to cover areas of the CMA was raised by Ms Gepp for the Bay of Islands Maritime Park Incorporated.

[2] It was clear to the Court and to all counsel before it that the potential for this to occur had not been anticipated by the parties, although a number of them had been involved in earlier consultation over the NES-F. The issues are clearly important and may also affect Topics 9 and 7 in relation to set-backs from wetlands.

[3] The issues arise because “natural wetlands” are defined in the National Policy Statement for Freshwater Management 2020 (NPS-FM-2020) with an accompanying definition for “natural inland wetlands”. These definitions make it clear that the latter exclude areas within the CMA. The NES-F adopts the NPS-FM’s definition of “natural wetlands” but makes no such excision of the CMA from its jurisdiction. It refers only to “natural wetlands”, such that its Regulations arguably may apply to both freshwater wetlands and wetlands in the CMA.

[4] No party had a full opportunity to consider the matter prior to the hearing and it was then adjourned for consideration. It was agreed that the matter would proceed to a hearing. In our view this has two aspects:

- (1) a declaration as to the meaning of the NES-F as it applies to wetlands;
- (2) a jurisdictional determination as to whether or not the meaning of those words affects the jurisdiction of this Court to proceed.

Scope of this Hearing

[5] This hearing was held on 9 and 10 December 2020. Initially the Court had anticipated that the reconvened hearing would move on the consideration of the implications of any declaration on the substantive hearing (in its Direction of 23 October 2020). However, it was agreed in the Memorandum of 9 November 2020 between all Counsel that the hearing would be as to jurisdiction only.

[6] In particular, the declaration was to answer the following question:

- (i) Do the Resource Management (National Environmental Standards for Freshwater) Regulation 2020 apply to wetlands in the Coastal Marine Area?

[7] We conclude that the ancillary points should also be considered:

- What are "natural wetlands" in the CMA?
- Does the NES-F include wetlands outside the CMA but within saltwater or brackish water?
- Does the natural wetland include freshwater, brackish water and saltwater within the CMA?
- Do our conclusions affect the jurisdiction of the Court to proceed?

[8] In accordance with directions, an Affidavit had been filed by Dr Phillippe Gerbeaux, a recognised expert on wetlands both in New Zealand and internationally. No party disputed the contents of his Affidavit and this was accepted by the Court on the basis that no party or the Court had any question of Dr Gerbeaux. Those factual matters underly our analysis and discussion.

[9] Essentially, Dr Gerbeaux adopted a position accepted by all parties that "natural wetlands" include those in freshwater, those in freshwater areas subject to varying degrees of saline intrusion and those within the CMA itself. In terms of the RMA, this would cover the definition of "freshwater" and "coastal waters". In case there is any further remaining dispute, Dr Gerbeaux made it clear that essentially any area supporting vegetation that can be fully or partially covered by water is a wetland. He left open the question as to whether areas in the CMA that are permanently under water or often under water, such as (eel grass/*Zostera* beds) in most New Zealand harbours, also constitute wetlands.

[10] More problematic was the question as to whether deeper waters in the open CMA (such as those up to 6 m deep that support kelp beds) may constitute wetlands. All parties agreed that it was not necessary for the Court to determine this matter for the purposes of this hearing.

Background to the Freshwater Regulations – NES-F 2020

[11] The Regulations are intended to be part of a package described by some as a freshwater initiative constituting a new National Policy Statement on Freshwater Management 2020 and the new Regulations which constitute a National Environmental Standard in terms of the Resource Management Act.

[12] The process adopted for the Regulations and Policy Statement was a consultative one by the Government but did not involve any separate hearings or evaluation of evidence. Nevertheless, it appears there was relatively wide consultation including with some of the parties before this Court.

[13] The Regulations have their genesis in s 43 of the RMA, which gives the Governor-General, by Order in Council, broad power to make regulations known as environmental standards *inter alia* “in respect of water quality, level or flow (s 43(1)(a)(ii))”.

[14] There was no dispute the regulations under s 43 could cover water generally, being both freshwater and saltwater. Additionally, Section 43A allows that the regulations may also prohibit activities or make them non-complying, discretionary restricted, discretionary, permitted or controlled; and for discretionary or controlled activities may state matters of control. This is made most explicit in sub-paragraph 43A (6) which allows the regulations to state matters over which control is reserved or discretion restricted.

[15] Section 43B addresses certain consequences of such standards including that a rule or resource consent that is more stringent than a national environmental standard prevails over the standard (ss 43B (1) & (2)). However, a rule or resource consent will only prevail over a standard that is more lenient if the standard expressly says that such a rule or consent may be made 43B (3). For our purposes no one suggested that this applied to the current circumstances.

[16] Certain permits and consents prevail over an environmental standard, those being a coastal, water or discharge permit or a land use consent granted in relation to

a regional rule 43B (6). Section 43B (6A) establishes exceptions in relation to existing permits and consents.

The process for Environmental Regulations

[17] Section 44 specifies the requirements for regulations and 46A provides two alternative processes:

- (a) Under ss 47-51 of the RMA which might be called the “Board of Inquiry” approach. That was not used for these regulations.
- (b) The process adopted is described under s 46A(3)(b). If the Minister proposes to issue a national direction the Minister must either:
 - (a) ...;or
 - (b) establish and follow a process that includes the steps described in subsection (4).
- (4) The steps required in the process established under subsection (3)(b) must include the following:
 - (a) the public and iwi authorities must be given notice of –
 - (i) the proposed national direction; and
 - (ii) why the Minister considers that the proposed national direction is consistent with the purpose of the Act;
 - (b) those notified must be given adequate time and opportunity to make a submission on the subject matter of the proposed national direction; and
 - (c) a report and recommendations must be made to the Minister on the submissions and the subject matter of the national direction; and
 - (d) the matters listed in s 51(1) must be considered as if the references in that provision of a board of iniquity were references to the person who prepares the report and recommendations

[18] Again, there is no dispute that the Minister followed the process described above. Section 51 sets out the various matters to be considered in the process adopted by the Minister:

51 Matters to be considered and board of inquiry's report

(1) The board of inquiry must consider the following matters:

- (a) the matters in Part (2);
- (b) the proposed national direction; and
- (c) any submissions received on the proposed national direction; and
- (ca) if applicable, any additional material provided by the Ministry under 47A(1)(b); and
- (d) any evidence received; and
- (e) any other relevant matter.

[19] It is important in this regard to note that the Government, during the same time, amended the RMA on 1 July 2020, in particular subpart 4 of s 80A, to establish a specific process for freshwater planning. That process itself is not vital for the current appeals or this declaration, as at this stage it has not yet been implemented in Northland. However, it is important to note that a proposed regional plan anticipated in terms of s 80A relating to freshwater does not include a proposed regional coastal plan or a change or variation to that plan.

[20] "Freshwater" is defined in the Act as "all water except coastal water and geothermal water". "Coastal water" is defined to mean:

Sea water within the outer limits of the territorial and sea and includes –

- (a) Seawater with a substantial freshwater component; and
- (b) Seawater in estuaries, fiords, inlets, harbours or embayments.

[21] It is in this context that the NPS-FM 2020 and the NES-F 2020 were promulgated. For current purposes it was acknowledged by the parties that the NPS-FM deals only with "natural inland wetlands" in relation to its policies. However, it includes definition of both "natural wetlands" and "natural inland wetlands" in Subpart 3 Specific Requirements (3.21(1)):

natural wetland means a wetland (as defined in the Act) that is not:

- (a) a wetland constructed by artificial means (unless it was constructed to offset impacts on or restore an existing or former natural wetland); or

- (b) a geothermal wetland; or
- (c) any area of improved pasture that at the commencement date is dominated by (that is more than 50% of) exotic pasture species and is subject to temporary rain-derived water pooling.

natural inland wetland means a natural wetland that is not in the coastal marine area.

[22] Accordingly, from these definitions and that of “wetland” within the RMA we are able to ascertain:

- (a) That a wetland includes permanently or intermittently wet areas, shallow water and land -water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions. There is no reference to or any requirement for the condition of the water to be examined for this definition (that is, whether it is saline).
- (b) That a natural inland wetland consists of one of these wetlands that is not subject to the three constraints identified and is not in the coastal marine area. It is common ground that NPS-FM deals only with freshwater and does not deal with water in the CMA.

[23] The relevant part of the NES-F is when the standards begin to deal with natural wetlands. This occurs at Part 3 “Standards for other activities that relate to freshwater, Subpart 1 - Natural Wetlands”. Part 3 contains an additional exemption that the subpart does not apply to customary harvest of food or resources undertaken in accordance with Tikanga Maori.

[24] The NES-F provisions in Part 3, from its commencement at s 37 onwards, discuss natural wetlands and make no reference there to natural inland wetlands. In relation to any change in intent between the NPS-FM and the NES-F, the only significant indicator immediately available is the reference solely to natural wetlands rather than to natural inland wetlands. It is this which is at the heart of the interpretive issue and the reason for this declaration.

Wetlands under the NPS-FM 2020

[25] It acknowledged by all parties that both documents were the product of output from the Government's Essential Freshwater Work Programme. The intent is that the consent requirements under the NES-F are to be assessed against the provisions of the NPS-FM 2020. There is no specific discussion of a cross-over between the NZCPS and the NPS-FM within NPS-FM itself. Clause 3.5(1) of the NPS-FM relevantly provides:

- (1) Adopting an integrated approach, ki uta ki tai, as required by Te Mana o te Wai requires that local authorities must:
 - (a) recognise the interconnectedness of the whole environment from the mountains and lakes, down the rivers and hāpua (lagoons), wahapū (estuaries) and to the sea; and
 - (b) recognise interactions between freshwater, land, water bodies, ecosystems and receiving environments; and
 - (c) manage freshwater and land use and development in catchments in an integrated and sustainable way to avoid remedy or mitigate adverse effects including cumulative effects on the health and wellbeing of water bodies, freshwater ecosystems and receiving environments; and
 - (d) encourage the co-ordination and sequencing of regional or urban growth.

[26] While recognising the integrated nature of our environment, "management" under the NPS-FM focusses on potential effects on receiving environments - which ultimately lead to the sea. The wording of clause c) is not such that we can recognise a focus on managing effects other than those that arise on land, that is, in freshwater, and we are unable to come to the conclusion from those words alone that the NPS-FM applies to all coastal marine environments. If this were the case, it would be difficult to reconcile the NPS-FM with the freshwater provisions in s 80A which treat freshwater issues as separate from land use and CMA issues.

[27] Nevertheless some wording in the NPS-FM, which might be considered relevant, as follows:

- (a) This NPS-FM applies to "all freshwater including ground water, and, to the extent they are affected by freshwater, to receiving environments (which

may include estuaries and the wider coastal marine area)".¹ We conclude that this is an important guide to understanding the context of the NES-F. It recognises that receiving environments can be affected by freshwater;

- (b) "Receiving environment" is not defined, but Part 2 Policy 3 notes:

Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole of catchment basis including the effects on receiving environments.

This appears, on the face of it, to qualify impacts on the receiving environments to only those that result from freshwater. There is also no express discussion of effects of the land or sea on freshwater. This in itself indicates that controls or standards may be imposed on freshwater and also on matters that might affect that freshwater, to protect the values of receiving environments.

[28] We have concluded that the relevant wording does not indicate that all receiving environments are part of or covered by the NPS-FM. We again recognise the integrated management discussion in 3.5 which

- (a) recognises "the interconnectedness of the whole environment from mountains and lakes, down the rivers to hapuā (lagoons), wahapū (estuaries) and to the sea"; and
- (b) the interactions of those between freshwater, land, waterbodies, ecosystems and receiving environments; and
- (c) manages freshwater and land use and development in catchments in an integrated and sustainable way to avoid, remedy, or mitigate adverse effects, including cumulative effects, "on the health and well-being of water bodies, freshwater ecosystems, and receiving environments"; and
- (d) [not relevant here].

[29] Again, this clearly shows that the purpose of the integration and interconnection

¹ NPS-FM s 1.5,

is to recognise the impacts that might occur on receiving environments from freshwater issues (be they water quality, hydrology, or other).

[30] We have concluded that there is nothing in the NPS-FM that militates for or requires there to be controls over the wider receiving environment. Overall, it might be said that the regulations are focused on ensuring that the generation of adverse effects on or by freshwater do not have impacts on other environments such as estuaries.

[31] Considering the NES-F, it was common ground of the parties that our starting point for an examination of this matter was the meaning of the NES-F and its purpose as derived from the document itself. Given that the regulation itself is generated in the context of the NPS-FM 2020 and the RMA, it is important to understand that these represent starting points for its development.

[32] Overall, we conclude that it is the intent of the NPS-FM, and of the relevant legislation with regard to which it was developed, to provide an integrated approach to freshwater management. The objective was not to subsume the entire environment including the CMA and land use within the purview of the freshwater regulations or freshwater regime set up under s 80A. To do so would be anathema given the requirement to develop the regional plans and regional coastal plans separately to those for freshwater. Having said that we acknowledge that it is intended that the NPS-FM should work together with other documents including the NZCPS, regional policies and plans and regional coastal plans to create a seamless whole.

Does the NES-F 2020 intend to cover all wetlands (excepting those removed by the definition of natural wetlands in the NPS-FM)?

[33] The NES-F Regulations do not state any specific purpose, simply that they are generated under s 43 of the RMA. Accordingly, there is no clear statement to enable an understanding of the purpose of the regulation or what its coverage might be. However, the title of the Regulations does specifically identify freshwater and this may be indicative of an intent to cover only freshwater.

[34] Natural wetlands are not defined within the NES-F itself and the words take their meaning from the NPS-FM. We conclude that this shows a clear connection between the two documents and an intent that this be part of the method to achieve the NES-F 2020. The other part would be the development of freshwater plans envisaged under s 80A of the RMA.

[35] Of particular importance to our consideration of the intent of the Regulations and their effect is the definition of “river or connected area” which is defined in the NES-F 2020 Regulation (Section 3) as:

- (a) a river; or
- (b) any part of the coastal marine area that is upstream from the mouth of a river.

[36] This is a matter of particular importance because it clearly includes within the purview of the freshwater regulations any area of a river within the coastal marine area upstream of the mouth of that river. When we consider this, it is clear that there is a distinction between this definition and that of coastal waters.

[37] “Coastal water” is not defined in either the NES-F 2020 or the NPS-FM 2020. The definition of “coastal water” and “coastal marine area” are in the RMA s 2. **Coastal water** as defined would include water within a river that has saline content, but which may or may not be within the CMA.

