

19 October 2009 – Track changes as a result of the officers report for water & draft Mighty River Power amendments

Notes for track changes. Recommendations made by the Historic Heritage officer are shown in **Blue**. Recommendations made by the Water officer are shown in **Green**. Changes shown in **Red** are Mighty River Power draft changes. Sentences shown in ~~black strikethrough~~ or are recommended within the Beds of Rivers and Lakes Officer's Report to be relocated to other parts of the document, those sentences that have been relocated are shown in black underline. Words recommended to be added are shown in underline, words recommended to be removed are shown in ~~strike through~~

Terms defined within the Proposed One Plan glossary are *italicised* and marked with an asterisk (*) symbol. Terms defined in the Resource Management Act 1991 are *italicised* and marked with a caret (^) symbol.

16. **Structures[^] and Activities involving the Beds[^] of Rivers[^], Lakes[^] and Artificial Watercourses, and Damming**

16.1 **Policies**

Policy 16-1: Consent decision-making for activities in the beds of rivers[^] and lakes[^] beds[^] (including modified watercourses but excluding artificial watercourses and artificial lakes[^])⁴⁵

When making decisions on *resource consent[^]* applications and setting consent *conditions[^]*, for activities in, on, under or over the *bed[^]* of a *river[^]* or *lake[^]* the Regional Council will:

- (a) recognise and provide for the policies regarding the *beds[^] of rivers[^] and lakes[^]* in Section 6.4.4, and have regard to the other provisions of Chapter 6 where appropriate
- (b) have regard to the extent to which the activity is consistent with best management practices
- (c) seek to avoid where practicable any adverse *effects[^]* on any other lawful activity in, on, under or over the *bed[^]* of the *river[^]* or *lake[^]*, including existing *structures[^]*
- (d) have regard to whether the activity is of a temporary nature or is associated with necessary *maintenance^{*}* work
- (e) recognise and provide for the provisions of Chapter 10 in relation to flood management and Chapter 3 in relation to infrastructure and energy
- (f) in relation to the *beds[^] of lakes[^] that are rare habitats^{*} or threatened habitats^{*} when assessed in accordance with Schedule E, have regard to the biodiversity policies in Chapter 12*⁴⁵

Policy 16-2: Consent decision-making for activities in the *beds* of artificial watercourses and artificial *lakes*

When making decisions on *resource consent* applications, and setting consent *conditions*, for activities in, on, under or over the *bed* of an artificial watercourse (including farm drainage canals and canals for the supply of *water* for electricity power generation) or artificial *lake* the *Regional Council* will:

- (a) recognise and provide for the purpose for which the artificial watercourse or artificial *lake* was established
- (b) in circumstances where the artificial watercourse or artificial *lake* joins a *river* or *lake*, recognise and provide for the policies regarding the *beds* of *rivers* and *lakes* in Section 6.4.4, and have regard to the other provisions of Chapter 6 where appropriate
- (c) seek to avoid, remedy or mitigate adverse *effects* on any significant ecosystems intrinsic to the artificial watercourse or artificial *lake*
- (d) manage the activity in accordance with [subsections](#) (b) to (e) of Policy 16-1.

16.2

Standard Conditions for *Permitted Activities* involving the *Beds* of *Rivers* and *Lakes*

The table below sets out standard conditions for activities involving the *beds* of *rivers* and *lakes*. These standard *conditions* are referred to in a number of the *permitted activity rules* in this chapter. The table firstly sets out standard *conditions* for all *rivers* and *lakes* under the *V* value of Life-Supporting Capacity (this *V* value applies to all *rivers* and *lakes* as shown in Schedule *D-Ba*⁶). It then sets out additional conditions for other values that apply to specific reaches of *rivers*, as listed in Schedule *D-Ba*.⁶ Schedule *D-Ba*⁶ must be referred to in order to identify the locations of the *Water Management Sub-zones*⁶ to which these other values apply, and whether they are therefore relevant to a particular activity.

Table 16.1 Standard conditions for *permitted activities* involving the *beds* of *rivers* and *lakes*

Value	Condition
Restrictions applying to all water bodies ¹	<p>(a) The activity shall not adversely reduce the ability of the <i>water body</i> to convey flood flows, floating debris or sediment.^{1 2}</p> <p>(f) Any materials no longer required as part of the activity, including any temporary <i>structures</i>, shall not be stored in or on any <i>river</i> or <i>lake bed</i> and shall be removed after completion of the activity.^{1 2}</p> <p>(l) The activity shall not disturb any archaeological site, waahi tapu or kōiwi remains <i>historic heritage</i> as identified in any <i>District Plan</i> or <i>Regional Plan</i> schedule or database, or <i>Proposed Plan</i>, in the New Zealand Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.^{1 2}</p> <p>(m) In the event of an archaeological site, waahi tapu or <i>kōiwi</i> remains being discovered or disturbed while undertaking the activity, the activity shall cease and the Regional Council shall be notified as soon as practicable <u>such that the Regional Council will provide advice regarding the appropriate authorities to be contacted.</u> The activity shall not be recommenced without the approval of the Regional Council.^{1 2}</p>
Life-Supporting Capacity conditions which apply to all water bodies ³	<p>(a) The activity shall not adversely reduce the ability of the waterbody to convey flood flows, floating debris or sediment.^{1 4}</p> <p>(b) There shall be no <i>discharge</i> of <i>contaminants</i>, other than sediment and other <i>contaminants</i> inherent to the <i>water</i> or <i>bed</i>, into the <i>river</i> or <i>lake</i>.</p> <p>(c) Any <i>discharge</i> of sediment directly caused by the activity shall not be undertaken for more than 5 days, or for more than 12 hours on any one of those 5 days.</p> <p>(d) Any <i>discharge</i> of sediment under <i>condition</i> (c) shall not, after <i>reasonable mixing</i>[*], cause any conspicuous change in the colour of <i>water</i> in the receiving <i>water body</i>, or any change in horizontal visibility of greater than 30%, more than 24 hours after completion of the activity.</p>

¹ OVR 2 – Submission point 280/2

² This condition has been moved in its entirety from the category 'Life-Supporting Capacity'.

³ This heading has been clarified to make it clear that it applies to all *water bodies*.

⁴ This condition has been moved in its entirety to a new values category named 'Values applying to all *water bodies*' in Table 16.1.

Value	Condition
	<p>(e) Any materials used shall be necessary for the activity and shall not be toxic* to aquatic ecosystems.</p> <p>(f) Any materials no longer required as part of the activity, including any temporary structures, shall not be stored in or on any river or lake bed and shall be removed after completion of the activity.^{1 4}</p> <p>(g) Refuelling of machinery shall not take place in any area where spills may enter surface <i>water</i>[^].</p> <p>(h) The activity shall be undertaken in a manner that provides for the safe passage of <i>fish</i>[^] both upstream and downstream, including past any <i>structure</i>[^].</p> <p>(i) Any diversion of <i>water</i>[^] required for works associated with a <i>structure</i>[^] shall be temporary, shall be within the <i>bed</i>[^] of the <i>river</i>[^], shall not exceed 100 m in length, shall not be between catchments, shall not involve a <i>lake</i>[^] (except artificial <i>lakes</i>[^]), and the diversion channel shall have sufficient capacity to carry the same flow as the original <i>bed</i>[^].</p> <p>(j) Upon completion of any channel bank works, the banks shall be reinstated to a natural contour and revegetated.</p> <p>(k) Any permanent straightening or channeling of a <i>river</i>[^] must not exceed a length equal to two times the <i>bed</i>[^] width of the <i>river</i>[^] in any 2-km length of <i>river</i>[^] in any 12-month period.</p> <p>(l) The activity shall not disturb any archaeological site, waahi tapu or koiwi remains historic heritage as identified in any District or Regional Council plan Schedule or database, or proposed plan, in the New Zealand Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.^{1 4}</p> <p>(m) In the event of an archaeological site, waahi tapu or koiwi remains being discovered or disturbed while undertaking the activity, the activity shall cease and the Regional Council shall be notified as soon as practicable such that the Regional Council will provide advice regarding the appropriate authorities to be contacted. The activity shall not be recommenced without the approval of the Regional Council.^{1 4}</p> <p>(r) There shall be no removal of instream woody debris less than 2 m³ in size unless this is required to reduce the risk of flooding or erosion or it poses a hazard to recreational use.^{1 5}</p>
<p>Riparian Habitat (applies to all sites sites within water bodies⁶ with a Value of Site of Significance - Riparian Habitat as shown in Schedule D Ba)⁶</p>	<p>(n) For the purpose of minimising disturbance to nesting dotterals; Bbetween¹ 1 August and 31 December, gravel extraction and <i>bed</i>[^] disturbance on gravel beaches shall only take place:</p> <ul style="list-style-type: none"> (i) within 7 days following a flood of the area of beach that is the subject of the activity, or (ii) where the extraction or disturbance commenced at the same location prior to 1 August and has not been interrupted for more than 7 days.

