

Appendix B: Recommended amendments to beds and lakes and rivers (Track Change Version)

1. Interpretation

<p>Artificial farm drainage canal¹</p>	<p>An open (not piped) artificial watercourse, that is designed and constructed for the purpose of land drainage of surface or subsurface water and does not form part of a natural stream network. Channels designed and constructed to convey water only during rainfall events and which do not convey or retain water at other times (e.g. swales) are excluded from this definition.</p> <p>Note: maintenance of channels excluded from the definition of artificial farm drainage canal because they only convey water during rainfall events and do not convey or retain water at other times (e.g. swales) is not controlled by rules in the Plan.</p>
<p>Beach recontouring (beds of rivers)²</p>	<p>The movement of <u>gravel in-situ natural river beach sediments (including gravel, rock, sand)</u> on a river beach (<u>part of the bed of the river not covered by water</u>) to remove obstructions to flow or to move material to protect an eroding bank edge and includes beach ripping to loosen the upper surface (armour) layer of the beach to encourage gravel movement.</p>
<p>Drain³</p>	<p>Any artificial watercourse, open or piped <u>watercourse</u>, designed and constructed for the purpose of land drainage of surface or subsurface water and, for the purpose of Rule R121 only, excluding any 'device' included within the definition of stormwater network. Channels designed and constructed to convey water only during rainfall events and which do not convey or retain water at other times are excluded from this definition.</p> <p>Only for the purpose of Rule R121 (drain clearance) a drain also includes a highly modified watercourse or river and is channelled to such an extent that it has the characteristics of a farm drainage canal.</p> <p><u>Note:</u></p> <p><u>For the avoidance of doubt, this definition does not include water races or artificial channels that only convey water during rainfall events.</u></p> <p><u>Many watercourses that are considered to be drains are actually natural watercourses that have been highly modified, often over many decades, and include channels dug to drain natural wetlands.</u></p>

¹ S42A Report: Beds of lakes and rivers, Issue 1

² S42A Report: Beds of lakes and rivers, Issue 4

³ S42A Report: Beds of lakes and rivers, Issue 1

<p>Ephemeral flow path⁴</p>	<p>A river that:</p> <p>(a) does not have an active bed, or</p> <p>(b)(a) has a bed that is predominantly vegetated, and</p> <p>(c)(b) only conveys <u>or temporarily retains</u> water during or immediately following heavy rainfall events, and</p> <p>(d)(c) does not convey or retain water at other times.</p> <p><u>Note: An ephemeral flow path is not a surface waterbody.</u></p>
<p><u>Flood debris⁵</u></p>	<p><u>Material deposited on the river or lake bed as a result of wreckage or destruction resulting from flooding. Flood debris can include trees, deposited vegetation, and the remains of structures but does not include the normal fluvial build-up of gravel, sand or other natural bed material.</u></p>
<p>Highly modified river or stream⁶</p>	<p>For the purposes of Rule R121 only, means a river or stream that has been modified and channelled <u>for the purpose of land drainage of surface or sub-surface water and has the following characteristics: to the extent that it has the characteristics of (in form or function) an artificial farm drainage canal.</u> For the purposes of this definition, the characteristics of a farm drainage canal are considered to include that;</p> <ul style="list-style-type: none"> • it has been channelled into a single flow, <u>and</u> • the channel <u>has been straightened is straight, with no 'natural curves', and</u> • the channel is mechanically formed with straight or steeply angled banks, <u>and</u> • it is maintained to keep the water table at least 0.3m below the root zone of the surrounding pasture, and • that it exhibits these characteristics for at least its entire length through the property in which the <u>activity is being carried out watercourse is being assessed.</u> <p><u>Note:</u> <u>For the avoidance of doubt, Artificial channels that only convey water during rainfall events, water races and the stormwater network are not Highly modified rivers or streams</u></p>
<p>Māori customary use</p>	<p>The interaction of Māori with fresh and coastal water, <u>and the beds of rivers, lakes, wetlands and the coastal marine area,</u> for cultural purposes. This includes the cultural and spiritual relationships with water expressed through Māori practices, recreation and the harvest of natural materials.</p>

