

Notes for track changes: This is the final recommendation for wording of One Plan provisions made by Regional Council officers at the conclusion of the Water Hearing. It uses the Proposed One Plan provisions as notified as the base document and consolidates recommendations from the Planning Evidence and Recommendations Report (August 2009), Supplementary Report (November 2009) and End of Hearing Report (March 2010).

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^, and Lakes^, Artificial Watercourses*, and Damming⁷⁴**

16.1A Objective

16.1A Objective 16-1: Regulation of certain uses of the beds^ of rivers^ and lakes^, artificial watercourses* and damming

Structures and activities in, on, under or over the beds^ of rivers^ and lakes^, artificial watercourses* and damming are regulated in a manner that:

- (a) recognises and provides for the water management values set out in Schedule Ba; and
- (b) recognises and provides for the objectives and policies of Chapter 6 as they relate to the beds^ of rivers^ and lakes^.⁷⁴

16.1 Policies

Policy 16-1: Consent decision-making for activities in on, under or over the beds of⁷⁴ rivers^ and lakes^ beds¹ (including modified watercourses but excluding artificial watercourses* and artificial lakes^)⁷⁰

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^ (including modified watercourses but excluding artificial watercourses* and artificial lakes^)⁷⁰ 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

¹ Minor change – Schedule 1, Clause 16(2).

- (c) seek to avoid where practicable any more than minor² 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:
- (f) in relation to the *beds*[^] of *lakes*[^] or within *wetlands*[^] that are *rare habitats*^{*} or *threatened habitats*^{*}, have regard to the biodiversity policies in Chapter 12⁶⁷
- (g) have particular regard to the objectives and policies of Chapter 3, 4 and 7 to the extent they are relevant to the activity³
- (h) seek to avoid or mitigate any more than minor adverse *effects*[^] of damming including the *effects*[^] on fish passage, *bed*[^] stability and *water*[^] flows.⁴

This policy implements Objective 16-1.⁷⁴

Policy 16-2: Consent decision-making for activities in the beds of within⁷⁴ *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~~ within⁷⁴ 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 16-1.⁷⁴
- (e) have particular regard to the objectives and policies of Chapter 3.²

This policy implements Objective 16-1⁷²

² WTR 137 – 363/173.

³ WTR 136 – 358/97.

⁴ Scope for this recommendation is found in “Report on scope for Water Chapter recommendations”, Clause (iv).

Policy 16-3 General management of the beds of rivers^ and lakes^ (excluding artificial watercourses* and lakes^)

Activities in, on, under or over the *beds^ of rivers^ and lakes^* must generally be managed in a manner which:⁷

- (a) avoids or mitigates the risk of flood hazards arising from any significant reduction in the ability of a water body *river^* to convey flood flows, or significant impedance to the passage of floating debris⁵
- (b) avoids or mitigates any significant adverse *effects^* on the stability and function of existing *structures^* including flood and erosion control *structures^*
- (c) The manages *effects^* on natural character (including cumulative effects) and public access, must be avoided or mitigated in accordance with the relevant policies in Chapter 6 and 7⁶
- (d) provides for the safe passage of fish both upstream and downstream
- (e) ensures that the existing nature and extent of navigation of the *water body** are not obstructed
- (f) ensures that access required for the *maintenance**, *upgrade** and operation of *infrastructure^5* is not obstructed.⁷
- (g) provides for continued public access while recognising public health and safety constraints⁸

This policy implements Objective 16-1⁷²

Policy 6-28 16-4: Activities in water bodies* with a Value of Natural State, Sites of Significance - Cultural, or Sites of Significance - Aquatic

In those Wwater Mmanagement Sub-zones*⁹ with a Value of Natural State, Sites of Significance - Cultural, or Sites of Significance - Aquatic, as shown in Schedule D Ba⁹, activities in, on, under or over the *beds^ of rivers^ and lakes^* shall must⁴³ be managed in a manner which:

- (a) avoids or mitigates¹⁰ adverse *effects^* on these values
- (b) maintains the habitat and spawning requirements of the species identified in Schedule D Ba⁹ as being significant within the subject Wwater Mmanagement Ssub-zones*^{9, 11}

⁵ WTR 50 – 372/74.

⁶ Clause (c) has been incorporated/ duplicated in part from Chapter 6 (Policy 6-27).

⁷ Policy 16-3 has been incorporated/ duplicated in part from Chapter 6 (Policy 6-27).

⁸ WTR 138 - 346/89.

⁹ Consequential changes as a result of changes to Schedule D.

¹⁰ WTR 51 – 268/31.

- (c) maintains the values associated with Sites of Significance – Cultural identified in Schedule Ba¹²

This policy implements Objective 16-1.⁷²

Policy 6-29 16-5: Activities in water bodies* within a with a value of Flood Control or and Drainage scheme¹³

In those ~~water management zones*~~ water bodies*¹³ valued for Flood Control or and Drainage scheme¹³ as shown in Schedule B⁹, activities in, on, under or over the beds^ of rivers^ and lakes^ and on land^ adjacent to the bed^ where the value is located, shall must⁴³ be managed in a manner which:

- (a) enables the level of flood hazard and erosion control existing ~~at the time of notification of this Plan~~ as at 31 May 2007 to be maintained. ~~within river and drainage schemes~~⁷⁴
- (b) maintains other Schedule Ba⁷⁴ values associated with the water body*, unless functional constraints make this impractical, in which case adverse effects^ on other values shall must⁴³ be mitigated ~~or and may be~~¹³ offset or compensated by way of a financial contribution in accordance with the policies in Chapter 18.¹⁴

This policy implements Objective 16-1.⁷²

Policy 6-30 16-6: Activities in water bodies* with other Schedule Ba values

In those ~~Water Management Sub-zones*~~⁹ not valued for Natural State, Sites of Significance - Cultural, Sites of Significance - Aquatic, or ~~within a Flood Control or and Drainage scheme as shown in Schedule D~~¹⁵, activities in, on, under or over the beds^ of rivers^ and lakes^ shall must⁴³ be managed in a manner which:

- (a) avoids, remedies or mitigates significant adverse effects^ on these other values, ~~or (b) provides consent applicants with the option of making a~~ A financial contribution may be considered in order¹⁵ to offset or compensate for adverse effects^ in accordance with the policies in Chapter 18.¹⁶

This policy implements Objective 16-1.⁷²

¹¹ Policy 16-4 has been incorporated in its entirety from Chapter 6 (Policy 6-28).

¹² WTR 198 – 238/16.

¹³ WTR 52 – consequential change as a result of changes to Schedule D.

¹⁴ Policy 16-5 has been incorporated in its entirety from Chapter 6 (Policy 6-29).

¹⁵ WTR 53 - consequential change as a result of changes to Schedule D.

¹⁶ Policy 16-6 has been incorporated in its entirety from Chapter 6 (Policy 6-30).

Policy ~~6-31~~ 16-7: Essential and beneficial activities

Notwithstanding Policies ~~Policy 6-27 to 6-30~~⁷⁴, activities in, on, under or over the *beds*[^] of *rivers*[^] and *lakes*[^] that are essential or result in an environmental benefit ~~shall~~ must⁴³ generally be allowed, including:

- (a) the use and *maintenance*^{*} of ~~existing~~ lawfully established¹⁷ *structures*[^], including works designed to maintain or improve the stability and functionality of ~~existing~~ lawfully established *structures*[^]
- (b) the removal of derelict, unlawful or non-functional *structures*[^]
- (c) the restoration or enhancement of natural habitats.¹⁸

This policy implements Objective 16-1⁷²

Policy ~~6-32~~ 16-8: Gravel extraction

- ~~(a) The annual volume of gravel available for extraction from those *rivers*[^] and reaches with certain allocations, listed in Table 6.3, shall be limited to the quantities stated in the table.~~
- (b) The average annual volume of gravel available for extraction from the bed of those *rivers*[^] and reaches with estimated allocations, listed in Table ~~6.4~~ 16.1(a), ~~shall~~ must⁴³ generally be limited to the quantities stated in the table, unless; ~~better information is available~~
 - (i) there is a demonstrable *river*[^] management need to exceed this volume; or
 - (ii) the extraction is necessary to decrease the risk of flooding or damage to structures; or
 - (iii) further information establishes that actual sustainable rates of extraction are higher or lower than those in Table 16.1(a) taking into account the cumulative volumes being extracted and the natural rates of replenishment
- ~~(c) In other rivers or reaches, where there is no annual extraction limit, gravel extraction shall not exceed the natural rate of replenishment except where extraction is necessary to decrease the risk of flooding or damage to structures.~~
- (d) For any *river*^{*} or reach not specified in Table 16.1(a) the *effects*[^] of the cumulative volume being extracted on an annual basis in the *river*[^] or reach must be considered including matters in relation to:
 - (i) the natural rates of replenishment,
 - (ii) the *site*[^] specific impacts

¹⁷ WTR 141 358/101.