⁵ This *condition*[^] has been moved in its entirety from the category 'Trout Spawning'

⁶ Consequential change from recommendations and changes to Schedule D including the development of the new Schedule Ba.

Value	Condition
<p>Inanga Spawning</p> <p>(applies to all sites <u>sites</u> within <u>water bodies</u>⁶ with a <u>V</u>value of Inanga Spawning as shown in Schedule D <u>Ba</u>)⁶</p>	<p>(o) The use of mobile machinery in or on the <u>bed</u> of a <u>river</u> or <u>lake</u> in a manner that disturbs the <u>bed</u> shall not take place between 1 February and 1 May.</p>
<p><u>Native Whitebait migration Fishery</u></p> <p>(applies to all sites <u>sites</u> within <u>water bodies</u>⁶ with a <u>V</u>value of <u>Native Fishery whitebait migration</u> as shown in Schedule D <u>Ba</u>)⁶</p>	<p>(p) The use of mobile machinery in or on the <u>bed</u> of a <u>river</u> or <u>lake</u> in a manner that disturbs the <u>bed</u> of the active flowing channel shall not take place in the following locations at the following times:</p> <p>(i) in any <u>water_body</u> valued as a for <u>whitebait migration fishery</u> between 1 October <u>15 August</u>⁷ and 30 November</p> <p>(ii) In any waterbody valued as a koura fishery, between 1 April and 31 December.⁸</p>
<p>Trout Spawning</p> <p>(applies to all sites <u>sites</u> within <u>water bodies</u>⁶ with a <u>V</u>value of Trout Spawning as shown in Schedule D <u>Ba</u>)⁶</p>	<p>(q) The use of mobile machinery in or on the <u>bed</u> of a <u>river</u> or <u>lake</u> in a manner that disturbs the <u>bed</u> of the active flowing channel shall not take place in <u>water bodies</u> valued for the spawning of trout between 1 May and 30 September.</p>
<p>Trout Fishery</p> <p>(applies to all sites <u>sites</u> within <u>water bodies</u>⁶ with a <u>V</u>value of Trout Fishery as shown in Schedule D <u>Ba</u>)¹</p>	<p>(r) There shall be no removal of instream woody debris less than 2 m³ in size unless this is required to reduce the risk of flooding or erosion.^{1 9}</p> <p><u>(x) Activities shall not result in suspended sediment being conspicuous at reaches valued for trout fisheries¹⁰, as shown in Schedule Ba, during weekends and public holidays between 1 December and 28 February.</u></p>

⁷ Water officers report - recommendation WTR 138 182/82

⁸ Water officers report - recommendation WTR 138 – 182/83

⁹ This condition has been moved in its entirety into the category 'Life-supporting Capacity'.

¹⁰ Water officers report - recommendation WTR 138 417/87

Value	Condition
Amenity (applies to all sites sites within water bodies [^] with a Value of Amenity as shown in Schedule D Ba) ⁶	(s) Existing public access to or along a river [^] or lake [^] shall not be rendered unsafe by the activity. (t) Existing public access to or along a river [^] or lake [^] may be rendered unavailable where this is necessary for public safety or for the purpose of undertaking the activity, provided the public access is re-opened as soon as practicable. (u) Activities shall not result in suspended sediment being conspicuous at public bathing beaches as shown in Schedule D Ba ⁶ , during weekends and public holidays between 1 December and 28 February.
Existing Infrastructure [^]	(v) No excavation of the river bed [^] of a river [^] ¹¹ shall take place within 500 m upstream or 1 km downstream of any flow-recording site. ¹² <u>(w) No excavation of the bed[^] of a river[^] shall take place within 20 m upstream or 20 m downstream of a high pressure gas transmission pipeline identified by either a District Plan[^] or Regional Plan[^] and/ or by a marker¹³ on the bank of the river[^] ^{13 14}</u>

¹¹ Water officers report - recommendation WTR 135

¹² [Further information on the location of flow-recording sites can be obtained by either visiting the Regional Council's website \(www.horizons.govt.nz\) or by contacting the Hydrology department.](#)

¹³ [High pressure transmission gas pipelines are normally indicated by white triangle marker posts and/ or yellow pipeline warning signs. If you are unsure about a pipeline being present please contact your Territorial Authority.](#)

¹⁴ Water officers report - recommendation WTR 138 – 115/10

16.3

Rules[^] – Special Rivers[^] and Lakes[^]

Rule[^]	Activity	Classification	Conditions[^]/Standards/Terms	Control/Discretion Non-Notification
16-1 Damming of protected rivers[^] water bodies[^] with a value of Aesthetics listed in Schedule Ba [including water bodies[^] with a National Water Conservation Order[^]].⁶	<p>The erection or placement of a <u>new¹⁵ dam structure[^]</u> pursuant to s13(1) RMA in or on the <u>bed[^] of the following any rivers[^] that section of a water body[^]</u> valued as Aesthetic, listed in <u>Schedule Ba[^]</u>; and any <u>associated ancillary¹¹</u> damming of <u>water[^]</u> pursuant to s14(1) RMA</p> <p>(a) the main stem of the Manganui-o-Te-Ao River and the main stems of its tributaries, the Makatote River, the Mangaturuturu River, the Waimarino Stream and the Orautoha Stream;</p> <p>(b) the Upper and Middle Rangitikei River as defined in the Water Conservation (Rangitikei River) Order 1993, and downstream of the Middle River where the dam structure has the effect of impounding water upstream of the confluence with the Hautapu River</p> <p>(c) the main stem of the Hautapu River above its confluence with the Oraukura Stream and the main stems of its tributaries, the Iirangi Stream and the Waiouru Stream</p> <p>(d) the main stem of the Makuri River and the main stem of its tributary the Makuri-iti Stream</p> <p>(e) the main stem of the Mangatainoka River and the main stems of its tributaries, the Makakahi River and its Bruce Stream tributary, the Mangaroa, Mangamaire, Makotukutuku and Mangaraupiu streams, and an unnamed tributary entering the Mangatainoka River at map reference NZMS 260 T25:368-654</p>	Prohibited		

