

## 18.2 LAKE AND RIVERBED ACTIVITIES

This Section covers activities in the beds of lakes and rivers, including structures in riverbeds, riverbed disturbance and excavation. The damming of water may require separate consent, or may be permitted under Section 18.3.

Where an activity occurs within a wetland included in Schedule 1 or 2 that involves both the use of land and the bed of a lake or river, activities will be managed under the Rules in both Sections 18.1 and 18.2.

### 18.2.1 Permitted Activities in Riverbeds and Lakes

**Note: Rules 20 to 25 do not authorise the alteration of the bed, including the disturbance, reclamation or deposition of materials in the bed of a lake, river or wetland identified in Schedule 1 or 2. In using, maintaining, repairing, demolishing, extending, altering or reconstructing any structure other than a whitebait stand, in, under, on or over the bed of a lake, river or wetland identified in Schedule 1 or 2, the conditions of Rule 26 must also be met for any associated bed disturbance, or if this Rule cannot be met, the activity requires a resource consent.**

#### **Rule 20. Use, extension, alteration, maintenance, repair, reconstruction, removal or demolition of structures**

- (i) The use, maintenance, repair, removal or demolition of any structure in, on, under, or over any river or lake bed; and
- (ii) The extension, alteration or reconstruction, of any structure in, on, under, or over any river or lake bed other than a whitebait stand,

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

- (a) Any change in the use of a structure does not result in effects that are greater in character, scale or intensity compared to effects occurring under the previous use; and
- (b) No reconstruction, extension or alteration of any structure in the bed results in a change of more than 10% to the overall dimensions, orientation, or outline of any structure in the bed from that originally authorised; and
- (c) The extension, alteration, maintenance, repair, reconstruction, removal or demolition does not result in, or contribute to:
  - i) Blocking or damming of any river, or impedance of fish passage; or
  - ii) Scouring of any riverbed or bank erosion; or
  - iii) Reduction of channel capacity to carry flood flows; and
- (d) No explosives are used in water; and
- (e) No refuelling of equipment takes place on any area of a river or lake bed; and
- (f) The site is left tidy on completion of the work; and
- (g) Except for demolition or removal, the structure is maintained in good repair; and
- (h) Where the activity is undertaken in any wetland identified in Schedule 1 or 2;
  - i) No reconstruction, extension or alteration to the dimensions, orientation or outline is greater than 10% of the structure as it existed as at 17 May 2012; and
  - ii) For any pipe, line or cable, native vegetation clearance does not exceed 0.6 metres in width per 1 metre in length; or
  - iii) For any fence, native vegetation clearance does not exceed 150m<sup>2</sup> over 100 metres of fence line and does not exceed 2 metres in width at any point; and
  - iv) There is no change to the natural flow, path or fluctuation in water level; and
  - v) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive, except after a sudden event that requires immediate remedial measures to prevent an adverse effect on the environment, or that is likely to cause loss of life, injury or serious damage to property; and
  - vi) No bird nests are disturbed.

**Note:** Rules 21 to 25 do not authorise the alteration of the bed, including the disturbance, reclamation or deposition of materials in the bed of a lake, river or wetland identified in Schedule 1 or 2. When undertaking any activity under these Rules, the conditions of Rule 26 must also be met for any associated bed disturbance, or if this Rule cannot be met, the activity requires a resource consent.

Within any wetland identified in Schedule 1 or 2, the erection or placement of any outfall or intake structure does not authorise water abstraction or discharge. These activities are managed under Sections 18.3 and 18.4.

Regarding condition (b), consent holders will require resource consent if their structure increases by more than 10% from the original dimensions that were authorised.