¹⁸ Policy 16-7 has been incorporated in its entirety from Chapter 6 (Policy 6-31).

- (iii) river^ management needs
- (iv) the need to decrease the risk of flooding or damage to structures^.

(e) For the purposes of this policy 'annual' is defined as 1 July to 30 June the following year.^{19 20}

This policy implements Objective 16-1.⁷²

Table 6.4 16.1a Average Annual allocable volumes of gravel –estimated allocations²¹

<u>River^ or Reach</u>	<u>Volume (m³)</u>
Kawhatau River	35,000
Makino Stream	3,000
Makuriiti Stream	6,000 3,000
Manawatu River	
• From 1 km upstream of Ngawapurua Bridge to source	20,000
• 1 km upstream to 2.5 km downstream of Ngawapurua Bridge	No extraction
• 2.5 km downstream of Ngawapurua Bridge to Ballance Bridge	15,000
• Manawatu Gorge to Karere Rd	50,000 2,500
• Karere Rd to Hamilton's Line	300,000 15,000
• Hamilton's Line to Oroua confluence [2007 to 2009]	20,000
• Hamilton's Line to Oroua confluence [2009 onwards] the 2 km aggrading reach between 39 Miles (S24 212 832) and Benchmark 643 (S24 226 830)	350,000 17,500
• Hamilton's Line to Oroua confluence [2009 onwards] the 2 km aggrading reach between BM 604 (S24 206 833) and BM 622 (S24 207 826)	700,000 35,000

¹⁹ Policy 16-8 has been incorporated in its entirety from Chapter 6 (Policy 6-32).

²⁰ Infrastructure, Energy and Waste submission - 153/3.

²¹ Table 16.1a has been incorporated in its entirety from Chapter 6 (Tables 6.3 and 6.4).

<i>River</i> [^] or Reach	Volume (m ³)
Mangahao River	15,000
Mangatainoka River	55,000
Ohau River	
• Upstream of a point 1 km above SH 1 bridge	2,000 <u>5,000</u>
• Downstream of a point 1 km above SH 1 bridge	10,000
Oroua River	
• Upstream of Menzies Ford	10,000
• Downstream of Menzies Ford	55,000
Pohangina River	30,000 <u>25,000</u>
Rangitikei River	
• Makahikatoa Stream to Mangarere Road bridge	15,000
• Mangarere Road bridge to Rewa	25,000
• Rewa to 7 km downstream of SH 1 bridge	40,000 <u>50,000</u>
• 7 km downstream of SH 1 bridge to mouth	100,000
South East Ruahine Streams	
• Kumeti	3,000
• Mangaatua	5,000
• Mangapapa	2,000
• Mangatera	500
• Mangatewaiiti	2,000
• Mangatewainui	4,000
• Oruakeretaki	5,000

<i>River^</i> or Reach	Volume (m ³)
• Otamaraho	2,000
• Otamarahu	1,000
• Rokaiwhana	10,000
• Raparapawai	3,000
• Tamaki	20,000
Turakina River	3,000
Whangaehu River	8,000
Whanganui River	7,000
• Whakapapa Island to Pipiriki	4,000
• Pipiriki to mouth	2,750

16.2 Standard Conditions[^] for Permitted Activities[^] involving the Beds[^] of Rivers[^] and Lakes[^]

The table below sets out standard *conditions[^]* for referred to in a number of the *permitted activity[^]* *activities[^]* and *controlled activity[^]* *rules[^]* in this chapter,⁷⁴ involving the *beds[^]* of *rivers[^]* and *lakes[^]*. ~~These standard conditions are referred to in a number of the permitted activity rules in this chapter.⁷⁴~~ The table firstly sets out standard *conditions[^]* for all *rivers[^]* and *lakes[^]* under the Value of Life-Supporting LifeSupporting Capacity (this Value applies to all *rivers[^]* and *lakes[^]* as shown in Schedule D-Ba²⁷). It then sets out additional *conditions[^]* for other values that apply to specific reaches of *rivers[^]*, as listed in Schedule D-Ba.²⁷ Schedule D-Ba²⁷ must be referred to in order to identify the locations of the *Water Management Sub-zones[^]*²⁷ to which these other values apply, and whether they are therefore relevant to a particular activity.

Table 16.1 Standard *conditions[^]* for *permitted activities[^]* and *controlled activities[^]* involving the *beds[^]* of *rivers[^]* and *lakes[^]*⁷⁴

Value	Condition
Life-Supporting Life Supporting Capacity conditions which apply to all water bodies [^] . ⁴¹	<p>(a) The activity shall <u>must</u>⁴³ not adversely reduce the ability of the <i>water_body[^]</i> to convey flood flows, floating debris or sediment.</p> <p>(b) There shall <u>must</u>⁴³ 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>water[^]</i> of a⁷⁴ <i>river[^]</i> or <i>lake[^]</i>.</p> <p>(c) Any discharge[^] of sediment, into water[^] directly caused by the activity shall must⁴³ not be undertaken for more than 5 days, or for more than be for not more than a total of 12 hours on any one of these 5 days over no more than 5 consecutive days and no more than one event in any 12-month period.²²</p> <p>(d) Any <i>discharge[^]</i> of sediment, into <i>water[^]</i> under condition (c) shall <u>must</u>⁴³ 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% <u>the standard set in the clarity % change column of Schedule Ba</u>, more than 24 hours after completion of the activity.²²</p> <p>(e) Any materials used shall <u>must</u>⁴³ be necessary for the activity and shall <u>must</u>⁴³ not be toxic* to aquatic ecosystems.</p> <p>(f) Any materials no longer required as part of the activity, including any temporary <i>structures[^]</i>, shall <u>must</u>⁴³ not be stored in or on <u>the <i>bed[^]</i> of any <i>river[^]</i> or <i>lake[^]</i> <i>bed[^]</i></u> and shall <u>must</u>⁴³ be removed after completion of the activity.⁷⁴</p> <p>(g) Refuelling of machinery shall <u>must</u>⁴³ not take place in any area where spills may enter <i>surface water[^]</i>.⁷⁴</p> <p>(h) The activity shall <u>must</u>⁴³ be undertaken in a manner that provides for the safe passage of fish both upstream and downstream, including past any <i>structure[^]</i>.</p> <p>(i) Any diversion of <i>water[^]</i> required for works associated with ancillary to a structure[^] <u>shall</u> <u>must</u>⁴³ not be temporary in place for more than 30 consecutive days, shall <u>must</u>⁴³ be within the <i>bed[^]</i> of the <i>river[^]</i>, shall <u>must</u>⁴³ not exceed 100 m in length, shall <u>must</u>⁴³ not be between catchments, and shall <u>must</u>⁴³ 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 bed.²³</p>

²² WTR 138 - 417/87.

²³ WTR 138 – 151/178.

