


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. ~~This does not apply w~~Where a proposal includes a number of activities which trigger separate specific rules. ~~In that case,~~ all of the relevant¹ 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 – 11.²

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

RulesProvisions relevant to the coastal marine area are identified by this icon . As noted in Sections 2.1 and 2.1.3, due to the integrated nature of the Plan, provisions marked with the coastal icon are also relevant to activities related to air, land and water outside of the coastal marine area where the regional council has jurisdiction.³

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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¹ S42A Report: Water quality, Issue 10.1

² S42A Report: Overall policy framework of the proposed Plan, Issue 1.3

³ S42A Report: Overall policy framework of the proposed Plan, Issue 1.2

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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**,⁴ **significant natural wetlands** and **outstanding natural wetlands** are that:

- ~~(g)~~(a) the vegetation and the bed of the **natural wetland**, **significant 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
- ~~(a)~~(b) there shall be no discharge of contaminants (including but not limited to oil, petrol, diesel, paint, ~~or~~ solvent, **heavy metals and other toxicants**) to water or the bed, **except where this is the result of the disturbance of other than** sediment and other materials **inherent to already existing in** the water or bed, ~~but excluding any discharge of heavy metals or other toxicants~~, and”
- ~~(b)~~(c) no cleaning or refuelling of machinery or equipment, **or storage of fuel** shall take place ~~on any area in, or within 10m~~ of, a **natural wetland, a significant natural wetland, or an outstanding natural wetland**, ~~and fuel storage shall not occur or~~ at any location where fuel can enter a water body, and
- ~~(e)~~(d) all machinery, equipment and materials used for the activity shall be removed from the **natural wetland, significant 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

⁴ RoR Report: Wetlands and biodiversity, issue 7.

- ~~(d)~~(e) structures are designed, installed and maintained, and activities are carried out in a manner to ensure that fish passage is maintained at all times, unless a temporary restriction of no more than 48 hours is required for construction or maintenance activities, and
- ~~(e)~~(f) in any part of the ~~natural wetland,~~ significant natural wetland or outstanding natural wetland, with inanga spawning habitat identified in Schedule ~~F1b F4 (coastal sites) and Schedule F5 (coastal habitats),~~ no bed disturbance, diversions of water or sediment discharge shall occur between 1 ~~March~~January and 31 May, and
- ~~(f)~~(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,~~ significant natural wetland or outstanding natural wetland, and
- ~~(g)~~ ~~the vegetation and the bed of the natural wetland shall not be disturbed to a depth or an extent greater than that required to undertake the activity.~~
- ~~(h)~~ the following setback conditions apply to Plantation Forestry activities as covered by the Resource Management (National Environmental Standards for Plantation) Regulations 2017:
- ~~(a)~~ earthworks must not occur within 10m of a ~~Schedule F3 (Identified significant natural wetlands) site,~~ and
- ~~(b)~~ harvesting machinery must not be operated within 10m of a ~~Schedule F3 (Identified significant natural wetlands) site,~~ and
- ~~(c)~~ mechanical land preparation must not occur within 10m of a ~~Schedule F3 (Identified significant natural wetlands) site.~~

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”⁵.

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

⁵ Section 42A Report: Wetlands

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.⁶

Rule R104: Structures in ~~natural wetlands~~ and ⁷significant natural wetlands – permitted activity



The use, maintenance, repair, addition, alteration, or replacement (like for like) of an existing lawfully established⁸ structure or existing lawfully established regionally significant infrastructure, including associated vegetation removal, and the placement of a new structure of an area less than 10m² for the purpose of hunting and recreation (including maimai and jetties), wetland restoration, or the monitoring of wetland condition⁹, and the removal of an existing structure, in a ~~natural wetland~~ **or significant 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 significant 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 significant natural wetland**, and
- (c) damage to a part of the foreshore or seabed that forms part of a ~~natural wetland~~ **or significant 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 hand-held machinery is used in any area of the ~~natural wetland~~ **or significant natural wetland**, and
- (g) any new structure is not located within a site identified in Schedule C (mana whenua), and
- (h) 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
- ~~(g)~~(j) the activity shall comply with the wetland general conditions for activities in ~~natural wetlands~~ **or significant natural wetlands** and **outstanding natural wetlands** specified above in Section 5.5.2.

⁶ S42A Report: Wetlands and Biodiversity

⁷ RoR Report: Wetlands and biodiversity, issue 7.