¹⁵ Water officers report - recommendation WTR 141 – 358/101

Rule [^]	Activity	Classification	Conditions [^] Standards/Terms	Control/Discretion Non-Notification
	<p>(f) the main stem of the Whanganui River from its source at map reference NZMS 260 T19:383 286 to the boundary of the coastal marine area, and the main stem of the Whakapapa River and the main stems of its tributaries the Whakapapaiti and Whakapapanui Streams</p> <p>(g) the main stem of the Manawatu River through the Manawatu Gorge from the Ballance Bridge to the confluence of the Pohangina and Manawatu Rivers</p> <p>(h) the main stem of the Pohangina River from its source to its confluence with the Manawatu River near the Manawatu Gorge</p> <p>the main stem of the Oroua River from its source to its confluence with the Mangoira Stream at map reference NZMS 260 T22:578-378.⁶</p>			
<p>16-2 Other structures and d ¹⁶Disturbances in protected rivers[^]</p>	<p>(a) the erection or placement of a structure in or on the bed of the rivers listed below pursuant to s 13(1) RMA, except for:</p> <p>(i) dam structures, which are prohibited by Rule 16-1</p> <p>(ii) lines, cables, pipelines and ropeways, which are regulated by the rules in Section 16.7-6.¹⁶</p> <p>(b) (a)-aAny excavation, drilling, tunneling or other disturbance of the <u>bed[^]</u> of the <u>rivers[^]</u> listed below pursuant to s13(1) RMA <u>which does not involve the permanent removal of bed[^] material;</u> ¹⁷except for disturbances associated with lines, cables, pipelines and ropeways <u>which are regulated by Rules 16-4 and 16-10¹⁸</u> and excluding the <i>maintenance</i>.*</p>	<p>Non-complying</p>		

¹⁶ Water officers report - recommendation WTR 152 – 358/120

¹⁷ Water officers report - recommendation WTR 140 – 363/177

Rule [^]	Activity	Classification	Conditions [^] /Standards/Terms	Control/Discretion Non-Notification
	<p><u>and upgrading of structures[^] to the extent it is allowed for by Rule 16-6.</u>¹</p> <p>The <i>rivers[^]</i> to which this <i>rule[^]</i> applies are:</p> <p>(c) the mainstem of the Manganui o te Ao River and the mainstems of its tributaries, the Makatote River, the Mangaturuturu River, the Waimarino Stream and the Orautoha Stream</p> <p>(d) the Upper Rangitikei River as defined in the Water Conservation (Rangitikei River) Order 1993</p> <p>(e) the main stem of the Hautapu River above its confluence with the Oraukura Stream and the main stem of its tributary the Iirangi Stream</p> <p>(f) the Makuri Gorge reach, beginning approximately 0.5 km downstream of the Makuri township bridge at map reference T25:643-700 and extending to a point approximately 3.5 km downstream to the end of the gorge at map reference T25:605-692.</p> <p>17</p>			
<p><u>16-2A Gravel extraction in protected rivers^{^18}</u></p>	<p><u>Any removal of bed[^] material, including gravel from the bed[^] of a river[^] and any ancillary excavation or other disturbance in, or on the bed[^] excluding for the maintenance* and upgrading of structures[^] to the extent it is allowed for by rule 16-6</u></p> <p><u>The rivers[^] to which this rule[^] applies are:</u></p> <p><u>(a) the mainstem of the Manganui o te Ao River and the mainstems of its tributaries, the Makatote River, the Mangaturuturu River, the Waimarino Stream and the Orautoha Stream</u></p> <p><u>(b) the Upper Rangitikei River as defined in the Water Conservation (Rangitikei River) Order</u></p>	<p><u>Non-Complying</u></p>		

¹⁸ Water officers report - recommendation WTR 142 – 363/177

Rule^	Activity	Classification	Conditions^Standards/Terms	Control/Discretion Non-Notification
	<p>1993</p> <p>(c) <u>the mainstem of the Hautapu River above its confluence with the Oraukura Stream and the mainstem of its tributary the Irirangi Stream</u></p> <p>(d) <u>the Makuri Gorge reach, beginning approximately 0.5 km downstream of the Makuri township bridge at map reference T25:643-700 and extending to a point approximately 3.5 km downstream to the end of the gorge at map reference T25:605-692.</u></p>			
<p>16-3 Reclamation and drainage of regionally significant lakes^</p>	<p>Any reclamation or drainage of the <i>bed^</i> of the following <i>lakes^</i> pursuant to s 13(1) RMA, excluding any existing reclamations and drainage:</p> <p>(a) Lake Horowhenua (b) Lake Papaitonga (c) Pukepuke Lagoon.</p>	<p>Non-complying</p>		
<p>16-4 Structures^ and disturbances involving water bodies^ valued as Natural State, Sites of Significance – Aquatic, and Sites of Significance – Cultural</p>	<p>Any of the following activities pursuant to s13(1) RMA:</p> <p>(a) Natural State <i>water bodies^</i></p> <p>(i) The erection, placement or extension of any <i>structure^</i> in, on, under or over the <i>bed^</i> of a <i>river^</i> or <i>lake^</i> <u>that section of a <i>water body^</i> valued as <i>Natural State^</i>, listed in Schedule Ba</u> (including lines, cables pipelines and ropeways, excluding lines, cables and ropeways that go ‘over’ a <i>river^</i> or <i>lake^</i> valued as <i>Natural State</i> which are regulated by Rule 16-10)</p> <p>(ii) Any excavation, drilling, tunnelling or other disturbance of the <i>bed^</i> of a <i>river^</i> or <i>lake^</i> <u>that section of a <i>water body^</i> valued as <i>Natural State^</i>, listed in Schedule Ba</u></p> <p>(b) Sites of Significance – Aquatic and Sites of Significance – Cultural <i>water bodies^</i></p>	<p>Discretionary</p>		

Rule [^]	Activity	Classification	Conditions [^] Standards/Terms	Control/Discretion Non-Notification
	<p>(i) The erection, placement or extension of any <i>structure[^]</i> in or on the <i>bed[^]</i> of <i>that section of a river[^] or lake[^] water body[^]</i> valued as a Site of Significance - Aquatic* or Site of Significance - Cultural*, listed in Schedule Ba, except for those activities listed in (c) and (d).</p> <p>(ii) Any excavation, drilling, tunnelling or other disturbance of the <i>bed[^]</i> of a <i>river[^] or lake[^] that section of a water body[^]</i> valued as a Site of Significance - Aquatic* or Site of Significance - Cultural* listed in Schedule Ba, except for those activities listed in (c) and (d).</p> <p>This <i>rule[^]</i> does not include:</p> <p>(c) lines, cables, pipelines and ropeways within <i>that section of a river[^] or lake[^] water body[^]</i> valued as a Site of Significance - Aquatic* or Site of Significance - Cultural* (these are regulated by Rule 16-10) listed in Schedule Ba, or</p> <p>(d) activities involving a Site of Significance - Aquatic within a <i>Flood Control or Drainage scheme Value</i>, provided the activities are undertaken by the Regional Council in accordance with the Environmental Code of Practice for River Works, Horizons Regional Council <i>April 2007 August 2009</i>³⁶ (these activities are regulated by Rule 16-13).</p> <p>(e) <i>maintenance* and upgrading of lawfully established structures[^] to the extent it is allowed for by Rule 16-6</i></p>			

[Rule Guide for rules 16.1 to 16.4](#)

With regards to Rule 16-4, any lines, cables or ropes over a *water body*^ valued as Natural State are permitted by Rule 16-10. Any support structures for the ropes, lines or cables which are located within public estate will, however, require a concession from the Department of Conservation.