Value	Condition
	<p>(j) Upon completion of any channel bank works, the banks shall <u>must</u>⁴³ be reinstated to a natural contour and revegetated.</p> <p>(k) Any permanent straightening or channelling of a <u>river</u>[^] must not exceed a length equal to two times the <u>bed</u>[^] width of the <u>river</u>[^] in any 2-km length of <u>river</u>[^] in any 12-month period.</p> <p>(l) The activity must⁴³ <u>not disturb any archaeological site, waahi tapu or kōiwi remains</u> <u>historic heritage</u>[^] as identified in any <u>District Plan</u>[^] or <u>Regional Plan</u>[^] schedule or database, or <u>Proposed Plan</u>[^], 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.²⁴</p> <p>(m) In the event of an archaeological site, waahi tapu or kōiwi remains being discovered or disturbed while undertaking the activity, the activity shall cease and the Regional Council must⁴³ <u>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.</u>²⁴</p> <p>(r) There shall <u>must</u>⁴³ 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.²⁵</p>
<p>Riparian Habitat (applies to all sites reaches in ²⁶ <u>water bodies</u>^{*27} with a <u>Value of Site of Significance</u> - Riparian Habitat as shown in Schedule D Ba)²⁷</p>	<p>(n) For the purpose of minimising disturbance to nesting dotterels, Bbetween 1 August and 31 December, gravel extraction and <u>bed</u>[^] disturbance on gravel beaches shall <u>must</u>⁴³ only take place:</p> <p>(i) within 7 days following a flood of the area of beach that is the subject of the activity, or</p> <p>(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.⁷⁴</p>

²⁴ Recommendation made by the reporting officer for Historic Heritage.

²⁵ This condition[^] has been moved in its entirety from the category 'Trout Fishery'.

²⁶ Supplementary evidence – recommendation of Richard Peterson, Mighty River Power (519/48).

²⁷ Consequential change from recommendations and changes to Schedule D including the development of the new Schedule Ba.

Value	Condition
Inanga Spawning (applies to all sites reaches in ²⁶ <u>water bodies</u> ^{*27} with a <u>V</u> value of Inanga Spawning as shown in Schedule D Ba) ²⁷	(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 <u>must</u> ⁴³ not take place between 1 February and 1 May.
Native <u>Whitebait migration</u> ²⁸ Fishery (applies to all sites reaches in ²⁶ <u>water bodies</u> [*] with a <u>V</u> value of Native Fishery <u>whitebait migration</u> as shown in Schedule D Ba) ²⁷	(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 <u>must</u> ⁴³ not take place in the following locations at the following times: (i) in any water body valued as a whitebait fishery between 1 October 15 August and 30 November ²⁸ (ii) In any waterbody valued as a koura fishery, between 1 April and 31 December. ²⁹
Trout Spawning (applies to all sites reaches in ²⁶ <u>water bodies</u> [*] with a <u>V</u> value of Trout Spawning as shown in Schedule D Ba) ²⁷	(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 <u>must</u> ⁴³ not take place in water bodies valued for the spawning of trout between 1 May and 30 September. ⁷⁴

²⁸ WTR 138 - 182/82.

²⁹ WTR 138 – 182/83.

Value	Condition
Trout Fishery (applies to all sites reaches in ²⁶ <u>water bodies</u> * with a <u>V</u> value of Trout Fishery as shown in Schedule <u>D Ba</u>)	<p>(f) 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. ³⁰</p> <p>(x) Activities shall <u>must</u>⁴³ not result in suspended sediment being conspicuous during weekends and public holidays between 1 December and 28 February. For the purpose of this <u>condition</u>^ weekend is defined as midnight Friday to midnight Sunday.³¹</p>
Amenity (applies to all sites within ²⁶ <u>water bodies</u> * with a <u>V</u> value of Amenity as shown in Schedule <u>D Ba</u>) ²⁷	<p>(s) Existing public access to or along a river or lake <u>water body</u>* shall <u>must</u>⁴³ not be rendered unsafe by the activity.</p> <p>(t) Existing public access to or along a river or lake <u>water body</u>* 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.</p> <p>(u) Activities shall <u>must</u>⁴³ not result in suspended sediment being conspicuous at public bathing beaches sites with a value of Amenity as shown in Schedule <u>D Ba</u>²⁷, during weekends and public holidays between 1 December and 28 February. <u>For the purpose of this condition</u>^ weekend is defined as midnight Friday to midnight Sunday.⁷⁴</p>
Existing <u>Infrastructure</u> ^	<p>(v) No excavation, drilling, tunnelling or other disturbance of the river bed^ of a <u>river</u>^ ³² shall <u>must</u>⁴³ take place within 500 m upstream or 1 km <u>500 m</u>³³ downstream of any flow-recording site. ³⁴</p> <p>(w) No excavation, drilling, tunnelling or other disturbance of the <u>bed</u>^ of a <u>river</u>^ shall <u>must</u>⁴³ take place within 20 m upstream or 20 m downstream of a high pressure gas transmission pipeline identified by either a <u>District Plan</u>^ or <u>Regional Plan</u>^ and/ or by a marker³⁵ on the bank of the <u>river</u>^.^{35 36}</p>

³⁰ This condition has been moved in its entirety into the category 'Life Supporting Capacity'.

³¹ WTR 138 - 417/87.

³² Minor change - Schedule 1, Clause 16(2) RMA.

³³ WTR 138 - 426/204.

³⁴ 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 its Hydrology Department.

³⁵ 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.

³⁶ WTR 138 – 115/10.

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

Rule [^]	Activity	Classification	Conditions [^] /Standards/Terms	Control/Discretion Non-Notification
16-1 Dams and ancillary Damming of protected rivers	<p>The erection or placement of a <u>new</u>³⁷ dam <u>structure[^]</u> (as at 31 May 2007)⁷⁴ pursuant to s13(1) RMA in or, on, under or over the <u>bed[^]</u> of the following <u>rivers[^]</u>, and any <u>associated</u> ancillary damming of <u>water[^]</u> pursuant to s14(24) RMA²⁷</p> <p>(a) the main stem <u>mainstem</u> of the Manganui o Te te Ao River and the main stems <u>mainstems</u> of its tributaries, the Makatote River, the Mangaturuturu River, the Waimarino Stream and the Orautoha Stream,</p> <p>(b) the Upper <u>River</u> and Middle Rangitikei <u>River</u> as defined in the Water Conservation (Rangitikei River) Order 1993, and downstream of the Middle River where the dam <u>structure[^]</u> has the <u>effect[^]</u> of impounding <u>water[^]</u> upstream of the confluence with the Hautapu River</p> <p>(c) the main stem <u>mainstem</u> of the Hautapu River above its confluence with the Oraukura Stream and the main stems <u>mainstems</u> of its tributaries, the Irirangi Stream and the Waiouru Stream</p> <p>(d) the main stem <u>mainstem</u> of the Makuri River and the main stem <u>mainstem</u> of its tributary, the Makuri-iti Stream</p> <p>(e) the main stem <u>mainstem</u> of the Mangatainoka River and the main stems <u>mainstems</u> of its tributaries, the Makakahi River and its Bruce Stream tributary, the Mangaroa, Mangamaire,</p>	Prohibited		

³⁷ WTR 141 – 358/101 and 359/122.

Rule [^]	Activity	Classification	Conditions [^] /Standards/Terms	Control/Discretion Non-Notification
	<p>Makotukutuku and Mangaraupiu streams, and an unnamed tributary entering the Mangatainoka River at map reference NZMS 260 T25:368-654</p> <p>(f) the main stem <u>mainstem</u> of the Whanganui River from its source at map reference NZMS 260 T19:383-286 to the boundary of the coastal marine area <u>Coastal Marine Area</u>, and the main stem <u>mainstem</u> of the Whakapapa River and the main stems <u>mainstems</u> of its tributaries the Whakapapaiti and Whakapapanui Streams-streams.</p> <p>(g) the main stem <u>mainstem</u> of the Manawatu River through the Manawatu Gorge from the Ballance Bridge to the confluence of the Pohangina and Manawatu Rivers <u>rivers</u></p> <p>(h) the main stem <u>mainstem</u> of the Pohangina River from its source to its confluence with the Manawatu River near the Manawatu Gorge</p> <p>(i) the main stem <u>mainstem</u> of the Oroua River from its source to its confluence with the Mangoira Stream at map reference NZMS 260 T22:578-378.^{27 1}</p>			
<p>16-2 Other structures and d³⁸ Disturbances 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 16.7-6.³⁸</p> <p>(a) (b) Any excavation, drilling, tunnelling or other disturbance of the <u>bed[^]</u> of the <u>rivers[^]</u> listed below</p>	<p>Non-complying</p>		

³⁸ WTR 152 – 358/120.