[38] The **Coastal Marine Area**, by definition in the RMA, includes not only the sea itself but also that part of a river either a distance five times the width of the mouth of the river or one kilometre upstream of the river mouth, whichever is the lesser. It includes the foreshore, seabed, coastal waters and the air space.

Overlap of salt/freshwater (brackish water)

[39] We think the definition of river and connected area in the NES-F is critical to an understanding of the intent of these documents. We say this because of the Court’s particular experience not only in this plan but in many other cases with areas relating to tidal influence, tidal prisms, brackish water and the particular values that this

represents.

[40] We recognise that it is not possible to give an exact position for the limits of salt in freshwater, except in some cases such as where, there are basins (a matter we discussed in *New Zealand Fairy Tern Charitable Trust v Auckland Council*²) naturally shaped such that salt water can proceed no further inland. The position for saline intrusion at its maximum is set by the geology and geomorphology of the area; by gradient, or by features such as waterfalls. Saltwater being heavier than freshwater will lie beneath fresh water.

[41] However, there will be times, in particular during storm surges when high tide and landward flood conditions coincide, when saline intrusion will occur far higher up a river than at other times. The point at which the saline influence is lost up stream can vary over quite a wide range, in some cases not described by metres inland but by kilometres. This is particularly true in low-lying areas. There have been ongoing practical difficulties in ascertaining when an area has coastal waters or is freshwater.

[42] As Mr Gardner said for the members of Federated Farmers, many farmers do not know from day to day whether the river water adjacent to their land will have any salt content or not and this can change depending on atmospheric and flow conditions, and the influence of the tidal cycle (whether king or neap tide). Mean high water springs, commonly used to establish a salt / freshwater boundary, is itself an averaging of historical data, usually based upon assumptions given that it is not possible to measure tidal heights at every location around the coast (the Northland coastline itself is some 3,000 kilometres long).

[43] In respect of the 1,700 or so waterways that meet that coastline in Northland, some often have very low flow rates, i.e., less than 15 litres per second for the majority of time. Even such small catchments can run to relatively high volumes at peak flood.

² *New Zealand Fairy Tern Charitable Trust v Auckland Council* [2019] NZEnvC 172.

Conclusion on boundary

[44] Therefore, we conclude that in promulgating the freshwater management provisions, the Ministry for the Environment wanted to provide as much certainty as possible as to the areas that would be affected by the regulations.

[45] The mouth of the river is generally established by consultation between the regional council and the Ministry of Conservation. We have been handed the known river mouth data for many of Northland's rivers. By utilising these agreed figures (however imprecise) the regulations become more certain as to their application. The condition of the water above the river mouth, as defined, is not a matter that requires particular evidence but rather is controlled by requirements of the NES-F and Freshwater Plans, while water below that point forms part of the estuary, harbour or embayment and is therefore is controlled by other means, being the NZCPS and regional coastal plan.

[46] Natural wetlands include those both above the coastal marine area ("natural inland wetlands" as defined in the NPS-FM 2020) and below it. Even inland, however, wetlands landward of the CMA may contain saltwater or brackish water under certain conditions, due to sea water percolation through beach sands and gravels at high tide to wetlands behind the beach as described by Dr Gerbeaux³. Wetlands are described by a range of different terms, some "conflicting and confusing"⁴, but there is no "dividing line" that separates wetland from open lake or open coastal water.

[47] The depth of water in the CMA to which ecosystems can be described as "wetland" is not clear, being variously described as "shallow" (the RMA definition – with "shallow" being interpreted by some to be "less than a few meters deep"⁵) and, in the Ramsar Convention on Wetlands, as "areas of marine water, the depth of which at low tide does not exceed six metres"⁶.

³ PJR Gerbeaux Affidavit at [38].

⁴ Ibid at [25].

⁵ Ibid at [28].

⁶ Ibid at [36].

[48] As noted earlier, “wetland” appears to be taken to include areas of mangrove and seagrass and may extend to seaweeds/algae. All of these may inhabit the intertidal zone. If such areas were to come under the NES-F Regulations this would have the potential for conflict with coastal plans or regulations regarding fisheries.

Interpretation of the Regulations

[49] Section 5 of the Interpretation Act 1999 requires the Court to consider the following:

- (1) The meaning of an enactment must be ascertained from its text and in the light of its purpose.
- (2) The matters that may be considered in ascertaining the meaning of an enactment include the indications provided in the enactment.
- (3) Examples of those indications are preambles, the analysis, a table of contents, headings to Parts and sections, marginal notes, diagrams, graphics, examples and explanatory material and the organisation and format of the enactment.

[50] Firstly, we note that the Regulations do not discuss mangrove or saltmarsh areas or the CMA or coastal marine area explicitly except:

- (a) In Interpretation (3) in the definition of “river or connected area” (defined earlier);
- (b) In 10(3)(c), in a condition as to feedlot discretionary activities; that the feedlot must be at least “50 metres away from any waterbody, any water abstraction bore, any drain and the coastal marine area”.
- (c) In 13(4)(c), which requires, for a permitted activity for holding cattle as a permitted activity, that again the stockholding area must be “50 metres away from any water body, any water abstraction bore, any drain and the coastal marine and area”; and
- (d) In 24(1)(b), that a discretionary activity, if granted, will not result in an increase in concentration of contaminants in freshwater or other receiving environments (including the coastal marine area and geothermal water) compared with the concentrations as at the close of 2 September 2020.

- (e) In 34(1)(b), that for the non-complying activity of the discharge of synthetic nitrogen fertiliser, the discharge must not be “into the air, or into or onto land, including in circumstances that may result in the synthetic nitrogen fertiliser (or any other contaminant emanating as a result of natural processes from the fertiliser) entering water”.

[51] In relation to those references to coastal marine areas it is clear that such areas are distinguished from fresh waterbodies. As the references are related to land-based activities, they do not give any particular indication as to whether or not wetlands in the coastal marine area are intended to be controlled.

[52] As we discussed, Part 3 of the NES-F addresses wetlands, with issues under the following headings [our numbering] and commencing with the sections shown:

- (1) Restoration of natural wetlands, s 38;
- (2) Scientific research, s 40;
- (3) Construction of wetland utility structures, s 42;
- (4) Maintenance of wetland utility structures, s 43;
- (5) Arable and horticultural land use; s 50;
- (6) Natural hazard works, s 51;
- (7) Drainage of natural wetlands, s 52;
- (8) Other activities, covering certain non-complying activities, with s 54 including vegetation clearance, earthworks taking, diversion or discharge of water within a 100 metres setback from a natural wetland.

[53] In none of the above sections is there any mention of the coastal environment and no specific provisions making reference to any particular characteristics of the CMA, including tidal cycles or other issues that might affect activities within wetlands there. However, in regulation 56 which covers matters to which restricted discretion activities are restricted, there is a specific reference to the coastal environment

(56(a)(1)):

- (a) The extent to which the nature, scale, timing, intensity and location of the activity may have adverse effects on –
- (i) the existing and potential values of the natural wetland, its catchment and the coastal environment.

[54] Sections 58, 59 and 60 cover the effects of passage of fish and refer to structures in “river or connected areas” but do not otherwise refer to any part of the CMA.

Conclusion on Regulations

[55] It is not possible to say that the lack of any real discussion of mangroves, saltmarsh or the coastal marine area determines whether activities in wetlands in the coastal marine environment are regulated by the NES-F. What we can say is that the NES-F follows the NPS-FM and is concerned about freshwater impacts on receiving environments. While such receiving environments clearly include the coastal marine area and the coastal environment generally, we are not able to take, from this, that activities in all natural wetlands are intended to be controlled by the Regulations.

[56] Again, the titles of headings and paragraphs are not determinative but do lead us towards a view that the concern of the Regulations in this regard is activity that might occur on land. The restrictions we list above in the NES-F that mention the CMA do so in terms of preventing adverse effects of activities on land from having adverse effects on natural wetlands (including those in the CMA), but do not appear to cover the effects of activities within the CMA.

[57] Put another way, the NES-F seeks to ensure that coastal waters are not inappropriately affected or contaminated but does not control activities within the CMA itself.

[58] There is a lack of clarity in the drafting of the NES-F as regards the area of application of the Regulations. As we have discussed, the Ministry for the Environment may have intended to include at least some areas of CMA within the NES-F. One clear example is the definition of “river or connected area”, which includes “any part of the coastal marine area which is upstream from the mouth of a

river”.

[59] No other clear examples can be determined by reference to either the Regulations themselves or the NPS-FM, except the use of the term “natural wetlands”. If it was intended that the Regulations generated for freshwater are to apply to all areas including the CMA, then this should have been made explicit. Section 80A indicates a clear demarcation of regional plans (i.e., for land-based activities) and regional coastal plans.

[60] We conclude the NES-F is not directed at the coastal marine area. The boundary is the “river or connected area” upstream of the river mouth. We conclude that the NES-F only has regulatory effect upstream of the river mouth, even if it includes coastal water. Below that point natural wetlands are included as part of the coastal marine area and/or coastal waters and are controlled by regional coastal plans and the NZCPS as appropriate. Although the NES-F is not mandatory outside the “river or connected area” it will still be relevant when considering appropriate provisions in a regional plan or regional coastal plan. This is because of the interconnectedness of these coastal and river areas.

[61] We reach this conclusion because:

- If the NES-F had effect within the CMA, it would be mandatory and would have significant consequences on issues relating to marine areas and potentially also under the Fisheries Act 1996, depending on the depth of water to which the natural wetland definition is deemed to apply.
- Freshwater planning instruments prepared under s 80A would not integrate directly with the area covered by regional plans and as such would lead to issues as to how these would be implemented and enforced. We have concluded that given the mandatory nature of the NES-F as Regulations, we must construct them against the party which seeks to implement them. In this case, the Government must be clear that it wishes to constrain activities within all coastal water areas as they relate to natural wetlands.

- Given the number of wetlands in the CMA, particularly in the Northland Region, this would be a significant imposition for management of much of the coastline. Arguably such effects may even be more dramatic if the NES-F applies to deeper coastal water and areas that are always covered by seawater, even if this was only to a depth of 3 to 6 metres.
- We have concluded that the Regulations do not clearly indicate an intent to control such areas. There is clearly an extension in respect of “rivers or connected areas”. We consider that for clarity that has been utilised as a convenient and clear demarcation point.

[62] Our concluded view as to the best interpretation of the documents that are before us is that the NES-F is intended to apply to all areas of freshwater and to rivers or connected areas, including not only for fish passage, but in respect of water quality control and all provisions including those relating to natural wetlands. This in our view would give the desired degree of certainty as to the application of the Regulations and accordingly as to the scope of matters controlled.

Reason for Declarations

[63] In our view, the Council will still need to consider the extent to which NES-F requirements impact upon “river or connected areas”, even if they have been identified as CMA. The consequences of this are not at this stage clear.

[64] It does mean that larger estuaries, embayment, harbours and the like, which support natural wetland features, would not constitute areas controlled by the NES-F if they are downstream of the river mouth. On shorelines where few or no streams or rivers enter such estuaries, the boundaries may be relatively easy to identify. In relation to other rivers, it is only those areas upstream of the river mouth and are within the CMA that would be controlled. In relation to larger harbours such as the Hokianga and Mangawhai Harbours (the subject of evidence before us), in the areas above the river mouth the regulations would apply. The Regional Plan covers both inland and coastal areas, so its provision would need to reflect those requirements.

Outcome

[65] We accordingly make the following declarations:

- A:** The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F / Regulations) apply to the coastal marine area (CMA) only to the extent that they cover the area of CMA upstream of the “river mouth” as defined in the Resource Management Act 1991. In particular, they do not apply to the general CMA, open oceans, estuaries, bays and other areas not falling within the definition of “river or connected area”.
- B:** The Court is empowered to consider the Regional Plan provisions affecting those parts of the CMA not encompassed within that definition in terms of the New Zealand Coastal Policy Statement (NZCPS) and other documents, without considering any constraints imposed by virtue of the said NES-F.
- C:** For those areas of the CMA that are covered within the definition of “rivers or connected areas” where the Regulations do apply, the NES-F will need to be considered in forming a view as to the most appropriate provisions for those areas.

Directions

D: The Court issues Directions as follows:

The Council has provided a draft list of provisions that could be affected by the NES-F if:

- (i) The list should be modified and circulated to the parties and Court as a consequence of the declarations by 26 February;
- (ii) By 5 March, the Council is to file a memorandum with a draft timetable to rehearing, and identifying steps necessary; and

(iii) The Court will hold a further pre-hearing conference as soon as possible after 5 March to consider the conduct of the final hearing in respect of the CMA areas not covered by the NES-F and an approach to be adopted for those freshwater areas (Topics 9 and 7) and any areas that maybe covered in terms of any appeals that are within the rivers or connected areas.

E: A copy of this declaration is to be provided to the Minister of Conservation as to the inter-relationship of the Coastal Marine Area and the NES-F-2020.

F: Costs applications are not encouraged but reserved to the conclusion of the substantive issues.

For the court:





J A Smith
Environment Judge

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Lachlan Brown

From: Amanda De Jong <amanda.dejong@aucklandcouncil.govt.nz>
Sent: Thursday, 4 March 2021 8:25 pm
To: Jessica Dickinson; Claire Graeme
Subject: RE: Update: MfE wetlands implementation workshop 25 Feb

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Wetlands workshop Feb

Ok great. Thanks so much.

Ngā mihi | Kind regards,

Amanda de Jong

**Amanda de Jong | Manager Compliance Monitoring
Licensing & Regulatory Compliance**

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From: Jessica Dickinson <Jessica.Dickinson@mfe.govt.nz>
Sent: Wednesday, 3 March 2021 4:58 pm
To: Amanda De Jong <amanda.dejong@aucklandcouncil.govt.nz>; Claire Graeme <claire.graeme@mfe.govt.nz>
Subject: RE: Update: MfE wetlands implementation workshop 25 Feb

Hi Amanda,

Apologies for this delayed response

Just confirming I will get in touch with Morphum and remind them that the workshop discussions were held in confidence, particularly with regards to Auckland's indicative legal advice.

Ngā mihi,
Jess

From: Amanda De Jong <amanda.dejong@aucklandcouncil.govt.nz>
Sent: Friday, 26 February 2021 3:20 pm
To: Jessica Dickinson <Jessica.Dickinson@mfe.govt.nz>; Claire Graeme <claire.graeme@mfe.govt.nz>
Subject: RE: Update: MfE wetlands implementation workshop 25 Feb

Hi Jess and Claire

Hope you have had a good Friday.

I may be being unnecessarily paranoid but I have been thinking further around the discussion yesterday at the wetland working group and the issues around induced/natural wetlands and our initial legal advice to-date.

