

Permitted Activity Notice

Natural Inland Wetland Activities



Written notice to undertake permitted natural inland wetland activities regulated by Part 3 Subpart 1 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F).

FOR OFFICE USE ONLY

Date received: _____

PA No.: _____

The person(s) responsible for undertaking the activity must, **at least 10 working days before starting the activity**, provide Auckland Council with the information contained within Section A and Sections B-F as applicable.

Please email the completed form and any associated documents to:

monitoring@aucklandcouncil.govt.nz

For activities regulated under Regulation 48 please use the Permitted Activity Notice for Sphagnum Moss Harvesting.

Key definitions are provided in Appendix 2 of this application form. For additional definitions please refer to the National Environmental Standards for Freshwater, the National Policy Statement for Freshwater 2020, the National Planning Standards 2019 and the Resource Management Act 1991.

SECTION A – ALL PERMITTED ACTIVITIES

1.0 SPECIFY THE ACTIVITY

Regulated Activity	Vegetation Clearance	Earthworks / Land Disturbance	Water: take / use / damming / diversion / discharge
<input type="checkbox"/> 38: Restoration, maintenance and biosecurity of natural inland wetlands	<input type="checkbox"/> (1) Fill out Section B	<input type="checkbox"/> (2) Fill out Section B	<input type="checkbox"/> (3) Fill out section G
<input type="checkbox"/> 40: Scientific research	<input type="checkbox"/> (1) Fill out Section C	<input type="checkbox"/> (2) Fill out Section C	<input type="checkbox"/> (3) Fill out section G
<input type="checkbox"/> 43: Maintenance of wetland utility structure(s)	<input type="checkbox"/> (1) Fill out Section D	<input type="checkbox"/> (2) Fill out Section D	<input type="checkbox"/> (3) Fill out section G
<input type="checkbox"/> 46: Maintenance and operation of specified & other infrastructure	<input type="checkbox"/> (1) Fill out Section E	<input type="checkbox"/> (2) Fill out Section E	<input type="checkbox"/> (3) Fill out Section G
<input type="checkbox"/> 50: Arable and horticultural land use	<input type="checkbox"/> (1)	<input type="checkbox"/> (2)	
<input type="checkbox"/> 51: Natural hazard works	<input type="checkbox"/> (2) Fill out Section F	<input type="checkbox"/> (3) Fill out Section F	<input type="checkbox"/> (4) Fill out Section G

Ensure all parts of Section A and Sections B-G (as applicable) are filled out.

2.0 ASSOCIATION WITH OTHER ACTIVITIES

Is the activity associated with other activities which have obtained resource consent or will require resource consent?

Yes

No

Unknown

If yes, provide the consent / application number(s):

3.0 DETAILS OF PERSON / COMPANY GIVING NOTICE

First & middle name(s):

Last name / Company:

Contact person:
(if company/organisation)

Telephone number:

Email address:

POSTAL ADDRESS

Number & street name:

Suburb:

City:

4.0 DETAILS OF AGENT (CONSULTANT) IF APPLICABLE

Company name:

Contact person:

Telephone number:

Email address:

POSTAL ADDRESS

Number & street name:

Suburb:

City:

5.0 DESCRIPTION OF THE ACTIVITY

Provide a description of the activity:

6.0 LOCATION AND DESCRIPTION OF WHERE THE ACTIVITY WILL OCCUR

Wetland name (if known):

Co-ordinates of the wetland (NZTM):

Record of Title number(s):

Legal description of property(s):

Property address:

Description of the location of works:
(attach additional document if required)

Attach map showing location of the activity:

Yes, I have attached a map

7.0 PHOTOGRAPHS AND LOCATION MAP

Attach photographs:

Photograph reference (file name, time, etc.)

Wetland bed profile:

Wetland hydrological regime:

8.0 PLANNED START AND END DATE OF THE ACTIVITY

Planned start date of works:

Planned end date of works:

9.0 DECLARATION OF PERMITTED ACTIVITY NOTIFIER

I/We, the undersigned, acknowledge that the permitted activity is to be held in my/our name, as described above, and undertake to comply with all conditions of the permitted activity and accept liability for all charges associated with the monitoring of this permitted activity.