⁸ Supplementary RoR: Wetlands and biodiversity

⁹ Section 42A Report: Wetlands and Biodiversity

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”.

R104A: Structures in ~~natural wetlands and~~¹⁰ significant natural wetlands within a site identified in Schedule C (mana whenua) – restricted discretionary activity

The placement of a new structure of an area less than 10m² for the purpose of hunting and recreation (including maimai and jetties), wetland restoration or the monitoring of wetland condition in a ~~natural wetland or~~ **significant natural wetland** that is identified in Schedule C (mana whenua), including any associated:

- (a) disturbance of a river or lake bed, or foreshore or seabed that forms part of a ~~natural wetland~~ or **significant 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 **significant natural wetland**, and
- (c) damage to a part of the foreshore or seabed that forms part of a ~~natural wetland~~ or **significant natural wetland**, and
- (d) diversion of water, and
- (e) discharge of sediment to water

is a restricted discretionary activity, provided the following conditions are met:

- (f) any new structure must meet the conditions of Rule R104.

Matters for discretion

1. Effects on sites with significant **mana whenua** values.

Rule R105: Planting and pest plant control in ~~natural wetlands~~,¹¹ significant natural wetlands and outstanding natural wetlands – permitted activity



The deliberate introduction or planting of a plant, and the removal or control of pest plants in the bed of a ~~natural wetland~~, **significant 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~~, **significant natural wetland**, or **outstanding natural wetland**¹² and

¹⁰ RoR Report: Wetlands and Biodiversity, issue 7.

¹¹ RoR Report: Wetlands and Biodiversity, issue 7.

¹² S42A Report: Wetlands and Biodiversity, Issue 7

- (b) deposition in, on, or under a river or lake bed, or foreshore or seabed, that forms part of a ~~natural wetland~~, **significant natural wetland, or outstanding natural wetland** and
- (c) damage to part of the foreshore or seabed that forms part of a ~~natural wetland~~, **significant 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 ~~appropriate~~ indigenous wetland species typical of the area and wetland type¹³ are deliberately introduced or planted, and
- (g) only ~~appropriate pest~~ plant species that are not typical of the area and wetland type⁸ are deliberately removed or controlled, and
- (h) only **agricultural** approved by the Environmental Protection Authority for use into and over surface water bodies are used and the conditions of Rule R37 (excluding clause (d)) are met,⁸ and
- (i) **agricultural** are not applied by aerial spraying, and
- (j) only hand-held machinery is used in any area of the ~~natural wetland~~, **significant natural wetland, or outstanding natural wetland**, and
- (k) the activity shall comply with the wetland general conditions for activities in ~~natural wetlands~~, **significant 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 ~~pest~~ plants to remove (those that are not typical of the area and wetland type).⁸

Rule 105a: Removal of wetland plants for Māori customary use¹⁴ or the use of an individual.¹⁵

The selective removal of a part of a plant ~~plants~~¹⁶ from a ~~natural wetland~~, 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

¹³ S42A Report: Wetlands and Biodiversity, Issue 7

¹⁴ S42A Report: Beds of lakes and rivers, Issue 3

¹⁵ RoR Report: Beds of lakes and rivers, issue 3.

¹⁶ RoR Report: Wetlands and beds of lakes and rivers, issue 7.

- (b) the vegetation and the bed of the **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~~¹⁷, significant natural wetlands and outstanding natural wetlands – controlled activity



Activities for the purpose of the restoration of~~restoring~~¹⁸ the indigenous biodiversity of a ~~natural wetland~~, **significant natural wetland** or **outstanding natural wetland** identified in Schedule A3 (outstanding wetlands), that are not permitted by rules R104 and R105, are controlled activities provided the following condition is met:

- (a) the activities are stipulated in and carried out in accordance with an approved **wetland**¹⁹ **restoration management plan.**

Matters of control

1. Removal, damage or modification of indigenous vegetation
2. Changes to the hydrology of the ~~natural wetland~~, **significant natural wetland or outstanding natural wetland**
3. Species for planting
4. Amount of disturbance and deposition that may occur
5. Timing of the activities
6. Management of sites with significant mana whenua values in any ~~natural wetland~~, **significant natural wetland, or outstanding natural wetland** identified in Schedule C (mana whenua)
7. 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~~ **significant natural wetland, or outstanding natural wetland**
8. Ongoing ~~natural wetland~~, **significant natural wetland, or outstanding natural wetland** management
9. Methods of pest control, including the use of aerial spraying²⁰

Notification

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

¹⁷ RoR Report: Wetlands and Biodiversity, issue 7.