I note that we had Morpium there – I would hate for that discussion to go too far outside of the regional council/public sector circles at this point as its not a firmed up position by any RC or MfE.

Thoughts?

Ngā mihi | Kind regards,

Amanda de Jong

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From: Jessica Dickinson <Jessica.Dickinson@mfe.govt.nz>
Sent: Wednesday, 24 February 2021 4:05 pm
To: Amanda De Jong <amanda.dejong@aucklandcouncil.govt.nz>
Subject: RE: Update: MfE wetlands implementation workshop 25 Feb

Hi Amanda,

Fantastic, see you tomorrow
Yes, I'm about to send an update on that point

The wetland definitions interpretation guidance is sti with our internal Leg I team for review, so we won't be able to circulate this until after the workshop
However we will still be able to discuss aspects of this in a presentation format within session 3.

Thanks,
Jess

From: Amanda De Jong <amanda.dejong@aucklandcouncil.govt.nz>
Sent: Wednesday, 24 February 2021 4:01 pm
To: Jessica Dickinson <Jessica.Dickinson@mfe.govt.nz>
Subject: RE: Update: MfE wetlands implementation workshop 25 Feb

Hi Jess

Yip I am all sorted. See you tomorrow. On the agenda it said that some material would be circulated in advance. I don't think I got anything through today?

Ngā mihi | Kind regards,

Amanda de Jong

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From: Jessica Dickinson <Jessica.Dickinson@mfe.govt.nz>
Sent: Wednesday, 24 February 2021 3:58 pm
To: Amanda De Jong <amanda.dejong@aucklandcouncil.govt.nz>
Subject: RE: Update: MfE wetlands implementation workshop 25 Feb

Hi Amanda,

Just checking that you had your flight details come through okay for the workshop tomorrow?

Thanks,
Jess

From: Amanda De Jong <amanda.dejong@aucklandcouncil.govt.nz>
Sent: Monday, 22 February 2021 10:49 am
To: Jessica Dickinson <Jessica.Dickinson@mfe.govt.nz>
Subject: RE: Update: MfE wetlands implementation workshop 25 Feb

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Thanks for confirming Jess

I am happy to attend in person still. For the morning flight I have to get from the north shore to the airport so early is best so I can miss traffic.

Ngā mihi | Kind regards,

Amanda de Jong

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From: Jessica Dickinson <Jessica.Dickinson@mfe.govt.nz>
Sent: Monday, 22 February 2021 9:50 am
To: Kathleen Mackie <Kathleen.Mackie@mfe.govt.nz>; alisonn@nrc.govt.nz; martin.king@orc.govt.nz; ella.tennent@boprc.govt.nz; stuarts@nrc.govt.nz; trevor.james@tdc.govt.nz; Amanda De Jong <amanda.dejong@aucklandcouncil.govt.nz>; matthew.hickman@gw.govt.nz; hrobertson@doc.govt.nz; lheijs@doc.govt.nz; lbarea@doc.govt.nz; Philip.grove@ecan.govt.nz; Catherine Schofield <Catherine.Schofield@mfe.govt.nz>; Claire Graeme <claire.graeme@mfe.govt.nz>; Vicki Addison <Vicki.Addison@mfe.govt.nz>; Helli Ward <Helli.Ward@mfe.govt.nz>; ChristinaRobb <Christina.Robb@happen.co.nz>; Bev Clarkson <ClarksonB@landcareresearch.co.nz>; Trevor James

<Trevor.James@tasman.govt.nz>; Sophia Murphy <Sophia.Murphy@mpi.govt.nz>; James Griffin <JamesG@nrc.govt.nz>; sasmith@doc.govt.nz; Pam Guest <Pam.Guest@gw.govt.nz>; Hugh Robertson (S&P Nelson) <harobertson@doc.govt.nz>; David Hampson <David.Hampson@aucklandcouncil.govt.nz>; Brenda Baillie <brendab@nrc.govt.nz>

Cc: Spencer Clubb <Spencer.Clubb@mfe.govt.nz>

Subject: Update: MfE wetlands implementation workshop 25 Feb

Kia ora koutou,

The MfE wetlands implementation workshop is set to take place on Thursday this week (25th February). I'm looking forward to working with everyone.

This is a quick update on where things have got to.

Flights and travel

I apologise for the late notification of where things are at with flight bookings.

If you have indicated a preference to attend the workshop in person and your travel requirements, we gained approval to purchase flights on Friday.

MfE has strict internal policies on carbon emissions and the COVID-19 alert level change last week also caused uncertainty, leading to a delay in our approvals process..

We will progress flight bookings today for those who have confirmed they will attend in person and need travel.

If you need to change your travel details from what you've previously emailed through, please let me know as soon as possible today.

For those travelling: I will update you as soon as I have received confirmation of your flights.

Updated agenda attached

Thanks to those who provided feedback on our agenda, both workshop attendees and more broadly from your staff. There have been some great contributions that will help the discussion.

I've attached an updated agenda which outlines session times and focus areas and incorporates comments made.

Zoom invite

A Zoom invite for those who will be attending online will be sent prior to Thursday.

If you have any questions, please let me know.

Ngā mihi

Jessica Dickinson (she/her) Analyst, Freshwater Policy Implementation & At Risk Catchments

Ministry for the Environment – Manatū Mō Te Taiao

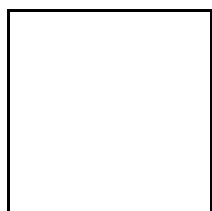
Email: jessica.dickinson@mfe.govt.nz Website: www.mfe.govt.nz

23 Kate Sheppard Place, Thorndon, Wellington 6143



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MfE Wetlands NES-F/NPS-FM Implementation Workshop Agenda

25 February 2021

9.00am- 4.00pm

Venue:

Ground Floor Meeting Room (inside Information Centre), Level 0, Environment House

23 Kate Sheppard Place, Pipitea, Wellington 6011

Attendees may also attend via Teams.

Scope:

This workshop will provide a forum to discuss implementation of the wetlands policies and rules in the National Policy Statement for Freshwater Management 2020 (NPS-FM) and the National Environmental Standards for Freshwater 2020 (Freshwater NES) and progress scoping and prioritization for implementation support on issues raised to date.

Policy change recommendations are out of scope for this session.

Future workshops will be convened through 2021 to discuss remaining issues and any emerging concerns.

Aims:

The aims of this workshop are to:

- 1) Communicate MfE's currently underway wetlands implementation support projects
- 2) Gather input on MfE's planned implementation support for wetlands
- 3) Record and prioritize known implementation issues for wetlands, including on wetland definitions
- 4) Begin scoping further implementation support for identified issues.
- 5) Create a forward timeline for MfE of prioritized guidance and support needs. This timeline will be internally approved and confirmed following the workshop.

Agenda outline

The workshop will be broken into three sessions. You are welcome to attend all sessions or choose those you are most interested in contributing to.

	Session	Aims
9.00- 9.30am	Introduction	<ul style="list-style-type: none"> - Arrive at meeting venue - Roundtable introductions - Aims and Agenda outline
9.30-11.00am 1.5 hrs	Session 1: MfE's current wetlands implementation projects <i>See appendix 3 for current wetland implementation projects</i>	<ul style="list-style-type: none"> - Summarize requirements for councils under the NPS-FM and Freshwater NES for wetlands - Communicate MfE planned and in progress implementation support to assist councils to fulfil these requirements, including timeline for planned support - Gather input into scoping for planned implementation support projects
11.00-11.20am	<i>Morning tea- catering provided</i>	
11.20am-1.30pm	Session 2: Wetland implementation issues and solutions <i>See appendix 1 for currently known implementation issues and suggested support</i>	<ul style="list-style-type: none"> - Record and prioritise current implementation issues - Discuss and prioritise potential implementation support for these issues - Draft a forward timeline of prioritized support needs. - Gather input into scoping for support for top issues identified in the session.
1.30- 2.15pm	<i>45 min lunch break- catering provided</i>	
2.15-3.30pm	Session 3: Wetland definitions implementation issues and solutions <i>See appendix 2 for currently known issues</i>	<ul style="list-style-type: none"> - Gather feedback on MfE draft interpretation guidance on wetland definitions in the NPS-FM (document to be circulated prior to workshop once MfE legal review complete) - Record and prioritise further implementation issues not addressed by this guidance - Discuss and prioritise further implementation support for these issues
3.30-4pm	Wrap up	<ul style="list-style-type: none"> - Buffer time for further discussions - Revisit aims - Questions? - Workshop ends at 4pm.

Appendix 1- Known implementation issues and suggestions for support

Appendix 2- Known issues with wetland definitions implementation

Appendix 3- Appendix 3- MfE currently planned and underway implementation support for wetlands

Appendix 1- Known implementation issues and suggestions for support

#	Issue	Description of issue	Suggested actions for MfE. Is there any currently scoped guidance for this issue?	Suggested discussion points for workshop	Comments from agenda review
1.1	Application of the effects management hierarchy	<p>Further guidance needed to ensure consistency of application.</p> <p>No current technical guidance on offsets and compensation in aquatic environments.</p>	<p>MfE currently scoping twofold guidance:</p> <ol style="list-style-type: none"> 1) Interpretation guidance on EMH including explanation of terms, case studies 2) Technical guidance on calculating aquatic offsets and compensation 	<p>What else would be useful in EMH guidance?</p> <p>Who can provide case studies to show good application of the EMH?</p>	<p>ECAN: <i>Comment</i> – Biodiversity offsets are complex and fraught, due to the difficulty of measuring/quantifying indigenous biodiversity, the irreplaceability of indigenous ecosystems, and the challenges of monitoring outcomes. Nevertheless, some wetland ecosystem types, particularly those occurring on naturally dynamic landscapes such as floodplains and the coast, do provide opportunity for ecologically-appropriate offsets. However, loss or degradation of many other wetland types cannot be meaningfully ‘offset.’</p> <p>In recently-formed hydric environments, as noted above and under the ‘natural wetlands’ definition issue, wetland species will quickly colonise and succession could be managed so that the eventual community/habitat is very similar to that which has been lost elsewhere. But unless the new community/habitat is created and colonised before the existing one is destroyed, there will be interim net loss of habitat for indigenous wetland plant and animal species. Technical guidance on offsets and compensation in wetland environments would be useful.</p>
1.2	Delineating wetlands	Further guidance may be needed on delineating wetlands	MfE is currently finalising the wetland hydrology tool, which is the last of three tools to assist in delineating wetlands where there is uncertainty or doubt	Is further guidance needed beyond the technical guidance on each tool, and if so, for what audiences?	<p>ECAN: <i>Comment</i> – we consider that once the hydrology tool is finalised, there will be sufficient guidance on delineating wetlands. Suitably qualified/experienced people will be able to apply these tools to delineate wetlands in a consistent way. However, these tools are only intended for use by technical experts. As noted in</p>

					the agenda point, use of delineation tools (by suitably qualified people) is only required in situations where there is uncertainty or doubt.
1.3	Uncertainties around applying improved pasture exclusion in practice	<p>Barriers to assessment eg subjectivity of a visual cover percentage assessment, landowners cannot readily evaluate themselves</p> <p>Nationally agreed list of pasture/wetland species needed</p> <p>How much of a wetland should be surveyed (e.g. to identify whether it has >50% pasture species coverage)?</p> <p>Landowners not able to identify species coverage alone- needs specialist advice</p>	Potential guidance on application of improved pasture exclusion- species lists of wetland species/pasture species	<p>Discussion of barriers to assessment</p> <p>Any further guidance needs</p>	<p>ECAN: <i>Comment</i> – Unfortunately, uncertainties such as those listed are inherent in the current improved pasture definition. See comments under 2.6.</p> <p>The best solution would be to remove the ‘improved pasture’ exclusion and simply apply the wetland delineation tool appended to the NPS-FM together with an assessment of ecological significance for wetland areas so identified.</p>
1.4	Unclear what would constitute active management of improved pasture	There has been a need identified for further guidance on what constitutes active management of improved pasture- e.g. weed control, mowing/watering regime fertilizer use.	MfE could provide additional guidance/evidence to support councils determining what constitutes active management of the improved pasture		ECAN: <i>Comment</i> – again this lack of clarity is inherent in the current improved pasture definition. See previous comments and suggested solutions under 2.6 and 1.3

1.5	Specialists who can carry out assessment of effects on wetlands and potential loss of value are limited	Both within councils and externally (consultants)		Suggestions for how to address this gap e.g. guidance on assessment of effects in wetlands to help upskilling?
1.6	It is unclear how to process a proposal which has more than a single "purpose".	e.g installing a scientific monitoring device in a wetland- potential dual purpose, research purposes and wetland utility structure. Is it a case of applying the more relevant "purpose" or the more "stringent" purpose? Different outcomes arise.	Policy intent clarification	
1.7	Wetland identification overlooked	Process issues could arise where an applicant has not identified the reclamation of a wetland when submitting their application for land use consent to undertake earthworks and the application is accepted under section 88 prior to the council site visit being undertaken, which may identify the presence of a wetland affected by the earthworks and lead to Regulation 53 and a Prohibited Activity status being applicable.		How to address this? Better education for landowners on what a wetland looks like- case studies, comms?