16.4 Rules^ – Use, Maintenance*, Repair Upgrade*, Removal and Demolition of Structures^

Rule^	Activity	Classification	Conditions^ /Standards/Terms	Control/Discretion Non-Notification
16-5 Use of structures^	<p>The use of a <u>lawfully established</u>²⁰ <i>structure</i>^ located in, on, under or over the <i>bed</i>^ of a <i>river</i>^ or <i>lake</i>^ pursuant to s13(1) RMA, and any <u>associated ancillary</u>.¹¹</p> <p>(a) damming or diversion of <i>water</i>^ pursuant to s14(1) RMA, excluding the damming of <i>water</i>^ associated with dam <i>structures</i>^ (which is regulated by the <i>rules</i>^ in Section 16.5)</p> <p>(b) <i>discharge</i>^ of sediment or <i>water</i>^ pursuant to s15(1) RMA.</p> <p>For the avoidance of doubt, this <i>rule</i>^ includes the “use” of a dam <i>structure</i>^, but excludes the damming of <i>water</i>^ by a dam <i>structure</i>^ (under s14(1) RMA).</p>	Permitted		
16-6 Maintenance* and repair <u>upgrade</u>*¹⁹ of structures^, and associated <u>ancillary</u>¹¹ removal of <i>bed</i>^ material and plants	<p>(a) Structures^ - The <i>maintenance</i>* or <i>repair</i>*¹⁹ <u>upgrade</u>*¹⁹ of a <u>lawfully established</u>²⁰ <i>structure</i>^ located in, on, under or over the <i>bed</i>^ of a <i>river</i>^ or <i>lake</i>^ pursuant to s13(1) RMA, and any <u>associated ancillary</u>.¹¹</p> <p>(i) disturbance of the <i>river</i>^ or <i>lake</i>^ <i>bed</i>^ pursuant to s13(1) RMA</p> <p>(ii) damming or diversion of <i>water</i>^ pursuant to s14(1) RMA</p> <p>(iii) <i>discharge</i>^ of <i>water</i>^ or sediment</p>	Permitted	<p>(a) The activity shall comply with the standard <i>conditions</i>^ listed in Section 16.2.</p> <p>(b) <u>Any <i>discharge</i>^ of removed <i>bed</i>^ material or plants onto or into <i>land</i>^ shall comply with the <i>conditions</i>^ of Rule 16-23</u>²¹.</p> <p>(c) <u>The rate of <i>discharge</i>^ shall be no more than 100 m³/y per <i>property</i>*</u>.</p> <p>(d) <u>The <i>discharge</i>^ shall not contain agricultural waste*, sewage, stormwater, contaminants^ from composting^ operations, or contaminants^ from landfills^.</u></p>	

¹⁹ Water officers report - recommendation WTR 177

²⁰ Water officers report - recommendation WTR 154 – 161/20

²¹ Water officers report - recommendation WTR 146 – 182/84

Rule [^]	Activity	Classification	Conditions [^] /Standards/Terms	Control/Discretion Non-Notification
	<p>pursuant to s15(1) RMA.</p> <p>(b) Associated removal of bed[^] material and plants - The removal of bed[^] material or plants pursuant to s13(1) or s13(2) RMA for the purpose of maintaining the functional integrity of a structure[^] located in, on, under or over the bed[^] of a river[^] or lake[^], including flushing accumulated bed[^] material, and any associated ancillary.¹¹</p> <p>(i) damming or diversion of water[^] pursuant to s14(1) RMA</p> <p>(ii) discharge[^] of water[^] or sediment pursuant to s15(1) RMA</p> <p>(iii) deposition of removed bed[^] material or plants in or on the bed[^] pursuant to s13(1) RMA</p> <p>(iv) discharge[^] of removed bed[^] material or plants onto or into land[^] pursuant to s15(1) RMA.</p>		<p>(e) <u>The discharge[^] shall not be located within:</u></p> <p>(i) <u>a rare habitat*, threatened habitat* or an at-risk habitat*</u></p> <p>(ii) <u>a site* with a slope* greater than 20°</u></p> <p>(iii) <u>50 m from any historic heritage[^] as identified in any District or Regional Plan[^] schedule or database or Proposed Plan[^].</u></p> <p>(f) <u>Records of the source and composition of the discharge[^] shall be maintained and made available to the Regional Council upon request.</u></p> <p>(g) <u>The discharge[^] shall be undertaken and maintained in a manner so as to ensure its long-term stability, and avoid the risk of erosion.</u></p> <p>(h) <u>The discharge[^] shall not cause any increase in the concentration of hazardous substances[^] or pathogenic organisms on or in any land[^].</u></p> <p>(i) <u>The discharge[^] shall not have any acid-producing potential.</u></p>	
<p>16-7 Removal and demolition of structures[^]</p>	<p>The removal or demolition of a structure[^] located in, on, under or over the bed[^] of a river[^] or lake[^] pursuant to s13(1) RMA, and any associated ancillary.¹¹</p> <p>(a) disturbance of the river[^] or lake[^] bed[^] pursuant to s13(1) RMA</p> <p>(b) damming or diversion of water[^] pursuant to s14(1) RMA</p> <p>(c) discharge[^] of water[^] or sediment pursuant to s15(1) RMA.</p>	<p>Permitted</p>	<p>(a) The activity shall comply with the standard conditions[^] listed in Section 16.2.</p> <p>(b) The Regional Council shall be informed in writing of the removal or demolition of any of the following structures[^], at least 10 working days[^] prior to the commencement of the removal or demolition:</p> <p>(i) access structures[^] in or on the bed[^] of a river[^] or lake[^], including bridges, culverts and fords, where the catchment above the structure[^] is greater than 50 ha</p> <p>(ii) structures[^] occupying more than 5 m² of the bed[^] of a river[^] or lake[^].</p>	

Use, *maintenance** and *repair upgrade**¹⁹ – The *rules^* above permit the ongoing use, *maintenance** and *repair upgrade**¹⁹ of *structures^* once they are established (subject to *conditions^* in the case of *maintenance** and *repair upgrade**¹⁹ activities). For *structures^* requiring a consent to be established, this means that consents can be granted for a short duration. The *rules^* are intended to avoid the need for resource users to hold long-term consents enabling the use or upkeep of *structures^* once they are established.

16.5 Rules^ – Dams

Rule^	Activity	Classification	Conditions^/Standards/Terms	Control/Discretion Non-Notification
16-8 New and existing small dams	<p>All of the following activities, to the extent that they are relevant, for new and existing dam <i>structures^</i> and associated damming within <i>ivers^</i>, within artificial watercourses and on <i>land^</i>:</p> <p>(a) the erection or placement of a dam in, on, under or over the <i>bed^</i> of a <i>river^</i> pursuant to s13(1) RMA</p> <p>(b) the damming of <i>water^</i> and any <i>associated ancillary</i>¹¹ taking, diversion or <i>discharge^</i> of <i>water^</i> that is part of the normal operation of a dam, pursuant to s14(1) and s15(1) RMA</p> <p>(c) any <i>associated ancillary</i>¹¹ disturbance of <u>a the bed of a river^</u>¹¹ pursuant to s13(1) RMA</p> <p>(d) any <i>associated ancillary</i>¹¹ <i>discharge^</i> of sediment pursuant to s15(1)RMA.</p>	Permitted	<p>(a) Any new dam shall not be located in a <i>river^</i> or <i>lake^</i> prohibited by Rule 16-1 or regulated under Rule 16-4.</p> <p>(b) For a dam in a <i>river^</i>, the catchment area above the dam shall be no greater than 50 <u>ha hectares</u>.</p> <p>(c) The maximum <i>water^</i> depth shall be no greater than 3 m (measured from the upstream toe of the dam <i>structure^</i>).</p> <p>(d) A spillway shall be constructed to enable the passage of the probable maximum flood without the dam being overtopped.</p> <p>(e) <i>Water^</i> impounded by the dam shall not encroach onto adjoining properties.</p> <p>(f) Dams in permanently flowing watercourses shall maintain a residual flow out of the dam at all times including during filling of the dam.</p> <p>(g) For a dam located in a <i>river^</i> the activity shall comply with the standard <i>conditions^</i> listed in Section 16.2.</p> <p>(h) For a dam located in an artificial watercourse the activity shall comply with the standard <i>conditions^</i> (a) to (m) in Section 16.2 as if these <i>conditions^</i> applied to an artificial watercourse.</p> <p>(i) <u>The maximum capacity of the dam must not exceed 20,000 m³</u>²²</p> <p>(j) <u>This activity shall not take place in any rare habitat* or</u></p>	

²² Water officers report - recommendation WTR 148 – 422/3

Rule [^]	Activity	Classification	Conditions [^] /Standards/Terms	Control/Discretion Non-Notification
			<i>threatened habitat</i> [*] listed in Schedule E. ²³	
16-9 Other existing dams	Any lawfully established damming of <i>water</i> [^] within a <i>river</i> [^] , within an artificial watercourse or on <i>land</i> [^] , and any <i>associated ancillary</i> ¹¹ taking, diversion or <i>discharge</i> [^] of <i>water</i> [^] that is part of the normal operation of the dam, pursuant to s14(1) and s15(1) RMA, except as permitted by Rule 16-8.	Controlled	(a) The activity shall continue to comply with all <i>conditions</i> [^] , standards and terms that were imposed at the time that the activity commenced. (b) The dam <i>structure</i> [^] shall include a spillway to enable the passage of the probable maximum flood without the dam being overtopped.	Control is reserved over: (a) <i>fish</i> [^] passage (b) <i>water</i> [^] levels and residual flows (c) measures to manage <i>land</i> [^] stability and erosion (d) management of dam failure (e) effects [^] on rare <i>habitats</i> [^] , and <i>threatened habitats</i> [*] and <i>at-risk habitats</i> [*] (f) duration of consent (g) review of consent <i>conditions</i> [^] (h) compliance monitoring.

