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Wetland management

Published 05 Jul 2022

Proposed amendments

There are currently amendments being proposed to part c) of the definition of a wetland under the National Policy Statement for Freshwater Management (NPS-FM). We will update this information when a decision has been made.

For more information, read the [Ministry for the Environment's wetland's discussion document \(PDF file 3.2 MB\)\(external link\)](#).

Wetlands are crucial to our environment. They form a boundary between land and water, filter out sediment and nutrients, and support a greater concentration of wildlife than any other habitat in New Zealand.

The Government's Essential Freshwater package aims to stop the ongoing loss of wetlands and protect their value by regulating the types of activities that are allowed in and around wetlands.

If you have a wetland on your property, you now have responsibilities to protect it under the new regulations.

Key dates

- **3 Sep 2020:** New regulations on wetland management came into effect.
- **1 July 2025:** All stock, except sheep, must be excluded from wetlands that support threatened species or are over 0.05 ha on [low slope land\(external link\)](#).

What is a wetland?

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What is a wetland?

'Wetland' is the collective term for the wet margins of streams, rivers, ponds, lakes, estuaries, bogs, swamps and lagoons. Wetlands aren't always 'wet'. They provide a habitat for wildlife and support an indigenous ecosystem of plants and animals that have adapted to living in wet conditions.

Wetlands as defined by the [Chatham Islands Resource Management Document \(CIRMD\)](#) and [National Policy Statement for Freshwater Management \(NPS-FM\)\(external link\)](#).

The new Essential Freshwater regulations apply to natural wetlands as defined in the NPS-FM. This definition includes bracken covered areas that are not protected under the Chatham Islands Resource Management Document (CIRMD).

If an area doesn't meet the definition of a wetland under the NPS-FM, it may meet the wetland definition under the CIRMD. If so, the CIRMD rules apply to the wetland.

Wetland rules

Activities that are allowed in or around wetlands are detailed in the [National Environmental Standards for Freshwater 2020 \(NES-F\)\(external link\)](#).

Any activity which disturbs wetlands can only be carried out for certain reasons, such as restoration, clearing debris, or scientific research, and may require consent.

There are limited exemptions to these activities, for example, the customary harvest of food or resources undertaken in accordance with tikanga Māori. Any other activity that may be exempt is subject to the [Effects Management Hierarchy\(external link\)](#).

You must alert the Council in writing at least 10 working days before the activity takes place.

Any activity in and around wetlands must comply with both the CIRMD and the NES-F.

Rules by activity

Vegetation clearance

Restoration of natural wetlands

Vegetation clearance within a natural wetland, or within a 10m setback from a natural wetland is allowed for the purpose of restoration and doesn't require consent if it does not occur over more than 500m² or 10% of the area of the natural wetland, whichever is smaller.

The activity must also comply with the general conditions on works within wetlands in [Regulation 55 of the NES-F\(external link\)](#). Otherwise, it is a restricted discretionary activity and requires consent.

Arable and horticultural land use

Vegetation clearance outside a natural wetland, or within a 10m setback from a natural wetland is allowed and doesn't require consent if it's for the purpose of arable land use or horticultural land use in an area that was used for either of those purposes at any time between 1 January 2010 and 2 September 2020.

The activity must also comply with the general conditions on works within wetlands in [Regulation 55 of the NES-F\(external link\)](#). This excludes condition 55(2).

Other activities

Vegetation clearance within a natural wetland, or within a 10m setback from a natural wetland is a non-complying activity and requires consent if not otherwise stated above.

Earthworks and land disturbance

Restoration of natural wetlands

Earthworks or land disturbance within a natural wetland, or within a 10m setback from a natural wetland is allowed for the purpose of restoration and does not require consent if it does not occur over more than 500m² or 10% of the area of the natural wetland, whichever is smaller, unless it is for planting.

The activity must also comply with the general conditions on works within wetlands in [Regulation 55 of the NES-F\(external link\)](#). Otherwise, it is a restricted discretionary activity and requires consent.

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Arable and horticultural land use: within a 10m setback

Earthworks or land disturbance outside of a natural wetland, but within a 10m setback from a natural wetland is a permitted activity and does not require consent if it is for the purpose of arable land use or horticultural land use in an area that was used for either of those uses at any time between 1 January 2010 and 2 September 2020.

The activity must also comply with the general conditions on works within wetlands in [Regulation 55 of the NES-F\(external link\)](#). Otherwise, it is a restricted discretionary activity and requires consent.

Drainage of wetlands

Earthworks outside of a natural wetland, but within a 100m setback from a natural wetland is a non-complying activity and requires consent if it results, or is likely to result, in the complete or partial drainage of all or part of a natural wetland and does not have another status under any regulations.

Earthworks within a natural wetland is a prohibited activity (no consent can be obtained) if it results, or is likely to result, in the complete or partial drainage of all or part of a natural wetland and does not have another status under any regulations.