### **Rule 21. Fences, pipes, lines and cables over the bed of a lake or river**

The erection or placement of any fence, pipe, line or cable over the bed of a lake or river, is a **permitted activity**, provided the following conditions are met:

- (a) No part of the fence, pipe, line or cable is fixed to the bed of the lake or river; and
- (b) No part of any pipe, line or cable is less than two metres above the banks, unless it is attached to a structure; and
- (c) Where it is attached to a structure, no part of any pipe, line or cable extends below the underside of the structure; and
- (d) Any fence over the bed of a lake or river does not impede the flow of flood water or debris, or is installed and maintained so it results in no flooding or erosion of the bed or banks of the lake or river; and
- (e) The fence, pipe, line or cable does not interfere with navigation; and
- (f) The fence, pipe, line or cable is maintained in good repair; and
- (g) Where the pipe is located within any wetland identified in Schedule 1 or 2 its maximum diameter is 150mm; and
- (h) Where the activity is undertaken in any wetland identified in Schedule 1 or 2:
  - i) There is no change to the natural flow, path or fluctuation in water level; and
  - ii) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive; and
  - iii) No bird nests are disturbed.

### **Rule 22. Placement of any pipe, line, or cable on or under the bed of a lake or river**

The placement of any pipe, line, or cable on or under the bed of a lake or river, is a **permitted activity**, provided the following conditions are met:

- (a) The pipe, line, or cable does not impede the flow of water or debris, or is installed and maintained so it results in no flooding, erosion or sedimentation; and
- (b) The location of the pipe, line, or cable is identified by markers on the banks of the river or lake; and
- (c) The pipe, line, or cable is maintained in good repair; and
- (d) Where the pipe is located within any wetland identified in Schedule 1 or 2 its maximum diameter is 150mm; and
- (e) Where the activity is undertaken in any wetland identified in Schedule 1 or 2:
  - i) There is no native vegetation clearance in excess of 0.6 metres in width per 1 metre in length; and
  - ii) There is no change to the natural flow, path or fluctuation in water level; and

- iii) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive; and
- iv) No bird nests are disturbed.

### **Rule 23. Culverts, fords, and bridges**

The erection or placement, of a culvert, ford or bridge, in, on, under, or over the bed of a river is a **permitted activity** provided the following conditions are met:

- (a) For a culvert, the riverbed at the point of crossing does not exceed 5 metres in width and the base of the culvert is installed and maintained flush with the bed level; and
- (b) Any culvert is designed to pass the river's fullest flow, and is constructed with sufficient bank armouring to prevent scour or erosion of abutting river banks; and
- (c) Any ford does not raise the bed of a river by more than 300mm (compared with average bed level of the 50 metre reach centred on the crossing); and
- (d) The underside of any bridge is at least 600mm above the level of the river's natural bank level; and
- (e) For bridges, there are no piers in the riverbed; and
- (f) Any bridge does not interfere with navigation; and
- (g) Activities do not result in or contribute to:
  - i) The impedance of fish passage; or
  - ii) Erosion or scouring of any riverbed; or
  - iii) Reduction of channel capacity to carry flood flows; and
- (h) No refuelling of equipment takes place on any area of a riverbed; and
- (i) The structure is maintained in good repair; and
- (j) The site is left tidy following the erection or placement; and
- (k) Where the activity is undertaken in any wetland identified in Schedule 1 or 2:
  - i) For any culvert where the bed is no more than 2.5 metres wide at the point of crossing, native vegetation disturbance does not exceed 25m<sup>2</sup>; for any culvert where the bed is between 2.5 to 5 metres wide at the point of crossing, native vegetation disturbance does not exceed 50m<sup>2</sup>; or
  - ii) For any ford, native vegetation disturbance does not exceed 25m<sup>2</sup>; or
  - iii) For any bridge, native vegetation disturbance does not exceed 50m<sup>2</sup>; and
  - iv) There is no change to the natural flow, path or fluctuation in water level; and
  - v) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive; and
  - vi) No bird nests are disturbed.

**Notes:**

1. Culverts include cylinders or boxes and may be arched or stacked. If multiple barrels are used then at least one is to be positioned to allow fish passage during low flows.
2. In erecting or maintaining a structure, the conditions of Rule 26 must also be met for any associated bed disturbance.