¹⁸ S42A Report: Wetlands and Biodiversity, Issue 7

¹⁹ S42A Report: Wetlands and Biodiversity, Issue 6.5

²⁰ S42A Report: Wetlands and Biodiversity, Issue 7

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 and~~²¹ significant natural wetlands – discretionary activity



The following activities in a ~~natural wetland or~~ **significant natural wetland** except for those stipulated in and carried out in accordance with a **wetland restoration management plan** under Rule R106:

- (a) the placement of new structures with a footprint of 10m² or greater for the purpose of hunting and recreation (including maimai and jetties) and all other structures that do not meet the conditions of Rule R104. ~~with a footprint of 10m² or greater for the purpose of hunting and recreation (including maimai and jetties) and all other structures~~²²
- (b) the discharge of water or contaminants not permitted by Rule R42,
- (c) the clearance of indigenous wetland vegetation, (excluding the removal of pest plants under Rule R105),
- (d) activities not meeting the conditions of Rules R104 or R105,

including any associated:

- (e) disturbance of a river or lake bed, or foreshore or seabed that forms part of a **significant natural wetland**, and
- (f) deposition in, on, or under a river or lake bed, or foreshore or seabed that forms part of a **significant natural wetland**, and
- (g) damage to a part of the foreshore or seabed that forms part of a **significant natural wetland**, and
- (h) diversion of water, and
- (i) discharge of sediment to water

are discretionary activities.

Rule R108: Activities in ~~natural wetlands and~~²³ significant natural wetlands – non-complying activity



The following activities, in a ~~natural wetland or~~ **significant natural wetland** except for those stipulated in and carried out in accordance with a **wetland²⁴ restoration management plan** under Rule R106:

²¹ RoR Report: Wetlands and Biodiversity, issue 7.

²² S42A Report: Wetlands and Biodiversity, Issue 7

²³ RoR Report: Wetlands and Biodiversity, issue 7.

²⁴ S42A Report: Wetlands and Biodiversity, Issue 6

- (a) take, use, damming or diverting water into, within, or from the ~~natural wetland~~ or significant natural wetland, or the take and use of water within 50m of the significant natural wetland,
- (b) land disturbance including excavation and deposition,
- (c) reclamation ~~(including and drainage or diverting of water to an extent that the area affected ceases to have the characteristics~~ of a natural wetland or significant natural wetland),

including any associated:

- (d) disturbance of a river or lake bed, or foreshore or seabed that forms part of a ~~natural wetland~~ or significant 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~~ or significant natural wetland, and
- (f) damage to a part of the foreshore or seabed that forms part of a ~~natural wetland~~ or significant natural wetland, and
- (g) diversion of water, and
- (h) discharge of sediment to water

are non-complying activities.

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:

- (a) the maintenance, repair or replacement (like for like) of existing structures,
- (b) the placement of new structures with a footprint of 10m² or greater for the purpose of hunting and recreation (including maimai and jetties) and all other structures that do not meet the conditions of Rule R104²⁵ ~~of an area less than 10m² for the purpose of hunting and recreation (including maimai and jetties)~~,
- (c) the removal of existing structures,
- (d) removal of pest plants that are not permitted by Rule R105

are discretionary activities.

²⁵ RoR Report: Wetlands and Biodiversity, issue 7.

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:

- (a) the discharge of water or contaminants,
- (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 natural²⁶ wetland,
- (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,
- (d) land disturbance including excavation and deposition,
- (e) vegetation clearance, excluding the removal of pest plants under Rule R105,
- (f) other activities that are not discretionary under Rule R109 or prohibited by Rule R111

are non-complying activities.

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



Reclamation or drainage²⁷ (including drainage or diverting of water to an extent that the area affected ceases to have the characteristics of a wetland) 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, is a prohibited activity.

5.5.4 Activities in 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 ~~other than~~ sediment and other

²⁶ RoR Report: Wetlands and Biodiversity, issue 7.

