

PRACTICE NOTE ON LAND AND WATER PLAN RULE 20 AND 28

This practice note is to clarify the interpretation of Rules 20 and Rule 28 within the Land and Water Plan.

The focus of the guidance is on condition (b) of Rule 20 and condition (a) of Rule 28.

The Rules

Rule 20

Permitted Rule 20 enables the use, maintenance, repair, removal or demolition of any structure in, on, under, or over any river or lakebed and the extension, alteration or reconstruction, of any structure in, on, under, or over any river or lakebed other than a whitebait stand.

Rule 20 most commonly applies to consented rock walls or groynes that are presently located within rivers to protect land from being eroded and/or flooded.

Rule 28

Permitted Rule 28 enables the disturbance, reclamation, or the deposition, of any substance in or on the bed of any lake or river for the purpose of the reinstatement of any bank of a lake or river, which has been eroded by a flood event.

Rule 28 is different to Rule 20 in that it provides for material to be moved or deposited to reinstate a riverbank to prevent subsidence, erosion or flooding of adjoining land.

Interpretations of Rules 20

Rule 20(b) change of structure by more than 10%

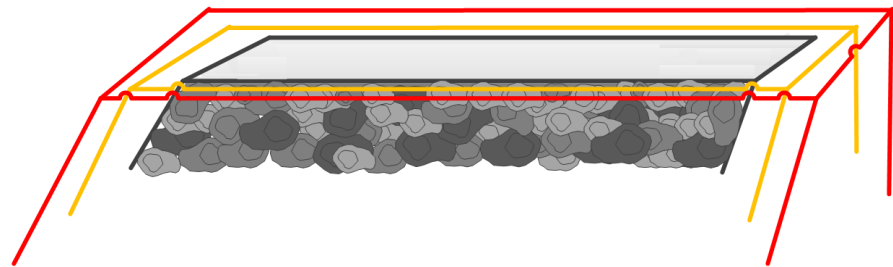
To meet condition (b) of Rule 20 a landowner can only increase the overall dimensions of the original structure by 10% once, when repairing or rebuilding the structure. Therefore, a landowner would need to obtain resource consent if they decide to increase their structure by more than 10% of the original dimensions.

The majority of structures that fall under this rule are consented. This allows the officer to review the detail provided in the consent. For structures built before 1991 or where the consent does not specify the original dimensions, the use of aerial and other photos will be required for assessment.

Diagram A: In this instance, the rock wall has been rebuilt or repaired to the same specifications as the previous wall creating a total area of 10,000m³. A landowner will be compliant with Rule 20(b) if they increase the overall dimensions of the structure by 10% making the total area of the structure 11,000m³ as shown in orange. However, a landowner will be noncompliant and will need to obtain resource consent if they increase the overall dimensions by 20%, or add a second increase of 10% to the overall dimensions to the rock to the wall bringing the total area of the structure to 12,000m³ as shown in the red outline.

Note: This will be clarified as part of the Land and Water Plan change process.

	Original Size 10,000 m ³
	10% Increase 11,000 m ³
	20% Increase 12,000 m ³



Interpretation of Rule 28

Rule 28(a) dimensions of banks

Diagram B shows an area that has been eroded, then back filled to the original bank alignment, or to the rock wall, to stop further erosion from occurring. This is a permitted activity because the activity does not exceed the edge of the original bank alignment.

Note: The rule does not specify what material is used for the reinstatement, other than it must be clean fill. It is likely landowners will use gravel and rock to reinstate the bank, which meets condition (e).

Diagram B:

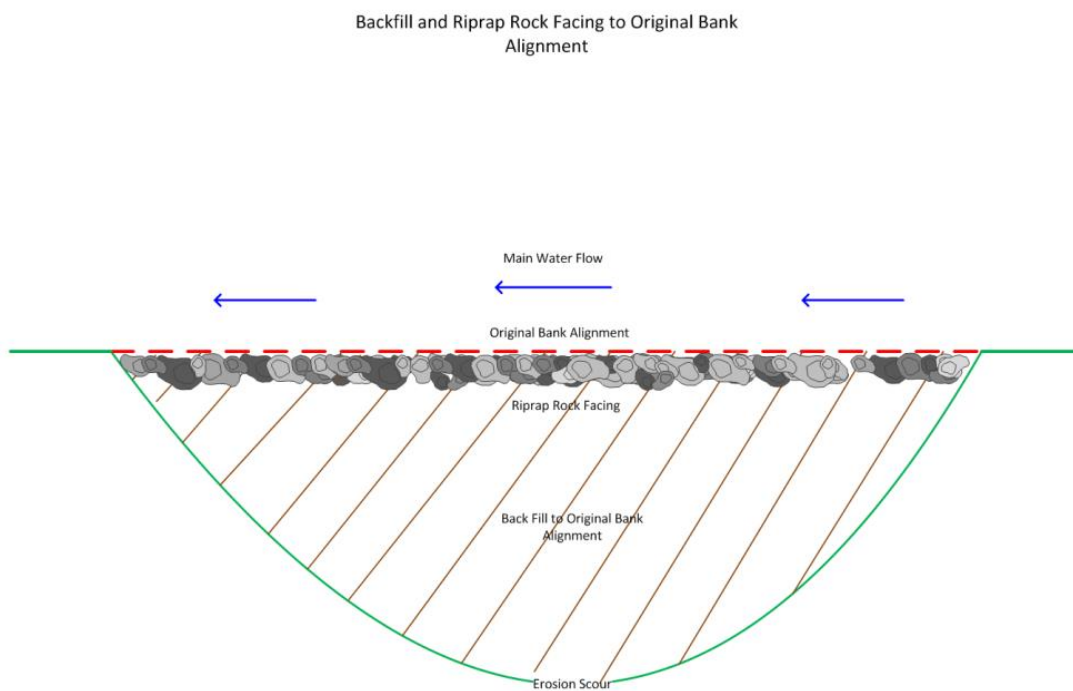


Diagram C shows a rock wall that has been built along the eroded bank edge rather than along the original alignment. Under this interpretation, the landowner would not need to obtain resource consent because the landowner does not have any part of the structure or reinstatement of the bank located past the original bank alignment, and so Rule 28(a) will be met.

Note with this and any other reinstatement condition (c) requires that the work does not cause bank erosion elsewhere in the river. If an officer is in any doubt over this, advice shall be sought from an engineer.

Diagram C

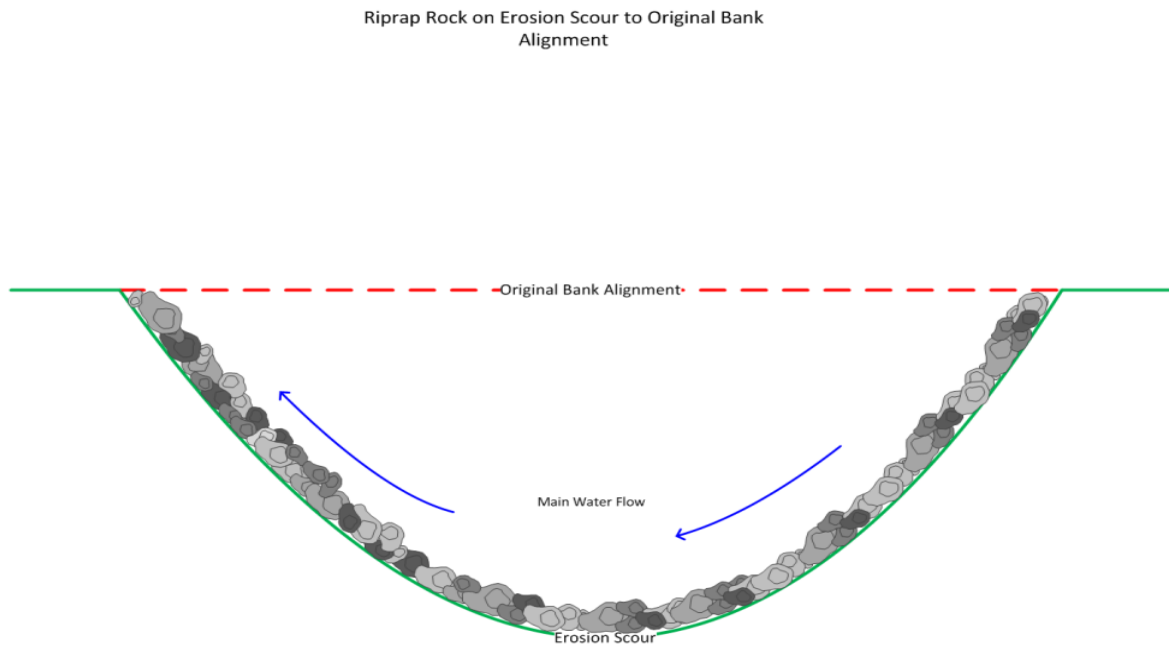
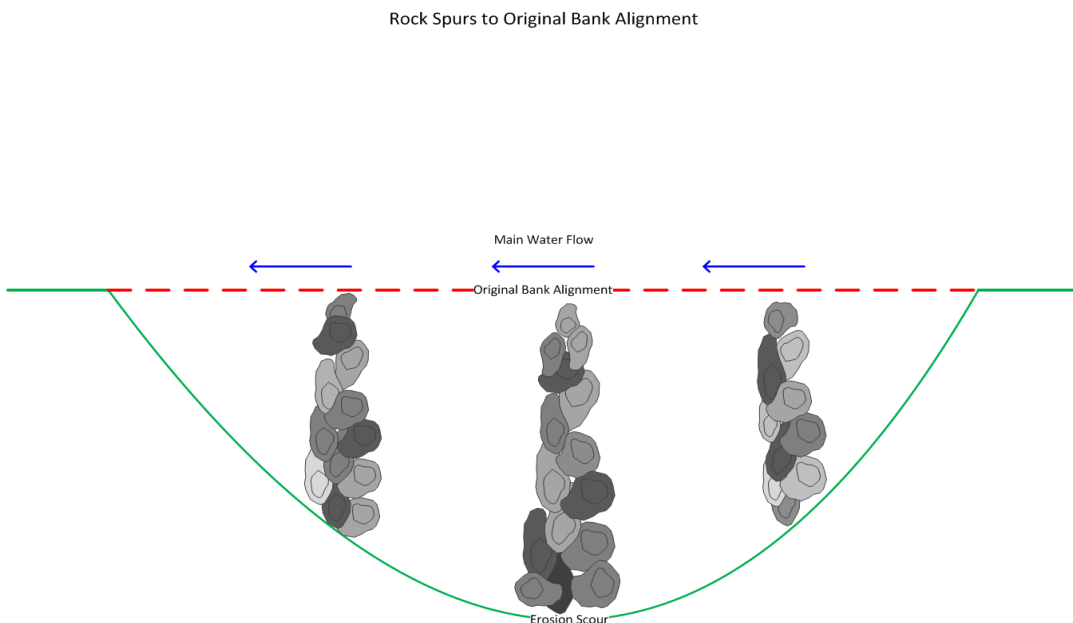