Name:

Signature:

Date:

SECTION B – REGULATION 38

Restoration, Maintenance and Biosecurity of Natural Inland Wetlands

1.0 EXTENT OF WETLAND

Specify the total area of the wetland (m²):

2.0 VEGETATION CLEARANCE

Specify the area of clearance (m²):

Specify the extent of clearance (whichever is the smaller):

- ≤ 500 m²
 ≤10% of the area of the wetland

Specify the purpose of the vegetation clearance (select all that apply):

- Reg 38(5)(b) - clearance of **exotic vegetation** for biosecurity purposes
- Reg 38(5)(c) - clearance of **indigenous vegetation** demonstrably necessary for biosecurity purposes
- Reg 38(5)(d) - clearance of **exotic vegetation** using hand-held tools for restoration or wetland maintenance
- Reg 38(5)(e) - clearance of **exotic vegetation** not covered by 38(5)(d) for restoration or wetland maintenance that is undertaken in accordance with-
- a restoration plan; or
 - a certified freshwater farm plan
- copy of plan attached*

3.0 EARTHWORKS / LAND DISTURBANCE

Specify the area of works (m²):

Specify the extent of works (whichever is the smaller):

- ≤ 500 m²
 ≤10% of the area of the wetland

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Specify the purpose of earthworks / land disturbance (select all that apply):

- Reg 38(5)(a) - planting for restoration or wetland maintenance
- Reg 38(5)(b) - clearance of **exotic vegetation** for biosecurity purposes
- Reg 38(5)(c) - clearance of **indigenous vegetation** demonstrably necessary for biosecurity purposes
- Reg 38(5)(d) - clearance of **exotic vegetation** using hand-held tools for restoration or wetland maintenance
- Reg 38(5)(e) - clearance of **exotic vegetation** not covered by 38(5)(d) for restoration or wetland maintenance that is undertaken in accordance with
 - a restoration plan; or
 - a certified freshwater farm plan
- copy of plan attached*

4.0 REGULATION 55 GENERAL CONDITIONS

Confirm the activity will comply with the general conditions in regulation 55 (*refer to pages 12-14*).

- Yes No

Note: The area of vegetation clearance includes clearance undertaken within the natural inland wetland and within 10m of the natural inland wetland.

Note: The area of earthworks / land disturbance includes works undertaken within the natural inland wetland and within 10m of the natural inland wetland.

SECTION C – REGULATION 40

Scientific Research

1.0 EXTENT OF WETLAND

Specify the total area of the wetland (m²):

2.0 VEGETATION CLEARANCE

Specify the area of clearance (m²):

Specify the extent of clearance:

- ≤ 10 m² (single area within the wetland)
 ≤ 100 m² (total area within the wetland)

3.0 EARTHWORKS / LAND DISTURBANCE

Specify the area of works (m²):

Specify the extent of works:

- ≤ 10 m² (single area within the wetland)
 ≤ 100 m² (total area within the wetland)

4.0 REGULATION 55 GENERAL CONDITIONS

Confirm the activity will comply with the general conditions in regulation 55 (*refer to pages 12-14*).

- Yes No

5.0 SPECIFIC CONDITION

Will the activity result in the formation of new pathways, boardwalks, or other accessways?

- Yes No

SECTION D – REGULATION 43

Maintenance of Wetland Utility Structures

1.0 EXTENT OF WETLAND

Specify the total area of the wetland (m²):

2.0 VEGETATION CLEARANCE

Specify the area of clearance (m²):

Specify the extent of clearance (whichever is smaller in total):

- ≤ 2 m² around the base of each pile or post
 ≤10% of the area of the wetland

Confirm clearance will not occur more than 1m from the structure:

- Yes No

3.0 EARTHWORKS / LAND DISTURBANCE

Specify the area of works (m²):

Specify the extent of works (whichever is smaller area in total):

- ≤ 2 m² around the base of each pile or post
 ≤10% of the area of the wetland

4.0 REGULATION 55 GENERAL CONDITIONS

Confirm the activity comply with the general conditions in regulation 55 (*refer to pages 12-14*).

- Yes No

5.0 SPECIFIC CONDITIONS

Is the activity for the purpose of increasing the size of the wetland utility structure?

- Yes No

Will the activity result in the formation of new pathways, boardwalks, or other accessways?

- Yes No

SECTION E – REGULATION 46

Maintenance and Operation of Specified and Other Infrastructure

1.0 EXTENT OF WETLAND

Specify the total area of the wetland (m²):

2.0 VEGETATION CLEARANCE

Specify the area of clearance (m²):

Specify the extent of clearance (whichever is smaller):

- ≤ 500 m²
 ≤10% of the area of the wetland

3.0 EARTHWORKS / LAND DISTURBANCE

Specify the area of works (m²):

Specify the extent of works (whichever is smaller):

- ≤ 500 m²
 ≤10% of the area of the wetland

Will trenches be backfilled within 48 hours?

- Yes No

Will drains be deeper, relative to the natural water level, than before the activity?

