


5.5 Wetlands and beds of lakes and rivers

Interpretation

If an activity is covered by more than one rule, then the rule that applies is the rule that is more specific for the relevant activity, area or resource, rather than a more general rule. Where a proposal includes a number of activities which trigger separate specific rules, all of the relevant rules are considered when assessing the proposal. An activity needs to comply with all relevant rules in the Plan, including those in the **whaitua** Chapters 7 – 11.

For the purposes of these rules, ‘water’ means both fresh water and coastal water.

As noted in Section 2.1 provisions relevant to the coastal marine area are identified by this icon 

Under section 86B of the Resource Management Act 1991 all rules have immediate legal effect from 31 July 2015. The associated definitions, schedules and maps applicable to those rules also have immediate legal effect.

The following table is intended as a guide only and does not form part of the Plan. Refer to specified rules for detailed requirements.

Code	Activity status
P	Permitted
C	Controlled
RD	Restricted discretionary
D	Discretionary
NC	Non-complying
Pr	Prohibited

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5.5.1 Wetlands and beds of lakes and rivers other methods



The Wellington Regional Council will promote sustainable management of wetlands and the beds of lakes and rivers through Methods M1, M2, M6, M7, M8, M12, M17, M18, M19, M20, M21, M25, M26, M27, and M28.

5.5.2 Activities in wetlands general conditions

Wetlands general conditions



Wetland general conditions for activities in **natural wetlands** and **outstanding natural wetlands** are that:

- (a) the vegetation and the bed of the **natural wetland** or **outstanding natural wetland** shall not be disturbed to a depth or an extent greater than that required to undertake the activity, and
- (b) there shall be no discharge of contaminants (including but not limited to oil, petrol, diesel, paint, solvent, heavy metals and other toxicants) to water or the bed, except where this is the result of the disturbance of sediment and other materials already existing in the water or bed, and
- (c) no cleaning or refuelling of machinery or equipment, or storage of fuel shall take place in, or within 10m of, a **natural wetland** or **outstanding natural wetland**, or at any location where fuel can enter a water body, and
- (d) all machinery, equipment and materials used for the activity shall be removed from the **natural wetland** or **outstanding natural wetland** every night and on completion of the activity. This includes any excess material from the construction operation, any materials used during construction of any structure but not part of that structure, and any material removed or demolished from any structure, and
- (e) structures are designed, installed and maintained, and activities are carried out in a manner to ensure that fish passage is maintained at all

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times, unless a temporary restriction of no more than 48 hours is required for construction or maintenance activities, and

- (f) in any part of the **natural wetland or outstanding natural wetland** with inanga spawning habitat identified in Schedule F1b (inanga spawning), no bed disturbance, diversions of water or sediment discharge shall occur between 1 January and 31 May, except that material accumulated at the outlet of a stormwater discharge pipe may be removed between 1 January and 1 March, so long as there is no associated trimming or removal of vegetation (including weeds) on the bed or banks, and
- (g) the diversion of water shall not be for longer than the time required to undertake the activity, and any diversion of water required to undertake the activity must be for fewer than 14 consecutive days, and must occur prior to the disturbance of the bed of the **natural wetland or outstanding natural wetland**, and
- (h) the following setback conditions apply to plantation forestry activities as covered by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017:
 - (i) earthworks must not occur within 10m of a natural wetland, and
 - (ii) harvesting machinery must not be operated within 10m of a natural wetland, and
 - (iii) mechanical land preparation must not occur within 10m of a natural wetland.

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Note

Cleaning and inspection of all equipment, machinery, or operating plant may be required under the Biosecurity Act 1993 to prevent the spread of “pests” or “unwanted organisms”.

The meaning of earthworks, harvesting machinery and mechanical preparation are defined in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

5.5.3 Activities in wetlands

Note

Also refer to the relevant district plan for provisions that apply to activities within or adjacent to wetlands.

Nothing in this Plan affects:

- (a) An individuals right under RMA section 14(3)(b) to take and use water for reasonable domestic needs, or for the reasonable needs of a person’s animals for drinking water, provided the take and use of water

does not, or is not likely to, have an adverse effect on the environment;
or

- (b) The take and use of water for emergency or training purposes in accordance with section 48 of the Fire and Emergency New Zealand Act 2017.

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Rule R104: Existing structures in natural wetlands – permitted activity

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Unless regulated by Regulations 43, 44, 46, 47 and 54 of the Resource Management (Natural Environmental Standards for Freshwater) Regulations 2020, in a natural wetland:

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CO granted 22/3/22

- (a) The use, maintenance, repair, addition, alteration, or replacement (like for like) of an existing lawfully established structure or existing lawfully established regionally significant infrastructure, including associated vegetation removal, and
- (b) the removal of an existing structure, including any associated:
- (c) disturbance of a river or lake bed, or foreshore or seabed that forms part of a **natural wetland**, and
- (d) deposition in, on, or under a river or lake bed, or foreshore or seabed that forms part of a **natural wetland**, and
- (e) damage to a part of the foreshore or seabed that forms part of a **natural wetland**, and
- (f) diversion of water, and
- (g) discharge of sediment to water

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is a permitted activity, provided the following conditions are met:

- (h) only hand-held machinery is used in any area of the natural wetland, and
- (k) any alteration or addition to an existing structure does not increase the size of the structure so that it occupies an area greater than 10m², and
- (l) the activity shall comply with the wetland general conditions for activities in **natural wetlands** and **outstanding natural wetlands** specified above in Section 5.5.2.

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Note

Regulations 43, 44, 46, 47 and 54 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 prevail over Rule R104(a) in respect of vegetation clearance, earthworks or land disturbance or taking, use, damming, diversion or discharge of water associated with the

maintenance of a wetland utility structure or the maintenance and operation of specified infrastructure and other infrastructure.

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CO granted 22/3/22 (but note is a cl 16/RMA change as noted in CO)

Rule R105: Planting and pest plant control in ~~natural wetlands~~, natural wetlands and outstanding natural wetlands – permitted activity

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CO granted 22/3/22

The deliberate introduction or planting of a plant, and the removal or control of pest plants in the bed of a **natural wetland**, or **outstanding natural wetland** including any associated:

- (a) disturbance of a river or lake bed, or foreshore or seabed, that forms part of a **natural wetland** or outstanding natural wetland, and
- (b) deposition in, on, or under a river or lake bed, or foreshore or seabed, that forms part of a **natural wetland** or outstanding natural wetland, and
- (c) damage to part of the foreshore or seabed that forms part of a **natural wetland** or outstanding natural wetland, and
- (d) diversion of water, and
- (e) discharge of sediment to water

is a permitted activity provided the following conditions are met:

- (f) only indigenous wetland species typical of the area and wetland type are deliberately introduced or planted, and
- (g) only plant species that are not typical of the area and wetland type are deliberately removed or controlled, and
- (h) only **agricultural** approved by the Environmental Protection Authority for use into and over water are used and the conditions of Rule R36A are met, and
- (i) **agricultural** are not applied by aerial spraying, and
- (j) only hand-held machinery is used in any area of the **natural wetland** or outstanding natural wetland, and
- (k) the activity shall comply with the wetland general conditions for activities in **natural wetlands and outstanding natural wetlands** specified above in Section 5.5.2.

Note

The Wellington Regional Council provides advice on its website and upon request regarding the management of wetlands, including appropriate species to plant (those that are typical of the area and wetland type) and appropriate plants to remove (those that are not typical of the area and wetland type).

Rule R105 prevails over Regulation 38(1) and (2) of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 where the activity is the deliberate introduction or planting of a plant, or the removal or control of pest plants in the bed of a **natural wetland** or an **outstanding natural wetland**. Regulation 38 otherwise applies.