Rule[^] Guide for rules 16-8 to 16-9: ¹¹

Dam structures[^] versus damming of water[^] – The use, *maintenance*^{*} and *repair upgrade*^{*19} of dam *structures*[^], once they are established, are permitted by the *rules*[^] in Section 16.4 (subject to *conditions*[^] in the case of *maintenance*^{*} and *repair upgrade*^{*19} activities). Hence for existing dams the *rules*[^] above only address the **damming of water[^]**, and not the dam *structure*[^] itself. This means that the Regional Council has decided to accept the presence of existing dam *structures*[^] (and has declined to give itself the discretion as to whether an existing dam *structure*[^] should remain). However, the Regional Council does retain control over the effects[^] of damming *water*[^] on *fish*[^] passage, residual flow etc. as listed in Rule 16-9. These are the effects[^] of concern to the Regional Council.

Dams that exceed the ‘small dams’ criteria set out in Rule 16-8 are a discretionary activity[^] under Rule 16-20 and may require a building consent from the Regional Council under the Building Act 2004. ²⁴

Water[^] takes – Note that any proposal to take *water*[^] that is impounded behind a dam *structure*[^] must comply with the *rules*[^] set out in Chapter 15 of this Plan ²⁵

²³ Water officers report - recommendation WTR 159- 268/48

²⁴ Water officers report - recommendation WTR 135 – 359/121

²⁵ Water officers report - recommendation WTR 149 – 358/114

16.6

Rules[^] – Other Structures[^]

Rule[^]	Activity	Classification	Conditions[^]/Standards/Terms	Control/Discretion Non-Notification
16-10 Lines, cables, pipelines and ropeways	<p>The erection, reconstruction, placement, alteration, or extension of a line, cable, pipeline or ropeway in, on, under or over the <i>bed[^]</i> of a <i>river[^]</i> or <i>lake[^]</i> pursuant to s13(1) RMA, and any <i>associated ancillary</i>:¹¹</p> <p>(a) disturbance of the <i>river[^]</i> or <i>lake[^]</i> <i>bed[^]</i> pursuant to s13(1) RMA,</p> <p>(b) damming or diversion of <i>water[^]</i> pursuant to s14(1) RMA</p> <p>(c) <i>discharge[^]</i> of <i>water[^]</i> or sediment pursuant to s15(1) RMA.</p>	Permitted	<p>(a) The line or cable and any <i>associated ancillary</i>¹¹ support <i>structures[^]</i> shall either:</p> <p>(i) be wholly located over or under the <i>bed[^]</i> of the <i>water body[^]</i>, or</p> <p>(ii) occupy no more than 20 m² of the <i>bed[^]</i> of the <i>water body[^]</i>.</p> <p>(b) <i>This activity shall not take place in a water body[^] valued as Natural State except for lines, cables and ropeways that go over a river[^] or lake[^]. Error! Bookmark not defined.</i></p> <p>(c) The activity shall comply with the standard <i>conditions[^]</i> listed in Section 16.2.</p> <p>(d) <i>This activity shall not take place in any rare habitat* or threatened habitat* listed in Schedule E.</i>²⁶</p>	
16-11 Culverts	<p>The erection, reconstruction, placement, alteration, or extension of a culvert in, on, under or over the <i>bed[^]</i> of a <i>river[^]</i> or <i>lake[^]</i> pursuant to s13(1) RMA and any <i>associated ancillary</i>:¹¹</p> <p>(a) disturbance of the <i>river[^]</i> or <i>lake[^]</i> <i>bed[^]</i> pursuant to s13(1) RMA</p> <p>(b) damming or diversion of <i>water[^]</i> pursuant to s14(1) RMA</p> <p>(c) <i>discharge[^]</i> of <i>water[^]</i> or sediment pursuant to s15(1) RMA.</p>	Permitted	<p>(a) No new culvert shall be erected or placed in:</p> <p>(i) a <i>river[^]</i> or <i>lake[^]</i> regulated under Rule 16-2</p> <p>(ii) a <i>river[^]</i> or <i>lake[^]</i> regulated under Rule 16-4</p> <p>(iii) a <i>waterway water body[^]</i> managed by the Regional Council within a flood control or drainage scheme, unless the work is undertaken by the Regional Council.</p> <p>(iv) a waterway within an urban area, unless the work is undertaken by a Territorial Authority.</p> <p>(b) There shall be only one culvert per crossing.</p> <p>(c) The culvert, associated fill and culvert placement shall comply with the following dimensions:</p> <p>(i) a maximum culvert length of 20 metres <i>which can be made up by either single or multiple lengths of pipe joined together</i>²⁷</p> <p>(ii) For circular culverts—²⁸ a culvert <i>diameter width and height</i></p>	

²⁶ Water officers report - recommendation WTR 159- 268/48

²⁷ OVR – 172/2

Rule [^]	Activity	Classification	Conditions [^] /Standards/Terms	Control/Discretion Non-Notification
			<p>²⁸ between 0.3 m and 1.25²⁹ metres</p> <ul style="list-style-type: none"> (iii) a culvert width equal to or greater than the average width of the wetted part of the channel at the location where the culvert intersects the <i>bed[^]</i> (iv) a maximum fill height above the culvert of 2 metres (v) a minimum culvert installation depth below the <i>bed[^]</i> of 0.3 m or 20% of the width of the culvert, whichever is the lesser. <ul style="list-style-type: none"> (d) The culvert shall be positioned so that its alignment and gradient are the same as the subject <i>waterway water body[^]</i>. (e) The culvert shall be constructed to allow: <ul style="list-style-type: none"> (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 (ii) the flow from a 2-year return period flood event without any flow impediment. (f) The culvert inlet and outlet shall be protected against erosion. (g) All practicable steps shall be used to minimise the release of sediment during construction. (h) The culvert shall be constructed and maintained to avoid any aggradation or erosion of the <i>bed[^]</i>. (i) The culvert shall be kept clear of accumulated debris. (j) The activity shall comply with the standard <i>conditions[^]</i> listed in Section 16.2. (k) <i>This activity shall not take place in any rare habitat* or threatened habitat* listed in Schedule E.</i>³⁰ 	
16-12 Other structures[^] including bridges, fords	The erection, reconstruction, placement, alteration, or extension of any <i>structure[^]</i> that is not regulated by any other <i>rule[^]</i> in, on, under or over the <i>bed[^]</i> of a <i>river[^]</i> or <i>lake[^]</i> pursuant to s13(1) RMA and any <i>associated ancillary</i> . ¹¹	Permitted	<ul style="list-style-type: none"> (a) No new <i>structure[^]</i> shall be erected or placed in: <ul style="list-style-type: none"> (i) <i>a river[^] or lake[^] regulated under Rule 16-2</i>.³¹ (ii) <i>a river[^] or lake[^] regulated under Rule 16-4</i> (iii) <i>a waterway water body[^] managed by the Regional Council</i> 	