²⁷ Section 42A Report: Wetlands

materials ~~inherent to already existing~~ the water or bed, ~~but excluding any discharge of heavy metals or other toxicants~~²⁸, and

- (b) no cleaning or refuelling of machinery or equipment, ~~or storage of fuel shall take place on any area in, or within 10m of, a river or lake bed, nor will fuel storage occur~~ or²⁹ 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, ~~unless a temporary restriction of no more than 48 hours is required for construction or maintenance activities~~³⁰. This shall include avoiding any aggradation or scouring of the bed of the river or lake that may inhibit fish passage, and
- (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~~³¹ and 31 May, 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 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 comply with the following:~~
 - (i) ~~The release of sediment associated with the activity must not be undertake for more than five consecutive days, and for more than 12 hours per day and~~
 - (ii) ~~There~~³² must not, after reasonable mixing, ~~result in~~ be any conspicuous change in the colour of water in the receiving water or change in horizontal visibility of greater than 30%, ~~more than 24 hours after the completion of the activity,~~³³ and

²⁸ Section 42A Report: Beds of lakes and rivers, Issue 4

²⁹ Section 42A Report: Beds of lakes and rivers, Issue 4

³⁰ Section 42A Report: Beds of lakes and rivers, Issue 4

³¹ RoR Report: Beds of lakes and rivers, issue 4.

³² Section 42A Report: Beds of lakes and rivers, Issue 4

- (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 be contained within the bed of the river, and~~
 - ~~(iii)~~(ii) must not involve a lake, and
 - ~~(iv)~~(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 stormwater intake structure or debris arrestor~~ shall be designed ~~and maintained~~ so that it does not reduce the ability of the river to convey flood flows. All structures shall be maintained to ~~This includes the management of~~ flood debris accumulated against the structure, ~~and the conveyance of the 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
- (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 bed identified in Schedule F2a (birds-rivers) or Schedule F2b (birds-lakes), no ~~the~~ structure shall ~~not~~ be constructed, ~~or the activity~~ and no disturbance shall ~~not~~ 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~~-.³⁴~~~~
- ~~(o) beds of lakes and rivers general conditions (a) to (m) that apply as specified in Rule R112 to R125 do not cover any activities regulated by Sub-Part 4 – River crossings and Sub-Part 10 – General provisions~~

³³ Section 42A Report: Beds of lakes and rivers, Issue 4

³⁴ S42A Report: Beds of Lakes and Rivers, Issue 4

in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.³⁵

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 Activities in beds of lakes and rivers

Rule R112: Maintenance, repair, replacement, upgrade or use of existing structures (excluding the Barrage Gates and any large³⁶ dam structure) – permitted activity

The maintenance, repair, replacement, **upgrade** or use of a lawfully established structure or a part of a structure excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017³⁷ (excluding the Barrage Gates located in the lower Wairarapa Valley, and any dam structure that does not meet the conditions of Rule R116)³⁸ that is fixed in, on, under, or over the bed of a river or lake, 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
- (e) temporary damming of water

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

- ~~(e)~~(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
- ~~(f) — the resulting structure is contained within the form of the existing structure, or³⁹~~
- ~~(f)~~(g) the resulting structure, excluding any cable, pipe or duct (for example gas pipes, electricity cables or ducts) attached to the structure⁴⁰ and including any deposition, adds no more to the existing structure than whichever is the lesser of:

³⁵ S42A Report: Beds of lakes and rivers, Issue 5

³⁶ RoR Report: Beds of lakes and rivers, issue 4.

³⁷ S42A Report: Beds of lakes and rivers, Issue 5

³⁸ S42A Report: Beds of Lakes and Rivers, Issue 4

³⁹ S42A Report: Beds of Lakes and Rivers, Issue 4

⁴⁰ S42A Report: Beds of Lakes and Rivers, Issue 4

- (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 on the date of public notification of the Proposed Natural Resources Plan (31.07.2015) in the river or lake bed or from the date that the structure was lawfully established, whichever is the latter, and
- ~~(h) any existing structure was lawfully established on the date of public notification of the Proposed Natural Resource Plan (31.07.2015)⁴¹;~~
- h) any maintenance of the function of a structure shall:
- ~~(i) only be for the purpose of removing or redistributing 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, or to reduce the perched nature of any culvert due to scour, and~~
 - ~~(ii) be undertaken within 5 metres of the structure, and~~
 - ~~(iii) result in the disturbance or excavation of an area of bed no more than 10m², and~~
 - ~~(iv) 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 small dam structure shall be contained within the form of the existing structure as it was on the date of public notification of the Proposed Natural Resources Plan (31.07.2015) in the river or lake bed or from the date that the structure was lawfully established, whichever is the latter, and no increase in size shall be provided for by clause (g) of this rule.~~