### **Rule 24. Structures for damming water**

The erection or placement of a structure for the damming of water that is fixed in or on the bed of any lake or river is a **permitted activity**, provided the following conditions are met:

- (a) The size of the catchment upstream of the dam does not exceed 50 hectares; and
- (b) The depth of water at the dam face does not exceed 3 metres and the total volume of water stored by the dam does not exceed 20,000 cubic metres; and

- (c) The damming does not cause or exacerbate flooding or damage to another person's property, erosion, land instability or sedimentation; and
- (d) The dam is not located less than 20 metres above mean sea level; and
- (e) If constructed in permanently flowing streams, the dam allows residual flow of 75% or the instantaneous flow whichever is the lesser; and
- (f) The Council is notified in writing of the location and nature of the dam, at least seven working days prior to commencing the erection or placement; and
- (g) A spillway is constructed, designed to pass the maximum probable flood; and
- (h) For sites where fish are present, effective fish passage is provided for; and
- (i) The dam is not located in the Ohikanui River or its tributaries, Rahu River, Station Creek, Wooley River, or Blue Grey River or its tributaries; and
- (j) The structure is maintained in good repair; and
- (k) The site is left tidy following the erection or placement; and
- (l) The structure is not located within, and does not affect the hydrology of any wetland identified in Schedule 1 or 2.

**Notes:** Council will check the sites where a dam is to be constructed and undertake fish surveys to ensure that the person undertaking this activity has complied with condition (k h). Council staff may also be available to assist with fish surveys prior to the dam's construction, if requested.

This rule permits the structure in the river bed, however a resource consent is required to disturb the bed for the construction of the structure.

## **Rule 25. Other structures**

The erection or placement of any flow or level recording device, outfall or intake structure or navigational aid structure that is fixed in, on or under the bed of any lake or river is a **permitted activity**, provided the following conditions are met:

- (a) The base of the structure does not exceed 2m<sup>2</sup> in area; and
- (b) The structure does not cause any flooding or erosion; and
- (c) The Council is notified in writing of the location and nature of the structure, at least seven working days prior to commencing the erection or placement; and
- (d) Except in the case of a navigational aid or the sight board of any gauge, any visible part of the structure is of a colour to blend in with the surroundings; and
- (e) The structure is maintained in good repair; and
- (f) The site is left tidy following the erection or placement; and
- (g) Where the activity is undertaken in any wetland identified in Schedule 1 or 2:
  - i) There is no vegetation disturbance in excess of 10m<sup>2</sup>; and
  - ii) There is no change to the natural flow, path or fluctuation in water level; and
  - iii) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive; and
  - iv) No bird nests are disturbed.

## **Rule 26. Alteration of the bed associated with structures, or the clearance of debris or gravel**

The disturbance of the bed or the reclamation or deposition of material on the bed of any lake or river associated with:

- (i) The erection, placement, extension, alteration, replacement, reconstruction, repair, maintenance, demolition or removal of any structure carried out under Rules 20 to 25; or

- (ii) The clearance of debris or gravel from within, or immediately surrounding, any structure in order to safeguard the function or structural integrity of the structure

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

- (a) The bed disturbance is limited to the extent necessary to undertake the work; and
- (b) The bed disturbance does not damage any riverbank or cause any flooding or erosion; and
- (c) All reasonable steps are taken to minimise the release of sediment to the lake or river during the disturbance; and
- (d) In the case of any reclamation or deposition, only cleanfill is used and no pest plant is introduced; and
- (e) No refuelling of equipment takes place on any area of a river or lake bed; and
- (f) The site is left tidy following completion of the activity; and
- (g) Where the activity is undertaken in any wetland identified in Schedule 1 or 2:
  - i) Any disturbance, including deposition or reclamation, does not exceed:
    - 1) 0.6m in width per 1m in length for placement of any pipe, line or cable authorised under Rule 20, 21, or 22; or
    - 2) For any culvert, authorised under Rule 23, where the bed is no more than 2.5 metres wide at the point of crossing, any disturbance does not exceed 25m<sup>2</sup>; for any culvert where the bed is between 2.5 to 5 metres wide at the point of crossing, any disturbance does not exceed 50m<sup>2</sup>; or
    - 3) For any ford authorised under Rule 23, any disturbance does not exceed 25m<sup>2</sup>; or
    - 4) 50m<sup>2</sup> for bridges authorised under Rule 23; or; or
    - 5) 10m<sup>2</sup> for any device or structure authorised under Rule 25; or
    - 6) 25m<sup>2</sup> in all other cases; and
  - ii) Vehicles and equipment are cleaned prior to entering the Schedule 1 or 2 wetland to avoid the introduction of pest plants; and
  - iii) Any native vegetated surfaces disturbed are revegetated following completion of the activity with similar native species where they do not disrupt or interfere with the function of the structure; and
  - iv) The site is left tidy following completion of the activity including the removal of any weeds; and
  - v) There is no change to the natural flow, path or fluctuation in water level; and
  - vi) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive except after a sudden event that requires immediate remedial measures to prevent an adverse effect on the environment, or that is likely to cause loss of life, injury or serious damage to property; and
  - vii) No bird nests are disturbed; and
  - viii) Council is to be notified seven days prior to commencing any bed disturbance, including deposition or reclamation associated with any placement erection or reconstruction referred to in Rule 26(g)(i).