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CO granted 22/3/22 (but note is a cl 16/RMA change as noted in CO)

Rule R105A: Removal of wetland plants for Māori customary use or the use of an individual – permitted activity

The selective removal of a plant or part of a plant from a **significant natural wetland** or an **outstanding natural wetland** for the purpose of **Māori customary use** or for the reasonable and non-commercial use of an individual is a permitted activity provided that:

- (a) the activity is carried out by hand, and
- (b) the vegetation and the bed of the **significant natural wetland** or an **outstanding natural wetland** shall not be disturbed to a depth or an extent greater than that required to undertake the activity, and
- (c) within a site identified in Schedule C (mana whenua), the use is for **Māori customary use** only.

Rule R106: Restoration of natural wetlands and outstanding natural wetlands – controlled activity



Livestock access for the purpose of the restoration of the indigenous biodiversity of a **natural wetland** or **outstanding natural wetland** identified in Schedule A3 (outstanding wetlands), unless prevented by the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, is a controlled activity provided the following condition is met:

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Land Matters Ltd, Porirua City Council,
Wellington Fish and Game Council
Appeal Topic 38 Livestock access and riparian margins
Consent order granted 8 December 2021

- (a) the activity is stipulated in and carried out in accordance with an approved **wetland restoration management plan**.

Matters of control

1. Type, frequency, density and timing of **livestock access to, and (where there is no practicable alternative) the limited location of fencing within, the natural wetland or outstanding natural wetland**

Notification

In respect of Rule R106, applications are precluded from public notification (unless special circumstances apply).

Waiver of consent fees

To encourage and support the **restoration** of wetlands, the Wellington Regional Council will waive resource consent fees issued for this rule at its discretion.

Rule R107: Activities in natural wetlands – discretionary activity



The following activities in a **natural wetland** except for those stipulated in and carried out in accordance with a **wetland restoration management plan** under

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CO granted 23/3/22

Rule R106 or Regulation 39 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020;

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CO granted 23/3/22

- (a) the placement of structures, and
- (b) the discharge of water or contaminants not permitted by Rule R42, where the adverse effects on aquatic life are no more than minor, and
- (c) the clearance of indigenous wetland vegetation, (excluding the removal of pest plants under Rule R105 and the removal of plants for Māori customary use or for the use of an individual under R105A, and vegetation clearance regulated by Regulations 43, 44, 45, 46, 47 and 54 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020),
- (d) activities not meeting the conditions of Rules R104, R105 or R105A, including any associated:
 - (e) disturbance of a river or lake bed, or foreshore or seabed that forms part of a **natural wetland**, and
 - (f) deposition in, on, or under a river or lake bed, or foreshore or seabed that forms part of a **natural wetland**, and
 - (g) damage to a part of the foreshore or seabed that forms part of a **natural wetland**, and
 - (h) diversion of water, and
 - (i) discharge of sediment to water

Commented [WB14]: Topic 41 – Wetlands
CO granted 23/3/22

are discretionary activities.

Notes

Rule R107(a) prevails over Regulation 42 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 for activities occurring in the bed of a **natural wetland**, but that regulation applies to activities within specified setbacks from the bed of a **natural wetland**.

Regulations 45 and 54 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 prevail over Rule R107(a) in respect of vegetation clearance, earthworks or land disturbance or taking, use, damming, diversion or discharge of water associated with the placement of a new structure in the bed of a **natural wetland**.

Rule R107(c) prevails over Regulations 40, 41, 42 and 51 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, for activities occurring in the bed of a **natural wetland**, but those regulations apply to activities within specified setbacks from the bed of a **natural wetland**.

Regulation 54 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 prevails over Rule 107(c).

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CO granted 22/3/22 (but note is a cl 16/RMA change as noted in CO)

Rule R108: Activities in natural wetlands – non-complying activity 

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CO granted 23/3/22

The following activities, in a **significant natural wetland** except for those stipulated in and carried out in accordance with a **wetland restoration management plan** under Rule R106 or Regulation 39 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020:

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(a) take, use, damming or diverting water into, within, or from the **natural wetland**, or the take and use of water within 50m of the **natural wetland**, and

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CO Granted 22/3/22

(b) land disturbance including excavation and deposition, and

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CO Granted 22/3/22

(c) **reclamation** (of a **natural wetland**),

including any associated:

(d) disturbance of a river or lake bed, or foreshore or seabed that forms part of a **natural wetland**, and

(e) deposition in, on, or under a river or lake bed, or foreshore or seabed that forms part of a **natural wetland**, and

(f) damage to a part of the foreshore or seabed that forms part of a **natural wetland**, and

(g) diversion of water, and

(h) discharge of sediment to water

are non-complying activities.

Notes

Rule R108(a)-(c) prevails over Regulations 38-51 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, but those regulations apply to damming or diverting water within 100m of the bed of a **natural wetland** and take and use within 50-100m of the bed of a natural wetland.

Regulations 52, 53 and 54 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 prevail over Rule R108(a) and (b).

Regulation 53 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 prevails over Rule R108(c).

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CO granted 22/3/22 (but note is a cl 16/RMA change as noted in CO)

Rule R109: Activities in outstanding natural wetlands – discretionary activity



The following activities in an **outstanding natural wetland** identified in Schedule A3 (outstanding wetlands), except those stipulated in and carried out in accordance with a **wetland restoration management plan** under Rule R106 or Regulation 39 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020:

- (a) the maintenance, repair or replacement (like for like) of existing structures, and
- (b) Maintenance, repair, replacement, or upgrade of existing **regionally significant infrastructure** within Pauatahanui Inlet Saltmarsh, Pauatahanui Inlet Tidal Flats and Waikanae River Mouth, and
- (c) the placement of new structures of an area less than 10m² for the purpose of hunting and recreation (including maimai and jetties),
- (d) the removal of existing structures,
- (e) removal of pest plants that are not permitted by Rule R105

are discretionary activities.

Notes

Rule R109(a) prevails over Regulations 43, 44, 46, and 47 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 for activities occurring in the bed of an **outstanding natural wetland**, but those regulations apply to activities within specified setbacks from the bed of an **outstanding natural wetland**.


Rule R109(b) prevails over Regulations 46 and 47 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 for activities occurring in the bed of an **outstanding natural wetland**, but those regulations apply to activities within specified setbacks from the bed of an **outstanding natural wetland**.

Rule R109(c) prevails over Regulation 42 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 for activities occurring in the bed an **outstanding natural wetland**, but that regulation applies to activities within specified setbacks from the bed of an **outstanding natural wetland**.

Rule R109(e) prevails over Regulation 39 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 for activities occurring in the bed of an **outstanding natural wetland**, but this regulation applies to activities within specified setbacks from the bed of an **outstanding natural wetland**.

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CO Granted 22/3/22

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CO granted 22/3/22 (but note is a cl 16/RMA change as noted in CO)

Rule R110: Activities in outstanding natural wetlands – non-complying activity 


The following activities, in an **outstanding natural wetland** identified in Schedule A3 (outstanding wetlands), except for those stipulated in and carried out in accordance with a **wetland restoration management plan** under Rule R106 or Regulation 39 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020:

- (a) the discharge of water or contaminants, and
- (b) take, use, damming or diverting water into, within, or from the **outstanding natural wetland**, or the take and use of water within 50m of the **outstanding natural wetland**, and
- (c) the placement of new structures with an area 10m² or greater for the purpose of hunting and recreation (including maimai and jetties), and all other structures, and
- (d) land disturbance including excavation and deposition, and
- (e) **vegetation clearance**, excluding the removal of pest plants under Rule R105, and
- (f) other activities that are not discretionary under Rule R109 or prohibited by Rule R111, and
- (g) **partial reclamation or partial drainage associated with the maintenance, repair, replacement or upgrade of existing regionally significant infrastructure** within Pauatahanui Inlet Saltmarsh, Pauatahanui Inlet Tidal Flats and Waikanae River Mouth

are non-complying activities.

Note

Rule R110(a)-(g) prevails over the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 for activities within the bed of an **outstanding natural wetland**, but those regulations apply to activities within specified setbacks from the bed of a **natural wetland**.