⁴¹ Section 42A: Beds of lakes and Rivers, Issue 4

Note:

Earth dams are not classified as ~~Dam structures~~ ~~do not include earth dams~~ for the purposes of this rule.⁴²

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 the date of public notification of the Proposed Natural Resources Plan (31.07.2015) excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017⁴³ 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 the date of public notification of the Proposed Natural Resources Plan (31.07.2015), 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 R135.⁴⁴

Rule R114: River crossing structures – permitted activity

The placement ~~or~~⁴⁵ construction⁴⁶ ~~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 2017⁴⁷, 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
- (e) temporary damming of water during the works period
- (f) reclamation associated with the crossing structure

⁴² S42A Report: Beds of Lakes and Rivers, Issue 4

⁴³ S42A Report: Beds of lakes and rivers, issue 5.

⁴⁴ S42A Report: Beds of Lakes and Rivers, Issue 4

⁴⁵ RoR Report: Beds of Lakes and Rivers, issue 4.

⁴⁶ S42A Report: Beds of Lakes and Rivers, Issue 4

⁴⁷ S42A Report: Beds of lakes and rivers, issue 5.

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

- ~~(e)~~(g) the activity shall comply with the beds of lakes and rivers general conditions specified above in section 5.5.4, and
- ~~(f)~~(h) 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
- ~~(g)~~(i) 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
- ~~(h)~~(j) the activity does not occur within a site identified in Schedule C (mana whenua), and
- (i) a river crossing structure shall not be placed within a site identified in Schedule F1b (inanga spawning habitat).⁴⁸

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

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

Rule R115: Culverts – permitted activity

The placement ~~or use~~⁴⁹ of a culvert 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 2017⁵⁰ 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 during the placement of the culvert
- (f) reclamation associated with the culvert

⁴⁸ S42A Report: Beds of Lakes and Rivers, Issue 4

⁴⁹ RoR Report: Beds of lakes and rivers, issue 4.

⁵⁰ S42A Report: Beds of lakes and rivers, issue 5.

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

~~(e)~~(g) 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

~~(f)~~(h) the activity does not occur within a site identified in Schedule C (mana whenua), and

~~(g)~~(i) where multiple culverts are placed side by side, the total ~~cross-sectional area capacity~~⁵¹ of the multiple culverts shall not be less than that of a single culvert which complies with this rule, and

~~(h)~~(j) the culvert, associated fill and culvert placement shall comply with the following dimensions:

- (i) a maximum culvert length of 20m, and
- (ii) for circular culverts a culvert diameter of 0.3m to 1.2m (inclusive), and
- (iii) for non-circular culverts a width and height of 0.3m to 1.2m each (inclusive), and
- (iv) a culvert diameter, or width that is at least as wide as the river bed at the point at which the culvert is installed (and which complies with (h)(ii) and (h)(iii) above)
- (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

~~(i)~~(k) a minimum culvert installation depth below the bed of 20% of the width of the culvert, and

~~(j)~~(l) the culvert shall be positioned so that its alignment and gradient are the same as the river, and

~~(k)~~(m) 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

~~(l)~~(n) the culvert inlet and outlet shall be protected against erosion, and

⁵¹ S42A Report: Beds of Lakes and Rivers, Issue 4

~~(m)~~(n) all practicable steps shall be taken to minimise the release of sediment during construction, and

~~(n)~~(o) 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

~~(o)~~(p) the culvert shall be constructed and maintained to avoid causing any flooding on any neighbouring properties, ~~and~~

~~(p)~~(q) a culvert shall not be placed within a site identified in Schedule F1b (inanga spawning habitat).⁵²

Rule R116: Establishing a ~~small~~ dam and the use of existing dams – permitted activity

The placement of a new ~~small~~⁵³ dam, or use of an an earth ~~small~~ 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
- (d) damming of water, and
- (e) discharge of sediment to water, and
- (f) reclamation associated with the dam structure, and
- (g) 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:

- (h) where the ~~small~~ 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
- (i) the activity placement of a new does not occur within a site identified in Schedule C (mana whenua), and
- (j) the small placement of a new dam is not located in and does not cause water to pond in, a **significant natural wetland** identified in Schedule F3 (significant wetlands) or an outstanding water body identified in Schedule A (outstanding water bodies), and

⁵² S42A Report: Beds of Lakes and Rivers, Issue 4

⁵³ RoR Report: Beds of lakes and rivers, issue 4.