- Yes No

4.0 REGULATION 55 GENERAL CONDITIONS

Confirm the activity will comply with the general conditions in regulation 55 (*refer to pages 12-14*):

- Yes No

5.0 SPECIFIC CONDITIONS

Is the activity for the purpose of increasing the size of the infrastructure, or replacing part of the infrastructure (unless the increase or replacement is to provide for fish passage)?

- Yes No

Will the activity result in the formation of new pathways, boardwalks, or other accessways?

- Yes No

SECTION F – REGULATION 51 Natural Hazard Works

1.0 NATURAL HAZARD CONDITIONS

Will the activity result in land becoming unstable?

- Yes
- No

Will debris or other materials be deposited in the wetland?

- Yes
- No

Will the works be limited to the extent necessary to achieve the purpose of the natural hazard works?

- Yes
- No

If the activity changes the profile of the bed of the wetland, will the profile be restored so it does not inhibit fish passage?

- Yes
- No
- N/A

Will erosion and sediment control measures be applied and maintained during and after the earthworks / land disturbance?

- Yes
- No

Will disturbed soil be stabilised or contained as soon as practicable after the activity?

- Yes
- No

Will debris, materials and equipment relating to the activity be removed as soon as practicable (and no later than 3 months) after the activity ends and will the site be maintained free from litter?

- Yes
- No

SECTION G

WATER TAKE / USE / DAMMING / DIVERSION / DISCHARGE

1.0 WATER TAKE / USE

Does the activity involve water take / use?

Yes No

If yes, is the take from surface or ground water?

Surface water Ground water

If yes, confirm the volume of the take (m³/day):

If yes, confirm the distance of the take from the edge of the wetland at its closest point (m):

2.0 DAMMING

Does the activity involve damming?

Yes No

3.0 DIVERSION

Does the activity involve diversion of water?

Yes No

If yes, is the diversion surface or ground water?

Surface water Ground water

If yes, confirm the volume of the diversion (m³/day):

If yes, confirm the distance of the diversion from the edge of the wetland at its closest point (m):

4.0 DISCHARGE

Does the activity involve discharge of water?

Yes No

If yes, confirm type of discharge:

Surface water Treated sediment (earthworks)
 Groundwater

If yes, confirm volume of discharge (m³/day):

If yes, confirm the distance of the discharge from the edge of the wetland at its closest point (m):

Appendix 1: General conditions under Regulation 55 of the National Environmental Standards for Freshwater 2020

- (1) This regulation applies if a regulation in this subpart refers to the compliance of an activity with the general conditions in this regulation.
-

General conditions: water quality and movement

- (3) The general conditions relating to water quality and movement are as follows:
- (a) the activity must not result in the discharge of a contaminant if the receiving environment includes any natural inland wetland in which the contaminant, after reasonable mixing, causes, or may cause, 1 or more of the following effects:
 - (i) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials:
 - (ii) a conspicuous change in colour or visual clarity:
 - (iii) an emission of objectionable odour:
 - (iv) the contamination of freshwater to the extent that it is not suitable for farm animals to drink:
 - (v) adverse effects on aquatic life that are more than minor; and
 - (b) the activity must not increase the level of flood waters that would, in any flood event (regardless of probability), inundate all or any part of the 1% AEP floodplain (but see subclause (4)); and
 - (c) the activity must not alter the natural movement of water into, within, or from any natural inland wetland (but see subclause (5)); and
 - (d) the activity must not involve taking or discharging water to or from any natural inland wetland (but see subclause (5)); and
 - (e) debris and sediment must not be placed—
 - (i) within a setback of 10 m from any natural inland wetland; or
 - (ii) in a position where it may enter any natural inland wetland.
- (4) Subclause (3)(b) does not apply if the person undertaking the activity—
- (a) owns or controls the only land or structures that would be affected by a flood in all or any part of the 1% AEP floodplain; or
 - (b) has—
 - (i) obtained written consent to undertaking the activity from each person who owns or controls the land or structures that would be affected by a flood in all or part of the 1% AEP floodplain, after informing them of the expected increase in the level of flood waters; and
 - (ii) satisfied the relevant regional council that they have complied with subparagraph (i).
- (5) Despite subclause (3)(c) and (d), the temporary taking, use, damming, or diversion of water around a work site, or discharges of water into the water around a work site, may be undertaken if the following conditions are complied with:
- (a) the activity must be undertaken during a period when there is a low risk of flooding; and
 - (b) the activity must be undertaken only for as long as necessary to achieve its purpose; and