²⁸ Water officers report - recommendation WTR 153 – 182/85 and 161/21

²⁹ Water officers report - recommendation WTR 153 – 331/35

³⁰ Water officers report - recommendation WTR 159- 268/48

³¹ Water officers report - recommendation WTR 154 – 358/120

Rule [^]	Activity	Classification	Conditions [^] /Standards/Terms	Control/Discretion Non-Notification
and other access structures[^]	(a) disturbance of the <i>river[^]</i> or <i>lake[^]</i> <i>bed[^]</i> pursuant to s13(1) RMA, (b) damming or diversion of <i>water[^]</i> pursuant to s14(1) RMA, or (c) <i>discharge[^]</i> of <i>water[^]</i> or sediment pursuant to s15(1) RMA.		within a flood control or drainage scheme, unless the work is undertaken by the Regional Council. (iv) a waterway within an urban area, unless the work is undertaken by a Territorial Authority[^]. (b) For bridges and other access <i>structures[^]</i> , except fords, located in or on the <i>bed[^]</i> of a <i>river[^]</i> or <i>lake[^]</i> , the catchment area above the <i>structure[^]</i> shall be no greater than 200 <i>haectares</i> . (c) For all <i>structures[^]</i> located in or on the <i>bed[^]</i> of a <i>river[^]</i> or <i>lake[^]</i> , the <i>structure[^]</i> shall occupy a <i>bed[^]</i> area no greater than 20 m ² except for whitebait and maimai <i>structures[^]</i> which shall not exceed 5 10 m ² . ³² (d) The <i>structure[^]</i> shall be constructed and maintained to avoid any aggradation or scouring of the <i>bed[^]</i> that may inhibit <i>fish[^]</i> passage. (e) The activity shall comply with the standard <i>conditions[^]</i> listed in Section 16.2. (f) This activity shall not take place in any rare habitat* or threatened habitat* listed in Schedule E. ³³	
<u>16-12(a)</u> <u>Recording sites*</u>	<p>The erection, reconstruction, placement, alteration, extension or removal or demolition of a device for the purposes of monitoring or recording <i>river[^]</i> levels and/or quality in, on, under or over the <i>bed[^]</i> of a <i>river[^]</i> or <i>lake[^]</i> pursuant to s13(1) RMA and any ancillary:</p> (a) <u>disturbance of the <i>river[^]</i> or <i>lake[^]</i> <i>bed[^]</i> pursuant to s13(1) RMA,</u> (b) <u>damming or diversion of <i>water[^]</i> pursuant to s14(1) RMA, or</u> (c) <u><i>discharge[^]</i> of <i>water[^]</i> or sediment pursuant to s15(1) RMA.</u>	<u>Permitted</u>	(a) <u>For all <i>structures[^]</i> located in or on the <i>bed[^]</i> of a <i>river[^]</i> or <i>lake[^]</i>, the <i>structure[^]</i> shall occupy a <i>bed[^]</i> area no greater than 20 m²</u> (b) <u>The <i>structure[^]</i> shall be constructed and maintained to avoid any aggradation or scouring of the <i>bed[^]</i> that may inhibit <i>fish[^]</i> passage.</u> (c) <u>The monitoring device may divert up to 30 m³ of <i>water[^]</i> per day for the purpose of measuring <i>water[^]</i> quality or quantity, provided the <i>water[^]</i> is returned to the <i>water body[^]</i> within 50 m of the diversion point</u> (d) <u>The activity shall comply with the standard <i>conditions[^]</i> listed in Section 16.2</u> (e) <u>The Regional Council shall be informed in writing of the erection, reconstruction, placement, alteration, extension, removal or demolition of a device for the purposes of</u>	

³² Water officers report - recommendation WTR 154 – 406/76

³³ Water officers report - recommendation WTR 159- 268/48

Rule [^]	Activity	Classification	Conditions [^] /Standards/Terms	Control/Discretion Non-Notification
			<p><u>monitoring or recording river[^] levels and/or quality, at least 10 working days[^] prior to the commencement of the works taking place.</u></p> <p>(f) <u>This activity shall not take place in any rare habitat* or threatened habitat* listed in Schedule E.</u>³⁴</p>	

16.7 Rules[^] – Activities Within Flood Control and Drainage Schemes

Rule [^]	Activity	Classification	Conditions [^] /Standards/Terms	Control/Discretion Non-Notification
<p>Rule 16-13 Activities undertaken by, or on behalf of ³⁵the Regional Council in water bodies[^] valued for flood control and or drainage schemes³⁶</p>	<p>The following activities within <u>that section of a water body[^] valued for Flood Control or Drainage scheme</u> as shown in Schedule 1 <u>Ba20</u>,³⁶ where they are undertaken by, <u>or on behalf of</u>³⁵ the Regional Council:</p> <p>(a) the erection, reconstruction, placement, alteration, or extension of any <u>structure[^]</u> in, on, under or over the <u>bed[^]</u> of a <u>river[^]</u> or <u>lake[^]</u></p> <p>(b) the excavation, drilling, tunnelling or other disturbance of the <u>bed[^]</u> of a <u>river[^]</u> (but not <u>lake[^]</u>) pursuant to s13(1) RMA</p> <p>(c) any damming or diversion of <u>water[^]</u> pursuant to s14(1) RMA</p> <p>(d) any <u>discharge[^]</u> of <u>weed or any other material extracted from water bodies[^], cleanfill[^]</u>,³⁵ <u>water[^]</u> or sediment pursuant to s15(1) RMA.</p>	Permitted	<p>(a) The activity shall be undertaken in accordance with the Environmental Code of Practice for River Works, Horizons Regional Council <u>April 2007 August 2009</u>³⁶.</p> <p>(b) The activity shall not involve:</p> <p>(i) an activity prohibited under Rule 16-1</p> <p>(ii) an activity regulated under Rule 16-2</p> <p>(iii) an activity regulated under Rule 16-4, <u>except to the extent that the activities may be carried out in specified Sites Of Significance – Aquatic in accordance with the terms specified in the Environmental Code of Practice for River Works, Horizons Regional Council August 2009</u>³⁵</p>	
16-14 Activities	The following activities within <u>that section of a water body[^] valued for Flood Control or Drainage</u>	Discretionary		

³⁴ Water officers report - recommendation WTR 159- 268/48

³⁵ Water officers report - recommendation WTR 153 - 182/187

³⁶ Water officers report - recommendation WTR 153 – Consequential change.

Rule [^]	Activity	Classification	Conditions [^] /Standards/Terms	Control/Discretion Non-Notification
affecting flood control or drainage schemes	<p>scheme as shown in Schedule 1B^a:</p> <p>(a) the planting of a tree^z or shrub^z.³⁷</p> <p>(b) the erection or placement of any building, fence or other <i>structure[^]</i> (including accessways but excluding fences <u>to the extent provided for in (c) and (d)</u>)</p> <p>(c) the erection or placement of a fence perpendicular to a watercourse</p> <p>(d) the erection or placement of a fence greater than 1.2 m high parallel to a watercourse</p> <p>(e) the deposition of any rock, shingle, earth, debris or other <i>cleanfill[*]</i></p> <p>(f) any excavation, drilling or tunnelling likely to undermine the functional integrity of a stopbank or <i>river[^]</i> control <i>structure[^]</i></p> <p>(g) any <i>land disturbance[*]</i> that impedes access required for <i>maintenance[*]</i> of a <i>river[^]</i> or drainage scheme</p> <p><u>(ga) The upgrade, removal or demolition of any <i>structure[^]</i> that is maintained by the Regional Council for the purposes of flood or erosion protection or drainage.</u>³⁸</p> <p>where the activities listed in (a) to (g) are undertaken in any of the following areas:</p> <p>(h) within the <i>bed[^]</i> of a <i>river[^]</i> or artificial watercourse</p>			

³⁷ Water officers report - recommendation WTR 154 – Schedule 1, Clause 16(2) change

³⁸ Water officers report - recommendation WTR 154 - 182/90

Rule^	Activity	Classification	Conditions^/Standards/Terms	Control/Discretion Non-Notification
	(i) on a stopbank (j) on any strip of <i>land^</i> between an artificial watercourse or <i>riverbed^ of a river^</i> ¹¹ , and 8 m from the inland toe of a stopbank ³⁹ (k) for areas without stopbanks, anywhere within 10 m of an artificial watercourse or <i>riverbed^ of a river^</i> . ¹¹ This <i>rule^</i> does not apply to activities undertaken by <i>or on behalf of</i> ³⁵ the Regional Council.			