Rule R111: Reclamation or drainage of outstanding natural wetlands – prohibited activity 

Reclamation or drainage of all or part of an **outstanding natural wetland** identified in Schedule A3 (outstanding wetlands), except stipulated in and carried out in accordance with a **wetland restoration management plan** under Rule R106, or Regulation 39 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, or Rule R110(g), is a prohibited activity.

Note

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CO Granted 23/3/22

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CO granted 22/3/22 (but note is a cl 16/RMA change as noted in CO)

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CO Granted 22/3/22

Rule R111 prevails over the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 for reclamation or drainage within an outstanding natural wetland, but those regulations apply to reclamation or drainage within specified setbacks from a natural wetland.

5.5.4 Uses of beds of lakes and rivers general conditions

Beds of lakes and rivers general conditions

Beds of lakes and rivers general conditions for activities in the beds of lakes and rivers that apply as specified in Rules R112 to R125:

- (a) except where the discharge is expressly allowed by the activity description of a rule in this chapter there shall be no discharge of contaminants (including but not limited to oil, petrol, diesel, paint, ~~or~~ solvent, heavy metals or other toxicants) to water or the bed, except where this is the result of the disturbance of sediment and other materials already existing in the water or bed, and
- (b) no cleaning or refuelling of machinery or equipment, or storage of fuel shall take place in, or within 10m of, a river or lake bed, or at any location where fuel can enter any water body, and
- (c) all machinery, equipment and materials used for the activity shall be removed from the river or lake bed every night and on completion of the activity. This includes any excess material from the construction operation, any materials used during construction of any structure but not part of that structure, and any material removed or demolished from any structure, and
- (d) structures are designed, installed and maintained, and activities are carried out in a manner to ensure that fish passage is maintained at all times, except:
 - (i) as required for the operation of backflow devices during heavy rainfall events, or
 - (ii) a temporary restriction of no more than 48 hours is required for construction or maintenance activities,-

Unless the structure is a culvert or weir, other than a customary weir, installed after 2 September 2020, then
 - (iii) the placement, use, alteration extension or reconstruction of the culvert or weir in, on, over or under the bed of any river or connected area must provide for the same passage of fish upstream and downstream as would exist without the structure, except as required to carry out the construction works.

The design, installation, maintenance and use of all structures shall avoid any aggradation or scouring of the bed of the river or lake that may inhibit fish passage, and

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CO granted 22/3/22 (but note is a cl 16/RMA change as noted in CO)

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Porirua City Council
Wellington Water Limited
Consent order granted 4 June 2021 - Term 'minimise' is retained.

Commented [WB28]: Topic 47 – Balance of beds of lakes and Rivers
CO issued 16 February 2022

- (e) in any part of the river bed identified as inanga spawning habitat in Schedule F1 (rivers/lakes), no bed disturbance, diversions of water or sediment discharge shall occur between 1 January and 31 May, except that material accumulated at the outlet of a stormwater discharge pipe may be removed between 1 January and 1 March, so long as there is no associated trimming or removal of vegetation (including weeds) on the bed or banks, and
- (f) in any part of the river or lake bed covered by water, which is identified as trout spawning waters in Schedule I (trout habitat), disturbance of the bed or diversions of water shall not take place during the spawning period of between 31 May and 31 August, and
- (g) all reasonable steps shall be taken to **minimise** the generation and release of sediment from the activity, and the discharge of any sediment to water from any activity in, on, over or under the bed of a river or lake must not, after reasonable mixing, result in any conspicuous change in the colour of water in the receiving water or change in horizontal visibility of greater than 30%, and
- (h) car bodies or demolition rubble shall not be used for any purpose on the bed of any river or lake, and
- (i) all reasonable steps shall be taken to **minimise** the duration of the diversion of water, and any diversion of water required to undertake the activity shall:
 - (i) only be temporary and for a period no longer than that required to complete the activity, and
 - (ii) must not involve a lake, and
 - (iii) any diversion channel required must have sufficient capacity to carry the same flow as the original channel, so as not to cause flooding or erosion of any neighbouring **property**, and
- (j) the activity shall not result in erosion or scour of the river banks or shall not result in flooding of any neighbouring **property**, and
- (k) any structure, other than a stormwater intake structure or debris arrester, shall be designed so that it does not reduce the ability of the river to convey flood flows. All structures shall be maintained to manage flood debris accumulated against the structure and the conveyance of flood flows, and
- (l) any structure shall not alter the natural course of the river, including any diversion of water from the natural course during floods. Tree planting or **vegetative bank edge protection** works that are limited to the banks of the river and do not extend into the active channel are not considered to alter the course of the river for the purpose of this condition, and

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CO issued 16 February 2022

- (m) the river or lake bed shall not be disturbed to a depth or an extent greater than that required to undertake the activity, and
- (n) in any part of a river or lake bed identified in Schedule F2a (birds-rivers) or Schedule F2b (birds-lakes), no structure shall be constructed, and no disturbance shall take place, during the critical period identified in Schedule F2a (birds-rivers) or Schedule F2b (birds-lakes) if the named birds are identified as nesting, roosting and foraging at the work site, and
- (o) beds of lakes and rivers general conditions (a) to (m) that apply as specified in Rule R116 to R122 do not cover any activities regulated by Sub-Part 4 – River crossings and Sub-Part 10 – General provisions in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

Note

Any activity that results in fish passage being impeded may require approval from the Director General of Conservation under the Freshwater Fisheries Regulations 1983.

5.5.5 Uses of beds of lakes and rivers

Rule R112: Maintenance, repair, replacement, upgrade or use of existing structures (excluding the Barrage Gates) – permitted activity

The maintenance (including the maintenance of function), repair, replacement, **upgrade** or use of a lawfully established structure or a part of a structure (excluding passive flap gates place in rivers after 2 September 2020, and the Barrage Gates located in the lower Wairarapa Valley) that is fixed in, on, under, or over the bed of a river or lake, excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 including any associated:

- (a) disturbance of the river or lake bed, and
- (b) deposition on the river or lake bed, and
- (c) diversion of water, and
- (d) discharge of sediment to water, and
- (e) temporary damming of water

is a permitted activity, provided the following conditions are met:

- (f) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, except the use of existing structures shall only comply with conditions (d), (h), (j), and (k), and
- (g) the resulting structure, excluding any cable, pipe or duct (for example gas pipes, electricity cables or ducts) attached to the structure and

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First Gas Ltd
Masterton District Council
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Wellington Water Limited

Commented [WB31]: Topic 47 – Balance of beds of lakes and Rivers
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including any deposition, adds no more to the existing structure than whichever is the lesser of:

- (i) 5% of the plan or cross-sectional area of the structure in the river or lake bed, or
- (ii) 1m in horizontal projection and 1m in vertical projection

measured from the structure as it was in the river or lake bed on the date of 31 July 2015 or from the date that the structure was lawfully established, whichever is later, and

- (h) the removal or redistribution of **flood debris** or gravel, sand or other natural bed material that has accumulated as a result of a culvert, stormwater inlet or outlet, bridge or debris arrester structure, or a dam spillway, outflow pipe or overflow pipe, for the purpose of maintaining the function of a structure, including to reduce the perched nature of any culvert due to scour, shall only:

- (i) be undertaken within 5m of the structure, and
- (ii) result in the disturbance or excavation of an area of bed of no more than 10m², and
- (iii) not result in the deposition of non-natural material, or the deposition of **flood debris** or bed material in such a way as to form a stockpile, dam or mound within the bed of the river, except as required to provide for fish passage, and

- (i) the use of any water monitoring equipment may divert up to 30m³ of water per day for the purpose of measuring water quality or quantity provided the water is returned to the water body within 50m of the diversion point, and the quality of the water in the receiving body after the diverted water is returned is maintained, and

- (j) any replacement, repair or **upgrade** of a dam structure shall be contained within the form of the existing structure as it was in the river or lake bed on the date of 31 July 2015 or from the date that the structure was lawfully established, whichever is later, and no increase in size shall be provided for by clause (g) of this rule, and

- (k) any use, alteration, extension or reconstruction of a culvert placed in a river or connecting area after 2 September 2020, in, on over or under the bed of any river or connected area must also comply with the following:

- (i) be laid parallel to the slope of the bed of the river or connected area, and

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- (ii) the mean cross-sectional water velocity in the culvert must be no greater than that in all immediately adjoining river reaches, and
 - (iii) the culvert's width where it intersects with the bed of the river or connected area (s) and the width of the bed at that location (w), both measured in metres, must compare as follows:
 1. where $w < 3$, $s > 1.3 \times w$:
 2. where $w \geq 3$, $s \geq (1.2 \times w) + 0.6$, and
 - (iv) the culvert must be open-bottom or its invert must be placed so that at least 25% of the culvert's diameter is below the level of the bed, and
 - (v) the bed substrate must be present over the full length of the culvert and stable at the flow rate at or below which the water flows for 80% of the time, and
 - (vi) the culvert provides for continuity of geomorphic processes (such as the movement of sediment and debris), and
- (l) any use, alteration, extension or reconstruction of a weir placed in a river or connecting area after 2 September 2020 and that is not a customary weir, in, on over or under the bed of any river or connected area must also comply with the following:
- (i) the fall height of the weir must be no more than 0.5m, and
 - (ii) the slope of the weir must be no steeper than 1:30, and
 - (iii) the face of the weir must have a roughness elements that mixed grade rocks of 150 to 200mm diameter and irregularly spaced no more than 90mm apart to create a hydraulically diverse flow structure across the weir (including any wetted margins), and
 - (iv) the weir's lateral profile must be V-shaped, sloping up at the banks, and with a low-flow channel in the centre, with the lateral cross-section slope between 5° and 10°, and
- (m) for all alterations, extensions, or reconstructions or replacement of culverts, weirs (except customary weirs), non-passive flap gates, dams, fords, or aprons and ramps, placed in a river or connecting area after 2 September 2020, the information requirements of Regulations 62, and 63 to 68 as relevant for the structure, of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 shall be provided as set out in the regulations.

Note

Commented [WB34]: Topic 47 – Balance of beds of lakes and Rivers
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The use, alteration, extension or reconstruction of a passive flap gate in, on, over, or under the bed of any river or connected area is a non-complying activity regulated by the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.

Rule R112A Maintenance of function of structures – controlled activity

The removal or redistribution of **flood debris** or gravel, sand or other natural bed material that has accumulated as a result of a culvert, **stormwater** inlet or outlet, bridge or debris arrestor structure, or a dam spillway, outflow pipe or overflow pipe, for the purposes of maintaining the function of a structure, including to reduce the perched nature of any culvert due to scour, by a local authority that does not meet Rule R112(h) including any associated:

- (a) disturbance of the bed, and
- (b) deposition on the bed, and
- (c) diversion of water, and
- (d) discharge of sediment to water is a controlled activity provided the following conditions are met:
 - (e) the activity does not occur within a site identified in Schedule A (outstanding waterbodies); and
 - (f) the activity shall be undertaken within 40m of the structure; and
 - (g) the activity shall result in the disturbance or excavation of an area of bed of no more than 200m²; and
 - (h) the activity shall not result in the deposition of non-natural material, or the deposition of **flood debris** or bed material in such a way as to form a stockpile, dam or mound within the bed of the river, except as required to provide for fish passage; and
 - (i) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, excluding condition (f); and
 - (j) the resource consent application includes a Code of Practice which sets out best practice for managing adverse effects on the following:
 - 1. biodiversity, **aquatic ecosystem health** and **mahinga kai**
 - 2. **Māori customary use** and recreation values
 - 3. values of sites identified in Schedule C (mana whenua), and Schedule F (indigenous biodiversity)

Matters of Control

- 1. The contents, implementation and review of a Code of Practice

Commented [WB36]: Topic 47 – Balance of beds of lakes and Rivers
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2. Effects on biodiversity, **aquatic ecosystem health** and **mahinga kai**

3. Effects on **Māori customary use** and recreation values

4. Management of effects on sites identified on Schedule C (mana whenua), and Schedule F (indigenous biodiversity)

5. Management of **hazard risk**.

Rule R113: Diversion of flood water by existing structures – permitted activity

The diversion of flood water by a structure or stopbank outside the bed of a river or lake that was in existence on 31 July 2015, excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017, is a permitted activity, provided the following condition is met:

- (a) the structure or stopbank causing the diversion shall not increase by more than 5% of the plan or cross-sectional area from 31 July 2015, provided the increased size does not cause flooding on any neighbouring **property**.

Note

The diversion of flood waters by any new structure constructed outside the bed of a lake or river, or any **upgraded** structures that do not meet condition (a) of Rule R113, would fall under Rule R135.

Rule 114: River crossing structures – permitted activity

The placement or construction or use of a river crossing structure, including, but not limited to, weirs, fords and ~~small~~ bridges, excluding culverts and a river crossing that dams a river, that is fixed in, on, under, or over the bed of a river, excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017, including any associated:

- (l) disturbance of the river or lake bed, and
- (m) deposition on the river or lake bed, and
- (n) diversion of water, and
- (o) discharge of sediment to water, and
- (e) temporary damming of water, and

is a permitted activity, provided the following conditions are met:

- (f) the activity shall comply with the beds of lakes and rivers general conditions specified above in section 5.5.4, and

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- (g) the river crossing that has any part of the structure fixed in or on the bed has a catchment area above the crossing of not more than:
- (i) 200ha in any catchment in the region on the eastern side of the Ruamāhanga River, or
 - (ii) 50ha in any catchment in the region on the western side of the Ruamāhanga River, and
- (h) the formed crossing shall be no wider than what is required for the purpose of the crossing and the total area of the structure in or on the bed of the river shall not exceed 20m², and
- (i) the activity does not occur within a site identified in Schedule C (mana whenua), and
- (j) the placement of a weir other than a customary weir, in, on over or under the bed of any river or connected area must also comply with the following:
- (i) the fall height of the weir must be no more than 0.5m, and
 - (ii) the slope of the weir must be no steeper than 1:30, and
 - (iii) the face of the weir must have roughness elements that are mixed grade rocks of 150 to 200mm diameter and irregularly spaced no more than 90mm apart to create a hydraulically diverse flow structure across the weir (including any wetted margins), and
 - (iv) the weir's lateral profile must be V-shaped, sloping up at the banks, and with a low-flow channel in the centre, with the lateral cross-section slope between 5° and 10°, and
- (k) for all new weirs (except customary weirs) and fords placed in rivers or connected areas, the information requirements of Regulations 62, and 64 and 67 as relevant for the structure of the Resource management (National Environmental Standards for Freshwater) Regulations 2020 shall be provided as set out in the regulations.

Commented [WB39]: Topic 47 – Balance of beds of lakes and Rivers
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Note

Pipes, lines and cables are not considered to be river crossing structures and are addressed by Rule R117.

Condition (h) does not limit the total area of the structure over the bed of the river.