- (k) the **small** dam shall not impound more than 20,000m³ of water above natural ground level⁵⁴, and
- (l) the **small** 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
- (m) any new **small** dam does not have a catchment area above the dam of more than 20ha, and
- (n) the water impounded by the **small** dam does not encroach onto adjoining **properties**, and
- (o) 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
- (p) any new **small** 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 **34m** 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.

Rule R117: New structures – permitted activity

The placement ~~or use~~⁵⁵ of a new structure, including ~~but not limited to~~ 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 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)⁵⁶, 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
- (e) temporary damming of water

⁵⁴ S42A Report: Beds of Lakes and Rivers, Issue 4

⁵⁵ RoR Report: Beds of lakes and rivers, issue 4.

⁵⁶ S42A Report: Beds of lakes and rivers, issue 5.

(f) partial stream reclamation associated with the structure

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

~~(e)~~(g) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, and

~~(f)~~(h) 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,⁵⁷ and

~~(g)~~ ~~in any part of a river bed identified in Schedule F2a (birds rivers) or Schedule F2b (birds lakes) the structure shall not be constructed during the critical period identified in Schedule F2a (birds rivers) or Schedule F2b (birds lakes) if the named birds are identified at the construction site, and~~⁵⁸

~~(g)~~(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 any bed area within inanga spawning habitat identified in Schedule F1, and elsewhere 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~~⁵⁹

~~(h)~~(j) the catchment upstream of any sediment retention weir is not greater than 200ha, and

~~(j)~~(k) the height of any sediment retention weir from the upstream base to the crest of the weir at the time of construction⁶⁰ shall be no more than 0.5m, and

~~(k)~~(i) ~~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 water body after the diverted water is returned, is maintained, where it is returned to the water body is the same or better than the receiving water body.~~⁶¹

Note

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

⁵⁷ S42A Report: Beds of lakes and Rivers, Issue 1

⁵⁸ S42A Report: Beds of lakes and Rivers, Issue 4

⁵⁹ S42A Report: Beds of lakes and Rivers, Issue 4

⁶⁰ S42A Report: Beds of lakes and Rivers, Issue 4

⁶¹ S42A Report: Beds of lakes and Rivers, Issue 4

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 2017⁶² 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

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: ~~Clearing~~Removing flood debris and beach recontouring – permitted activity

The ~~clearing 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)⁶³ including any associated:

- (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)

⁶² S42A Report: Beds of lakes and rivers, issue 5.

⁶³ S42A Report: Beds of lakes and rivers, issue 5.

(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 the beach recontouring activities shall not extend below a level greater than 0.1m above the water level adjacent to the extraction site and ~~the beach recontouring~~ 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) in any part of a river bed identified in Schedule F2a (birds rivers) clearing of flood debris and beach recontouring shall not occur during the critical period identified in Schedule F2a (birds rivers) if the named birds are identified at the work site, and⁶⁴~~
- ~~(k) there is no removal of any sand, shingle, rock, gravel or other natural bed material from the bed, other than what is permitted in Rule R120, and⁶⁵~~
- ~~(k)(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

⁶⁴ S42A Report: Beds of lakes and Rivers, Issue 4

⁶⁵ RoR Report: Beds of lakes and rivers, issue 4.

Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 except general condition 5.5.4(n)⁶⁶ including any associated:

- (a) deposition on the river or lake bed

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

- (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 downstream⁶⁷ from any established weir, ford, culvert, bridge, dam, surface water intake structure or network utility structure pole or pylon, and more than 50m upstream or downstream from any existing flood control structures located in the bed of the river, and

⁶⁶ S42A Report: Beds of lakes and rivers, Issue 5

⁶⁷ RoR Report: Beds of lakes and rivers, issue 4.