Rule Guide for rules 16-13 to 16-14:

Use, maintenance, upgrade* and removal of existing, lawfully established, structures in flood control or drainage schemes are permitted by Section 16.4.*

16.8 Rules^ – Gravel Extraction, Bed^ Disturbances and Plants

Rule^	Activity	Classification	Conditions^/Standards/Terms	Control/Discretion Non-Notification
16-15 Small-scale gravel extraction	The excavation, tunnelling or other disturbance of the <i>bed^</i> of a <i>river^</i> (but not <i>a naturally occurring lake^ or wetland^</i> ⁴⁰) for the purpose of removing gravel and other <i>bed^</i> material, pursuant to s13(1) RMA.	Permitted	(a) The activity shall not take place in a <i>river^</i> or <i>lake^</i> regulated under Rule 16-2A or Rule 16-4. (b) The amount of gravel and <i>bed^</i> material removed shall not exceed 50 m ³ in any 12-month period. (c) No excavation shall take place within 500 m upstream or 1 km downstream of any flow recording site. (d) The gravel or other material shall be removed from an area of <i>riverbed^ in a river^</i> ¹¹ that is not covered by <i>water^</i> at the time of extraction.	

³⁹ Water officers report - recommendation WTR 133 – 13/1

⁴⁰ Water officers report - recommendation WTR 156 – 268/47

Rule [^]	Activity	Classification	Conditions [^] /Standards/Terms	Control/Discretion Non-Notification
			(e) The activity shall comply with the standard <i>conditions[^]</i> listed in Section 16.2. (f) <u>This activity shall not take place in any <i>rare habitat*</i> or <i>threatened habitat*</i> listed in Schedule E.</u> ⁴¹	
16-15(a) Large-scale gravel extraction ⁴²	<p>Except as regulated by other <i>rules[^]</i>, the excavation, tunnelling or other disturbance of the <i>bed[^]</i> of a <i>river[^]</i> (but not a naturally occurring <i>lake[^]</i> or <i>wetland[^]</i>) for the purpose of removing gravel and other <i>bed[^]</i> material, pursuant to s13(1) RMA and including any associated ancillary:</p> <p>(a) <u><i>discharge[^]</i> of <i>water[^]</i> or sediment pursuant to s15(1) RMA</u></p> <p>(b) <u><i>discharges[^]</i> to air pursuant to s15(2).</u></p>	Restricted Discretionary	<p>(a) <u>The activity shall not take place in a <i>river[^]</i> or <i>lake[^]</i> regulated under Rule 16-2A or Rule 16-4.</u></p> <p>(b) <u>The gravel or other material shall be removed from an area of <i>riverbed[^]</i> in a <i>river[^]</i> that is not covered by <i>water[^]</i> at the time of extraction.</u></p> <p>(c) <u>This activity shall not take place in any <i>rare habitat*</i> or <i>threatened habitat*</i> listed in Schedule E.</u>⁴³</p>	<p>Discretion is restricted to:</p> <p>(a) <u>Volume of gravel extracted</u></p> <p>(b) <u>Location of gravel extraction site</u></p> <p>(c) <u>The extent and nature of disturbance to or deposition on the <i>bed[^]</i></u></p> <p>(d) <u>Rate, timing and duration of extraction</u></p> <p>(e) <u>Location of gravel stockpile area</u></p> <p>(f) <u><i>Effects[^]</i> on aquatic habitats</u></p> <p>(g) <u>Overall <i>effect[^]</i> on <i>water[^]</i> quality</u></p> <p>(h) <u><i>Effects[^]</i> on riparian margins</u></p> <p>(i) <u><i>Effects[^]</i> on channel, bank and <i>bed[^]</i> stability</u></p> <p>(j) <u>Erosion and flooding <i>effects[^]</i></u></p> <p>(k) <u><i>Effects[^]</i> on public access</u></p> <p>(l) <u>Procedures in the event of discovering or disturbing an archaeological site, wāhi tapu or kōiwi remains</u></p> <p>(m) <u>Dust management</u></p> <p>(n) <u>Financial contributions</u></p>

⁴¹ Water officers report - recommendation WTR 157- 268/48

⁴² Water officers report - recommendation WTR 157 – 346/100

Rule[^]	Activity	Classification	Conditions[^]/Standards/Terms	Control/Discretion Non-Notification
				(o) Duration of consent (p) Review of consent conditions[^] (q) Compliance monitoring.
16-16 Other minor bed[^] disturbances	Except as regulated by other <i>rules[^]</i> , the excavation, drilling, tunnelling or other disturbance of the <i>bed[^]</i> of a <i>river[^]</i> (but not a naturally occurring lake[^] or wetland^{^43}) pursuant to s13(1) RMA and any associated ancillary¹¹ . (a) damming or diversion of <i>water[^]</i> pursuant to s14(1) RMA, or (b) <i>discharge[^]</i> of sediment pursuant to s15(1) RMA. This <i>rule[^]</i> does not include gravel extraction.	Permitted	(a) The activity shall not take place in a <i>river[^]</i> regulated under Rule 16-2 or Rule 16-4. (b) The activity shall comply with the standard <i>conditions[^]</i> listed in Section 16.2. (c) The activity shall not take place in any rare habitat* or threatened habitat* listed in Schedule E. ⁴³	
16-17 Plants	The introduction, planting, removal or destruction of a plant in or on the <i>bed[^]</i> of a <i>river[^]</i> or <i>lake[^]</i> pursuant to s13(1) or s13(2)(b) RMA, and any associated ancillary¹¹ . (a) disturbance of the <i>river[^]</i> or <i>lake[^]</i> <i>bed[^]</i> pursuant to s13(1) RMA, (b) damming or diversion of <i>water[^]</i> pursuant to s14(1) RMA, or (c) <i>discharge[^]</i> of <i>water[^]</i> or sediment pursuant to s15(1) RMA.	Permitted	(a) No pest plant, as listed in the Regional Pest Plant Management Strategy, shall be introduced or planted. (b) The activity shall not involve the planting of a <i>tree[*]</i> or <i>shrub^{*37}</i> in a flood control or drainage scheme, as regulated by Rule 16-14. (c) The activity shall not involve the removal or destruction of plants in Lake Papaitonga, Pukepuke Lagoon or Lake Horowhenua except for a radius of 500 m from the Lake Horowhenua outlet weir (which is permitted by this <i>rule[^]</i>). (d) The activity shall comply with the standard <i>conditions[^]</i> listed in Section 16.2. (e) The activity shall not take place in any rare habitat* or threatened habitat* listed in Schedule E. ⁴³	

⁴³ Water officers report - recommendation WTR 159 – 268/48

Rule^ Guide for rules 16-15 to 16-17:

Gravel extractions that cannot meet the *conditions^* set out in Rule 16-15a are a *discretionary activity^* under Rule 16-20.⁴²

Further information on the location of flow-recording *sites^* can be obtained by either visiting the Regional Council's website (www.horizons.govt.nz) or by contacting the Hydrology department.