1.8	Effectiveness of using 'permitted activities subject to conditions' approach for certain wetland works	How do you monitor your other permitted activities? Discharges- discolouration of water may be hard to monitor but some councils have it in their plans- eg Auckland.	Auckland Council (Amanda de Jong)- Discussion of CME for permitted activities subject to conditions.
1.9	Further issues raised during agenda review		<p>ECAN: Comment – while we support the requirement for RC and greater scrutiny for vegetation clearance within a wetland and within a 10m buffer, there will be some difficulty in applying in cases where the vegetation clearance is to comply with a Regional Pest Plan.</p> <p>Comment – restoration is defined in relation to natural inland wetland, but not in relation to the broader natural wetlands definition. Clearance of vegetation in a natural wetland in the CMA would be a non-complying activity as it will not meet the definition of restoration. Examples where this may be an issue is at the mouths of some of the Canterbury river mouths where weeds have degraded natural wetlands within this area. Including wetlands in the CMA in the definition for wetland restoration would resolve this.</p> <p>Comment – management of weeds in estuarine situations (<i>Spartina sp.</i> is an example) will result in bare soils that are unlikely to be revegetated. It would not be either practical or desirable to comply with the conditions as the resulting bare surface is likely to be the natural state in these habitats.</p>
1.10	Issues relating to restoration projects aiming to restore the	There is a requirement for these projects to meet the general	Definition of “natural movement of water” needed

natural water level of wetlands

conditions (regulation 55) which includes an assessment of the 1%AEP flood levels and also requires that activities 'must not alter the natural movement of water into, within, or from any wetland'

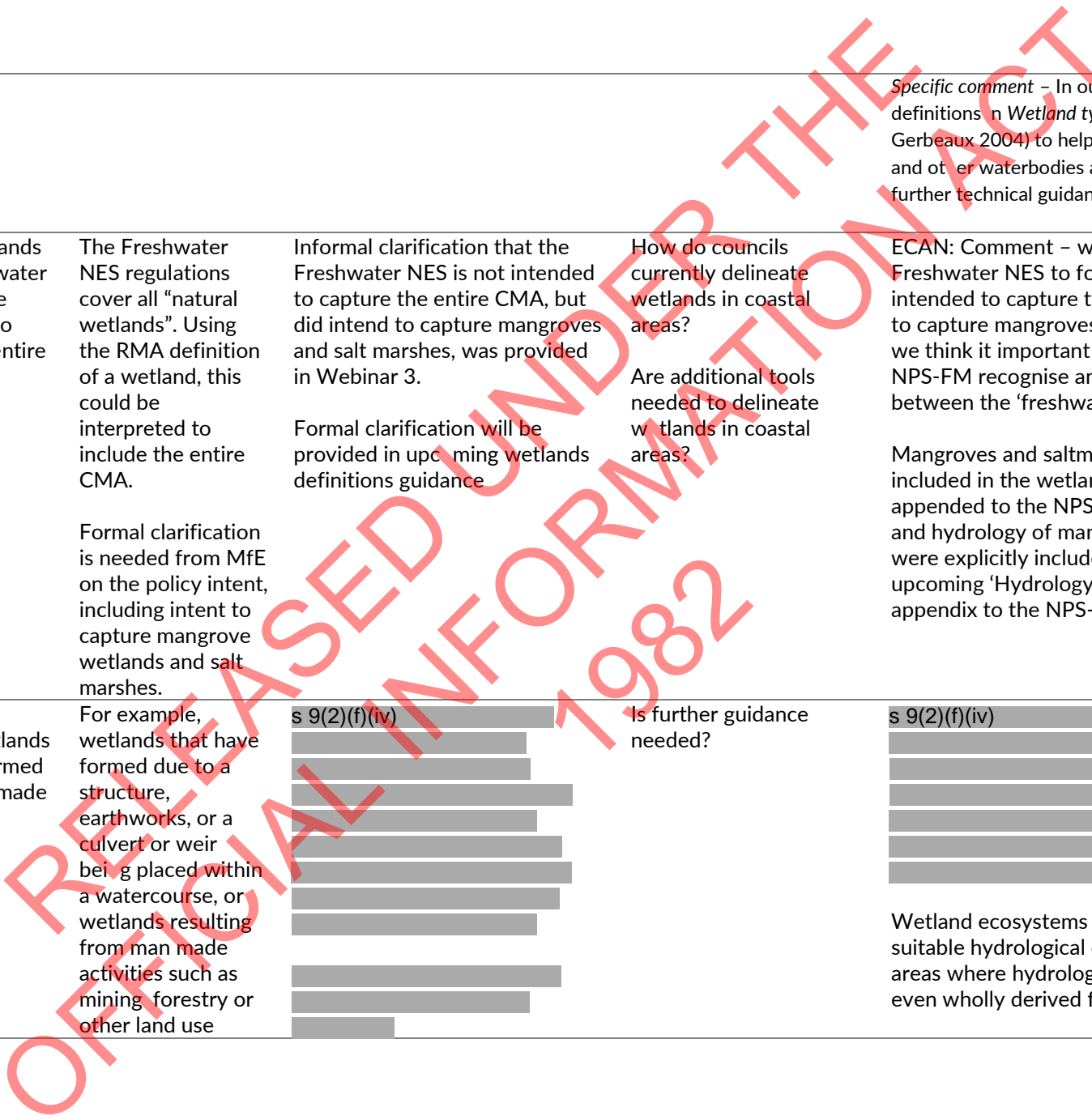
For small restoration projects undertaking analysis of the 1% AEP will be a costly exercise, and it may be better left for council assessment of whether this analysis is needed or not. While there are exclusions that enable neighbouring properties impacted by the 1%AEP to provide written consent, the flood analysis will still need to be undertaken which may be onerous for small scale projects

A definition of what is meant by the natural movement of water is needed, particularly for restoration projects where the objective is to alter the movement of water

Appendix 2- Known issues with wetland definitions implementation

#	Issue	Description of issue	Suggested actions for MfE. Is there any currently scoped guidance for this issue?	Suggested discussion points for workshop	Agenda review comments
2.1	It is unclear how to distinguish wetlands from other types of waterbody, particularly shallow lakes.	<p>The definition of a 'wetland' under the RMA could be interpreted to capture a wide range of waterbodies, including those with separate definitions (i.e. 'river' and 'lake'). This is particularly relevant to shallow lakes.</p> <p>Clarification is needed from MfE on the policy intent and distinguishing wetlands from other types of waterbody.</p>	<p>MfE to clarify in definitions guidance that the definition is only intended to apply to wetlands not otherwise captured under other definitions (ie. it should not apply to rivers and lakes).</p> <p>Potentially scope further technical guidance on distinguishing waterbodies and wetlands</p>	<p>What is current best practice to distinguish between shallow lakes and other waterbodies, and wetlands?</p> <p>Is further technical guidance required on distinguishing shallow lakes and wetlands?</p>	<p>ECAN: <i>General Comment</i> – We agree that clarification is needed from MfE on the policy intent behind distinguishing wetlands from other types of waterbody. However, we also suggest that making such a distinction may, depending on how it is applied, risk undermining the overarching Objective and many Policies (e.g. Policies 3, 5, 6,7, 9, 12, 13) of the NPS-FM. We are concerned that distinguishing between inter-connected waterbodies, in terms of coverage under various Policy/Plan provisions, could risk some of these 'falling through the cracks' resulting in perverse or unintended environmental outcomes.</p> <p>We appreciate of course that the RMA definition of wetland is very broad and could include all waterbodies. We also understand that 'wetlands' are differentiated from streams, lakes etc. in common use, as well as, historically, in national and regional policies, plans and various work programmes. Our view, however, is that wetlands, streams, rivers, lakes are all waterbodies which merge into one another, are ecologically connected and should therefore be managed holistically rather than broken down into separate categories. We consider this view is supported by the specific inclusion of wetlands as waterbodies within the NPS-FM, as well as its overarching objectives and policies.</p>

					<p><i>Specific comment</i> – In our work we generally apply the definitions in <i>Wetland types in New Zealand</i> (Johnson and Gerbeaux 2004) to help distinguish between shallow lakes and other waterbodies and wetlands. However, we agree further technical guidance on this issue would be helpful.</p>
<p>2.2</p>	<p>Natural wetlands in the Freshwater NES could be interpreted to include the entire CMA</p>	<p>The Freshwater NES regulations cover all “natural wetlands”. Using the RMA definition of a wetland, this could be interpreted to include the entire CMA.</p> <p>Formal clarification is needed from MfE on the policy intent, including intent to capture mangrove wetlands and salt marshes.</p>	<p>Informal clarification that the Freshwater NES is not intended to capture the entire CMA, but did intend to capture mangroves and salt marshes, was provided in Webinar 3.</p> <p>Formal clarification will be provided in upcoming wetlands definitions guidance</p>	<p>How do councils currently delineate wetlands in coastal areas?</p> <p>Are additional tools needed to delineate wetlands in coastal areas?</p>	<p>ECAN: Comment – we agree it will be useful for the Freshwater NES to formally clarify that it is not intended to capture the entire CMA but did intend to capture mangroves and saltmarshes. However, we think it important that the Freshwater NES and NPS-FM recognise and acknowledge connections between the ‘freshwater’ and coastal environments.</p> <p>Mangroves and saltmarsh plant species are already included in the wetland delineation vegetation tool appended to the NPS-FM. It would be useful if soils and hydrology of mangrove and saltmarsh habitats were explicitly included in the ‘Soils Tool’ and upcoming ‘Hydrology Tool’ also referenced in the appendix to the NPS-FM.</p>
<p>2.3</p>	<p>It is unclear whether wetlands that have formed due to man-made activities are considered constructed wetlands.</p>	<p>For example, wetlands that have formed due to a structure, earthworks, or a culvert or weir being placed within a watercourse, or wetlands resulting from man made activities such as mining forestry or other land use</p>	<p>s 9(2)(f)(iv) [Redacted]</p>	<p>Is further guidance needed?</p>	<p>s 9(2)(f)(iv) [Redacted]</p> <p>Wetland ecosystems will naturally establish where suitable hydrological conditions exist. This includes areas where hydrological regime may be modified or even wholly derived from human influences. In the</p>



causing soil
compaction and
inducing a wetland.

developed landscape of lowland and coastal Canterbury this is in fact the typical situation.

For example, the hydrological regime of Te Waihora / Lake Ellesmere, a large coastal lake, is controlled by periodic openings. Although extent of the lake and associated margin wetlands are human-influenced, Te Waihora is recognised as an internationally-significant wetland habitat. Other examples of ecologically-significant wetland habitats that have naturally developed as a result of human actions are those located around the Waitaki Valley hydro dams, and along the margins of rivers where flood protection structures including stopbanks, culverts and weirs are in place. Travis Wetland in Christchurch City was restored through installation of weirs. Excluding such areas from consideration as 'wetlands' would undermine regional and national policy objectives relating to ecosystem health, biodiversity values and natural character of wetlands and associated ecosystems.

In our opinion, a 'natural wetland' is one where 'a community of plants and animals adapted to wet conditions' (RMA definition) have naturally established where suitable hydrological conditions exist. Ecologically, it does not matter whether the hydrological conditions are natural, human-derived or a combination thereof.

It is important to recognise that many wetland ecosystems, especially those located in floodplain and coastal environments will naturally come and go in response to dynamic processes. The species adapted to these naturally dynamic wetland environments will also readily colonise wetlands

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where hydrology is driven, wholly or partially, by human modification.

As well as 'induced' wetlands that have naturally formed due to structures, earthworks, culverts and weirs, we are now seeing extensive use of 'deliberately constructed' wetlands to provide stormwater attenuation functions and public amenity values. These constructed wetlands also provide considerable ecological and biodiversity values which will only increase over time. Again, excluding all constructed wetlands from coverage under NPS-FM provisions will undermine its own objective and policies. We note that many 'induced' and 'constructed' wetlands in Canterbury Region are located in areas that were formerly wetland habitat prior to human modifications over the last 150 or so years and could therefore be considered 'reinstated' or 'restored' wetlands.

We understand that technical advice during development of the NPS-FM was to apply a 10-year timeframe after which 'induced' or constructed wetlands would be considered 'natural wetlands'. We support this approach. Further guidance will definitely be needed to ensure that ecologically-significant wetlands are not excluded from the definition of 'natural wetland' through interpretation of 'induced' and 'constructed wetland' definitions in the NPS-FM.

2.4

Length of 'temporary' rain derived water pooling is unclear

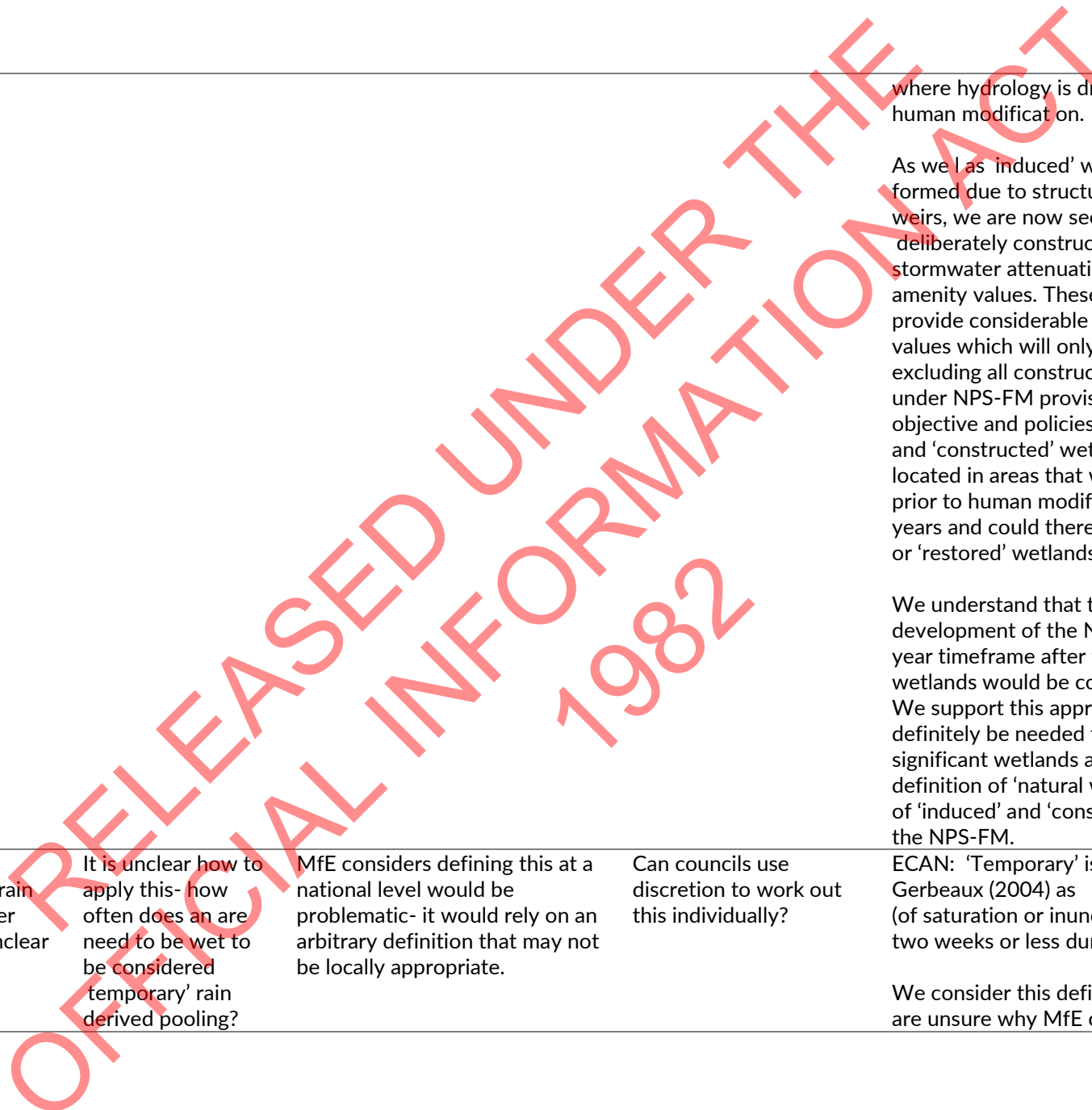
It is unclear how to apply this- how often does an area need to be wet to be considered 'temporary' rain derived pooling?