- (c) before the activity starts, a record must be made (for example, by taking photographs) of the original condition of any affected natural inland wetland's bed profile and hydrological regime that is sufficiently detailed to enable compliance with paragraph (d) to be verified; and
 - (d) the bed profile and hydrological regime of the natural inland wetland must be returned to their original condition no later than 14 days after the start of the activity; and
 - (e) if the activity is damming, the dam must be no higher than 600 mm; and
 - (f) if the activity is a diversion that uses a pump, a fish screen with mesh spacing no greater than 3 mm must be used on the intake.
- (6) In subclauses (3) and (4), 1% AEP floodplain means the area that would be inundated in a flood event of a size that has a 1% or greater probability of occurring in any one year.
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General condition: earth stability and drainage

- (7) The general condition relating to earth stability and drainage is that the activity must not create or contribute to—
- (a) the instability or subsidence of a slope or another land surface; or
 - (b) the erosion of the bed or bank of any natural inland wetland; or
 - (c) a change in the points at which water flows into or out of any natural inland wetland; or
 - (d) a constriction on the flow of water within, into, or out of any natural inland wetland; or
 - (e) the flooding or overland flow of water within, or flowing into or out of, any natural inland wetland.
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General conditions: earthworks, land disturbance, and vegetation clearance

- (8) The general conditions on earthworks, land disturbance, and vegetation clearance are as follows:
- (a) during and after the activity, erosion and sediment control measures must be applied and maintained at the site of the activity to minimise adverse effects of sediment on natural inland wetlands; and
 - (b) the measures must include stabilising or containing soil that is exposed or disturbed by the activity as soon as practicable after the activity ends; and
 - (c) the measures referred to in paragraph (b) must remain in place until vegetation covers more than 80% of the site; and
 - (d) if the activity is vegetation clearance, it must not result in earth remaining bare for longer than 3 months.
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General conditions: vegetation and bird and fish habitats

- (9) The general conditions relating to vegetation and bird and fish habitats are as follows:
- (a) only indigenous species that are appropriate to a natural inland wetland (given the location and type of the natural inland wetland) may be planted in it; and
 - (b) the activity must not result in the smothering of indigenous vegetation by debris and sediment; and
 - (c) the activity must not disturb the roosting or nesting of indigenous birds during their breeding season; and

- (d) the activity must not disturb an area that is listed in a regional plan or water conservation order as a habitat for threatened indigenous fish; and
 - (e) the activity must not, during a spawning season, disturb an area that is listed in a regional plan or water conservation order as a fish spawning area.
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General condition: historic heritage

- (10) The general condition relating to historic heritage is that the activity must not destroy, damage, or modify a site that is protected by an enactment because of the site's historic heritage (including, to avoid doubt, because of its significance to Māori), except in accordance with that enactment.
 - (11) In subclause (10), enactment includes any kind of instrument made under an enactment.
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General conditions: machinery, vehicles, equipment, and construction materials

- (12) The general conditions on the use of vehicles, machinery, equipment, and materials are as follows:
 - (a) machinery, vehicles, and equipment used for the activity must be cleaned before entering any natural inland wetland (to avoid introducing pests, unwanted organisms, or exotic plants); and
 - (b) machinery that is used for the activity must sit outside a natural inland wetland, unless it is necessary for the machinery to enter the natural inland wetland to achieve the purpose of the activity; and
 - (c) if machinery or vehicles enter any natural inland wetland, they must be modified or supported to prevent them from damaging the natural inland wetland (for example, by widening the tracks of track-driven vehicles or using platforms for machinery to sit on); and
 - (d) the mixing of construction materials, and the refuelling and maintenance of vehicles, machinery, and equipment, must be done outside a 10 m setback from any natural inland wetland.
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General conditions: miscellaneous

- (13) The other general conditions are as follows:
 - (a) the activity must be undertaken only to the extent necessary to achieve its purpose; and
 - (b) the activity must not involve the use of fire or explosives; and
 - (c) if there is existing public access to a natural inland wetland, the activity must not prevent the public from continuing to access the natural inland wetland (unless that is required to protect the health and safety of the public or the persons undertaking the activity); and
 - (d) no later than 5 days after the activity ends, —
 - (e) debris, materials, and equipment relating to the activity must be removed from the site; and
 - (f) the site must be free from litter.

Appendix 2: Key definitions as defined in Regulation (3) ‘Interpretation’ of the National Environmental Standards for Freshwater 2020

Arable land use (defined within section 217B of the Resource Management Act 1991)

means the use of land to grow any of the following crops for harvest:

- (a) grain cereal, legumes, or pulse grain:
 - (b) herbage seed:
 - (c) oilseed:
 - (d) maize grain, maize silage, cereal silage, or mangels:
 - (e) crops grown for seed multiplication:
 - (f) a crop prescribed in regulations made under section 217M(1)(a).
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Horticultural land use (defined within section 217B of the Resource Management Act 1991)

means the use of land to grow food or beverage crops for human consumption (other than arable crops), or flowers for commercial supply.