Rule R115: Culverts and ancillary culvert structures – permitted activity

The placement of a culvert or an ancillary culvert structure that is fixed in, or on, the bed of a river excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 including any associated:

- (p) disturbance of the river or lake bed, and
- (q) deposition on the river or lake bed, and
- (r) diversion of water, and
- (s) discharge of sediment to water, and
- (f) temporary damming of water.

is a permitted activity, provided the following conditions are met:

- (f) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, except condition (l) (not altering the natural course of the river), and
- (g) the activity does not occur within a site identified in Schedule C (mana whenua), and
- (h) where multiple culverts are placed side by side, the total ~~cross-sectional area~~ capacity of the multiple culverts shall not be less than that of a single culvert which complies with this rule, and
- (i) the culvert, associated fill and culvert placement shall comply with the following dimensions:
 - (i) a maximum culvert length of 20m (excluding any ancillary culvert structure), and
 - (ii) for circular culverts an external culvert diameter of 0.3m to 1.2m (inclusive), and
 - (iii) for non-circular culverts an external width and height of 0.3m to 1.2m each (inclusive), and
 - (iv) the culvert's width where it intersects with the bed of the river of connected area must be more than 1.3 times the width of the bed at that location.
 - (v) a maximum fill height of 2m above the top of the culvert unless a spillway is constructed to enable the passage of a 5% annual exceedence probability (20 year return period) flood event without the fill being overtopped, and
- (j) a minimum culvert installation depth below the bed of 25% of the width of the culvert, or the culvert must be open bottomed, and

Commented [WM41]: Topic 47 – Balance of beds of lakes and Rivers
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Commented [WB42]: Topic 47 – Balance of beds of lakes and Rivers
CO issued 16 February 2022

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Minister of Conservation, Porirua City Council, Wellington Water Limited
Appeal Topic term 'Minimise' is retained and R115 proviso to delete 'practicable' from clause (o)
Consent order granted 4 June 2021

Note that R115 will have further changes to come arising from Topic 47 outcome

Commented [WB44]: Topic 47 – Balance of beds of lakes and Rivers
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Commented [WB45]: Topic 47 – Balance of beds of lakes and Rivers
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- (k) the bed substrate must be present over the full length of the culvert and stable at the flow rate at or below which the water flows for 80% of the time; and
- (l) the culvert shall be positioned so that its alignment and gradient are the same as the river, and
- (m) the mean cross-sectional water velocity in the culvert must be no greater than that in all immediately adjoining river reaches; and
- (n) the culvert shall be constructed to allow:
 - (i) the flow from a 5% annual exceedence probability (20 year return period) flood event without overtopping, unless the overtopping flows to a specifically designed spillway, and
 - (ii) the flow from a two year return period flood event without any flow impediment, and
- (o) the culvert inlet and outlet shall be protected against erosion, and
- (p) any ancillary culvert structure shall not occupy a total bed area of greater than 10m², and
- (q) all practicable steps shall be taken to **minimise** the release of sediment during construction, and
- (r) the culvert shall be constructed and maintained to avoid any aggradation or erosion of the bed, including any erosion at the inlet and outlet of the culvert, and
- (s) the culvert shall be constructed and maintained to avoid causing any flooding on any neighbouring properties, and
- (t) the culver provides for continuity of geomorphic processes (such as the movement of sediment and debris); and
- (u) the information requirements of Regulations 62, 63 and 68 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 shall be provided as set out in the regulation.

Commented [WB46]: Topic 47 – Balance of beds of lakes and Rivers
CO issued 16 February 2022

Commented [WB47]: Topic 47 – Balance of beds of lakes and Rivers
CO issued 16 February 2022

Commented [NM48]: Minister of Conservation, Porirua City Council, Wellington Water Limited
Appeal Topic term 'Minimise' is retained and R115 proviso to delete 'practicable' from clause (o)
Consent order granted 4 June 2021

Rule R116: Establishing a dam – permitted activity

The placement of a new dam, that is fixed in, on, or under the bed of a river including any associated:

- (a) disturbance of the river or lake bed, and
- (b) deposition on the river or lake bed, and
- (c) diversion of water, and

Commented [WM49]: Topic 47 – Balance of beds of lakes and Rivers
CO issued 16 February 2022

Commented [WM50]: Topic 41 – Wetlands
CO Granted 22/3/22

- (d) damming of water, and
- (e) discharge of sediment to water, and
- (f) the damming of water outside the bed of a lake or river by a dam structure

is a permitted activity, provided the following conditions are met:

- (g) where the dam occurs in the bed of a lake or river, the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, except condition (l) (not altering the natural course of the river), and, where the activity occurs in an **ephemeral flow path**, condition (d) (fish passage), and
- (h) the activity does not occur within a site identified in Schedule C (mana whenua), and
- (i) the dam is not located in and does not cause water to pond in, a **natural wetland** identified in Schedule F3 (identified natural wetlands) or an outstanding water body identified in Schedule A (outstanding water bodies), and
- (j) the dam shall not impound more than 20,000m³ of water above natural ground level, and
- (k) the dam has a maximum water depth of less than 3m (measured from the natural ground level at the downstream toe of the dam structure), and
- (l) any new dam does not have a catchment area above the dam of more than 20ha, and
- (m) the water impounded by the dam does not encroach onto adjoining **properties**, and
- (n) a spillway or overflow pipe is constructed to prevent the dam from overtopping in a 5% annual exceedence probability (20 year return period) flood event, and connects or discharges to the downstream watercourse, and
- (o) any new dam in a permanently flowing river shall maintain a flow out of the dam at all times including during filling of the dam.

Note

If a dam retains 4m or more depth or holds 20,000m³ of water or more, then a building consent is required in accordance with the Building Act 1991. This rule does not permit the taking of water from behind the dam structure. This is controlled by other rules in the Plan.

Commented [WM51]: Topic 41 – Wetlands
CO Granted 22/3/22

Rule R117: New structures – permitted activity

The placement of a new structure, including sediment retention weirs, pipes, ducts, cables, hydrological and water quality monitoring equipment, fences, erosion protection structures, debris arrestor structures and structures associated with **vegetative bank edge protection** except a structure permitted by Rules R114, R115, and R116 and passive flap gates, that is fixed in, on, under, or over the bed of any river or lake, excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 except general condition 5.5.4(n), including any associated:

- (a) disturbance of the river or lake bed, and
- (b) deposition on the river or lake bed, and
- (c) diversion of water, and
- (d) discharge of sediment to water, and
- (e) temporary damming of water, and

is a permitted activity, provided the following conditions are met:

- (f) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, and
- (g) the activity does not occur within a site identified in Schedule C (mana whenua), excluding adding pipes or cables to an existing structure or providing for fish refuge, and
- (h) the activity does not occur in or on any part of the river bed identified as inanga spawning habitat in Schedule F1 (rivers/lakes), and
- (i) the structure does not occupy a bed area any greater than 10m², except for where the structure is associated with **vegetative bank edge protection**, or a pipe, duct, fence or cable which is located over or under the bed where no bed occupancy limits apply, and
- (j) the catchment upstream of any sediment retention weir is not greater than 200ha, and
- (k) the height of any sediment retention weir from the upstream base to the crest of the weir at the time of construction shall be no more than 0.5m, and
- (l) the placement of a weir other than a customary weir, in, on over or under the bed of any river or connected area must also comply with the following:
 - (i) the fall height of the weir must be no more than 0.5m, and
 - (ii) the slope of the weir must be no steeper than 1:30, and

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Minister of Conservation
Wellington Water Limited

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CO issued 16 February 2022

Commented [WB55]: Topic 47 – Balance of beds of lakes and Rivers
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- (iii) the face of the weir must have roughness elements that are mixed grade rocks of 150 to 200mm diameter and irregularly spaced no more than 90mm apart to create a hydraulically diverse flow structure across the weir (including any wetted margins), and
- (iv) the weir's lateral profile must be V-shaped, sloping up at the banks, and with a low-flow channel in the centre, with the lateral cross-section slope between 5° and 10°, and
- (m) for all new weirs (except customary weirs), non-passive flap gates, aprons and ramps, placed in rivers or connected areas, the information requirements of Regulations 62, and 64,65, and 68 as relevant for the structure, of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 shall be provided as set out in the regulations.

Note

The placement of a passive flap gate in, on, over or under the bed of any river or connected area is a non-complying activity regulated by the Resource Management (National Environment Standards for Freshwater) Regulations 2020.

Rule R125: Structures within a site identified in Schedule C (mana whenua) – restricted discretionary activity

The placement of a river crossing structure, a culvert, new dam, or other structure that that is fixed in, on, under, or over the bed of a river within a site identified in Schedule C (mana whenua), including any associated:

- (a) disturbance of the river or lake bed, and
- (b) deposition on the river or lake bed, and
- (c) diversion of water, and
- (d) damming of water, and
- (e) discharge of sediment to water,
- (f) the damming of water outside the bed of a lake or river by a dam structure is a restricted discretionary activity, provided the following conditions are met:
- (g) any river crossing (other than a culvert) must meet the conditions of Rule R114, except condition (h), and
- (h) any culvert must meet the conditions of Rule R115, except condition (h), and

Commented [WB56]: Topic 47 – Balance of beds of lakes and Rivers
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NZ Transport Agency

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Commented [WB59]: Topic 47 – Balance of beds of lakes and Rivers
CO issued 16 February 2022

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- (i) any new small dam structure, must meet the conditions of Rule R116, except condition (h), and
- (j) any other small new structure must meet the conditions of Rule R117 except condition (g).