MfE considers defining this at a national level would be problematic- it would rely on an arbitrary definition that may not be locally appropriate.

Can councils use discretion to work out this individually?

ECAN: 'Temporary' is defined in Johnson and Gerbeaux (2004) as (of saturation or inundation): for periods of about two weeks or less during the growing season.

We consider this definition to be clear enough. We are unsure why MfE considers it an 'arbitrary



		How is “temporary pooling” (NPS-FM) distinguished from intermittently wet areas (RMA)?			definition’ that may not be ‘locally appropriate’. It is not ‘arbitrary’, the definition has been developed by technical experts to help identify and delineate wetland habitats (in conjunction with the vegetation and soil wetland delineation tools).
2.5	De minimis wetland size	Is there a de minimis size of wetland under which the Freshwater NES is not applied?	This will be clarified in the wetland definitions guidance.		ECAN: We ask that clarification of this issue in upcoming wetlands definition guidance be based on technical expert advice and implement NPS-FM objective and policies.
2.6	Uncertainties around definition of ‘improved pasture’ exclusion	Definition does not make it clear whether dominance of exotic pasture species should be assessed as the number of exotic pasture species, or the cover of exotic pasture species	Definitions guidance will include clarification that the policy specifies 50% cover- by area, not by number of species. Definitions guidance will state policy intent for exclusion of improved pasture - what is and is not intended to be captured	Would case studies be helpful here? What is and isn’t “improved pasture”?	<p>ECAN Comment – We agree on the need, first and foremost, for a clear statement of policy intent for exclusion of improved pasture – what is and what is not intended to be captured. This statement of intent will guide subsequent definitions of ‘improved pasture’ guidance and methodology for assessment. We request that the statement of policy intent implement overarching NPS-FM objective and policies, and that the final definition of ‘improved pasture’ will be worded so as not to exclude ecologically significant wetlands from coverage under NPS-FM provisions.</p> <p>Our concern with the current ‘improved pasture’ exclusion clause: it is ambiguous; and its application will not provide protection for ecologically significant wetland habitats and their constituent flora and fauna.</p> <p>Within that context, our suggested definition for improved pasture is:</p>

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Means an area where indigenous vegetation has been fully removed and the vegetation converted to exotic pasture or crops.

Ecologically this definition is preferable because it is simple and because it recognises that most wetland habitats that have not been fully developed (converted) will still support indigenous vegetation and/or are habitat for indigenous fauna, and are frequently ecologically significant. The definition could be dated (e.g. 'as of Sept 2020') for planning purposes.

Another solution to the issue would be simply to apply ecological significance assessment criteria (such as those in the CRPS or proposed NPS-IB) to wetland areas (as delineated following protocols appended to the NPS-FM), without the 'exotic pasture' and 'exotic species' conditions. These are relatively straight-forward technical assessments that can be carried out by a suitably qualified person.

In our opinion it would be completely counter to the intent of the NPS-FM to categorise wetlands of recognised ecological importance as not meeting the definition of 'Natural Inland Wetland' simply because of the presence (or even dominance) of exotic plants in the vegetation cover. However, this is exactly the argument that has been made in Resource Consent Applications to CRC since the NPS-FM became operative.

Specific comments - In 'description of issue' column, there is confusion or conflation of 'exotic pasture species' and 'exotic plant species.' This is unhelpful - there are of course very many exotic plant species

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				<p>in NZ wetlands that could never, even under the widest interpretation of the term, be considered 'pasture' species.</p> <p>It is often not possible to determine when or if modification or enhancement of a wetland for livestock grazing has occurred. There is a problem in that the person who could perhaps best provide the relevant information is usually the person applying for consent to carry out activities in/around wetland or perhaps being investigated for unconsented activities. Some records of modification or enhancement (such as GPS tracks or flight records) may be available, but it is often difficult for consent authorities, or other parties, to verify these records.</p> <p>Similarly, it is difficult for an ecologist, at a single point in time, to determine with certainty whether 'exotic pasture' species have been deliberately introduced. Many exotic (naturalised) plant species found in wetlands are ubiquitous and will readily colonise without human assistance. Providing a list of "exotic pasture species" that are usually sown would not solve this problem.</p>
<p>2.7</p>	<p>Clarity on the definition of 'drainage' in Freshwater NES</p>	<p>What does draining include? Is it any take from a bore within a wetland, or only shallow takes? What is partial drainage?</p>	<p>Clarification in the definitions guidance on policy intent for drainage</p>	<p>ECAN- agree needed</p>
<p>2.8</p>	<p>Vegetation clearance- definition issue</p>			<p>ECAN: Restoration is defined in relation to natural inland wetlands, however it appears that natural wetlands in the CMA are excluded from this definition.</p>

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			<p>The wording in the definition of restoration does not allow for activities that protect wetland values and only allows for activities that aim to restore values. Examples of protection would include controlling invasive plants that have started to colonise a wetland but have not yet caused degradation in values, but are expected to. If this activity does not meet the definition of restoration it would be a non-complying activity and would require a RC regardless of area of vegetation clearance.</p>
2.9	How "Temporary rain derived pooling" exclusion works in practice	Exclusion of areas with more than 50% pasture species and subject to "temporary rain derived pooling" from the definition leads to different outcomes for low areas and slopes	Comment from Tim Hawkins (TRC)- In Taranaki this seems to lead to low areas being classified as not being natural wetlands (even where there may be a seep present), where similar areas on slopes (especially where there is a seep) are classified as natural wetlands
2.10	How to treat historical open drains that now meet the RMA definition for a wetland?	Do these fall under the "artificially created" bracket? What if they were drains cut into existing wetlands? Many farmers in Taranaki have been progressively burying novacoil in these historical cut drains and sowing pasture above them. This may not	

be able to continue if these are classified as natural wetlands because of rules around vegetation clearance and earthworks within a wetland.

2.11 How to treat unmaintained tile drains/novacoil, where the land above them now meets the definition of a wetland?

Landowners may not be able to clear drains within or within 100m of the wetland. This may lead to a domino effect where wetlands propagate outward due to unmaintained drains.

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Appendix 3- MfE currently planned and underway implementation support for wetlands

#	Project	Addresses issue/requirement	Stage	Summary	Delivery Timeframes
3.1	Webinar 3: Raising the bar on ecosystem health – wetlands, rivers and fish	General policy interpretation guidance	Published This is recorded and can be viewed on the MfE web site .	Overview of the new regulations related to wetlands, rivers and fish passage	November 2020
3.2	Wetlands fact sheet	General policy interpretation guidance	Published. PDF available on the MfE website.	Provides overview of the wetland provisions for councils and land users.	October 2020
3.3	Hydrology tool update	Wetland delineation tool update for NZ context	Contracted/in delivery	<p>This tool completes the suite of three tools used to delineate wetlands where there is uncertainty or doubt.</p> <p>It will enable wetlands to be distinguished according to indicators of wetland hydrology and should be used in conjunction with the other two tools.</p>	Expected end of March 2021

				It will be published on the MfE website once complete	
3.4	Wetlands mapping methodology	Mapping requirement	Contracted/in delivery	This project will refine a methodology for identifying, delineating and classifying natural inland wetlands down to an area of 500m2.	Expected end of June 2021
3.5	s 9(2)(f)(iv)				
3.6	s 9(2)(f)(iv)				
3.7	Wetlands definitions policy interpretation guidance	Wetland definitions uncertainties	MfE Legal review	Communicates intent behind definition of natural wetlands in NPS-FM, addresses some interpretation uncertainties	Feedback/review in late February/early March s 9(2)(f)(iv)

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Wetlands in the NPS-FM and Freshwater NES

Implementation Workshop

25 Feb 2021

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Welcome

Jess Dickinson – analyst, focused on wetland implementation projects

Claire Graeme - principal analyst, policy implementation

Vicki Addison – senior policy analyst focused on wetlands

Helli Ward- senior policy analyst, developed wetland policies

Kathleen Mackie – facilitator

Spencer Clubb- Manager Policy Implementation team

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Introductions

- Roundtable- name, organisation and role
- Expertise area

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Agenda

Time	Session
9.00-9.30am	Introductions, agenda and aims
9.30-11.00am	Session 1: MfE implementation projects
11.00-11.20am	Morning tea
11.20am-1.30pm	Session 2: Implementation issues and solutions
1.30pm-2.00pm	Lunch
2.00pm- 3.30pm	Session 3: Wetland definitions issues and solutions
3.30pm-4.00pm	Wrap up and questions

Our Aims

- 1) Communicate and gather input on MfE's current wetlands implementation support projects
- 2) Record and prioritize implementation issues for wetlands, including on wetland definitions
- 3) Begin scoping further implementation support for identified issues.
- 4) Create a forward timeline for MfE of prioritized guidance and support needs. This timeline will be internally approved and confirmed following the workshop.

Implementing the Essential Freshwater programme

- Freshwater Implementation Group (FIG): oversees implementation, includes representatives of Regional Councils, Te Kāhui Wai Māori, Primary Sector, environmental non-government organisations, Ministries for the Environment and Primary Industries.
- Freshwater Implementation Directors Group: provides advice to the FIG and allocates resources across the programme.
- MfE project teams work on the programme's priority projects:
 - Te Mana o te Wai
 - Te Kupenga
 - Strategic Engagement & Communications
 - Identification of Topic Gaps for NPS
 - Architecture / methodologies for implementation of NOF including mahinga kai
 - NES / section 360
 - System performance monitoring/Information and data
- MfE project teams are running workshops and using working groups to identify those implementing freshwater outcomes on the ground. This includes regional council needs and requirements.

Freshwater Implementation Structure

Responsible Ministers
(Environment and Agriculture)

MfE and MPI

Freshwater Implementation Group
Co-chaired by Vicky Robertson and David MacLeod

Regional sector

KWM

MfE/MPI

ENGOS/Primary sector

Freshwater Implementation Directors Group

Provides advice to Stewardship group and allocate resources in their agencies to reflect direction of Implementation Group

Freshwater Implementation Secretariat

Project teams delivering against priority projects, including:

NES / sec360

Stock exclusion

NES

NPS

TopicGaps

NOF

Te Kupenga

TMotW

IWG

Stock-holding

Intensification

Fert cap

Streams

Wetlands

Fish passage

For subpart 3 topics (fish passage, wetlands, rivers) we are working across the NPS & NES

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Session 1

MfE's current wetlands implementation projects

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Session 1 Aims:

- Summarize requirements for councils under the NPS-FM and Freshwater NES for wetlands
- Communicate MfE planned and in progress implementation support to assist councils to fulfil these requirements, including timelines for planned support
- Gather input into scoping for planned implementation support projects

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Council Requirements under the NPS-FM

- Regional plan update
- Applying the effects management hierarchy
- Wetland mapping (including use of wetland delineation protocols)
- Wetland inventory
- Wetland restoration
- Standardised reporting
- Wetland monitoring (NPS)
- Engagement in planning process
- NOF process fulfilment

Timeframes:

Mapping completed 10 years from commencement

Regional policy statement and plan changes notified by December 2024

Final decisions on plans due in 2026, or 2027 at the latest, if an extension is granted.

Council Requirements under the Freshwater NES

- Consenting
- Compliance, monitoring and enforcement (CME)

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Key questions to think about today

- Where is further guidance required?
- What are the gaps in our implementation programme?
- What are the priority issues?

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Existing resources/support

3.1 Webinar 3: overview of wetlands, fish passage and rivers policies

3.2 Wetlands fact sheet released after gazettal

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MfE's projects in progress

3.3 Wetland delineation protocols – hydrology tool update

3.4 Mapping support: Wetland mapping methodology

3.5 Effects management hierarchy technical guidance on aquatic offsets and compensation

3.6 Effects management hierarchy interpretation guidance

3.7 Wetland definitions interpretation guidance

3.3 *Hydrology tool update*

Support for requirement: In case of uncertainty or dispute about the existence or extent of a natural inland wetland, a regional council must have regard to the Wetland delineation protocols

- Completes the suite of three tools for wetland delineation adapted to a NZ context
- Enables current wetlands to be distinguished according to wetland hydrology indicators
- Contracted/in delivery – Landcare Research
- Completed tool expected end of March 2021.

Discussion

- Funding for training sessions needed on using the delineation tools?

3.4 Wetlands mapping methodology

Support for requirement: mapping all natural wetlands greater than 0.05 ha within 10 years

- Aims to refine a methodology for identifying, delineating and classifying natural inland wetlands down to an area of 500m²
- Contracted/in delivery
- Expected end of June 2021

Discussion

- Potential next step- national wetlands mapping?

3.5 and 3.6 Effects management hierarchy technical and interpretation guidance

Support for requirement: Ensure EMH is demonstrated in consent applications (regional plan update + consenting)

- Scoping stage
- Addresses issue of lack of technical guidance on aquatic offsets and compensation for all values covered by the NPS-FM
- Interpretation guidance on application of effects management hierarchy

3.6 Effects management hierarchy interpretation guidance

- Promoting intent and logic of EMH, and policy intent to protect wetland and river extent and values
- Provide a layout of terms used- avoid, minimize, remedy, offset, compensate
- Emphasise sequential order of steps- e.g. you must first prove you can't avoid negative effects, before moving on to minimize
- Ensuring good quality offsets are chosen

3.7 Effects management hierarchy technical guidance

- Aquatic offsets and compensation must consider broader values- loss of value encompasses values identified under NOF process, as well as ecosystem health, indigenous biodiversity, hydrological functioning, Maori freshwater values, and amenity
- Reviewing existing methods for assessment of loss of value
- Updating or creating these for areas where no nationally agreed method exists
- Making it clear that some values cannot be offset or compensated for (where no methodology can be developed at a national level- one example may be Maori freshwater values).

Discussion

- Initial thoughts/feedback on scope?
- Ideally test scope with councils prior to procurement.

3.7 Wetland definitions interpretation guidance

- To discuss in Session 3.

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Scope for further support from MfE

- What are the gaps and unaddressed requirements?
- Scope for further support?
- This workshop designed as a step 1 towards identifying/prioritising further support.
- Break for morning tea around 11.00
- Session 2 starts at 11.20am.

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Session 2

Wetlands implementation issues and solutions

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Session 2 aims

- Record and prioritise current implementation issues
- Discuss and prioritise potential implementation support for these issues
- Gather input into scoping for support for top issues identified in the session.
- Draft a forward timeline of prioritized support needs.