Rule^	Activity	Classification	Conditions^/Standards/Terms	Control/Discretion Non-Notification
	<p>pursuant to s13(1) RMA <u>which does not involve the permanent removal of bed^ material</u>; ³⁹ and <u>any ancillary</u>:</p> <p>a. <u>damming or diversion of water^ pursuant to s14(2) RMA, or</u></p> <p>b. <u>discharge^ of sediment into water^ or into or onto land^ pursuant to ss15(1), 15(2) or 15(2A) RMA.</u></p> <p><u>This rule excludes except for excavation, drilling, tunnelling or other disturbances associated with:</u></p> <p>(i) <u>lines, cables, pipelines and ropeways which are regulated by Rules 16-4 and 16-10</u> ⁴⁰ <u>and</u></p> <p>(ii) <u>the maintenance* and upgrading* of structures^ to the extent it is allowed for by Rule 16-6.</u></p> <p>The rivers^ to which this rule^ applies are:</p> <p>(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</p> <p>(b) the Upper Rangitikei River as defined in the Water Conservation (Rangitikei River) Order 1993</p> <p>(c) the main stem of the Hautapu River above its confluence with the Oraukura Stream and the main stem of its tributary the Irirangi Stream</p> <p>(d) 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 T25:605 692.³⁹</p>			

³⁹ WTR 142 – 363/177.

Rule^	Activity	Classification	Conditions^/Standards/Terms	Control/Discretion Non-Notification
<p><u>16-2A Gravel extraction in protected rivers</u>⁴⁰</p>	<p>The excavation or other disturbance of the <u>bed^</u> of a <u>river^</u> for the purpose of removing gravel and other <u>bed^</u> material, pursuant to s13(1) RMA and any ancillary:</p> <ul style="list-style-type: none"> i. <u>discharge^</u> of <u>water^</u> or sediment into <u>water^</u> or onto <u>land^</u> pursuant to ss15(1), 15(2) or 15(2A) RMA ii. <u>discharges^</u> to air pursuant to ss15(2) or 15(2A) RMA iii. <u>deposition</u> of substances in, on or under the <u>bed^</u> of a <u>river^</u> pursuant to s13(1) RMA <p>This <u>rule^</u> does not apply to the removal of <u>bed</u> material, including gravel, associated with the <u>maintenance*</u> and <u>upgrading of structures^</u> to the extent it is allowed for by Rule 16-6</p> <p>The <u>rivers^</u> to which this <u>rule^</u> applies are:</p> <ul style="list-style-type: none"> (a) <u>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> (b) <u>the Upper Rangitikei River as defined in the Water Conservation (Rangitikei River) Order 1993</u> (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> (d) <u>the Makuri Gorge reach, beginning approximately 0.5 km downstream of the Makuri township bridge at map reference NZMS 260 T25:643-700 and extending to a point approximately 3.5 km downstream to the end of the gorge at map reference NZMS 260 T25:605-692.</u> 	<p><u>Non-Complying</u></p>		

⁴⁰ WTR 142 – 363/177.

Rule^	Activity	Classification	Conditions^/Standards/Terms	Control/Discretion Non-Notification
16-3 Reclamation and drainage of regionally significant lakes^	Any reclamation or drainage of the <u>bed^</u> of the following <u>lakes^</u> pursuant to s13(1) RMA, excluding any existing reclamations and drainage: (a) Lake Horowhenua (b) Lake Papaitonga (c) Pukepuke Lagoon <u>and any ancillary:</u> (d) <u>discharge^ of water^ or sediment into water^ or into or onto land^ pursuant to ss15(1), 15(2) or 15(2A) RMA; or</u> (e) <u>damming or diversion of water^ pursuant to s14(2) RMA.</u> ⁷⁴	Non-complying		
16-4 <u>Structures^ (including dams) and disturbances involving water bodies^ valued as Natural State, Sites of Significance – Aquatic, and Sites of Significance – Cultural</u>	Any of the following activities pursuant to s13(1) RMA: (a) <u>Natural State water bodies^</u> (i) The erection, placement or extension of any <u>structure^ (including dams which are not regulated by Rule 16-1)</u> ⁷⁴ in, on, under or over <u>the bed of a river or lake that reach of a water body^ valued as Natural State listed in Schedule Ba</u> ⁴¹ (including lines, cables pipelines and ropeways) ⁴² (ii) Any excavation, drilling, tunnelling or other disturbance, <u>including gravel extraction not otherwise regulated by Rule 16-2A</u> ⁴⁰ of <u>the bed of a river or lake that reach of a water body^ valued as Natural State, listed in Schedule Ba</u> ⁴¹ <u>and any ancillary</u> i. <u>damming or diversion of water^ pursuant to</u>	Discretionary		

⁴¹ Mighty River Power x519/43 (see para 75 of Richard Petersons evidence in chief to the water hearing).

⁴² WTR 144 – 265/45.

Rule^	Activity	Classification	Conditions^/Standards/Terms	Control/Discretion Non-Notification
	<p>s14(2) RMA,</p> <p>ii. <u>discharge^</u> of sediment into <u>water^</u> or into or onto <u>land^</u> pursuant to ss15(1), 15(2) or 15(2A) RMA</p> <p>iii. <u>deposition</u> of substance in, on, under or over the <u>bed^</u> of the <u>river^</u> pursuant to s13(1)</p> <p>iv. <u>discharges^</u> to air pursuant to ss15(2) or 15(2A) RMA.⁷⁴</p> <p>(b) Sites of Significance – Aquatic and Sites of Significance – Cultural <u>water_bodies^</u></p> <p>(i) The erection, placement or extension of any <u>structure^</u> (including dams which are not regulated by Rule 16-1)⁷⁴ in or on the <u>bed^</u> of that reach of a river or lake <u>water body^</u>⁴¹ valued as a Site of Significance - Aquatic or Site of Significance - Cultural, listed in Schedule Ba⁴¹ except for those activities listed in (c) and (d).</p> <p>(ii) Any excavation, drilling, tunnelling or other disturbance, including gravel extraction not otherwise regulated by Rule 16-2A,⁴⁰ of the bed of a that river or lake reach of a <u>water body^</u>⁴¹ valued as a Site of Significance - Aquatic⁴ or Site of Significance - Cultural⁴, listed in Schedule Ba,⁴¹ except for those activities listed in (c), and (d), and (e)⁷⁴</p> <p>and any ancillary</p> <p>(f) <u>disturbance</u> of the <u>river^</u> or <u>lake^ bed^</u> pursuant to s13(1) RMA,</p> <p>(g) <u>damming</u> or diversion of <u>water^</u> pursuant to s14(24) RMA, or</p> <p>(h) <u>discharge^</u> of <u>water^</u> or sediment into <u>water^</u> or into or on <u>land^</u> pursuant to ss15(1), 15(2) or 15(2A) RMA</p>			