Other activities

Earthworks within a natural wetland, or within a 10m setback from a natural wetland is a non-complying activity and requires consent if not otherwise stated above.

The taking, use, damming, diversion, or discharge of water

Restoration of natural wetlands

The taking, use, damming, diversion, or discharge of water within, or within a 100m setback from a natural wetland is allowed for the purpose of restoration and does not require consent if it complies with the general conditions on works within wetlands in [Regulation 55 of the NES-F\(external link\)](#). Otherwise, it is a restricted discretionary activity and requires consent.

Drainage of wetlands

The taking, use, damming, diversion, or discharge of water outside of a natural wetland, but within a 100m setback from a natural wetland is a non-complying activity and requires consent if it:

- results, or is likely to result, in the complete or partial drainage of all or part of a natural wetland, and
- does not have another status under any regulations.

The taking, use, damming, diversion, or discharge of water within a natural wetland is a prohibited activity, and no consent can be obtained if it:

- results, or is likely to result, in the complete or partial drainage of all or part of a natural wetland, and
- does not have another status under any regulations .

Other activities

The taking, use, damming, diversion, or discharge of water within a natural wetland, or within a 100m setback from a natural wetland is a non-complying activity and requires consent if not otherwise stated above.

Stock exclusion

Under the Essential Freshwater package, 'stock' refers to dairy, dairy support, beef cattle, pigs, and deer. Sheep and feral animals are not included in the regulations.

- 3 September 2020 – Stock must be excluded from any natural wetland on a newly developed farm.
- 1 July 2025 – stock must be excluded from natural wetlands that support a threatened species. Stock must be excluded from natural wetlands that are larger than 0.05 hectares and on [low slope land\(external link\)](#).

The [Stock Exclusion Regulations 2020\(external link\)](#) and [CIRMD\(external link\)](#) also include controls on activities within a natural wetland, or within 100 metres of a natural wetland. It's important to check these requirements before undertaking any activities within 100 metres of wetlands to determine which controls apply and whether resource consent is required.

If none of the stock exclusion rules above apply, the activity does not require consent but may need to be

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managed through a [Freshwater Farm Plan](#). [Read more about stock exclusion](#) under the Essential Freshwater package.

Information around additional activities such as scientific research, sphagnum moss harvesting, and construction of wetland utility structures, can be found in the [NES-F\(external link\)](#).

Need help?

If you have any questions about the new Essential Freshwater regulations, contact [03 3050 033](tel:033050033).

More information

Wetland definition

The NPS-FM refers to a "natural wetland" as meaning a wetland that is not:

- a wetland constructed by artificial means (unless it was constructed to offset impacts on, or restore, an existing or former natural wetland). A wetland constructed by artificial means must have been constructed for a purpose. Construction resulting in a wetland forming is a natural wetland. Any wetland "restored" within the footprint of a former wetland must also be considered against the rules in the National Environmental Standards for Freshwater 2020; or
- a geothermal wetland; or
- any area of improved pasture that, at the commencement date, is dominated by (that is more than 50 percent of) exotic pasture species and is subject to temporary rain-derived water pooling. The [Wetland Delineation Protocols\(external link\)](#) should be used to ensure accuracy.

The above refers to the definition of wetland in the RMA, which reads:

- 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.
- The NPS-FM also separately defines a "natural inland wetland" as comprising a "natural wetland" that is not within the coastal marine area.
- See the [Ministry for the Environment's Wetlands factsheet\(external link\)](#) for more information on defining wetlands under the Essential Freshwater package.

The Chatham Islands Resource Management Document (CIRMD) defines a wetland as including:

- an area of shallow water and land water margins which contain predominantly indigenous vegetation and/or habitat for indigenous fauna.

But excludes

- areas of exotic pasture where water ponds after rain and areas predominantly covered in bracken fern.

Effects Management Hierarchy

Activities that may result in losses of natural wetlands are avoided where at all possible, although there are limited exemptions.

Where those exemptions are met, activities are subject to the "Effects Management Hierarchy".

The Effects Management Hierarchy, in relation to natural inland wetlands and rivers, means an approach to managing the adverse effects of an activity on the extent or values of a wetland or river (including cumulative effects and loss of potential value) that requires that:

- adverse effects are avoided where practicable; and
- where adverse effects cannot be avoided, they are minimised where practicable; and
- where adverse effects cannot be minimised, they are remedied where practicable; and
- where more than minor residual adverse effects cannot be avoided, minimised, or remedied, aquatic offsetting is provided where possible; and
- if aquatic offsetting of more than minor residual adverse effects is not possible, aquatic compensation is provided; and
- if aquatic compensation is not appropriate, the activity itself is avoided.

[Find out more in the NPS-FM \(PDF file 795 KB\)\(external link\)](#).

[Download the technical advice note for wetlands \(PDF file 203 KB\)\(external link\)](#).

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