Gravel extraction and minor *bed^* disturbances undertaken in naturally occurring *lakes^* or *wetland^* are a *discretionary activity^* under Rule 16-20. These activities may also be subject to requiring a consent under Chapter 12 if the activity concerns a *rare habitat^*, *threatened habitat^* or *at-risk habitat^*.⁴³

16.9 Rules^ – Activities in Artificial Watercourses and Artificial Lakes^

Rule^	Activity	Classification	Conditions^/Standards/Terms	Control/Discretion Non-Notification
16-18 Minor activities involving the beds^ of artificial watercourses	Any: (a) damming or diversion of <i>water^</i> pursuant to s14(1) RMA (b) <i>discharge^</i> of <i>water^</i> , sediment, <i>bed^</i> material or plants pursuant to s15(1) RMA associated with any of the following activities: (c) the <i>maintenance^</i> , <i>repair upgrade^</i> ¹⁹ , alteration, extension, removal or demolition of a <i>structure^</i> or part of a <i>structure^</i> in, on, under or over the <i>bed^</i> of an artificial watercourse (d) the removal of <i>bed^</i> material or plants for the purpose of maintaining the functional integrity of a <i>structure^</i> , including flushing accumulated <i>bed^</i> material (e) the <i>discharge^</i> of removed <i>bed^</i> material or plants onto or into <i>land^</i> (f) the excavation, drilling, tunneling, or other disturbance of the <i>bed^</i> of an artificial watercourse	Permitted	(a) For activities located in an artificial watercourse, the activity shall comply with the standard <i>conditions^</i> (a) to (m) in Section 16.2 as if these <i>conditions^</i> applied to an artificial watercourse. (b) The activity shall not involve an activity restricted by Rule 16-14. (c) Any discharge of removed bed material or plants onto or into land (being land that is not the bed of an artificial watercourse) shall comply with the conditions of Rule 16-23 ⁴⁴ . (d) This activity shall not take place in any rare habitat^ or threatened habitat^ listed in Schedule E. ⁴⁵ (e) The rate of discharge^ shall be no more than 100 m³/y per property^. ⁴⁴ (f) The discharge^ shall not contain agricultural waste^, sewage, stormwater, contaminants^ from composting^ operations, or contaminants^ from landfills^. ⁴⁴ (g) The discharge ^shall not be located within: (i) a rare habitat^, threatened habitat^ or an at-risk habitat^	

⁴⁴ Water officers report - recommendation WTR 161 –182/91

⁴⁵ Water officers report - recommendation WTR 159- 268/48

Rule [^]	Activity	Classification	Conditions [^] /Standards/Terms	Control/Discretion Non-Notification
	<p>(g) the introduction, planting, removal or destruction of a plant in or on the <i>bed[^]</i> of an artificial watercourse</p> <p>(h) the deposit of any substance in, on or under the <i>bed[^]</i> of an artificial watercourse.</p> <p>This <i>rule[^]</i> does not include the damming of an artificial watercourse. This activity is addressed by the <i>rules[^]</i> in Section 16.5.</p>		<p>(ii) <u>a site* with a slope* greater than 20°</u></p> <p>(iii) <u>50 m from any historic heritage[^] as identified in any District or Regional Plan[^] Schedule or database or Proposed Plan[^].</u> ⁴⁴</p> <p>(h) <u>Records of the source and composition of the discharge[^] shall be maintained and made available to the Regional Council upon request.</u> ⁴⁴</p> <p>(i) <u>The discharge[^] shall be undertaken and maintained in a manner so as to ensure its long-term stability, and avoid the risk of erosion.</u> ⁴⁴</p> <p>(j) <u>The discharge[^] shall not cause any increase in the concentration of hazardous substances[^] or pathogenic organisms on or in any land[^].</u> ⁴⁴</p> <p>(k) <u>The discharge[^] shall not have any acid-producing potential.</u> ⁴⁴</p>	
<p>16-19</p> <p>Bed[^] disturbance of artificial lakes[^] to maintain their function</p>	<p>Except as permitted by other <i>rules[^]</i>, the disturbance or removal of <i>bed[^]</i> material or plants for the purpose of maintaining the functional integrity of an artificial lake[^], pursuant to s13(1) and s13(2) RMA, and any associated ancillary:¹¹</p> <p>(a) damming or diversion of water[^] pursuant to s14(1) RMA</p> <p>(b) discharge[^] of water[^] or sediment pursuant to s15(1) RMA</p> <p>(c) deposition of removed <i>bed[^]</i> material or plants in or on the <i>bed[^]</i> pursuant to s13(1) RMA</p> <p>(d) discharge[^] of removed <i>bed[^]</i> material or plants onto or into land[^] pursuant to s15(1) RMA.</p>	<p>Controlled</p>	<p>(a) The activity shall comply with the standard conditions[^] (a) to (m) in Section 16.2 as if these conditions[^] applied to an artificial watercourse.</p> <p>(b) Any discharge[^] of removed bed[^] material or plants onto or into land[^] (being land[^] that does not form the bed[^] of an artificial watercourse) shall comply with the conditions[^] of Rule 13-24. ⁴⁶</p> <p>(c) <u>The rate of discharge[^] shall be no more than 100 m³/y per property*.</u> ⁴⁶</p> <p>(d) <u>The discharge[^] shall not contain agricultural waste*, sewage, stormwater, contaminants[^] from composting[^] operations, or contaminants[^] from landfills[^].</u> ⁴⁶</p> <p>(e) <u>The discharge[^] shall not be located within:</u></p> <p>(i) <u>a rare habitat*, threatened habitat* or an at-risk habitat*</u></p> <p>(ii) <u>a site* with a slope* greater than 20°</u></p> <p>(iii) <u>50 m from any historic heritage[^] as identified in any District or Regional Plan[^] schedule or database or</u></p>	<p>Control is reserved over:</p> <p>(a) the overall effect[^] on water[^] quality</p> <p>(b) the effects[^] on inflow rates of sediment</p> <p>(c) the effects[^] on aquatic habitats</p> <p>(d) the nature, scale, timing and duration of the activity undertaken</p> <p>(e) duration of consent</p> <p>(f) review of consent conditions[^],</p> <p>(g) compliance monitoring.</p>

⁴⁶ Water officers report - recommendation WTR 162 – 182/92

Rule^	Activity	Classification	Conditions^/Standards/Terms	Control/Discretion Non-Notification
			<p style="text-align: center;"><u>Proposed Plan^</u>.⁴⁶</p> <p>(f) <u>Records of the source and composition of the discharge^ shall be maintained and made available to the Regional Council upon request.</u>⁴⁶</p> <p>(g) <u>The discharge^ shall be undertaken and maintained in a manner so as to ensure its long-term stability, and avoid the risk of erosion.</u>⁴⁶</p> <p>(h) <u>The discharge^ shall not cause any increase in the concentration of hazardous substances^ or pathogenic organisms on or in any land^.</u>⁴⁶</p> <p>(i) <u>The discharge^ shall not have any acid-producing potential.</u>⁴⁶</p>	

16.10

Rules^ – Activities that do not Comply with Permitted Activity^ and Controlled Activity^ Rules^

Rule^	Activity	Classification	Conditions^/Standards/Terms	Control/Discretion Non-Notification
16-20 Activities that do not comply with permitted activity^ and controlled activity^ rules^	Any activity that does not comply with one or more <i>conditions^</i> , standards or terms of a permitted <i>activity^</i> or <i>controlled activity^ rule^</i> in this chapter, but which is not expressly classified as a <i>discretionary activity^</i> , non-complying <i>activity^</i> ⁶ or <i>prohibited activity^</i> . <u>including any ancillary</u> <u>(a) disturbance of the river^ or lake^ bed^ pursuant to s13(1) RMA,</u> <u>(b) damming or diversion of water^ pursuant to s14(1) RMA, or</u> <u>(c) discharge^ of water^ or sediment pursuant to s15(1) RMA.</u> ⁴⁷	Discretionary		

⁴⁷ Water officers report - recommendation WTR 163 - 182/93