Rule^	Activity	Classification	Conditions^/Standards/Terms	Control/Discretion Non-Notification
	<p>(i) <u>Deposition of substance in, on, under or over the bed^ of a river^ pursuant to s13(1)</u></p> <p>(j) <u>discharges^ to air pursuant to ss15(2) or 15(2A) RMA⁷⁴.</u></p> <p>This rule^ does not include:</p> <p>(ba) <u>lines, cables and ropeways suspended above the bed^ of a river^ or lake^ valued as Natural State and that do not require a support structure^ in, on, over or under the bed^ (this is regulated by Rule 16-10)</u> ⁴²</p> <p>(c) <u>lines, cables, pipelines and ropeways within in, on, over or under a river or lake reach of a water body* ⁴¹ valued as a Site of Significance - Aquatic² or Site of Significance - Cultural² listed in Schedule Ba⁴¹ (these are regulated by Rule 16-10),or</u></p> <p>(d) <u>activities involving a Site of Significance – Aquatic or Site of Significance - Cultural within a water body* valued for¹² a Flood Control and or Drainage scheme in Schedule Ba, provided the activities are undertaken by the Regional Council in accordance with the Environmental Code of Practice for River Works, Horizons Regional Council April 2007 March 2010 ⁵⁹(these activities are regulated by Rule 16-13),or</u></p> <p>(e) <u>maintenance* and upgrading* of lawfully established structures^ to the extent it is allowed for by Rule 16-6.</u> ⁴²</p>			

Rule^ Guide for Rules 16.1 to 16.4 ⁷⁴

The discharge^ of contaminants^ into water^ or into or onto land^, other than sediment, associated with activities in this chapter are not covered by the Rules^ in Chapter 16. Instead this type of discharge^ is controlled by the Rules^ in Chapter 13. ⁷⁴

16.4 Rules^ – Use, Maintenance*, Repair Upgrade⁴³, 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>⁴⁴ <u>structure^</u> located in, on, under or over the <u>bed^</u> of a <u>river^</u> or <u>lake^</u> pursuant to s13(1) RMA, and any <u>associated ancillary</u>:³²</p> <p>(a) <u>damming or diversion of water^</u> pursuant to s14(24) RMA, excluding the <u>damming of water^</u> associated with dam <u>structures^</u> (which is regulated by the <u>rules^</u> in Section 16.5)</p> <p>(b) <u>discharge^</u> of sediment or <u>water^</u> into <u>water^</u> or into or onto <u>land^</u> ⁷⁴pursuant to <u>ss15(1), 15(2) or 15(2A)</u> RMA</p> <p>(c) <u>deposition of substances in, on, under or over the bed^ of a river^ or lake^</u> pursuant to s13(1)⁷⁴</p> <p>For the avoidance of doubt, this <u>rule^</u> includes the “use” of a dam <u>structure^</u>, but excludes the <u>damming of water^</u> by a dam <u>structure^</u> (under s14(24) RMA).</p>	Permitted		
16-6 <u>Maintenance*</u> and <u>repair</u> <u>upgrade</u> ⁴³ of <u>structures^</u> , and <u>associated ancillary</u> ³² removal of <u>bed^</u> material and plants	<p>(a) <u>Structures^</u> - The <u>maintenance*</u> or <u>repair</u> <u>upgrade</u>⁴³ of a <u>lawfully established</u>⁴⁴ <u>structure^</u> located in, on, under or over the <u>bed^</u> of a <u>river^</u> or <u>lake^</u> pursuant to s13(1) RMA, and any <u>associated ancillary</u>:³²</p> <p>(i) <u>Excavation, drilling, tunnelling or other</u>⁷⁴ disturbance of the <u>bed^ of the river^</u> or <u>lake^ bed</u> pursuant to s13(1) RMA</p> <p>(ii) <u>damming or diversion of water^</u> pursuant to s14(24) RMA</p> <p>(iii) <u>discharge^</u> of <u>water^</u> or sediment into</p>	Permitted	<p>(a) The activity shall <u>must</u>⁴³ comply with the standard <u>conditions^</u> listed in Section 16.2.</p> <p>(b) Any <u>discharge^</u> of removed <u>bed^</u> material or plants onto or into <u>land^</u> shall <u>must</u>⁴³ comply with the <u>conditions^</u> of Rule 16-23 13-25 <u>except condition (c)(ii)</u> ⁴⁵.</p>	

⁴³ Change to create consistency with the provisional determinations.

⁴⁴ WTR 154 – 161/20.

⁴⁵ WTR 146 – 182/84.

Rule [^]	Activity	Classification	Conditions [^] /Standards/Terms	Control/Discretion Non-Notification
	<p><u>water[^] or into or onto land[^]</u>⁷⁴ pursuant to <u>ss15(1), 15(2) or 15(2A)</u> RMA.</p> <p>(iv) <u>deposition of substances in, on or under the bed[^] of a river or lake[^]</u> pursuant to <u>s13(1)</u> RMA.⁷⁴</p> <p>(b) Associated <u>Ancillary</u> removal of <u>bed[^] material and plants</u> - The removal, <u>excavation, drilling, tunnelling or other disturbance</u> ⁷⁴ of <u>bed[^] material or plants</u> pursuant to s13(1) or s13(2) RMA for the purpose of maintaining the functional integrity of a <u>structure[^]</u> located in, on, under or over the <u>bed[^] of a river[^] or lake[^]</u>, including flushing accumulated <u>bed[^] material</u>, and any associated <u>ancillary</u>.³²</p> <p>(i) <u>damming or diversion of water[^]</u> pursuant to <u>s14(2)</u> RMA</p> <p>(ii) <u>discharge[^] of water[^] or sediment into water[^] or into or onto land[^]</u> ⁷⁴pursuant to <u>ss15(1), 15(2) or 15(2A)</u>⁷⁴ RMA</p> <p>(iii) <u>deposition of removed bed[^] material or plants in or on the bed[^]</u> pursuant to <u>s13(1)</u> RMA</p> <p>(iv) <u>discharge[^] of removed bed[^] material or plants onto or into land[^]</u> pursuant to <u>ss15(1), 15(2) or 15(2A)</u>⁷⁴ RMA.</p>			

Rule^	Activity	Classification	Conditions^/Standards/Terms	Control/Discretion Non-Notification
16-7 Removal and demolition of structures^	<p>Except as regulated by Rule 16-14, The⁷⁴ the removal or demolition of a <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 associated ancillary.³²</p> <p>(a) <u>excavation, drilling, tunnelling or other</u> ⁷⁴ disturbance of the <i>bed^</i> of the <i>river^</i> or <i>lake^</i> bed pursuant to s13(1) RMA</p> <p>(b) damming or diversion of <i>water^</i> pursuant to s14(24) RMA</p> <p>(c) <u>discharge^</u> of <i>water^</i> or sediment <u>into <i>water^</i> or into or onto <i>land^</i></u> ⁷⁴ pursuant to ss15(1), 15(2) or 15(2A) RMA-</p> <p>(d) <u>deposition of substances in, on or under the <i>bed^</i> of a <i>lake^</i></u> pursuant to s13(1) RMA⁷⁴</p>	Permitted	<p>(a) The activity shall <u>must</u>⁴³ comply with the standard <i>conditions^</i> listed in Section 16.2.</p> <p>(b) The Regional Council shall <u>must</u>⁴³ be informed in writing of the removal or demolition of any of the following <i>structures^</i>, at least 10 <i>working days^</i> prior to the commencement of the removal or demolition:</p> <p>(i) <u>access <i>structures^</i></u> in or on the <i>bed^</i> of a <i>river^</i> or <i>lake^</i>, including bridges, culverts and fords, where the catchment above the <i>structure^</i> is greater than 50 ha</p> <p>(ii) <u><i>structures^</i></u> occupying more than 5 m² of the <i>bed^</i> of a <i>river^</i> or <i>lake^</i>-</p> <p>(iii) <u>any device for the purpose of monitoring or recording <i>river^</i> levels and/or quality.</u></p>	

Rule^ Guide for Rules 16-5 to 16-7: ³²

Use, *maintenance^* and *repair upgrade*⁴³ – The *rules^* above permit the ongoing use, *maintenance^* and *repair upgrade*⁴³ of *structures^* once they are *lawfully*⁴⁴ established (subject to *conditions^* in the case of *maintenance^* and *repair upgrade*⁴³ activities). For *structures^* (including *dams*)⁴⁴ 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.