### **Rule 27. Debris clearance excluding gravel**

The disturbance of the bed of any river for the purpose of clearing debris, excluding gravel, is a **permitted activity**, provided the following conditions are met:

- (a) The bed disturbance is limited to the extent necessary to clear the debris; and
- (b) The bed disturbance does not damage any riverbank or cause any flooding or erosion; and
- (c) The debris removal is carried out within twelve months of the flood event that deposited the debris; and
- (d) All reasonable steps are taken to minimise the release of sediment to the lake or river during the activity; and

- (e) No refuelling of equipment takes place on any area of a river or lake bed; and
- (f) The site is left tidy following completion of the activity; and
- (g) Where the activity is undertaken in any wetland identified in Schedule 1 or 2:
  - i) There is no native vegetation disturbance, except to extent necessary to access and clear the debris using where possible existing access points and tracks; and
  - ii) There is no change to the natural flow, path or fluctuation in water level; and
  - iii) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive except after a sudden event that requires immediate remedial measures to prevent an adverse effect on the environment, or that is likely to cause loss of life, injury or serious damage to property; and
  - iv) No bird nests are disturbed.

### **Rule 28. Flood protection works**

The protection, partial reinstatement, or reinstatement of any bank of a lake or river which has been eroded by a flood event is a **permitted activity** provided the following conditions are met:

- (a) The work does not extend any further into the river or lake bed than the bank did before the flood event; and
- (b) The works are no higher above the bed than the bank was before the flood event; and
- (c) The works are carried out within 12 months of the flood event that caused the erosion; and
- (d) The work is commenced and completed within a period of 10 consecutive days; and
- (e) The work does not cause and will not cause any flooding or bank erosion elsewhere in the river; and
- (f) All reasonable reasonable steps are taken to minimise the release of sediment to the lake or river during the activity; and
- (g) Only cleanfill is used and no pest plant is introduced; and
- (h) No refuelling of equipment takes place on any area of a river or lake bed; and
- (i) The site is left tidy following completion of the activity; and
- (j) Where the activity is undertaken in any wetland identified in Schedule 1 or 2:
  - i) Native vegetation disturbance is limited to the extent necessary to access and undertake the activity; and
  - ii) Reinstatement is limited to returning the bank to its previous pre-event state (for the avoidance of doubt this does not require revegetation); and
  - iii) Vehicles and equipment are cleaned prior to entering the Schedule 1 or 2 wetland to avoid the introduction of pest plants; and
  - iv) There is no change to the natural flow, path or fluctuation in water level; and
  - v) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive except after a sudden event that requires immediate remedial measures to prevent an adverse effect on the environment, or that is likely to cause loss of life, injury or serious damage to property; and
  - vi) No bird nests are disturbed.
- (k) The person in charge of the works must hold, and provide to Council on request:
  - i) Evidence of the event that caused the damage, including the date or dates the event occurred; and
  - ii) Evidence of the effects the event had on the bank, including bank alignment and the height of the bank; and
  - iii) What works were carried out; and
  - iv) When the works were carried out; and
  - v) The materials used.