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Implementation issues brainstorm

- MS Whiteboard introduction
- We have the agenda items already up against requirements
- Are there further issues you'd like to discuss in this session- add to the whiteboard.

Online participation:

- Comment on the MS Whiteboard version of the layout
- Or, add comments in the chat and we'll transfer them over in-room.

Group discussion- support needs and solutions

- For each issue:
- What's the issue?
- What are the guidance needs- technical, interpretation?
- What are the support needs?
- What's the timeframe/priority for these needs?

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Break for lunch

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Session 3

Wetlands definitions

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Format for session 3

- Policy intent guidance on wetland definitions currently drafted and in Legal review
- We will discuss policy intent in this presentation in response to issues raised.
- Guidance itself will be circulated for draft review once legal review complete.
- It could benefit from examples from councils of how definitions are being applied.

2.1 Distinguishing wetlands and other types of waterbody, e.g. shallow lakes

Issue:

- Definition of 'wetland' under the RMA could capture other waterbodies, e.g. rivers and lakes

Policy intent:

- Lakes and rivers not intended to be captured by the 'natural wetland' definition
- However, lacustrine and riverine wetlands are captured.

Discussion

- What is current practice for delineating lakes and wetlands?
- Is further technical guidance needed on delineating shallow lakes from wetlands in practice?

2.2 Interpreting natural wetlands in the Coastal Marine area (CMA)

Issue:

- ‘Natural wetlands’ in the Freshwater NES could be interpreted to include the entire CMA
- Recent Environment Court declaration (Maritime Park inc v Northland Regional Council) ruled NES-F regulations apply to CMA only to the extent that they cover the area of CMA upstream of the “river mouth” as defined in the RMA.

Policy intent:

- Freshwater NES should apply to salt marshes and mangroves in the CMA.
- This was stated in the interim Regulatory Impact Analysis and the Essential Freshwater consultation document

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2.3 Are wetlands induced by man-made activities considered constructed wetlands?

Issue:

- For example- wetlands induced due to a structure being placed in a watercourse, or land use (e.g. mining, forestry) inducing a wetland

This issue is currently under consideration and will be clarified in MfE's draft guidance.

2.4 Length of 'temporary' rain-derived pooling

Issue:

- How long is 'temporary'?

Policy intent:

- 'Temporary' not defined in policy
- However, hydrology tool will help to solve this by defining a standard for wetland hydrology.
- E.g. saturated for at least 7 consecutive days during the growing season in most years, or saturated for at least 14 consecutive days during the growing season in most years.
- 'Temporary' would be if this standard isn't met.
- Note that temporary is also defined in Johnson and Gerbeaux as (of saturation or inundation) for periods of about two weeks or less during the growing season.

2.5 De minimis wetland size

Issue:

- Is there a de minimis size of wetland under which the NES-F is not applied?

Policy intent:

- No size restriction stipulated. The NPS-FM and NES-F protect all 'natural wetlands'.
- Stipulating a minimum size at national level not appropriate as it risks missing regional differences, e.g:
- Some wetland types could be rare ecosystems in a particular region, so even small occurrences of that wetland type should be protected.
- Some wetland types also naturally smaller than 0.05ha such as ephemeral wetlands.

2.6 Uncertainties around definition of 'improved pasture' exclusion

natural wetland means a wetland (as defined in the Act) that is not:

(c) any area of improved pasture that, at the commencement date, is dominated by (that is more than 50% of) exotic pasture species and is subject to temporary rain-derived water pooling

improved pasture means an area of land where exotic pasture species have been deliberately sown or maintained for the purpose of pasture production, and species composition and growth has been modified and is being managed for livestock grazing

Issues:

- Definition does not make it clear how to assess dominance of exotic pasture- is this 50% of area covered, or 50% of species present?
- Difficult to assess when/if modification or enhancement of a wetland for livestock grazing occurred, especially because information held by consent applicants/landowners
- Difficult to determine in ecological assessment whether exotic pasture species have self-seeded or been introduced.
- Any further issues?

2.6 Uncertainties around definition of 'improved pasture' exclusion- continued

natural wetland means a wetland (as defined in the Act) that is not:

(c) any area of improved pasture that, at the commencement date, is dominated by (that is more than 50% of) exotic pasture species and is subject to temporary rain-derived water pooling

improved pasture means an area of land where exotic pasture species have been deliberately sown or maintained for the purpose of pasture production, and species composition and growth has been modified and is being managed for livestock grazing

Policy intent:

- Policy intent was to measure pasture dominance by area covered.
- Improved pasture was excluded from the definition in order to prevent capture of pasture being currently used and maintained at the commencement date.
- Areas where pasture species have self-seeded are not intended to be included.

Discussion:

- Potential guidance need: providing national list of exotic pasture species for delineation purposes
- More detail on uncertainties around the definition- what is currently being assessed as a wetland that should be considered pasture, and vice versa? Can we get examples?
- Discuss ecological assessment of self-seeded pasture species- what are the difficulties? Could this be included in guidance?

Further issues

2.7 Clarity on the definition of 'drainage' in the freshwater NES

What does draining include? Is it any take from a bore within a wetland, or only shallow takes? What is partial drainage?

2.8 'Restoration' definition issue

restoration, in relation to a natural inland wetland, means active intervention and management, appropriate to the type and location of the wetland, aimed at restoring its ecosystem health, indigenous biodiversity, or hydrological functioning

Issues:

- The wording in the definition of restoration does not allow for activities that protect wetland values and only allows for activities that aim to restore values. Examples of protection would include controlling invasive plants that have started to colonise a wetland but have not yet caused degradation in values, but are expected to.
- If this activity does not meet the definition of restoration it would be a non-complying activity and would require a RC regardless of area of vegetation clearance.

2.9 How 'Temporary rain derived pooling' exclusion works in practice

- Exclusion of areas with more than 50% pasture species and subject to "temporary rain derived pooling" from the definition leads to different outcomes for low areas and slopes
- E.g. Taranaki this seems to lead to low areas being classified as not being natural wetlands (even where there may be a seep present), where similar areas on slopes (especially where there is a seep) are classified as natural wetlands

2.10 Historical drains

Issue: How to treat historical open drains that now meet the RMA definition for a wetland? Do these fall under the "artificially created" bracket? What if they were drains cut into existing wetlands?

2.10 Unmaintained historical drains

Issue: How to treat unmaintained tile drains/novacoil where the land above them now meets the definition of a wetland? Landowners may not be able to clear drains within or within 100m of the wetland. Possible domino effect where area unable to be cleared spreads outward as wetland extent increases.

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Wetlands definitions- Further guidance and support needs?

- Any further comments to capture on wetlands definitions?

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Next steps

- Forward work programme for MfE on wetlands will be finalised following this workshop
- Wetland definitions interpretation guidance- we will send around for review prior to publication

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Thank you

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Wetlands implementation proposed work programme

Presented by:

Jessica Dickinson

Analyst, Policy Implementation Team



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Regional council wetlands implementation workshop

25 February 2021

Attendees: Regional councils, ecologists with wetlands expertise, representatives from suppliers of current tools.

Aim: To discuss current implementation issues and gather feedback on regional council guidance and support needs

Outcome: Clear steer from regional councils on forward work programme for MfE as well as additional implementation support projects we would like to progress if capacity/budget becomes available.

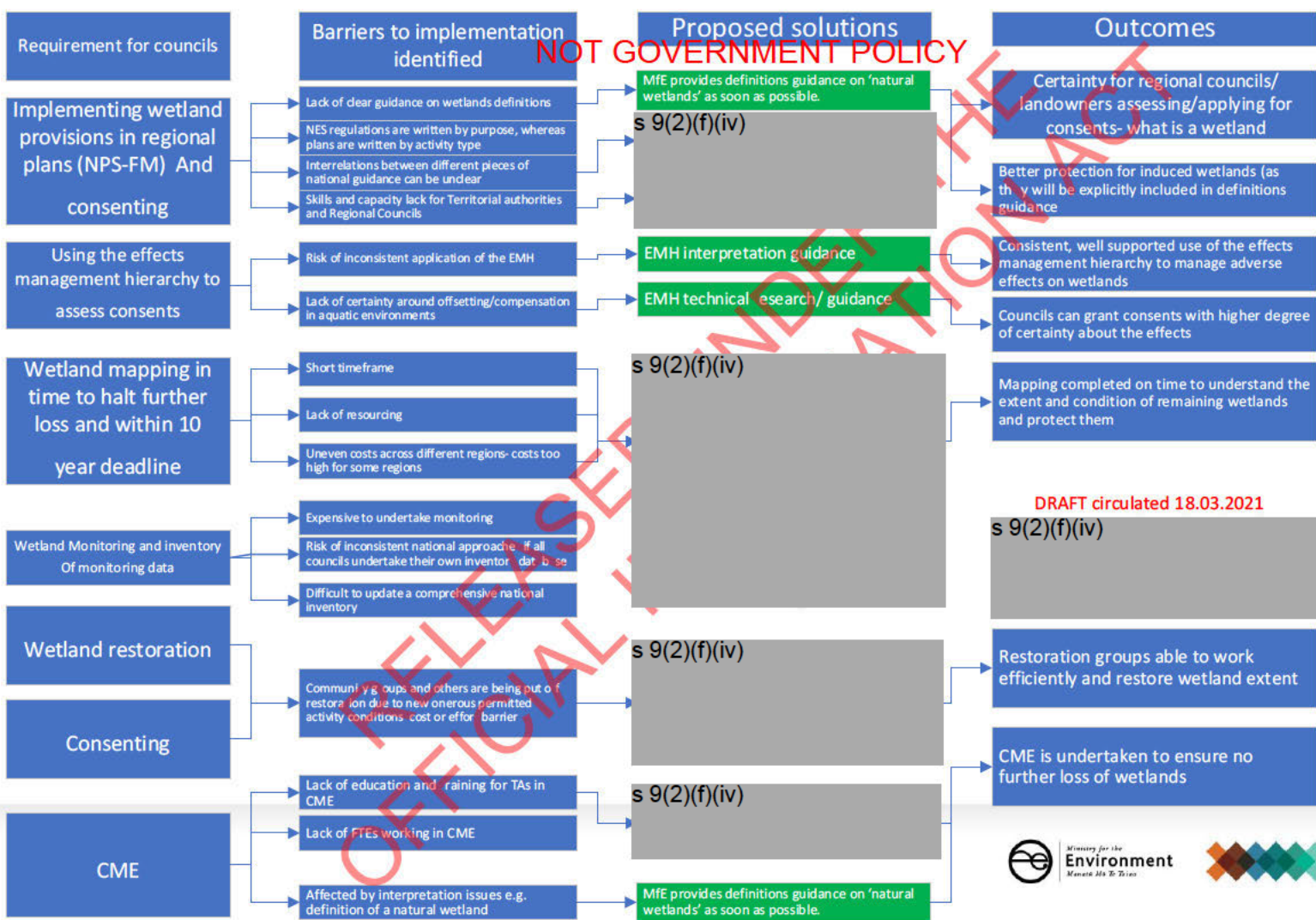
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Intervention logic exercise

Requirement	Barriers to implementation	Possible solutions	Outcomes
e.g. consenting under new NES wetland requirements	e.g. lack of clarity around wetland definitions	e.g. MfE to produce interpretation guidance	e.g. clarity on wetland definitions, councils can effectively process consents in line with policy intent

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DRAFT Baseline Deliverables - Wetlands Implementation 2021

Baseline Deliverable	Status (RAG)	Milestones	
		s 9(2)(f)(iv)	
Publish wetland definitions interpretation guidance	Green	31 March 2021 Publish Exposure Draft for comment from regional sector and others.	April 2021 Technical sub-group meets to workshop definition issues
Form a technical sub-group to workshop wetland definitions, including improved pasture	Green		
Publish effects management hierarchy interpretation guidance		s 9(2)(f)(iv)	
Publish effects management hierarchy technical guidance		s 9(2)(f)(iv)	
Publish hydrology tool (wetland delineation toolkit)	Amber - delayed data sourcing led to delayed delivery	Delivery	April 2021 (was March 2021) Completed tool delivered to MfE
Publish wetland mapping methodology	Green	Delivery	s 9(2)(f)(iv)

Draft circulated 18/03/2021



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Further guidance and support needs identified

- Accelerating wetland mapping and supporting councils to complete it
- Training workshops on wetland delineation tool
- National database of wetland monitoring information, or standard templates for database entry
- Guidance on permitted activity conditions for restoration
- One-stop shop for guidance on our webpage

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Next steps

- Present overview to FIG and seek feedback/direction
- Circulate this work plan more widely to other sectors to ensure confidence in guidance on the way
- Wetlands definitions guidance is identified top priority and being fast tracked
- Seeking feedback on definitions guidance exposure draft at end of March.
- Continue progress on guidance/support projects identified in proposed work plan
- Scoping further support ideas may be prioritized if we have money/capacity to progress.

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Feedback

Questions?



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MfE Wetlands NES-F/NPS-FM Implementation Workshop Minutes

Name	Organisation/role
Kathleen Mackie	MfE facilitator
Jessica Dickinson	MfE analyst, implementation lead for wetlands
Claire Graeme	MfE principal analyst, policy implementation team
Spencer Clubb	MfE manager, policy implementation team
Vicki Addison	MfE senior analyst, policy team
Pam Guest	GWRC
Amanda de Jong	Auckland Council
Connor Whitely	Auckland Council
Beverley Clarkson	LandCare Research, ecologist
Ella Tennent	Bay of Plenty Regional Council
Martin King	Otago Regional Council
Matthew Hickman	GWRC
Hugh Robertson	DOC
Laurien Heijs	DOC
Sasha Smith	DOC
Philip Grove	ECAN
Brenda Baillie	Northland Regional Council
Stuart Saville	Northland Regional Council

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Workshop Summary

MfE's forward work programme for wetlands

Technical subgroup for wetland definitions

Workshop Minutes

Agenda Outline

Session 1

Session 2

Session 3

Workshop Summary

Agenda outline

	Session	Aims
9.00- 9.30am	Introduction	<ul style="list-style-type: none"> - Arrive at meeting venue - Roundtable introductions - Aims and Agenda outline
9.30-11.00am 1.5 hrs	Session 1: MfE's current wetlands implementation projects <i>See appendix 3 for current wetland implementation projects</i>	<ul style="list-style-type: none"> - Summarize requirements for councils under the NPS-FM and Freshwater NES for wetlands - Communicate MfE planned and in progress implementation support to assist councils to fulfil these requirements, including timeline for planned support - Gather input into scoping for planned implementation support projects
11.00-11.20am	<i>Morning tea- catering provided</i>	
11.20am-1.30pm	Session 2: Wetland implementation issues and solutions <i>See appendix 1 for currently known implementation issues and suggested support</i>	<ul style="list-style-type: none"> - Record and prioritise current implementation issues - Discuss and prioritise potential implementation support for these issues - Draft a forward timeline of prioritized support needs. - Gather input into scoping for support for top issues identified in the session.
1.30- 2.15pm	<i>45 min lunch break- catering provided</i>	
2.15-3.30pm	Session 3: Wetland definitions implementation issues and solutions <i>See appendix 2 for currently known issues</i>	<ul style="list-style-type: none"> - Gather feedback on MfE draft interpretation guidance on wetland definitions in the NPS-FM (document to be circulated prior to workshop once MfE legal review complete) - Record and prioritise further implementation issues not addressed by this guidance - Discuss and prioritise further implementation support for these issues
3.30-4pm	Wrap up	<ul style="list-style-type: none"> - Buffer time for further discussions - Revisit aims - Questions? - Workshop ends at 4pm.