The *discharge^* of *contaminants^* into *water^* or into or onto *land^*, other than sediment, associated with activities in this chapter are not covered by the *Rules^* in Chapter 16. Instead this type of *discharge^* is controlled by the *Rules^* in Chapter 13.⁷⁴

16.5 Rules^ – Dams and associated damming⁴

<u>Rule^</u>	<u>Activity</u>	<u>Classification</u>	<u>Conditions^/Standards/Terms</u>	<u>Control/Discretion Non-Notification</u>
16-8 New and existing small dams and associated damming of <u>water^</u> ⁴	<p>All of the following activities, to the extent that they are relevant, for new and existing <u>lawfully established</u>⁴⁴ <u>dam structures^</u> and associated damming within <u>river</u>^, within artificial watercourses and on <u>land^</u>:</p> <p>(a) The the erection, <u>extension</u>⁷⁴ or placement of a dam in, on, under or over the <u>bed^</u> of a <u>river^</u> or within an <u>artificial watercourse^</u> or on <u>land^</u>⁷⁴ pursuant to s9(2) and s13(1) RMA</p> <p>(b) the damming of <u>water^</u> and any associated <u>ancillary</u>³² taking, diversion or <u>discharge^</u> of <u>water^</u> into <u>water^</u> or into or onto <u>land^</u>⁷⁴ that is part of the normal operation of a dam, pursuant to s14(2) and s15(1) RMA</p> <p>(c) any associated <u>ancillary</u>³² <u>excavation, drilling, tunnelling or other</u>⁷⁴ disturbance of a the <u>bed^</u> of a <u>river^</u>³² pursuant to s13(1) RMA</p> <p>(d) any associated <u>ancillary</u>³² <u>discharge^</u> of sediment into <u>water^</u> or within an <u>artificial watercourse^</u> or into or onto <u>land^</u> in relation to a <u>new dam structure^</u>⁷⁴ pursuant to ss15(1), 15(2) or 15(2A) RMA-</p> <p>(e) <u>deposition of substances in, on, under or over the bed^</u> of a <u>river^</u> pursuant to s13(1)⁷⁴</p> <p>For the avoidance of doubt any proposal to take <u>water^</u> for any purpose other than that stated in (b) that is impounded behind a <u>dam structure^</u> must comply with the <u>rules^</u> set out in Chapter 15 of this Plan.⁴⁶</p>	Permitted	<p>(a) Any new dam shall <u>must</u>⁴³ not be located in a <u>river^</u> or <u>lake^</u> prohibited by Rule 16-1 or regulated under Rule 16-4.</p> <p>(b) For a dam in a <u>river^</u>, the catchment area above the dam shall <u>must</u>⁴³ be no greater than 50 <u>ha hectares</u>.⁷³</p> <p>(c) The maximum <u>water^</u> depth shall <u>must</u>⁴³ be no greater <u>less</u> than 3 m (measured from <u>the natural ground level at the upstream toe of the dam structure^</u>).⁴⁷</p> <p>(d) A spillway shall <u>must</u>⁴³ be constructed to enable the passage of the probable maximum a 500 year flood without the dam being overtopped.⁴⁷</p> <p>(e) <u>Water^</u> impounded by the dam shall <u>must</u>⁴³ not encroach onto adjoining properties.</p> <p>(f) Dams in permanently flowing <u>watercourses</u> <u>river^</u> or <u>artificial watercourse</u>⁷³ shall <u>must</u>⁴³ 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 <u>river^</u> the activity shall <u>must</u>⁴³ comply with the standard <u>conditions^</u> listed in Section 16.2.</p> <p>(h) For a dam located in an <u>artificial watercourse^</u> the activity shall <u>must</u>⁴³ comply with the standard <u>conditions^</u> (a) to (m) in Section 16.2 as if these <u>conditions^</u> applied to an artificial watercourse.</p> <p>(i) <u>The activity must not take place in any rare habitat* or threatened habitat*</u>.⁴⁸</p>	

⁴⁶ WTR 149 – 359/127.

⁴⁷ WTR 148 – 422/3.

Rule^	Activity	Classification	Conditions^/Standards/Terms	Control/Discretion Non-Notification
16-9 Other existing damming of water^ dams-4	<p>Any lawfully established damming of water^ within a river^, within an artificial watercourse^, or on land^, and any associated ancillary³²</p> <p>(a) taking, diversion or discharge^ of water^ into water^⁷⁴ that is part of the normal operation of the dam, pursuant to s14(24) and s15(1) RMA, except as permitted by Rule 16-8.</p> <p>(b) disturbance of the bed^ of a river pursuant to s13(1) RMA³²</p> <p>For the avoidance of doubt any proposal to take water^ for any purpose other than that stated in (b) that is impounded behind a dam structure^ must comply with the rules^ set out in Chapter 15 of this Plan⁴⁶</p>	Controlled	<p>(a) The activity shall continue to comply with all conditions^, standards and terms that were imposed at the time that the activity commenced.</p> <p>(b) The dam structure^ shall include a spillway to enable the passage of the probable maximum flood without the dam being overtopped.⁴⁷</p>	<p>Control is reserved over:</p> <p>(a) fish passage</p> <p>(b) water^ levels and residual flows</p> <p>(c) measures to manage land^ stability and erosion</p> <p>(d) management of dam failure</p> <p>(e) effects^ on rare habitats^, and threatened habitats^ and at-risk habitats^</p> <p>(f) duration of consent</p> <p>(g) review of consent conditions^</p> <p>(h) compliance monitoring.</p>

Rule^ Guide for Rules 16-8 to 16-9: ³²

Dam structures^ versus damming of water^ – The use, maintenance^ and repair upgrade⁴³ of dam structures^ pursuant to s9(2), s13(1) and s15(1) RMA,⁷⁴ once they are lawfully⁴⁴ established, are permitted by the rules^ in Section 16.4 (subject to conditions^ in the case of maintenance^ and repair upgrade⁴³ activities). Hence for existing, lawfully established⁴⁴ dams the rules^ above only address the damming of water^ pursuant to s14(1) RMA,⁷⁴ and not the dam structure^ itself. This means that the Regional Council has decided to accept the presence of existing, lawfully established⁴⁴ 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 Council⁷⁴.

The erection and placement of new dams and the damming of water that exceed the 'small dams' criteria set out in Rule 16-8 are a discretionary activities^ under Rule 16-20 and may require a building consent from the Regional Council under the Building Act 2004.⁴⁹

The discharge^ of contaminants^ into water^ or into or onto land^, other than sediment, associated with activities in this chapter are not covered by the Rules^ in Chapter 16. Instead this type of discharge^ is controlled by the Rules^ in Chapter 13.⁷⁴

⁴⁸ WTR 159- 268/48.

⁴⁹ WTR 135 – 359/121.