### **Notes**

Regarding condition (d), if a contractor cannot complete the works consecutively within the 10 days, they should contact the Council for advice.

Photographic evidence of the site following flooding, and once the works have been completed, are considered to meet the requirements of condition (k).

## **Rule 29. Gravel extraction**

Gravel extraction from the bed of a river is a **permitted activity** provided the following conditions are met:

Either:

- (i) The gravel is extracted from the bed for use in reasonable domestic or agricultural purposes on a landholding adjacent to the extraction site, and the quantity does not exceed 1000 cubic metres in any 12 month period from rivers listed under Schedule A or 500 cubic metres in any 12 month period from rivers listed in Schedule B; or
- (ii) The gravel is extracted from one of the sites listed in Schedule 12 and the quantity extracted from each site does not exceed 300 cubic metres per person in any 12 month period; or
- (iii) If Rule 29 (i) or (ii) do not apply, the quantity extracted per person from any river does not exceed 10 cubic metres per month.

And:

- (a) Persons wishing to remove gravel must notify the Regional Council in writing of the location, size and timing of the take prior to the take occurring; and
- (b) No refuelling of equipment, or fuel storage, is to occur on any area of a riverbed; and
- (c) Extraction takes place:
  - i) Only on the dry bed of the river and;
  - ii) At least 5 metres from any river bank; and
  - iii) No deeper than the level of water in the river and;
- (d) Activities do not result in diversion of floodwater, or erosion of any banks, or damage to or scouring of structures and no pest plant is introduced; and
- (e) The area from which the material is taken is smoothed over and the site is left tidy on completion of the work; and
- (f) The activity is not undertaken within 50 metres upstream or downstream of any structure including whitebait stands, culverts, bridges and structures used for flood and river protection; and
- (g) No more than 1m<sup>3</sup> per person per year may be taken within 50 metres of the Coastal Marine Area; and
- (h) Vehicle and machinery movement in the wet bed of the river shall be avoided where possible and minimised where not able to be avoided; and
- (i) Vehicles and equipment must be appropriately cleaned before moving between waterways; and
- (j) The activity does not occur within a wetland identified in Schedule 1 or 2.

<b>SCHEDULE A (1000m<sup>3</sup>)</b>	<b>SCHEDULE B (500 m<sup>3</sup>)</b>
Arawhata River	Waiatoto River
Turnbull River	Havelock Creek
Okuru River	Ohinetamatea River (Saltwater)
Haast River	Clearwater River
Waita River above SH 6 Bridge	Docherty Creek (Franz Josef)
Boulder Creek, near Moeraki	Little Man River (above SH6)
Paringa River	Mikonui River
Bullock Creek, near Karangarua	Donnelly Creek (Ross)

<b>SCHEDULE A (1000m<sup>3</sup>)</b>	<b>SCHEDULE B (500 m<sup>3</sup>)</b>
Karangarua River	Kawhaka Creek
Cook River below SH 6	New River
Fox River, South Westland, below SH 6	Slaty Creek, Rotomanu (above Station Road)
Waiho River between SH 6 Bridge and the line from the oxidation ponds to the end of refuse tip road	Blackball Creek
Waitangitaona River (reach draining into L Wahapo)	Craigieburn Creek
Whataroa River	Canoe Creek (Barrytown)
Poerua River (South Westland)	Inangahua River, below Reefton rail bridge
Harold Creek (Hari Hari)	Devil's Creek (Reefton)
Wanganui River	Mokihinui River, below bridge
Waitaha River	Little Wanganui River
Kakapotahi River	Tidal Creek, Karamea
Totara River (Ross)	Oparara River, below limeworks
Hokitika River above 1km upstream of SH 6 bridge	
Kokatahi River	
Vine Creek (Kowhitirangi)	
Taramakau River (see note) above 1 km upstream of SH 6 Bridge	
Crooked River downstream of NZTopo BU20 834 798	
Hauptiri River	
Nelson Creek	
Ahaura River, below Nancy River confluence	
Grey River, between the Arnold River confluence and the Waipuna Creek confluence	
Big River (Atarau)	
Rough River	
Mawheraiti River, below Cassoli Creek	
Buller River, below Te Kuha	
Granite Creek, Kongahu	
Karamea River	
Moonlight Creek, 1km either side of Atarau Road Bridge	