- (i) ~~in any part of a river bed identified in Schedule F2a (birds rivers) extraction shall not occur during the critical period identified in Schedule F2a (birds rivers) if the named birds are identified at the construction site, and~~⁶⁸
- (j) 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
- (k) 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 R121: Maintenance of drains and highly modified rivers or streams⁶⁹ within an individual property⁷⁰ – permitted activity

The ~~mechanical~~⁷¹ removal of vegetation or bed material and associated sediment from any ~~farm~~ **drain** or any **highly modified river or stream** within an individual property, excluding any drain or highly modified river or stream that is managed as part of a stormwater network or that is a water race, including any associated:

- (a) disturbance of the **drain** bed, and
- (b) deposition on the **drain** bed, and
- (c) diversion of water ~~in the drain~~, 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 **drain (as well as a highly modified river or stream)** ~~artificial farm drain~~, and
- (f) any works to alter the depth or width of ~~a drain~~ the watercourse **a drain or highly modified river or stream** shall not excavate any deeper or wider than the original grade or cross section of the ~~drain~~ channel, unless the widening or deepening is for the purpose of constructing or maintaining a sediment retention trap or a fish refuge bay, and

⁶⁸ S42A Report: Beds of lakes and Rivers, Issue 4

⁶⁹ S42A Report: Beds of Lakes and Rivers, Issue 1

⁷⁰ RoR Report: Beds of lakes and rivers, issue 4.

⁷¹ Supplementary RoR: Beds of lakes and rivers

- (g) an intact vegetation cover (excluding weeds) shall be retained on the banks of the watercourse.
- ~~(g) if mechanically clearing aquatic vegetation, the machinery must use a weed bucket with a curved flat base, and a slatted back that permits the easy drainage of water and fish back into the drain, and~~
- (h) any fish (except identified pest species), kākahi and kōura removed from the river or lake bed during works shall be returned to the river or lake river or lake watercourse at a site upstream of the works in an ‘unstressed’ condition as soon as practicable as soon as practicable, and no later than one hour after removal from the drain, and no later than one hour after removal and
- (i) any sediment, bed or plant material removed from the ~~drain watercourse~~ drain or highly modified river or stream shall be placed and spread on adjoining land in a position that allows trapped fish and koura to re-enter the water and in such a way that it cannot slump and be washed back into the drain or highly modified river or stream watercourse drains, or other waterbodies, including wetlands, and
- (j) ~~two years after the date of public notification of the Proposed Natural Resources Plan (31.07.2015), where the activity involves the mechanical clearance of the watercourse a drain, To provide fish refuge areas either:~~
- (i) ~~where the watercourse is sufficiently wide,~~ only one side ~~of the drain~~ of the drain or highly modified river or stream shall be cleared at any one time, and the other side ~~of the drain~~ may only be cleared at least three months following completion of the initial works, or ~~only the middle of the drain shall be cleared, and an uncleared margin of at least 30% of the width of the drain, but no less than 0.3m, shall be left uncleared on each side of the drain, and~~
- (ii) for every 200 metre length of watercourse drain or highly modified river or stream cleared either:
1. at least a 10 metre length 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) ~~where the activity involves the mechanical clearance of a drain, the activity shall commence at the most upstream point of the length of drain to be cleared and move downstream, 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 seven times the width of the watercourse drain or highly modified river or stream 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, and

- (l) any maintenance works in the bed of a drain or highly modified river or stream ~~the watercourse~~ ~~a drain~~ shall not remove any woody debris with a diameter greater than 0.2m from the watercourse ~~drain~~ unless it is causing, or has the potential to cause a flood or erosion threat, or a threat to infrastructure.

Note

The application of **agrichemicals** over **surface water bodies** or over lake or river beds is covered in Section 51.13.

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”.⁷²

Rule R122: Removing vegetation – permitted activity

The trimming or removal of vegetation (including weeds) from the bed of any river or lake (excluding a highly modified river or stream) 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)⁷³ 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) — in any part of a river bed identified in Schedule F2a (birds rivers) or Schedule F2b (birds lakes) vegetation removal shall not occur during the critical period identified in Schedule F2a (birds rivers) or Schedule F2b (birds lakes) if the named birds are identified at the work site, and~~⁷⁴
- ~~(f)(g)~~ the activity shall not cause any increase in flooding on neighboring **properties**, and
- ~~(g)(h)~~ if mechanically clearing aquatic vegetation from an area of river or lake bed covered in water that has a predominantly gravel bottom, the machinery must use a weed rake ~~bucket with a curved flat base and a slatted back~~ that permits the easy drainage of water and fish, and
- ~~(h)(i)~~ 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 ~~river or lake~~ watercourse at a site upstream of the works ~~in an~~

⁷² S42A Report: Beds of Lakes and Rivers, Issue 1 (changes to Rule R121 as a whole)