Diagram D, shows groynes built within the eroded area. The groynes meet Rule 28(a) because no part of the goynes are located past the original bank alignment.

Diagram D



Non-compliance with Rules 28

A structure will need resource consent if the structure extends beyond what existed prior to the flood event. If a landowner would like to extend the bank or structures beyond the original bank alignment as shown in diagrams E, and F below, the landowner will need to obtain resource consent.

Diagram E shows groynes being built that go past the original bank alignment.

Diagram E

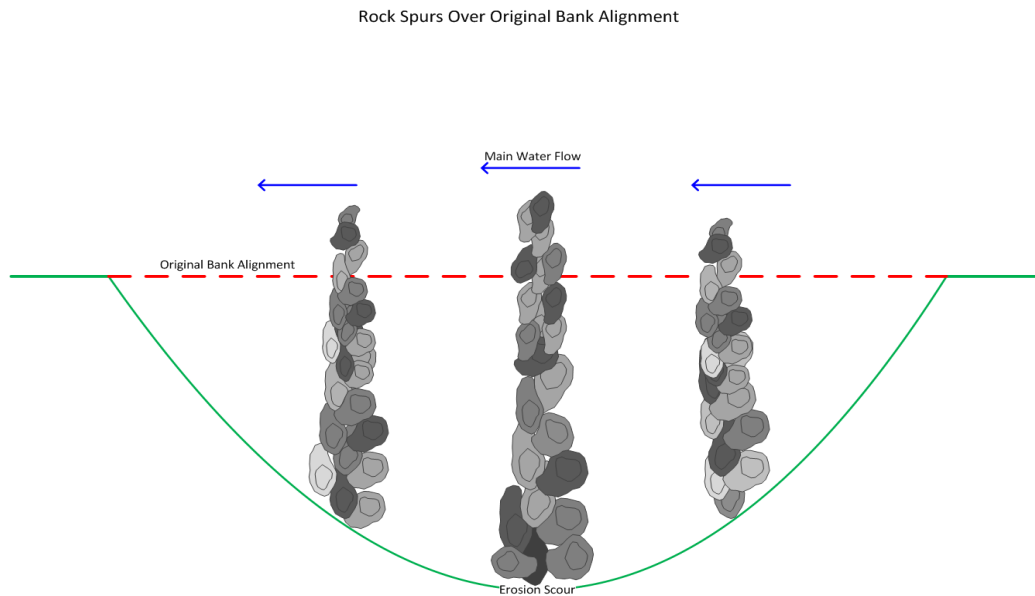


Diagram F shows a rock wall built past the original bank alignment.

Diagram F