**Notes:**

Under Conditions 2 and 3 the meaning of "person" includes The Crown, a corporation sole, and also a body of persons, whether corporate or unincorporate. This means that a corporation comprised of a group of people or a number of employees is one person. The same applies to an unincorporated group or a family. Individuals who operate together with others, as an incorporated or unincorporated body cannot collectively extract more gravel than what is permitted under this rule.

Condition (i) is intended to require vehicles to be cleaned so that they do not spread pest organisms. In particular, to avoid the spread of Didymo, no equipment should be used that has been used previously to undertake activities in any water body known to contain Didymo, unless that equipment has been thoroughly cleaned in accordance with the Biosecurity New Zealand document titled "Cleaning Methods for Freshwater Activities" dated 13 October 2005.

This Rule applies only to the activity of removal of gravel. Persons exercising it should be aware that permission may need to be obtained, at their own expense, from the:

- (a) Legal owner or administering body of the bed of the river and of the resource; concession is required from the Department of Conservation if gravel extraction occurs on any riverbed that it administers;
- (b) The owner of land via which access to the riverbed is obtained;
- (c) Holder of any mining licence for gravel extraction who has prior rights to the resource;
- (d) The relevant road controlling authority for new access ways onto roads, or sealing existing access ways.



Persons wishing to extract gravel from riverbeds between 1 August and 1 February should be aware that a number of threatened bird species are nesting during this time. Where possible, gravel extraction should occur outside this time to avoid disturbing these nesting birds. If this is not possible, then operators should avoid working within 100 metres of nest sites.

If the effects, including cumulative, of permitted and / or consented gravel extraction activities at any of the sites result in adverse effects on the environment, the Council will review the application of Rule 29, and if necessary, undertake a plan change to address any issues.

### **Rule 30. Activities undertaken without motorised assistance, or geotechnical testing, suction dredging, or vegetation recovery**

The disturbance of a riverbed for the following purposes:

- (i) Any activity undertaken without motorised assistance; or
- (ii) Temporary geotechnical testing which returns the riverbed to its previous state once testing is completed; or
- (iii) Suction dredging using a motor less than or equal to 7 kilowatts in power; or
- (iv) Recovering vegetation felled into a river under the permitted Rules 2, 8, or 11;

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

- (a) The activity does not cause or contribute to the following:
  - i) Diversion of the natural course of a river; or
  - ii) Blocking or damming of any river, or the impedance of fish passage; or
  - iii) Erosion or scouring of any riverbed or bank erosion; and
- (b) No refuelling takes place on any area of the riverbed; and
- (c) Disturbance does not conspicuously change the visual clarity of water beyond 12 times the river's width or 200 metres, whichever is the lesser; and
- (d) Suction dredging is not undertaken within 20 metres of any structure, or in the Ohikanui River or its tributaries, Blackwater River, Ohikaiti River, Te Wharau Ck (Stony R), Buller River above TeKuha, Maruia River, Alfred River, Rahu River, Station Creek, Wooley River, Blue Grey River or its tributaries or Ahaura River above Hamers Flat, or wetland identified in Schedule 1 or 2; and
- (e) In relation to the activities (i), (ii) and (iv) and within any wetland identified in Schedule 1 or 2:
  - i) No debris, or sediment shall be placed on an area where it is likely to result in the smothering of wetland vegetation; and
  - ii) There is no change to the natural flow, path or fluctuation in water level; and
  - iii) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive; and
  - iv) No bird nests are disturbed; and
- (f) In relation to the activity in (ii), in addition to the requirements in Rule 30 (e), any geotechnical testing within any wetland identified in Schedule 1 or 2 does not result in native vegetation disturbance in excess of 25m<sup>2</sup> per wetland per 5 years.