⁴ S42A Report: Beds of lakes and rivers, Issue 4

⁵ S42A Report: Beds of lakes and rivers, Issue 4

⁶ S42A Report: Beds of lakes and rivers, Issue 1

Reclamation⁷	<p>Reclamation in the coastal marine area <u>or the bed of a river, lake, or wetland</u> means the creation of dry land- and</p> <p><u>In the coastal marine area, reclamation</u> does not include coastal or river mouth protection structures such as seawalls or revetments, boat ramps, and any structure above water where that structure is supported by piles, or any infilling where the purpose of that infilling is to provide beach nourishment.</p> <p>The piping or covering of a stream for a distance greater than that required to form a reasonable crossing point is considered to be reclamation of the river bed.</p>
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⁷ S42A Report: Beds of lakes and rivers, Issue 2

4. Policies

4.8.12. Activities in beds of lakes and rivers

Policy P102: Reclamation or drainage of the beds of lakes and rivers⁸

The **reclamation** or drainage of the beds of lakes and rivers and **natural wetlands** shall be avoided except where the **reclamation** or drainage is:

(a) partial **reclamation** of a river bank for the purposes of flood prevention or erosion control, or

~~(b) associated with a **qualifying development** within a **special housing area**,
or~~

~~(c) associated with a growth and/or development framework or strategy approved by a local authority under the Local Government Act 2002, or~~

~~(d)~~(b) necessary to enable the development, operation, maintenance and upgrade of **regionally significant infrastructure**, or

~~(e)~~(c) associated with the creation of a new river bed and does not involve piping of the river, and

(d) for the purpose of forming a reasonable crossing point, and

~~(f)~~(d)(e) in respect of (a) to (e) there are no other practicable alternative methods of providing for the activity, or

~~(g)~~(e)(f) the reclamation or drainage is of an **ephemeral flow path**.

~~For the purpose of this policy the piping or covering of a stream for a distance greater than that required to form a reasonable crossing point is considered to be reclamation of the river bed~~

Policy P103: Management of gravel, sand or rock⁹ extraction

The extraction of gravel, sand or rock from the beds of rivers shall be managed so that:

⁸ S42A Report: Beds of lakes and rivers, Issue 2

⁹ S42A Report: Beds of lakes and rivers, Issue 3

- (a) the extraction does not result in an increase in flooding or erosion either at the site of extraction or across the wider river catchment, including any erosion of existing structures, and
- (b) the flow of sediment and gravel to the coast is not reduced to the extent it would contribute to coastal erosion, and
- (c) the rate of gravel extraction does not exceed the natural rates of gravel deposition, unless this is required to manage aggradation.

Policy P106: Management of plants in the beds of lakes and rivers¹⁰

The introduction to and removal of a plants, or a part of a plant, from the beds of lakes and rivers shall be managed so that:

- (a) pest plants are not introduced and their removal is enabled, and
- (b) indigenous plant species are encouraged to be planted where they are appropriate for the purpose and are typical of the area and their removal (in whole or part) is only enabled for the purpose of Māori customary use or for the reasonable use of an individual, or where it is necessary to manage flooding and erosion, and
- (c) the introduction or removal of a plants, or a part of a plant, does not increase flooding and erosion either at the site of introduction or removal, or across the wider river catchment, and
- (d) the introduction or removal of a plants, or a part of a plant, does not adversely affect significant biodiversity values of the site.

¹⁰ S42A Report: Beds of lakes and rivers, Issue 3

5. Rules

5.5.3 Activities in wetlands

Rule R105A: Removal of wetland plants for Māori customary use or the use of an individual¹¹

The selective removal of ~~plants, a part of a plant,~~ 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
- (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.

5.5.4 Activities in beds of lakes and rivers general conditions

Beds of lakes and rivers general conditions¹²

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 ~~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) 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~~ 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, unless

¹¹ S42A Report: Beds of lakes and rivers, Issue 3

¹² S42A Report: Beds of lakes and rivers, Issue 4

a temporary restriction of no more than 48 hours is required for construction or maintenance activities. 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, no bed disturbance, diversions of water or sediment discharge shall occur between 1 ~~January~~March 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 undertaken for more than five consecutive days, and for more than 12 hours per day, and~~
 - ~~(ii) — there must not, after reasonable mixing, be result in any conspicuous change in the colour of water in the receiving water or a change in horizontal visibility of greater than 30%, more than 24 hours after the completion of the activity, 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 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 a 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 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, and
- (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 in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.¹³

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.