Session 1: MfE's current wetlands implementation projects

9.30-11.00am 1.5 hrs	Session 1: MfE's current wetlands implementation projects <i>See appendix 3 for current wetland implementation projects</i>	<ul style="list-style-type: none"> - Summarize requirements for councils under the NPS-FM and Freshwater NES for wetlands - Communicate MfE planned and in progress implementation support to assist councils to fulfil these requirements, including timeline for planned support - Gather input into scoping for planned implementation support projects
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Appendix 3- MfE currently planned and underway implementation support for wetlands

#	Project	Addresses issue/requirement	Stage	Summary	Delivery Timeframes
3.1	Webinar 3: Raising the bar on ecosystem health – wetlands, rivers and fish	General policy interpretation guidance	Published. This is recorded and can be viewed on the MfE website .	Overview of the new regulations related to wetlands, rivers and fish passage	November 2020
3.2	Wetlands fact sheet	General policy interpretation guidance	Published. PDF available on the MfE website.	Provides overview of the wetland provisions for councils and land users.	October 2020

Q: Was the wetlands factsheet done for the draft or final version of the regulations?
Jess – the final version.

3.3	Hydrology tool update	Wetland delineation tool update for NZ context	Contracted/in delivery	<p>This tool completes the suite of three tools used to delineate wetlands where there is uncertainty or doubt.</p> <p>It will enable wetlands to be distinguished according to indicators of wetland hydrology and should be used</p>	Expected end of March 2021
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in conjunction with the other two tools. It will be published on the MfE website once complete.

Workshop discussion- Hydrology tool

Bev Clarkson – provided a summary of the hydrology tool update project

Question – With the advent of the tool will the decision matrix go to best 2 out of 3? Is it that we need to reframe how we are making decisions?

Bev – It is all in the tool

Question – Will this get incorporated by reference?

Jess – The delineation protocols are already incorporated by reference.

Question – Does the tool cover Ephemeral and Coastal wetlands?

Bev – Yes, it should deal with ephemeral – the indicators are more than just water present includes has water been present – More freshwater – does include costal species – but more freshwater. Not sure about coastal – would need tweaking but could be included.

Question – What happens when the tool is complete?

Jess – let's discuss how we best roll the tool out.

Bev:

- We have already held training workshops with ECAN, TRC – they are the most difficult – was a good learning process –
- We think we can run a series of workshops – unsure about how is going to fund these – we are discussing that for next financial year if people find that useful.
- We are getting contacted by councils for training, but would be good to roll these out nationwide

Suggestion from group – We should get professional networks (ecologists) involved in the rollout.

Question for Bev – Should training be held regionally or via a national webinar?

A: Let's find tricky regions with tricky soils – maybe ephemeral wetlands – and run specific workshops focused around difficult areas. If we can do that the easy ones should be straightforward.

Workshop format- Usually we do quick presentations in the morning- then out in the field for the afternoon to practice. Not just workshops or online.

Group – Expressed support for in person, in the field training in use of tool – 2 day training best estimate.

16 two day sessions – that is a lot But don't need to do it everywhere – 'pockets, clusters' – people can travel

Wetland conference in October – do a seminar there

Is there still a 4th tool for grasslands? Pastoral tool? We would still want one.
Bev – we have suggestions for this –

We need to define temporary –
Jess – question around temporary pooling?

Need more guidance on 'improved' pasture –
How many actions are you taking – is improved just spraying every now and then?
Improved is actively managing for business – where as the opposite is more landbanks /
lifestyle block

Highlights the issue of what is improved pasture – needs more guidance

Key points

- Tool rollout needs to be discussed – group prefers 2 day workshops although not necessarily in every region – can be clustered, expectation that MfE pay
- Group want more guidance on 'improved pasture'

3.4	Wetlands mapping methodology	Mapping requirement	Contracted/in delivery	This project will refine a methodology for identifying, delineating and classifying natural inland wetlands down to an area of 500m2.	Expected end of June 2021
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Workshop discussion- Wetlands mapping methodology

s 9(2)(a) – Overview

- o Started with a lit review – got some clear ideas about different methodologies – confidence in them – made a recommendation on best method to pilot
- o Pilot is layering different methodologies –
- o Mutli stage methodology – combination of human and AI to identify
- o Trial in Northland and Tasman – different regions for trail help develop a more accurate cost benefit and give better idea how it will work across NZ
- o 3rd phase – GSI lens over the first stages
- o Think they can identify sub 500 wetlands –
- o May be able to also do hyrdo form and class (not landform and vegetation at this stage)
- o Should be able to pick up articfile wetlands

Question – IS the project an agreed methodology?

s 9(2)(a) – scope is to pilot something – will be delivering datasets and process – with report – to MfE

Hugh (DOC) Question – is the methodology something different companies can do? Or is it restrictive?

2nd question – Ground truthing with the tools – we would like to see them come together?

Jess – did ask for it to be repeatable

§ 9(2)(a) – We will be delivering everything we have used, will be transparent in how it was used – should be repeatable – very transparent manner. That being said – some technical aspects may need specialist input

Question – technical question – assuming the data will be based on modern day information capture – how is the model going to interpret that data – when things don't fall into the definition (e.g. Auckland wetlands have huge variation) will need ground truthing, how has it been incorporated in to model?

§ 9(2)(a) – scope was to identify current not historic wetlands – we will pick up induced wetlands – will be thinking how we can tag induced wetlands

Question: Presumably that work happens after the pilot has been completed?

Jess – contract at the moment is just the pilot

Question – Amanda AC – Will the pilot give an idea of cost for each regional council? So RC can get an idea of costs for budget

§ 9(2)(a) – Yes- high level cost benefit analysis – can give ranges for cost for implementing

Pam> Greater Wellington – Have you been liaising with other ecologists?

§ 9(2)(a) – Yes we have – for the regions we have been working with the locals yes (Tasman Nelson)

GW – May be expertise to tap into at GW

Question – will the methodology be delivered by June? – What will it do about the smaller stuff (ephemeral streams)

Jess – Peer review – § 9(2)(a) is that part of our scope?

§ 9(2)(a) – MfE have someone involved to oversee and maybe peer review

Comment – Pam (GW – chance to bring in other experts)

Jess – Mapping of smaller wetlands – not in scope

§ 9(2)(a) – on smaller wetlands – by process we will be mapping things much smaller – might be able to get down to 10 – 20m²

3.5	Effects Management Hierarchy technical guidance	Assist application of effects management hierarchy to consents	Scoping	Technical guidance on aquatic offsets and compensation	§ 9(2)(f)(iv)
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Workshop Discussion- Effects Management Hierarchy technical guidance

Jess – overview

Questions / comment – Council are doing a lot of work – we are about to release guidance – will be technical – also know we have an effects management working group – we have workstreams on wetland offsetting

How much consistency do you want? Legal certainty how much is needed – national v regional guidance – national could provide certainty – but will be slow

Pam G (GW): we have incorporated case law – included DOC offsetting guidance – would be good to have national guidance

Guidance on how it can work with big projects (NZTA) guidance needs to make clear avoid comes first.

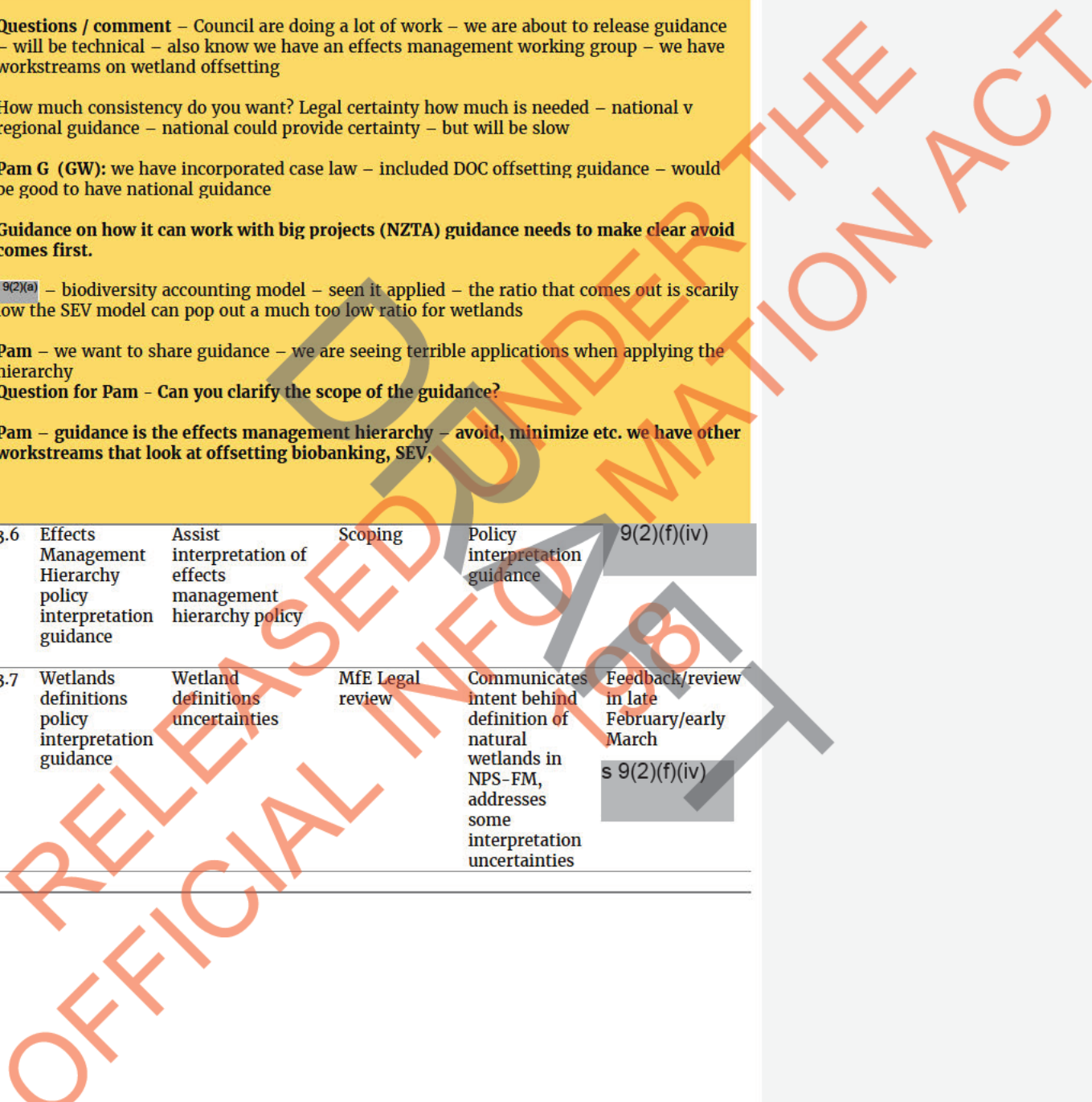
s 9(2)(a) – biodiversity accounting model – seen it applied – the ratio that comes out is scarily low the SEV model can pop out a much too low ratio for wetlands

Pam – we want to share guidance – we are seeing terrible applications when applying the hierarchy

Question for Pam – Can you clarify the scope of the guidance?

Pam – guidance is the effects management hierarchy – avoid, minimize etc. we have other workstreams that look at offsetting biobanking, SEV,

3.6	Effects Management Hierarchy policy interpretation guidance	Assist interpretation of effects management hierarchy policy	Scoping	Policy interpretation guidance	s 9(2)(f)(iv)
3.7	Wetlands definitions policy interpretation guidance	Wetland definitions uncertainties	MfE Legal review	Communicates intent behind definition of natural wetlands in NPS-FM, addresses some interpretation uncertainties	Feedback/review in late February/early March s 9(2)(f)(iv)



Session 2: Issues and Barriers to wetlands implementation

This session focused on discussing known issues and barriers to wetlands policy implementation and brainstorming possible solutions. The group worked through the agenda items shown in Appendix 1 below and made comments on each. We created a wall graphic out of this discussion to show the barriers to implementing each requirement of the NPS-FM and NES, which provide a useful summary of the discussion. See Diagram 1 for this.

Diagram 1- Wall Graphic: Wetland Requirements and Barriers to Implementation

Requirement	Barriers to implementation identified during the session	Possible solutions brainstormed
Implementing wetland provisions in regional plans (NPS-FM)	<p>Lack of clear guidance on wetlands definitions</p> <p>NES regulations are written by purpose, whereas plans are written by activity type</p> <p>Interrelations between different pieces of national guidance can be unclear</p> <p>Skills and capacity lack for Territorial authorities and Regional Councils</p>	<p>MfE provides definitions guidance on 'natural wetlands' as soon as possible.</p> <p>Priority issues within the definitions:</p> <ol style="list-style-type: none"> 1) Artificially constructed wetlands 2) Improved pasture exclusion 3) Coastal Marine Area (CMA) 4) 'Partial' discharge <p>A technical sub-group was proposed to workshop these issues, particularly improved pasture exclusion.</p> <p>Training and education for TAs/RC and landowners</p>
Wetland mapping in time to halt further loss and within 10 year deadline	<p>Time</p> <p>Resourcing</p> <p>Uneven costs across different regions</p> <p>Costs too high for some regions</p> <p>Lack of a repeatable methodology for mapping</p>	<p>MfE to investigate support for a national mapping project for wetland or other support for councils to implement mapping. Strong support was shown at the workshop for further help in this area.</p> <p>MfE currently progressing a mapping methodology project which is due XYZ.</p>
Wetland inventory	Lack of consistent national approach	National inventory or standard templates for inventory

	Ease of update to update national database	
Wetland restoration	Community groups and others are being put off restoration due to new onerous permitted activity conditions- cost or effort barrier	National guidance on permitted activity conditions Templates for compliance with conditions
CME	Lack of education and training for T Lack of FTEs working in CME Affected by interpretation issues e.g. definition of a natural wetland	Upskilling programme for CME

Wall Graphic 2: Issues with implementation of the wetlands policies

We went through Appendix 1 and discussed each issue listed in the agenda, as well as other issues that came up during discussion. The notes below are taken from the summary graphic we created on the wall during the session.