### **Rule 31. Removal of selected rock and stone for non-commercial purposes or personal use**

The removal of selected rock and stone for non-commercial purposes or personal use is a **permitted activity** provided that:

- (a) The quantity extracted per person is no greater than 1m<sup>3</sup> per annum; and
- (b) The activity does not cause or contribute to the following:
  - i) Diversion of the natural course of a river; or
  - ii) Blocking or damming of any river, or the impedance of fish passage; or

- iii) Scouring of any riverbed or bank erosion; and
- (c) The activity does not take place within 20 metres of a structure in the bed.

### **Rule 32. Introduction or planting of plants**

The introduction or planting of any plant in or on the bed of any lake or river and any associated disturbance of the bed, is a **permitted activity** provided the following conditions are met:

- (a) Any bed disturbance is limited to the extent necessary to undertake the work; and
- (b) The planting does not reduce the flood carrying capacity of any river or cause any bank erosion; and
- (c) No pest plants including Crack willow (*Salix fragilis*) and Grey willow (*Salix cinerea*) are introduced or planted; and
- (d) The site is left tidy following completion of the activity; and
- (e) Where the activity occurs within a wetland identified in Schedule 1 or 2, planting is restricted to native vegetation.

#### **Explanation**

Provided these activities meet the conditions of the Rules, these small-scale disturbance activities will have an effect on the riverbed environment that is no more than minor. They are permitted in order to avoid unnecessary costs and to enable efficient use of natural and physical resources.

## 18.2.2 Restricted Discretionary Activities in the Beds of Lakes and Rivers

### Rule 33. Gravel extraction

The extraction of gravel from the dry part of a riverbed outside of a wetland identified in Schedule 1 or 2 is a **restricted discretionary activity** unless permitted under Rule 26 or 29.

In considering any resource consent under this rule the Council will restrict the exercise of its discretion to the following:

- (a) The amount to be taken, the removal method and the location and timing of the take;
- (b) The resource available at the proposed extraction site;
- (c) The resource already allocated from that river;
- (d) Any adverse or beneficial environmental effects;
- (e) Any potential effects on existing river users or existing structures;
- (f) Any potential effects on statutory acknowledgement areas or pounamu resources;
- (g) The duration of the resource consent;
- (h) The information and monitoring requirements;
- (i) Any bond; and
- (j) The review of conditions of the resource consent.

An application for resource consent under this Rule does not need to be notified and does not need to be served on persons who may be adversely affected by the activity unless either the applicant requests public notification or the Council considers that because of special circumstances the application should be publicly notified.

### Rule 34. Whitebait stands

The erection of whitebait stands in the rivers listed in Tables 1 and 2 of Schedule 17 is a **controlled activity**.

In granting any resource consent under this Rule the Council will exercise control over the following matters:

- (a) The location of the stand and the timing of its construction and dismantling;
- (b) Any potential for the stand to cause or contribute to bed or bank erosion from construction or operation during the season;
- (c) The dimensions and appearance of the structure;
- (d) Provision for public use and access;
- (e) Any effects on the flood carrying capacity of the river;
- (f) The information and monitoring requirements;
- (g) The duration of the resource consent;
- (h) Any administrative charges, bond or financial contribution; and
- (i) The review of conditions of the resource consent.

An application for resource consent under this Rule does not need to be notified and does not need to be served on persons who may be adversely affected by the activity unless either the applicant requests public notification or the Council considers that because of special circumstances the application should be publicly notified.

#### Explanation

There are over 600 registered whitebait stands on the West Coast. These are generally temporary structures, which may be erected immediately prior to the commencement of the season and must be dismantled immediately after the season. Provided simple precautions are followed there is little likelihood of adverse effects.

This Rule applies to fixed or mobile stands and any nets raised or lowered by the use of fulcrums, pulleys, or other mechanical means of leverage.

The whitebait fishery is a significant resource in rivers. Whitebait stands require controls to avoid, remedy, or mitigate any adverse effects on stability of riverbeds and riverbanks arising from their construction and use.