Rule R112: Maintenance, repair, replacement, upgrade or use of existing structures (excluding the Barrage Gates and any large dam structure) – permitted activity¹⁴

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 2017¹⁵ (excluding the Barrage Gates located in the lower Wairarapa Valley and any dam structure that does not meet the conditions of Rule R116) 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

¹³ S42A Report: Beds of lakes and rivers, Issue 5

¹⁴ S42A Report: Beds of lakes and rivers, Issue 4

¹⁵ S42A Report: Beds of lakes and rivers, Issue 5

- (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, or~~

~~(f)~~(g) the resulting structure, excluding any cable, pipe or duct ~~(for example gas pipes, electricity cables or ducts) attached to the structure~~ and 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 on the date of public notification of the Proposed Natural Resources Plan (31.07.2015) in the river or lake bed.~~

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

~~(g) any existing structure was lawfully established on the date of public notification of the Proposed Natural Resource Plan (31.07.2015).~~

(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.

Note

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

Rule R113: Diversion of flood water by existing structures – permitted activity¹⁶

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 2017¹⁷ 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.

¹⁶ S42A Report: Beds of lakes and rivers, Issue 4

¹⁷ S42A Report: Beds of lakes and rivers, Issue 5

Rule R114: River crossing structures – permitted activity

The placement, or construction,¹⁸ ~~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 2017¹⁹, 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

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)~~(k) a river crossing structure shall not be placed within a site identified in Schedule F1b (inanga spawning habitat).

¹⁸ S42A Report: Beds of lakes and rivers, Issue 4

¹⁹ S42A Report: Beds of lakes and rivers, Issue 5

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 activity²⁰

The placement ~~or use~~ 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 2017²¹ 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

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~~ 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

²⁰ S42A Report: Beds of lakes and rivers, Issue 4

²¹ S42A Report: Beds of lakes and rivers, Issue 5

- (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
- ~~(k)~~(k) a minimum culvert installation depth below the bed of 20% of the width of the culvert, and
- ~~(l)~~(l) the culvert shall be positioned so that its alignment and gradient are the same as the river, and
- ~~(m)~~(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
- ~~(n)~~(n) the culvert inlet and outlet shall be protected against erosion, and
- ~~(n)~~(n) all practicable steps shall be taken to minimise the release of sediment during construction, and
- ~~(o)~~(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
- ~~(p)~~(p) the culvert shall be constructed and maintained to avoid causing any flooding on any neighbouring properties, ~~and~~
- ~~(q)~~(q) a culvert shall not be placed within a site identified in Schedule F1b (inanga spawning habitat).

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

The placement of a new ~~small~~ dam, or use of 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 dam 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
- (k) the small dam shall not impound more than 20,000m³ of water above natural ground level, 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 activity²²

The placement ~~or use~~ 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)²³, 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
- (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 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, and²⁴~~
- ~~(g)(i)~~ the structure does not occupy 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
- ~~(h)(j)~~ the catchment upstream of any sediment retention weir is not greater than 200ha, and
- ~~(i)(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

²² S42A Report: Beds of lakes and rivers, Issue 4

²³ S42A Report: Beds of lakes and rivers, Issue 5

²⁴ S42A Report: Beds of lakes and rivers, Issue 4, Consequential change

~~(k)(1) 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.~~

Note

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

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 2017²⁵ 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 10m² ~~10m³~~³²⁶ 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**.

²⁵ S42A Report: Beds of lakes and rivers, Issue 5

²⁶ S42A Report: Beds of lakes and rivers, Issue 4, Clause 16(2) amendment

Rule R119: ~~Clearing~~Removing²⁷ flood debris and beach recontouring – permitted activity

The removal ~~clearing~~ 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 condition 5.5.4(n)²⁸ 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) (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, and~~²⁹

²⁷ S42A Report: Beds of lakes and rivers, Issue 4

²⁸ S42A Report: Beds of lakes and rivers, Issue 5

²⁹ S42A Report: Beds of lakes and rivers, Issue 4, Consequential change

~~(k)(j) 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, and~~

~~(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 Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 except general condition 5.5.4(n)³⁰ 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