⁷³ S42A Report: Beds of lakes and rivers, Issue 5

⁷⁴ S42A Report: Beds of lakes and Rivers, Issue 4

~~‘unstressed’ condition drain as soon as practicable, and no later than one hour after removal and no later than one hour after removal, from the drain,~~
and

- (i)(k) (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
- (f) ~~where the activity involves the removal of an area of contiguous woody vegetation from the banks of a river, that extends for a length of river bed of greater than 100m, either:~~
- ~~(i) a length of river bed of 10m shall be left with intact woody vegetation as a refuge area for every 200m of cleared river bed. The vegetation in the refuge area must be left for at least three months following completion of the main works, or~~
 - ~~(ii) where there is contiguous woody vegetation on both sides of the banks of the river, vegetation is only removed from one side of the river, and the vegetation is not removed from the opposite for a period of 12 months,~~
- ~~(k)(j)~~ where the activity involves the mechanical clearance of aquatic vegetation from a river, to provide fish refuge areas either:
- ~~(i) where the river is sufficiently wide,~~ 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
 - ~~(ii) only the middle of the river shall be cleared, and an uncleared margin of at least 30% of the width, but no less than 0.3m, shall be left uncleared on each side, and for every 200 metre length of watercourse cleared at least a 10 metre length of intact aquatic vegetation cover is retained (and may not be cleared for at least three months).~~
- (+)(k) 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
- ~~(m)(l)~~ no excavation of the bed, or widening or deepening of the bed is permitted by this rule.

Note

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

~~Condition (k) does not apply to lopping and cabling of willows for vegetative bank edge protection works.~~

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”.⁷⁵

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:

- (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

but excluding the deliberate introduction or planting of:

- ~~(e) crack willow (*Salix fragilis*) and grey willow (*Salix cinerea*), other than where they are already predominant but excludes the following areas where they are predominant (to be developed), and~~
- ~~(f) an introduced, submersed aquatic plant, and~~
- (g) a species listed in the *Greater Wellington Regional Pest Management Strategy 2002-2022*.

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

- (h) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, and
- (i) only native plants shall be used in a site identified in Schedule A (outstanding water bodies); or Schedule C (mana whenua). ~~and~~ 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
- (j) 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 river 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

⁷⁵ S42A Report: Beds of lakes and rivers, Issue 1 (changes to Rule R122 as a whole)

for Plantation Forestry) Regulations 2017, ⁷⁶ 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 the date of public notification of the Proposed Natural Resources Plan (31.07.2015).

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.

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 small dam, or other small structure that that is fixed in, on or under 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, and
- (f) reclamation associated with the dam structure, and
- (g) 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:

- (h) any small river crossing (other than a culvert) must meet the conditions of Rule R114, except condition (h), and
- (i) any culvert must meet the conditions of Rule R115, except condition (f), and

⁷⁶ S42A Report: Beds of lakes and rivers, Issue 5

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

Matters for discretion

1. Effects on sites with significant **mana whenua** values

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:

- (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 beds of rivers or lakes – non-complying activity

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

- (a) associated with the piping of a stream, or
- ~~(b) in a site identified in Schedule A1 (outstanding rivers), or~~
- ~~(e)(b)~~ (b) in a site identified in Schedule A (outstanding water bodies) or Schedule C (mana whenua) where the reclamation is necessary to enable the operation, maintenance or upgrade of regionally significant infrastructure., or
- (c) 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.

is a non-complying activity.

Rule R128: Reclamation of the bed of an outstanding lake and associated diversion – prohibited activity

The reclamation of the bed, or any part of the bed, of:

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

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

5.5.7 All other activities in the beds of rivers and lakes

Rule R129: All other activities in river and lake beds – discretionary activity

All other activities, except for damming and diverting of water, in river and lake beds that is not permitted or restricted discretionary by Rule R112 to Rule R125 is a discretionary activity except for those activities that are non-complying or prohibited under Rule R126, Rule R127 or Rule R128.

Rule R129A: Gravel extraction for flood protection purposes or erosion mitigation inside sites of significance – discretionary activity⁷⁷

Destruction, damage or disturbance associated with gravel extraction dredging for flood protection purposes or erosion mitigation inside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), ~~or~~ 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.

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

⁷⁷ S42A Report: Beds of Lakes and Rivers, Issue 4

- (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
- (a) 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 taking, use, 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.