Issue	Details	Solutions discussed
General/cross all	Need of strong clear guidance at a national level covering interpretation of the wetlands policies	One step hop on the MfE website needed to collect all guidance (Planned and already released) in one place
1.1 Effects Management Hierarchy	There is a need for strong national guidance on the intent and application of the Effects Management Hierarchy in the NPS-FM. If this is not provided in a timely manner, there is a risk that the Effects Management hierarchy will be defined through case law in ways contrary to the intent of the policy.	Approach to national guidance MfE should form a working group on the EMH to produce interpretation and technical guidance Technical guidance should cover aquatic offsetting and compensation for values required by the NPS-FM.

	<p>Interpretation guidance should highlight the importance of considering the steps in the hierarchy sequentially. It should emphasise the costs of offsetting and any uncertainties in terms of long term outcomes.</p> <p>Further science and research is needed to understand the impact of wetland offsets.</p> <p>Territorial authorities need better understanding of the EMH and the role of offsetting.</p> <p>The EMH forms a linkage to the NPS-IB that should be made clear in guidance.</p>	<p>Detailed guidance is needed on wetland offset and mitigation as this is under-researched.</p> <p>Guidance should be designed to cover both the NPS-IB and NPS-FM. It needs to apply to both rivers and wetlands.</p> <p>Further comment There is a gap in terms of communicating the EMH to Territorial authorities which needs filling.</p> <p>GWRC have technical guidance on the EMH in progress which they are able to share with MfE to inform national guidance.</p>
1.2 ??		
1.3 Uncertainties applying the improved pasture exclusion in practice	How should improved pasture be assessed?	s 9(2)(f)(iv)
1.4 Unclear what would constitute active management of improved pasture	s 9(2)(f)(iv)	<p>Working group will workshop solutions to these uncertainties.</p> <p>Tools needed to define/assess improved pasture on the field.</p> <p>National list of pasture types.</p>
1.5 Lack of specialist resourcing to carry out assessment of effects	<p>This leads to a lack of landowner awareness of negative effects on wetlands- potential for unconsented destruction.</p> <p>Landowners also unclear on whether an area is a wetland in the first place.</p>	<p>More availability of consultant wetland specialists – this should also provide consistency.</p> <p>Longer-term solutions MfE could invest in university training and fill the gaps in skills around wetland ecology Also potential to do a literature review and create a wetland training course.</p>

	<p>Lack of specialist staff to do consents/CME, ecologists with wetland specific training to do assessment of effects Freshwater ecologists are particularly scarce</p> <p>Because wetland definition is unclear, already limited capacity of freshwater/wetland ecologists are being further slowed down defining wetland areas</p>	<p>Training pathways for wetland specialists Accredited practitioner pathways Refresher courses in wetland knowledge</p>
1.6 Unclear how to process proposal that has more than a single purpose		
1.7 Wetland identification overlooked		
1.8 Effectiveness of using 'permitted activity' subject to conditions approach for certain wetlands work		
1.9 Additional issues raised through ECAM review		
1.10 Restoring hydrology		
S14 3b of the RMA allows taking water without a consent for stock and domestic use.		<p>MfE should define 'adverse effects' and 'drainage' to assist with this.</p> <p>If 100m? need to assess based on size, take effects Need consent</p>
Do you need a consent for irrigation discharge into a wetland?	Is irrigation a discharge for the purposes of the NES?	MfE should provide clarification
Planting exotics in a wetland setback Land disturbance vs earthworks for planting	G Wettenston sent an email on this	Needs follow up to further understand issue

Commented [JD1]: Post it unclear for this point- needs follow up

Commented [JD2]: Can we clarify this

Inconsistencies in regulations discussed during the workshop	Reg 54 not consistent with Reg 55 re “temporary diversion”/	54 needs to link to 55, or include temporal elements.
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Appendix 1- Known implementation issues and suggestions for support

#	Issue	Description of issue	Suggested actions for MfE. Is there any currently scoped guidance for this issue?	Suggested discussion points for workshop	Comments from agenda review
1.1	Application of the effects management hierarchy	Further guidance needed to ensure consistency of application.	MfE currently scoping twofold guidance: 1 Interpretation guidance on EMH	What else would be useful in EMH guidance?	ECAN: <i>Comment</i> – Biodiversity offsets are complex and fraught, due to the difficulty of measuring/quantifying indigenous biodiversity, the irreplaceability of indigenous ecosystems, and the challenges of monitoring outcomes.

No current technical guidance on offsets and compensation in aquatic environments.

- including explanation of terms, case studies
- 2) Technical guidance on calculating aquatic offsets and compensation

Who can provide case studies to show good application of the EMH?

Nevertheless, some wetland ecosystem types, particularly those occurring on naturally dynamic landscapes such as floodplains and the coast, do provide opportunity for ecologically appropriate offsets. However, loss or degradation of many other wetland types cannot be meaningfully 'offset.'

In recently-formed hydric environments, as noted above and under the 'natural wetlands' definition issue, wetland species will quickly colonise and succession could be managed so that the eventual community/habitat is very similar to that which has been lost elsewhere. But unless the new community/habitat is created and colonised before the existing one is destroyed, there will be interim net loss of habitat for indigenous wetland plant and animal species. Technical guidance on offsets and compensation in wetland environments would be useful.

Workshop Discussion

This was discussed in session 1 where we covered MfE's planned guidance on the effects management hierarchy. Further comments made:

1.2 Delineating wetlands

Further guidance may be needed on delineating wetlands

MfE is currently finalising the wetland hydrology tool, which is the last of three tools to assist in delineating wetlands where there is uncertainty or doubt

Is further guidance needed beyond the technical guidance on each tool, and if so, for what audiences?

ECAN: Comment – we consider that once the hydrology tool is finalised, there will be sufficient guidance on delineating wetlands. Suitably qualified/experienced people will be able to apply these tools to delineate wetlands in a consistent way. However, these tools are only intended for use by technical experts. As noted in

the agenda point, use of delineation tools (by suitably qualified people) is only required in situations where there is uncertainty or doubt.

Workshop discussion

This was discussed during session 1

1.3	Uncertainties around applying improved pasture exclusion in practice	Barriers to assessment eg subjectivity of a visual cover percentage assessment, landowners cannot readily evaluate themselves	Potential guidance on application of improved pasture exclusion- species lists of wetland species/pasture species	Discussion of barriers to assessment Any further guidance needs	<p>ECAN: <i>Comment</i> – Unfortunately, uncertainties such as those listed are inherent in the current improved pasture definition. See comments under 2.6.</p> <p>The best solution would be to remove the 'improved pasture' exclusion and simply apply the wetland delineation tool appended to the NPS-FM together with an assessment of ecological significance for wetland areas so identified.</p>
		Nationally agreed list of pasture/wetland species needed			
		How much of a wetland should be surveyed (e.g. to identify whether it has >50% pasture species coverage)?			
		Landowners not able to identify species coverage alone- needs specialist advice			
1.4	Unclear what would constitute active management of improved pasture	There has been a need identified for further guidance on what constitutes active management of	MfE could provide additional guidance/evidence to support councils determining what constitutes active		ECAN: <i>Comment</i> – again this lack of clarity is inherent in the current improved pasture definition. See previous comments and suggested solutions under 2.6 and 1.3

		improved pasture- e.g. weed control, mowing/watering regime, fertilizer use.	management of the improved pasture	
1.5	Specialists who can carry out assessment of effects on wetlands and potential loss of value are limited	Both within councils and externally (consultants)		Suggestions for how to address this gap e.g. guidance on assessment of effects in wetlands to help upskilling?
1.6	It is unclear how to process a proposal which has more than a single "purpose".	e.g installing a scientific monitoring device in a wetland- potential dual purpose, research purposes and wetland utility structure. Is it a case of applying the more relevant "purpose" or the more "stringent" purpose? Different outcomes arise.	Policy intent clarification	
1.7	Wetland identification overlooked	Process issues could arise where an applicant has not identified the reclamation of a wetland when submitting their application for land use consent to undertake earthworks and the application is accepted under section 88 prior to the council site visit being undertaken, which may identify the		How to address this? Better education for landowners on what a wetland looks like- case studies, comms?

presence of a wetland affected by the earthworks and lead to Regulation 53 and a Prohibited Activity status being applicable.

1.8	Effectiveness of using 'permitted activities subject to conditions' approach for certain wetland works	How do you monitor for you other permitted activities? Discharge and discolouration of water may be hard to monitor but some councils have it in their policies eg Auckland.	Auckland Council (Amanda de Jong)- Discussion of CME for permitted activities subject to conditions.
1.9	Further issues raised during agenda review		<p>ECAN: Comment – while we support the requirement for 10m and greater scrutiny for vegetation clearance within a wetland and within a 10m buffer, there will be some difficulty in applying in cases where the vegetation clearance is to comply with a Regional Pest Plan</p> <p>Comment – restoration is defined in relation to natural land wetland, but not in relation to the broader natural wetlands definition. Clearance of vegetation in a natural wetland in the CMA would be a non-complying activity as it will not meet the definition of restoration. Example where this may be an issue is at the mouths of some of the Canterbury river mouths where weeds have degraded natural wetlands within this area including wetlands in the CMA in the definition for wetland restoration would resolve this.</p> <p>Comment – management of weeds in estuarine situations (<i>Spartina sp.</i> is an example) will result in bare soils that are unlikely to be revegetated. It would not be either practical or desirable to comply with the</p>

conditions as the resulting bare surface is likely to be the natural state in these habitats.

1.10	Issues relating to restoration projects aiming to restore the natural water level of wetlands	<p>There is a requirement for these projects to meet the general conditions (regulation 55) which includes an assessment of the 1%AEP flood levels and also requires that activities 'must not alter the natural movement of water into, within, or from any wetland'</p>	Definition of "natural movement of water" needed
		<p>For small restoration projects undertaking analysis of the 1% AEP will be a costly exercise, and it may be better left for council assessment of whether this analysis is needed or not. While there are exclusions that enable neighbouring properties impacted by the 1%AEP to provide written consent, the flood analysis will still need to be undertaken which may be onerous for small scale projects</p>	
		<p>A definition of what is meant by the natural</p>	

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movement of water is needed, particularly for restoration projects where the objective is to alter the movement of water

Session 3: Wetlands Definitions

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From: [Jessica Dickinson](#)
To: [ChristinaRobb](#); [Claire Graeme](#)
Subject: Updated FIG Wetlands presentation pack
Date: Friday, 19 March 2021 5:50:00 pm
Attachments: [image001.png](#)
[Intervention logic wetlands implementation 18 March.pdf](#)
[Draft baseline deliverables wetlands implementation.pdf](#)
[Wetlands work plan update 18 March JD.pptx](#)

Kia ora Christina,

I previously sent through an older version of the FIG wetlands slides which didn't caveat that the work plan is a draft. I've now corrected this for clarity.

I also added a correction of one of the project statuses from green to amber.

Could I ask you to please use these versions instead if you plan to circulate- thank you!
Apologies for the extra admin.

Nga mihi,
Jess

From: christina.robb@happen.co.nz <christina.robb@happen.co.nz>
Sent: Thursday, 18 March 2021 3:59 pm
To: Jessica Dickinson <Jessica.Dickinson@mfe.govt.nz>; Claire Graeme <claire.graeme@mfe.govt.nz>
Subject: FW: NES-F regulations re activities within 100m of natural wetlands

MFE CYBER SECURITY WARNING
This email originated from outside our organisation. Please take extra care when clicking on any links or opening any attachments.

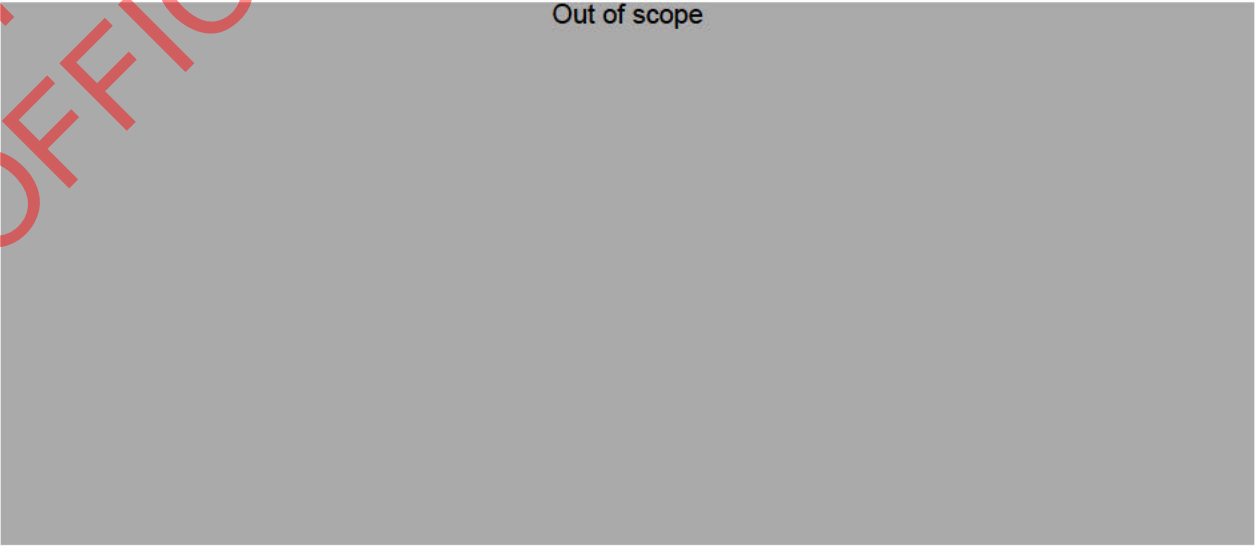
Kia Ora korua
Another wetland interpretation issue
Not sure if this gets added into your wetland interpretation advice or one to go directly to Elaine.

Jess – can I get a copy of your presentation to the FIG. Fielding lots of questions about when wetland advice is coming. Good presentation I thought.

Thanks

Christina
027 215 0768

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