Natural hazard works (defined in regulation 51 in the National Environmental Standards for Freshwater)

means works for the purpose of removing material, such as trees, debris, and sediment, that

- (a) is deposited as the result of a natural hazard; and
 - (b) is causing, or is likely to cause, an immediate hazard to people or property.
-

Natural inland wetland (defined in the National Policy Statement for Freshwater Management 2020)

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

- (a) in the coastal marine area; or
 - (b) a deliberately constructed wetland, other than a wetland constructed to offset impacts on, or to restore, an existing or former natural inland wetland; or
 - (c) a wetland that has developed in or around a deliberately constructed water body, since the construction of the water body; or
 - (d) a geothermal wetland; or
 - (e) a wetland that:
 - (i) is within an area of pasture used for grazing; and
 - (ii) has vegetation cover comprising more than 50% exotic pasture species (as identified in the National List of Exotic Pasture Species using the Pasture Exclusion Assessment Methodology (see clause 1.8)); unless
 - (iii) the wetland is a location of a habitat of a threatened species identified under clause 3.8 of this National Policy Statement, in which case the exclusion in (e) does not apply.
-

Other infrastructure

Means infrastructure, other than specified infrastructure, that was lawfully established before, and in place at, the close of 2 September 2020.

Restoration (defined in the National Policy Statement for Freshwater Management 2020)

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.

Setback

Setback, in relation to an activity in the vicinity of a natural inland wetland, means the distance measured horizontally from the boundary of the natural inland wetland that creates a buffer within which the activity cannot take place except in accordance with these regulations.

Specified infrastructure (defined in the National Policy Statement for Freshwater Management 2020)

means any of the following:

- (a) infrastructure that delivers a service operated by a lifeline utility (as defined in the Civil Defence Emergency Management Act 2002)
 - (b) regionally significant infrastructure identified as such in a regional policy statement or regional plan
 - (c) any water storage infrastructure
 - (d) any public flood control, flood protection, or drainage works carried out:
 - (i) by or on behalf of a local authority, including works carried out for the purposes set out in section 133 of the Soil Conservation and Rivers Control Act 1941; or
 - (ii) for the purpose of drainage by drainage districts under the Land Drainage Act 1908
 - (e) defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990
 - (f) ski area infrastructure
-

Vegetation clearance

- (a) means the disturbance, damage, destruction, or removal of vegetation by any means (for example, by cutting, crushing, application of chemicals, or burning); and
- (b) includes activities that result in the disturbance, damage, destruction, or removal of vegetation (for example, over-planting, applying the seed of exotic pasture species, mob-stocking, or draining away water); but
- (c) does not include—
 - (i) the removal of sphagnum moss for the purpose of a harvest in accordance with [regulation 48](#) or [49](#); or

- (ii) the crushing of other vegetation for the purpose of maintaining the dominance of sphagnum moss, if the crushing is carried out during a harvest of sphagnum moss or to rehabilitate the moss after it is harvested; or
- (iii) an activity described in paragraph (a) or (b) that is for the maintenance or construction of fencing for the purpose of excluding stock or marking property boundaries; or
- (iv) an activity described in paragraph (a) or (b) that is for the maintenance of shelter belts; or
- (v) grazing.

Note: Vegetation clearance includes the removal of native/indigenous vegetation and exotic species including pest plants and “weeds”.

Wetland (defined in the Resource Management Act 1991)

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.

Wetland maintenance (defined in the National Policy Statement for Freshwater Management 2020))

means activities (such as weed control) which prevent the deterioration, or preserve the existing state, of a wetland’s ecosystem health, indigenous biodiversity or hydrological functioning

Wetted margin

Wetted margin, for a structure in any river or connected area, means an area that

- (a) has shallow water that flows at low velocity; and
 - (b) is at the edges of the water flow; and
 - (c) is continuous over the length of the structure; and
 - (d) is suitable for the passage of climbing species of fish.
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Wetland utility structure

- (a) means a structure placed in or adjacent to a wetland whose purpose, in relation to the wetland, is recreation, education, conservation, restoration, or monitoring; and
- (b) for example, includes the following structures that are placed in or adjacent to a wetland for a purpose described in paragraph (a):
 - (i) jetties:
 - (ii) boardwalks and bridges connecting them:
 - (iii) walking tracks and bridges connecting them:
 - (iv) signs:
 - (v) bird-watching hides:
 - (vi) monitoring devices:
 - (vii) maimai