16.6 **Rules[^] – Other Structures[^]**

Rule [^]	Activity	Classification	Conditions [^] /Standards/Terms	Control/Discretion Non-Notification
16-10 Lines, cables, pipelines and ropeways	The erection, reconstruction, placement, alteration ⁷⁴ , or extension of a line, cable, pipeline or ropeway in, on, under or over the <u>bed[^] of a river[^] or lake[^]</u> pursuant to s13(1) RMA, and any associated ancillary: ³² (a) <u>excavation, drilling, tunnelling or other⁷⁴</u> disturbance of the <u>bed[^] of a river[^] or lake[^] bed</u> pursuant to s13(1) RMA; (b) damming or diversion of <u>water[^]</u> pursuant to s14(24) RMA (c) <u>discharge[^] of water[^] or sediment into water[^] or into or onto land⁷⁴</u> pursuant to ss15(1), 15(2) or 15(2A) ⁷⁴ RMA. (d) <u>deposition of substances in, on, under or over the bed[^] of the river[^]</u> pursuant to s13(1). ⁷⁴	Permitted	(a) The <u>line or cable activity</u> and any associated <u>ancillary³² support structures[^]</u> shall <u>must⁴³</u> either: (i) be wholly located over or under the <u>bed[^] of the water body,¹</u> or (ii) occupy no more than 20 m ² of the <u>bed[^] of the water body.¹</u> (b) The activity must not take place in, on or under that reach of a <u>water body[*]</u> valued as Natural State listed in Schedule Ba, except for lines, cables and ropeways that are suspended above the <u>water[^]</u> and do not require a support <u>structure[^]</u> in, on, over or under the <u>bed[^] of the river[^]</u> . This activity is otherwise regulated by Rule 16-4. ⁴² (c) The activity shall <u>must⁴³</u> comply with the standard <u>conditions[^]</u> listed in Section 16.2. (d) The activity must not take place in any <u>rare habitat[*] or threatened habitat[*]</u> . ⁵⁰	
16-11 Culverts	The erection, reconstruction, placement, alteration ⁷⁴ , or extension of a culvert in, on, under or over the <u>bed[^] of a river[^] or lake[^]</u> pursuant to s13(1) RMA and any associated ancillary: ³² (a) <u>excavation, drilling, tunnelling or other⁷⁴</u> disturbance of the <u>bed[^] of a river[^] or lake[^] bed</u> pursuant to s13(1) RMA (b) damming or diversion of <u>water[^]</u> pursuant to s14(24) RMA (c) <u>discharge[^] of water[^] or sediment into water[^] or into or onto land⁷⁴</u> pursuant to ss15(1), 15(2) or 15(2A) ⁷⁴ RMA.	Permitted	(a) No new culvert shall <u>must⁴³</u> be erected or placed in: (i) a <u>river[^] or lake[^]</u> regulated under Rule 16-2 (ii) a <u>river or lake water body[*]</u> regulated under Rule 16-4 (iii) a <u>waterway water body[*]</u> managed by the Regional Council within a <u>with a Value of flood control Flood Control or and drainage Drainage scheme</u> , unless the work is undertaken by or on behalf of the Regional Council. ⁵⁹ (iv) a <u>waterway within an urban area, unless the work is undertaken by a Territorial Authority.⁵¹</u> (b) There shall <u>must⁴³</u> be only one culvert per crossing. (c) The culvert, associated fill and culvert placement shall <u>must⁴³</u> comply with the following dimensions:	

⁵⁰ WTR 159- 268/48.⁵¹ WTR 153 – 336/33.

Rule [^]	Activity	Classification	Conditions [^] /Standards/Terms	Control/Discretion Non-Notification
	(d) <u>deposition of substances in, on, under or over the bed[^] of the river[^] pursuant to s13(1)⁷⁴</u>		<ul style="list-style-type: none"> (i) a maximum culvert length of 20 metres <u>which can be made up by either single or culvert units joined together</u>⁵² (ii) <u>For circular culverts a culvert diameter between 0.3 m and 1.2 metres</u>⁵⁰ (<i>ia</i>) <u>for other culverts, a culvert width and height between 0.3 m and 1.0 m</u>⁵⁰ (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 <u>bed[^]</u> (iv) a maximum fill height above the culvert of 2 metres⁷⁴ (v) a minimum culvert installation depth below the <u>bed[^]</u> of 0.3 m or 20% of the width of the culvert, <u>whichever is the lesser</u>.⁴ (d) The culvert <u>shall must</u>⁴³ be positioned so that its alignment and gradient are the same as the subject <u>waterway water body</u>.⁷³ (e) The culvert <u>shall must</u>⁴³ 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 <u>shall must</u>⁴³ be protected against erosion. (g) All practicable steps <u>shall must</u>⁴³ be used to minimise the release of sediment during construction. (h) The culvert <u>shall must</u>⁴³ be constructed and maintained to avoid any aggradation or erosion of the <u>bed[^]</u>. (i) The culvert <u>shall must</u>⁴³ be kept clear of accumulated debris. (j) The activity <u>shall must</u>⁴³ comply with the standard <u>conditions[^]</u> listed in Section 16.2 (k) <u>The activity must not take place in any rare habitat* or threatened habitat*</u>.⁵³ 	

⁵² OVR – 172/2.

⁵³ WTR 159- 268/48.

Rule [^]	Activity	Classification	Conditions [^] /Standards/Terms	Control/Discretion Non-Notification
<p>16-12</p> <p>Other structures[^] including bridges, fords and other access structures[^]</p>	<p>The erection, reconstruction, placement, alteration,⁷³ or extension of any structure[^] that is not regulated by any other rule[^] in, on, under or over the bed[^] of a river[^] or lake[^] pursuant to s13(1) RMA and any associated ancillary.³²</p> <p>(a) excavation, drilling, tunnelling or other⁷³ disturbance of the bed[^] of a river[^] or lake[^] bed pursuant to s13(1) RMA,</p> <p>(b) damming or diversion of water[^] pursuant to s14(24) RMA, or</p> <p>(c) discharge[^] of water[^] or sediment into water[^] or into or onto land^{^73} pursuant to ss15(1), 15(2) or 15(2A) RMA</p> <p>(d) deposition of substance in, on, under or over the bed[^] of the river[^] or lake[^] pursuant to s13(1)⁷³</p> <p>For the avoidance of doubt this rule[^] excludes erection, reconstruction, placement, alteration, or extension of any dam in, on, under or over the bed[^] of any river[^] or lake[^], within an artificial watercourse or on land[^]. Dams are regulated by Rules 16-1, 16-4, 16-8, 16-9, 16-14 and 16-20.⁴</p>	<p>Permitted</p>	<p>(a) No new structure[^] shall must⁴³ be erected or placed in:</p> <p>(i) a river or lake regulated under Rule 16-2.⁵⁴</p> <p>(ii) a river or lake water body* regulated under Rule 16-4</p> <p>(iii) a waterway water body* managed by the Regional Council within a with a Value of Flood Control Flood Control or and drainage Drainage scheme, unless the work is undertaken by or on behalf of the Regional Council.⁵⁹</p> <p>(iv) a waterway within an urban area, unless the work is undertaken by a Territorial Authority.⁵¹</p> <p>(b) For bridges and other access structures[^], except fords, located in or on the bed[^] of a river[^] or lake[^], the catchment area above the structure[^] shall must⁴³ be no greater than 200 hectares.⁷⁴</p> <p>(c) For all structures[^] located in or on the bed[^] of a river[^] or lake[^], the structure[^] shall must⁴³ occupy a bed[^] area no greater than 20 m² except for whitebait and maimai structures[^], located in, on or over the bed[^] of a river[^] or lake[^],⁷⁴ which shall must⁴³ not exceed 5 10 m².⁵⁵</p> <p>(d) The structure[^] shall must⁴³ be constructed and maintained to avoid any aggradation or scouring of the bed[^] that may inhibit fish passage.</p> <p>(e) The activity shall must⁴³ comply with the standard conditions[^] listed in Section 16.2</p> <p>(f) The activity must not take place in any rare habitat* or threatened habitat*.⁵⁶</p>	
<p>16-12A(a) Recording sites^{*57}</p>	<p>The erection, placement, , extension, of a device for the purposes of monitoring or recording river[^] levels and/or quality in, on, under or over the bed[^] of a river[^] or lake[^] pursuant to s13(1) RMA and any ancillary:</p> <p>(a) excavation, drilling, tunnelling or other disturbance of the bed[^] of a river[^] or lake[^]</p>	<p>Permitted</p>	<p>(a) For all devices for the purposes of monitoring or recording river[^] levels and/or quality located in or on the bed[^] of a river[^] or lake[^], the device must occupy a bed[^] area no greater than 20 m²</p> <p>(b) The monitoring device must be constructed and maintained to avoid any aggradation or scouring of the bed[^] that may inhibit</p>	

⁵⁴ WTR 154 – 358/120.

⁵⁵ WTR 154 – 406/76.

⁵⁶ WTR 159- 268/48.

⁵⁷ WTR 159- 268/48.