Commented [WB61]: Topic 47 – Balance of beds of lakes and Rivers
CO issued 16 February 2022

Commented [WB62]: Topic 47 – Balance of beds of lakes and Rivers
CO issued 16 February 2022

Matters for discretion

- 1. Effects on sites identified in Schedule C (mana whenua) with significant **mana whenua** values

Rule R118: Removing or demolishing structures – permitted activity

The removal or demolition of a structure or a part of a structure that is fixed in, on, under, or over any river or lake bed, excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 including any associated:

Commented [NM63]:
Porirua City Council
Wellington Water Limited

- (a) disturbance of the river or lake bed, and
- (b) deposition on the river or lake bed, and
- (c) diversion of water, and
- (d) discharge of sediment to water

is a permitted activity, provided the following conditions are met:

- (e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, and
- (f) the removal or demolition of the structure disturbs less than 10m²³ of the bed of the river or lake, and
- (g) it results in the complete removal of the structure from the river or lake bed, or the complete removal of that part of the structure requiring removal from the river or lake bed, and
- (h) no explosives shall be used in the demolition of the structure, and
- (i) the removal or deposition shall not result in the diversion of water from a **natural wetland**.

Rule R119: Clearance or removal of flood debris and beach recontouring – permitted activity

The clearance or removal of flood debris on the bed of a river or lake, and **beach recontouring** of the bed of a river (including, but not limited to, beach ripping), excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 except general conditions 5.5.4(n) including any associated:

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Wellington Water Limited

- (a) disturbance of the river or lake bed, and
- (b) deposition of natural material on the river or lake bed, and

- (c) discharge of sediment to water associated with the clearing of **flood debris**

is a permitted activity, provided the following conditions are met:

- (d) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, excluding condition (f) (trout spawning) if the activity is solely for the purpose of removing **flood debris** from the inlet or outlet of a culvert or **stormwater** discharge pipe, or to remove **flood debris** from against the supporting structures of a bridge, and if in the case of both of these exceptions, the removal is necessary to maintain the immediate integrity and safety of the affected structures, and
- (e) the removal of **flood debris** shall be for the purposes of flood or erosion control or to maintain the integrity of a structure, and
- (f) any **beach recontouring** operation shall not occur on any part of the bed covered by water at the time of the bed disturbance, and
- (g) depth of excavation for **beach recontouring** activities shall not extend below a level greater than 0.1m above the water level adjacent to the extraction site and shall not extend to a depth greater than 1m, and
- (h) any moved or extracted river bed material or **flood debris** shall not be placed in the bed of the river in such a way as it forms a mound or causes the natural course of the river to be altered in a flood event, and
- (i) any **beach recontouring** shall only be for the purposes of mitigating the adverse effects of flooding or erosion, and
- (j) the activity does not occur within a site identified in Schedule C (mana whenua).

Note

General condition 5.5.4(n) prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

The removal or extraction of gravel, sand or other natural bed material from the bed of a river is provided for in Rule R120.

Rule R120: Minor sand and gravel extraction – permitted activity

The excavation or other disturbance of the bed of a river for the purpose of extracting gravel or other bed material, excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 except general condition 5.5.4(n) including any associated:

- (a) deposition on the river or lake bed

is a permitted activity, provided the following conditions are met:

Commented [NM65]:
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- (b) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, and
- (c) extraction in any 12 month period shall be limited to whichever is the lesser of:
 - (i) 15m³ for an individual's needs, or
 - (ii) 50m³ for use on the **property** on which the river bed occurs or is adjacent to, or
 - (iii) 1m³ where the material is removed from Te Awa Kairangi/Hutt River, which must be collected by non-mechanical means, and
- (d) the extraction site is not covered by water at the time of extraction, and
- (e) the extraction shall not extend to a level deeper than whichever is the greater of the following:
 - (i) 0.1m above the water level adjacent to the extraction site, or
 - (ii) 0.5m below the original height of the beach where the extraction is occurring, and
- (f) no machinery shall operate in the area of the river bed covered in water, except for crossings to access and haul gravel. River crossing for this purpose shall be limited to one crossing point at each gravel extraction location, and
- (g) there shall be no stockpiling of extracted gravel on the bed of the river, and
- (h) the extraction site shall be set back more than 150m upstream from any established water level recorder, more than 50m upstream and downstream from any established weir, ford, culvert, bridge, dam, surface water intake structure or network utility structure, and more than 50m upstream or downstream from any existing flood control structures located in the bed of the river, and
- (i) the extraction site shall be groomed upon completion of the extraction so that there are no mounds, depressions, steep cut banks or edges left on the river bed, and
- (j) the activity does not occur within a site identified in Schedule C (mana whenua).

Note

General condition 5.5.4(n) prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

Rule R129A: Gravel extraction for flood protection purposes or erosion mitigation inside sites of significance – discretionary activity

Destruction, damage or disturbance associated with gravel extraction for flood protection purposes or erosion mitigation inside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the bed of a lake or river, including any associated:

- (a) deposition on the river or lake bed, and
- (b) discharge of sediment to water, and
- (c) diversion of water

is a discretionary activity.

Rule R121: Maintenance of highly modified rivers or streams within an individual property– permitted activity

The removal of vegetation or bed material and associated sediment from any **highly modified river or stream** within an individual **property**, excluding a **highly modified river or stream** that is managed in associated with a stormwater network or that is a **water race**, including any associated:

- (a) disturbance of the bed, and
- (b) deposition on the bed, and
- (c) diversion of water, and
- (d) discharge of sediment to water

is a permitted activity, provided the following conditions are met:

- (e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, except condition (g) (sediment condition), with all reference to a river or lake being read to also include a **highly modified river or stream**, and
- (f) any works to alter the depth or width of a **highly modified river or stream** shall not excavate any deeper or wider than the original grade or cross section of the channel, unless the widening or deepening is for the purpose of constructing or maintaining a sediment retention trap or a fish refuge bay, and
- (g) an intact vegetation cover (excluding weeds) shall be retained on the banks of the watercourse, and
- (h) any fish (except identified pest species), kākahi and kōura removed from the **highly modified river or stream** during maintenance works shall be returned to the **highly modified river or stream** at a site upstream of the works as soon as practicable, and no later than one hour after its removal, and

Commented [NM66]: Carterton District Council, Masterton District Council, Minister of Conservation, South Wairarapa District Council, Wellington Water Limited
Appeal Topic 45 Drains and highly modified streams
Consent order granted 15 October 2021

- (i) any sediment, ~~or~~ bed or plant material removed from the **drain** or **highly modified river or stream** shall be placed and spread on adjoining land in such a way that it cannot slump and be washed back into the ~~drains~~, or **highly modified river or stream** or other waterbodies, including wetlands, and
- (j) if mechanically clearing, to provide fish refuge areas, either:
 - (i) only one side of the **highly modified river or stream** shall be cleared at any one time, and the other side may only be cleared at least three months following completion of the initial works, or
 - (ii) if clearing both sides of the **highly modified river or stream**, for every 200m length of **highly modified river or stream** cleared either:
 1. at least a 10m length, or 5% bed area, of intact aquatic vegetation cover is retained (and may not be cleared for at least three months), or
 2. a constructed fish refuge that is at least 1m² is provided, and
- (k) sediment shall be trapped at the downstream end of the cleared reach by either installing a sediment trap or a sediment retention device, or retaining a length of intact aquatic vegetation that is at least 10m in length until, at least:
 - (i) the end of each working day where the reach has been cleared working upstream, or
 - (ii) otherwise the end of the following working day.
- (l) any maintenance works in the bed of a **highly modified river or stream** shall not remove any woody debris with a diameter greater than 0.2m from the **highly modified river or stream** unless it is causing, or has the potential to cause a flood or erosion threat, or a threat to infrastructure, and
- (m) where works are only being undertaken in a section of **highly modified river or stream** where the substrate that is to be removed is dry, conditions (h), (j) and (k) do not apply, but a sediment retention device shall be installed at the downstream end of the cleared reach and shall be maintained until after the first rainfall event following completion of works, and
- (n) for properties located in the whitebait migration zone shown on Map 56, between 1 August and 31 December:
 - (i) a visual inspection of the works area is undertaken immediately prior to the works and if a shoal of whitebait is present, no

- mechanical vegetation clearance and sediment removal work shall be undertaken until the shoal passes, and
- (ii) mechanical vegetation clearance and sediment removal work shall not occur more than once per reach.