³⁰ S42A Report: Beds of lakes and rivers, Issue 5

- (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 pole or pylon~~, and more than 50m upstream or downstream from any existing flood control structures located in the bed of the river, and
- ~~(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, and³¹~~
- ~~(i)~~ (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).³²~~

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 streams within an individual property– permitted activity³³

The ~~mechanical~~ removal of vegetation or bed material and associated sediment from any **drain** or any **highly modified river or stream**, 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

within an individual property is a permitted activity, provided the following conditions are met:

³¹ S42A Report: Beds of lakes and rivers, Issue 4, Consequential change

³² S42A Report: Beds of lakes and rivers, Issue 4

³³ S42A Report: Beds of lakes and rivers, Issue 1

- (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
- ~~(g) an intact vegetation cover (excluding weeds) shall be retained on the banks of the watercourse, and~~
- ~~(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 ~~drain~~ watercourse **drain or highly modified river or stream** during maintenance works shall be returned to the drain or highly modified river or stream at a site upstream of the works in an ‘unstressed’ condition ~~drain~~ 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 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 drain or highly modified river or stream ~~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 **agricultural chemicals** 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”.

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)³⁴ 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:

³⁴ S42A Report: Beds of lakes and rivers, Issue 5

- (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, and³⁵~~
- ~~(g)~~(f) the activity shall not cause any increase in flooding on neighboring **properties**, and
- ~~(h)~~(g) 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
- ~~(i)~~(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, and no later than one hour after removal, and no later than one hour after removal and
- ~~(j)~~(i) 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
- ~~(k) 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

³⁵ S42A Report: Beds of lakes and rivers, Issue 4, Consequential change

(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

~~(l)~~ no excavation of the bed, or widening or deepening of the bed is permitted by this rule.

Note

The spray application of **agrichemicals** 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”.

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),³⁶~~

~~(f) an introduced, submersed aquatic plant, and~~

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

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

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

~~(i)(g)~~ 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

~~(i)(h)~~ no planting shall be undertaken in an identified Wellington Regional Council 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 for Plantation Forestry) Regulations 2017,³⁷ 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:

...

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

No changes recommended.

³⁶ S42A Report: Beds of lakes and rivers, Issue 4

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

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

No changes recommended.

5.5.6 Reclamation and placement of a dam

Rule R127: Reclamation of the beds of rivers or lakes – non-complying activity³⁸

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~~
- ~~(b)(e) 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 activity³⁹

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.

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

No changes recommended.

³⁸ S42A Report: Beds of lakes and rivers, Issue 2

³⁹ S42A Report: Beds of lakes and rivers, Issue 2

Rule R129A: Gravel extraction for flood protection purposes or erosion mitigation inside sites of significance – discretionary activity⁴⁰

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), 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

No changes recommended.

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

No changes recommended.

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

No changes recommended.

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

No changes recommended.

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

No changes recommended.

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

No changes recommended.

⁴⁰ S42A Report: Beds of lakes and rivers, Issue 4

6 Other methods

Method M14: Maintenance of drains and highly modified rivers or streams⁴¹

Wellington Regional Council, in collaboration with landowners, industry, and other relevant organisations, and stakeholders, will develop and implement an education programme, including good management practice guidelines, procedures and tools, ~~in collaboration with industry, other relevant organisations, and stakeholders~~ to support the implementation of Rule R121: Maintenance of **drains and highly modified rivers or streams** and R122: Removing vegetation.

The aim of this programme is to:

- (a) assist landowners and drain maintenance contractors to identify the different types of waterways on ~~their~~ a propertyies (**drains / highly modified rivers or streams** and ~~natural~~ unmodified rivers or streams), and be aware of their ecological values, and
- (b) reduce the extent and frequency of maintenance activities associated with **drains and highly modified rivers or streams**, including by implementing riparian and land management practices that minimise inputs of sediment and nutrients to waterways, and
- (c) identify and support the uptake of **good management practice** maintenance activities for **drains and highly modified rivers or streams**.

Method M14a: Mapping of drains and highly modified rivers and streams⁴²

Wellington Regional Council will develop a map layer that identifies **drains and highly modified rivers or streams** to assist with the implementation of Rules R121 and R122 by 30 June 2019.

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⁴¹ S42A Report: Beds of lakes and rivers, Issue 1

⁴² S42A Report: Beds of lakes and rivers, Issue 1