### **18.2.3 Discretionary Activities in the Beds of Lakes and Rivers**

#### **Rule 35. Discretionary activity rule for activities outside of a Schedule 1 or 2 wetland**

Unless permitted by Rules in Section 18.2.1, or managed by Rules in Sections 18.2.2 or 18.2.4, in relation to the bed of any lake or river the following activities outside of a wetland identified in Schedule 1 or 2 are a **discretionary activity**:

- (a) To use, erect, reconstruct, place, alter, extend, remove, or demolish any structure or part of any structure in, on, under, or over the bed; or
- (b) To excavate, drill, tunnel, or otherwise disturb the bed; or
- (c) To introduce or plant any plant or part of any plant (whether exotic or indigenous) in, on or under the bed; or
- (d) To deposit any substance in, on, or under the bed; or
- (e) To reclaim or drain the bed.

#### **Rule 36. Discretionary activity rule for activities inside a Schedule 2 wetland**

Unless permitted by Rules in Section 18.2.1, or managed by Rules in Sections 18.2.2 or 18.2.4, in relation to the bed of any lake or river the following activities inside a wetland identified in Schedule 2 are a **discretionary activity**:

- (a) To use, erect, reconstruct, place, alter, extend, remove, or demolish any structure or part of any structure in, on, under, or over the bed; or
- (b) To excavate, drill, tunnel, or otherwise disturb the bed; or
- (c) To introduce or plant any plant or part of any plant (whether exotic or indigenous) in, on or under the bed; or
- (d) To deposit any substance in, on, or under the bed; or
- (e) To reclaim or drain the bed.

#### **Assessment Matters**

Wetlands contained in Schedule 2 are either known to be or are likely to be significant, but have not been assessed against the criteria in Schedule 3. Activities are regulated within these wetlands to ensure that the values are not compromised. These wetlands require an assessment through the resource consent process. The ecological assessment will be undertaken in accordance with Schedule 3.

In considering any resource consent under Rule 36 Council will retain full discretion over any matter, which includes but is not limited to, the effect on the wetland listed in Schedule 2, or any adjacent Schedule 1 or 2 wetland.

### **18.2.4 Non-complying Activities in the Beds of Lakes and Rivers**

### **Rule 37. Non-complying activity rule for activities inside a Schedule 1 wetland**

Unless permitted by Rules in Section 18.2.1 or managed by Rules in Sections 18.2.2 or 18.2.3, in relation to the bed of any lake or river the following activities inside a wetland identified in Schedule 1 are a **non-complying activity**:

- (a) To use, erect, reconstruct, place, alter, extend, remove, or demolish any structure or part of any structure in, on, under, or over the bed; or
- (b) To excavate, drill, tunnel, or otherwise disturb the bed; or
- (c) To introduce or plant any plant or part of any plant (whether exotic or indigenous) in, on or under the bed; or
- (d) To deposit any substance in, on, or under the bed; or
- (e) To reclaim or drain the bed.

### **Rule 38. Erection or placement of a structure for the damming of water that affects a wetland identified in Schedule 1**

Erection or placement of a structure for the damming of water that is outside of a wetland identified in Schedule 1 that affects the hydrology of that wetland is a **non-complying activity**.

#### **Principal Reasons for Adopting**

Wetlands in Schedule 1 have been verified and include some of the significant wetlands in the region. Activities such as excavation, bed disturbance, reclamation, or deposition have the potential to result in significant and irreversible adverse effects. While not prohibited, these activities are considered to be inappropriate unless adequate measures are available to overcome the risk of adverse effects on the values of wetlands in Schedule 1.

#### **18.2.5 Prohibited Activities in the Beds of Lakes and Rivers**

##### **Rule 38a. Prohibited whitebait stands**

The erection of whitebait stands in rivers, other than those listed in Tables 1 and 2 of Schedule 17, is a **prohibited activity**.

#### **Explanation**

This Rule clarifies the intent of Schedule 17: "Management of Whitebait Stands", to not allow whitebait stands on any rivers, except for those listed in Schedule 17.