Note

Many watercourses that are considered to be drains are natural watercourses that have been highly modified, often over many decades, and include channels dug to drain natural wetlands.

To provide guidance for landowners and plan users, highly modified rivers and streams have been mapped in those parts of the region that have a high concentration of these watercourse types (see here - [GIS Mapping - Watercourses](#)).

Guidance on watercourse classification is also available (see here [Watercourse Categorisation Guidance](#)).

The application of **agricultural chemicals** over **surface water bodies** or over lake or river beds is covered in Section 5.1.13.

Cleaning and inspection of all equipment, machinery, or operating plant may be required under the Biosecurity Act 1993 to prevent the spread of “pests” or “unwanted organisms”.

Rule R121A: Removal of aquatic vegetation and/or accumulated sediment from the bed of a **highly modified river or stream** or a stream used to convey **stormwater** in an urban area by a local authority – permitted activity



The removal of aquatic vegetation and/or accumulated sediment by a local authority from the bed of a **highly modified river or stream** and other streams used to convey **stormwater** in an urban area to manage the **hazard risk** of flooding to people, **property**, infrastructure and communities, or to maintain the efficiency of water races, including any associated:

- (a) disturbance of the bed, and
- (b) deposition on the bed, and
- (c) diversion of water, and
- (d) discharge of sediment to water

is a permitted activity until 30 June 2022, provided the following conditions are met:


- (e) a map identifying the waterbodies within which the local authority will be undertaking these activities is provided to Greater Wellington Regional Council by 30 November 2021, and
- (f) the activity shall comply with the conditions of Rule R121, except j(i) and (ii) if the activity is the removal of vegetation and/or accumulated sediment from the bed of the river or stream, or Rule R122 if the activity

is the trimming or removal of vegetation from the bed of the river or stream and any associated sediment or bed material attached to the roots of the vegetation being removed, and

- (g) excluding water races, instream fish cover shall be retained or provided on at least 5% of the bed for every 200m of stream cleared.

Note

For the avoidance of doubt, the excavation or other disturbance of the bed of a river for the purpose of extracting gravel or other bed material that is not accumulated sediment is a separate activity that is managed by Rules R112, R112A, R120 and R129.

Rule R121B: Removal of aquatic vegetation and/or accumulated sediment from the bed of a **highly modified river or stream** or a stream used to convey **stormwater** in an urban area by a local authority – restricted discretionary activity 

The removal of aquatic vegetation and/or accumulated sediment by a local authority from the bed of a **highly modified river or stream** and other streams used to convey **stormwater** in an urban area to manage the **hazard risk** of flooding to people, **property**, infrastructure and communities, or to maintain the efficiency of water races, including any associated:

- (a) disturbance of the bed, and
- (b) deposition on the bed, and
- (c) diversion of water, and
- (d) discharge of sediment to water

is a restricted discretionary activity, provided the following condition is met:

- (e) the resource consent application includes a **vegetation and sediment removal management plan** in accordance with Schedule X (Vegetation and sediment removal plan).

Matters for discretion

1. The contents and implementation of the **vegetation and sediment removal management plan** in accordance with Schedule X.
2. Management of adverse effects, including cumulative effects, on **aquatic ecosystem health** and **mahinga kai**, contact recreation and **Māori customary use**.
3. Management of adverse effects on sites identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), and Schedule F (indigenous biodiversity).
4. The benefits of flood risk mitigation.

Notification

In respect of Rule R121B, applications are precluded from public notification (unless special circumstances exist).

Note

For the avoidance of doubt, the excavation or other disturbance of the bed of a river for the purpose of extracting gravel or other bed material that is not accumulated sediment is a separate activity that is managed by Rules R112, R112A, R120 and R129.

Rule R122: Removing vegetation from the bed of any river or lake – permitted activity

The trimming or removal of vegetation (including weeds) from the bed of any river or lake and any associated sediment or bed material attached to the roots of the vegetation being removed, excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 except general condition 5.5.4(n), including any associated:

- (a) disturbance of the lake or river bed, and
- (b) deposition on the lake or river bed, and
- (c) diversion of water, and
- (d) discharge of sediment to water

is a permitted activity, provided the following conditions are met:

- (e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, and
- (f) the activity shall not cause any increase in flooding on neighbouring **properties**, and
- (g) any fish (except identified pest species), kākahi and kōura removed from the river or lake bed during maintenance works shall be returned to the river or lake at a site upstream of the works as soon as practicable, and no later than one hour after removal, and
- (h) floating debris and plant material shall be prevented from drifting away and causing obstructions to the river or lake bed, or spreading pest plants (as listed in the *Greater Wellington Regional Pest Management Strategy 2002-2022*), and
- (i) where the activity involves the mechanical clearance of aquatic vegetation from a river, to provide fish refuge areas either:
 - (i) only one side of the river shall be cleared at any one time, and the other side may only be cleared at least three months following completion of the initial works, or

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Carterton District Council, Masterton District Council
Minister of Conservation, NZ Transport Agency
South Wairarapa District Council, Wellington Water Limited
Appeal Topic 45 Drains and highly modified streams
Consent order granted 15 October 2021

- (ii) if clearing both sides of the river, for every 200m length of watercourse cleared at least a 10m length of intact aquatic vegetation cover is retained (and may not be cleared for at least three months), and-
- (j) any clearance works in the bed of a river or lake shall not remove any woody debris with a diameter greater than 0.2m unless it is causing, or has the potential to cause a flood or erosion threat, or a threat to infrastructure, and
- (k) no excavation of the bed, or widening or deepening of the bed is permitted by this rule, and
- (l) where works are only being undertaken in a section of watercourse where the substrate that is to be removed is dry, conditions (g) and (i) do not apply, but a sediment retention device shall be installed at the downstream end of the cleared reach and shall be maintained until after the first rainfall event following completion of works, and
- (m) for properties located in the whitebait migration zone shown on Map 56, between 1 August and 31 December:
 - (i) a visual inspection of the works area is undertaken immediately prior to the works and if a shoal of whitebait is present, no mechanical vegetation clearance and sediment removal work shall be undertaken until the shoal passes, and
 - (ii) mechanical vegetation clearance shall not occur more than once per reach.

Note

The spray application of **agrichemicals** over water bodies or over river and lake beds is covered in Section 5.1.13.

Cleaning and inspection of all equipment, machinery, or operating plant may be required under the Biosecurity Act 1993 to prevent the spread of “pests” or “unwanted organisms”.

General condition 5.5.4(n) prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

Rule R123: Planting – permitted activity

The deliberate introduction or planting of a plant in the bed of a river or lake, including any associated:

- (f) disturbance of the lake or river bed, and
- (g) deposition on the lake or river bed, and
- (h) diversion of water, and
- (i) discharge of sediment to water

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Porirua City Council
Wellington Water Limited

but excluding the deliberate introduction or planting of:

- (e) a species listed in the *Greater Wellington Regional Pest Management Strategy 2002-2022*.

is a permitted activity, provided the following conditions are met:

- (f) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, and
- (g) only native plants shall be used in a site identified in Schedule A (outstanding water bodies) or Schedule C (mana whenua). In a site identified in Schedule F (indigenous biodiversity) only native plants shall be used, except where appropriate non-native species are required for flood protection or erosion control, and
- (h) no planting shall be undertaken in an identified river management scheme area, unless it is undertaken in accordance with the planting program specified in the relevant floodplain management plan.

Rule R124: Entry or passage over bed (excluding livestock access) – permitted activity

The entry or passage across the bed of a river or lake that is not associated with any use of the river or lake bed specified in Rules R112 to R123, excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017, which is not for the purpose of **livestock** access covered by Rules R97 and R98 is a permitted activity provided the following condition is met:

- (a) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, except if the entry or passage is associated with an activity with an **existing resource consent** granted prior to 31 July 2015.

Note

Entry or passage across the bed of a river or lake is permitted by Rule R124 but does not permit other uses of river or lake beds that are identified in Section 13 of the Resource Management Act 1991. Other uses of river and lake beds such as disturbance, deposition, and **reclamation** require resource consents unless they are permitted by a rule in the Plan.

Entry or passage across the bed of a river or lake associated with a permitted activity is not restricted by this rule.

5.5.6 Reclamation and placement of a dam

Rule R126: Placement of a dam in an outstanding water body – non-complying activity

The placement or use of a dam that is fixed in, on, or under the bed of an outstanding water body identified in Schedule A2 (outstanding lakes) or Schedule A1 (outstanding rivers), or the damming of water that encroaches on an outstanding water body including any associated:

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Royal Forest and Bird Protection Society

- (a) disturbance of the river or lake bed, and
- (b) deposition on the river or lake bed, and
- (c) discharge of sediment to water, and
- (d) **reclamation** associated with the dam structure, and
- (e) and the damming of water outside the bed of a lake or river by a dam structure

is a non-complying activity.

Rule R127: Reclamation of the bed of a river or lake inside a site identified in Schedule A1 (outstanding rivers), Schedule A2 (outstanding lakes) or Schedule C (mana whenua) – non-complying activity

The **reclamation** of the bed, or any part of the bed, of a river or lake:

- (a) in a site identified in Schedule A1 (outstanding rivers) or Schedule A2 (outstanding lakes) where the **reclamation** is necessary to enable the operation, maintenance or **upgrade** of **regionally significant infrastructure**, or
- (b) in a site identified in Schedule C (mana whenua) where the **reclamation** is necessary to enable the operation, maintenance or **upgrade** of **regionally significant infrastructure** or the **reclamation** is only a partial **reclamation**,
- (c) in a site identified in Schedule C (mana whenua) where the **reclamation** is only a partial **reclamation** for the purposes of flood protection or erosion control.

is a non-complying activity.

Note

Damming inside a site identified in Schedule A1 (outstanding lakes) or Schedule A2 (outstanding rivers) is a non-complying activity under Rule R126.

Rule R127A: Reclamation of the bed of a river or lake outside of a site identified in Schedule A1 (outstanding rivers), Schedule A2 (outstanding lakes) or Schedule C (mana whenua) – discretionary activity

The **reclamation** of the bed, or any part of the bed, of a river or lake outside of a site identified in Schedule A1 (outstanding rivers), Schedule A2 (outstanding lakes) or Schedule C (mana whenua) except where the **reclamation** is associated with the piping of a river, unless this piping is necessary to enable the operation, maintenance or upgrade of existing **regionally significant infrastructure**, is a discretionary activity.

Note

Commented [NM71]:

Minister of Conservation, NZ Transport Agency, Porirua City Council, Royal Forest and Bird Protection Society
Transpower NZ Ltd, Wellington Water Limited
Appeal Topic 46 Reclamation
Consent order granted 27 October 2021

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NZ Transport Agency, Porirua City Council
Appeal Topic 46 Reclamation
Consent order granted 27 October 2021

Piping of a river does not include a culvert for the purpose of forming a reasonable crossing point. This is addressed by Rules R115 and R129.

Rule R127B: Reclamation associated with piping of a river outside of a site identified in Schedule A1 (outstanding rivers) or Schedule C (mana whenua) – non-complying activity

The **reclamation** of the bed, or any part of the bed, of a river or lake outside of a site identified in Schedule A1 (outstanding rivers) or Schedule C (mana whenua), associated with piping of a river, that is not a discretionary activity under Rule R127A, is a non-complying activity.

Note

Piping of a river does not include a culvert for the purpose of forming a reasonable crossing point. This is addressed by Rules R115 and R129.

Rule R128: Reclamation of the bed of a river or lake and associated diversion inside a site identified in Schedule A1 (outstanding rivers), Schedule A2 (outstanding lakes) or Schedule C (mana whenua) – prohibited activity

The **reclamation** of the bed, or any part of the bed, of a river or lake:

- (a) in a site identified in Schedule A1 (outstanding rivers), or
- (b) in a site identified in Schedule A2 (outstanding lakes), or
- (c) in a site identified in Schedule C (mana whenua)

including any associated diversion of water, is a prohibited activity, except as provided for by Rules R126 and R127.

5.5.7 All other uses of the beds of rivers and lakes

Rule R129: All other uses of river and lake beds – discretionary activity

All other uses, that would otherwise contravene section 13(1) or 13(2) of the Resource Management Act 1991 and any associated activities under sections 14 or 15 of the Resource Management Act 1991, in, on, under or over river and lake beds that is not permitted, controlled or restricted discretionary by Rule R112 to Rule R125 is a discretionary activity, except for reclamation, damming and diverting of water.

5.5.8 Damming and diverting water

Rule R130: Diversion of groundwater – permitted activity



Diversion of groundwater is a permitted activity, provided the following conditions are met:

- (a) there shall be no flooding or erosion of any neighbouring **property**, and
- (b) there shall be no lowering of water levels in any river, lake, or **natural wetland**, and

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NZ Transport Agency, Porirua City Council
Appeal Topic 46 Reclamation
Consent order granted 27 October 2021

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NZ Transport Agency, Porirua City Council
Appeal Topic 46 Reclamation
Consent order granted 27 October 2021

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CO issued 16 February 2022

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Carterton District Council
Porirua City Council
Wellington Water Limited

- (c) there shall be no lowering of groundwater levels on any neighbouring **property**.

Rule R131: Damming or diverting water within or from rivers – discretionary activity

The damming or diverting of water within or from a river that does not meet Rules R112, R114, R115, R116, R117, R118, R119, R121, R122 and R123 and R140 is a discretionary activity, provided the following conditions are met:

- (a) the damming or diverting of water shall not result in river flows falling below **minimum flows** in chapters 7 to 11 of the Plan, and
- (b) the damming or diverting of water is not in any outstanding river identified in Schedule A1 (outstanding rivers).

Rule R132: Damming or diverting water within or from rivers – non-complying activity

The damming or diverting of water within or from a river that does not meet conditions in Rule R131 is a non-complying activity.

Rule R133: Damming or diverting water within or from natural lakes – discretionary activity

The damming or diverting of water within or from a **natural lake** other than Lake Kohangatera and Lake Kohangapiripiri is a discretionary activity provided the following conditions are met:

- (a) in Lake Wairarapa, the **minimum water levels** in chapter 7 of the Plan are met, and
- (b) in **natural lakes**, other than Lake Wairarapa, there is no change in the natural minimum lake level.

Rule R134: Damming or diverting water within or from natural lakes, Lake Kohangatera or Lake Kohangapiripiri – non-complying activity

The damming or diverting of water within or from **natural lakes** that do not meet the conditions in Rule R133 or within or from Lake Kohangatera or Lake Kohangapiripiri is a non-complying activity.

Rule R135: General rule for damming and diverting water – discretionary activity



The damming or diverting of water that would otherwise contravene sections 14(2) or 14(3) of the Resource Management Act 1991 and is not permitted, controlled, restricted discretionary, discretionary, non-complying or a prohibited activity is a discretionary activity.