Rule^	Activity	Classification	Conditions^/Standards/Terms	Control/Discretion Non-Notification
	<p>pursuant to s13(1) RMA,</p> <p>(b) <u>damming or diversion of water^ pursuant to s14(2A) RMA, or</u></p> <p>(c) <u>discharge^ of water^ or sediment into water^ or into or onto land^ pursuant to ss15(1), 15(2) or 15(2A) RMA.</u></p> <p>(d) <u>deposition of substances in, on, under or over the bed^ of the river ^or lake^ pursuant to s13(1)</u></p>		<p><u>fish passage</u></p> <p>(c) <u>The monitoring device may divert up to 30 m³ of water^ per day for the purpose of measuring water^ quality or quantity, provided the water^ is returned to the water body* within 50 m of the diversion point</u></p> <p>(d) <u>The activity must comply with the standard conditions^ listed in Section 16.2</u></p> <p>(e) <u>The Regional Council must be informed in writing at least 10 working days^ prior to the commencement of the activity taking place.</u></p> <p>(f) <u>The activity must not take place in any rare habitat* or threatened habitat*.</u></p>	

Rule^ Guide for rules 16-10 to 16-12A: ³²

The discharge^ of contaminants^ into water^ or into or onto land^, other than sediment, associated with activities in this chapter are not covered by the Rules^ in Chapter 16. Instead this type of discharge^ is controlled by the Rules^ in Chapter 13.⁷⁴

16.7 Rules^ – Activities Within Water bodies* Valued for Flood Control and Drainage Schemes⁵⁹

Rule^	Activity	Classification	Conditions^/Standards/Terms	Control/Discretion Non-Notification
Rule 16-13 Activities undertaken by, or on behalf of ⁵⁸ the Regional Council in <u>water bodies*</u>	<p>The following activities within a <u>reach of a water body^</u> valued for Flood Control or and Drainage scheme as shown in Schedule 1 Bar, ⁵⁹or adjacent land described in (g) and (h), ⁶⁰where they are undertaken by, or on behalf of ⁵⁸ the Regional Council:</p> <p>(a) the erection, reconstruction, placement,</p>	Permitted	<p>(a) The activity shall must⁴³ be undertaken in accordance with the following sections of the Environmental Code of Practice for River Works, Horizons Regional Council April 2007 March 2010⁵⁹:</p> <p>(i) <u>Part 1, ss 2.2 and 2.4.2</u></p> <p>(ii) <u>Part 2 in its entirety</u></p>	

⁵⁸ WTR 153 - 182/187.

⁵⁹ WTR 153 – Consequential change.

⁶⁰ Scope for this recommendation is found in “Report on scope for Water Chapter recommendations”, Clause (ii) and Clause (v) and Consequential changes as a result of changes to Schedule D.

Rule [^]	Activity	Classification	Conditions [^] /Standards/Terms	Control/Discretion Non-Notification
<p>valued for flood control and drainage Flood Control and Drainage schemes⁵⁹</p>	<p>alteration, or extension, removal or demolition of any <i>structure[^]</i> in, on, under or over the <i>bed[^]</i> of a <i>river[^]</i> or <i>lake[^]</i> pursuant to s13(1) RMA⁷⁴</p> <p>(b) the excavation, drilling, tunnelling or other disturbance of the <i>bed[^]</i> of a <i>river[^]</i> (but not <i>lake[^]</i>) pursuant to s13(1) RMA</p> <p>(c) any damming or diversion of <i>water[^]</i> pursuant to s14(24) RMA</p> <p>(d) any <i>discharge[^]</i> of any removed bed material or plants extracted from <i>water bodies^{^*}</i>, <i>cleanfill material[*]</i>,⁵⁸ <i>water[^]</i> or sediment, into <i>water[^]</i> or into or onto <i>land^{^74}</i> pursuant to s13(1) ss15(1), 15(2) or 15(2A) RMA</p> <p>(e) deposition of substances in, on, under or over the <i>bed[^]</i> pursuant to s13(1)⁶⁰</p> <p>(f) reclamation or drainage of the <i>bed[^]</i> pursuant to s13(1)⁶⁰</p> <p>(g) land disturbance and vegetation clearance within 20 m of reach of a <i>water body[*]</i> valued for Sites of Significance - Aquatic as shown in Schedule Ba, and 5 m in all other areas, pursuant to s9(2) RMA⁶⁰</p> <p>(h) discharge of removed <i>bed[^]</i> material or plants into or onto <i>land[^]</i> within 20 m of a reach of a <i>water body[*]</i> valued for Flood Control and Drainage as shown in Schedule Ba pursuant to s9(2) RMA⁶⁰</p>		<p>(iii) Part 3, ss 3.1 and 3.2, and</p> <p>(iv) Part 7 in its entirety⁶¹</p> <p>(b) The activity shall <u>must</u>⁴³ 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 and Sites of Significance – Cultural, in accordance with the terms specified in the Environmental Code of Practice for River Works, Horizons Regional Council March 2010</u>⁵⁸</p> <p>(iv) <u>an activity regulated under Rule 16-2A</u>.⁴⁰</p>	
<p>16-14 Activities affecting water</p>	<p>The following activities pursuant to s9(2) and s13(1) RMA within in, on, over or under the bed of a reach of a <i>water body[*]</i> valued for Flood Control</p>	<p>Discretionary</p>		

⁶¹ WTR 155 - 372/165.

⁶² WTR 154 – Schedule 1, Clause 16(2) change.

Rule^	Activity	Classification	Conditions^/Standards/Terms	Control/Discretion Non-Notification
<p><u>bodies^ valued for flood control Flood Control or and Drainage drainage schemes</u></p>	<p>of and Drainage scheme⁵⁹ as shown in Schedule 1Ba or adjacent <u>land^</u> as defined in (i) to (k):⁶⁰</p> <p>(a) the planting of a <u>tree^</u> or <u>shrub^</u>:⁶²</p> <p>(b) the erection, or placement or <u>extension</u> of any building, fence or other <u>structure^</u> (including <u>dams and accessways</u> but excluding fences)⁷⁴</p> <p>(c) the erection, or placement or <u>extension</u> of any⁷⁴ fence perpendicular to a watercourse</p> <p>(d) the erection, or placement or <u>extension</u> of a fence greater than 1.2 m high⁷⁴ parallel to a watercourse (except for fences which are less than 1.8m in height and are parallel to a watercourse)⁶³</p> <p>(e) the deposition of any rock, shingle, earth, debris or other <u>cleanfill material^</u>⁷⁴</p> <p>(f) any excavation, drilling or tunnelling or other <u>disturbance</u>⁷⁴ likely to undermine the functional integrity of a stopbank or <u>river^</u> control <u>structure^</u></p> <p>(g) any <u>land disturbance^</u> that impedes access required for <u>maintenance^</u> of a <u>river^</u> or drainage scheme</p> <p>(ga) the <u>upgrading^</u>, reconstruction, alteration, <u>extension</u>, removal or demolition of any <u>structure^</u> that is maintained by the Regional Council for the purposes of flood control or erosion protection or drainage.⁶⁴</p> <p>and any ancillary⁷⁴</p> <p>i. <u>excavation, drilling, tunnelling or disturbance of the river^ or lake^ bed^</u> pursuant to s13(1) RMA⁷⁴</p>			

⁶³ WTR 156 – 161/22.

⁶⁴ WTR 154 - 182/90.

⁶⁵ WTR 133 – 13/1.

Rule^	Activity	Classification	Conditions^/Standards/Terms	Control/Discretion Non-Notification
	<p>ii. <u>damming or diversion of water^ pursuant to s14(24) RMA⁷⁴</u></p> <p>iii. <u>discharge^ of water^ or sediment into water^ or into or onto land^ pursuant to ss15(1), 15(2) or 15(2A) RMA⁷⁴</u></p> <p>iv. <u>land disturbance* pursuant to s9(2) RMA⁷⁴</u></p> <p>v. <u>deposition of substances in, on, under or over the bed^ of a river^ pursuant to s13(1)⁷⁴</u></p> <p>where the activities listed in (a) to (ga) are undertaken in any of the following areas:</p> <p>(h) within in, on, under or over the the bed^ of a river^ with a Value of Flood Control and Drainage as shown in Schedule Ba or artificial watercourse⁶⁰</p> <p>(i) on a stopbank</p> <p>(j) on any strip of land^ between an artificial watercourse or river the bed^ of a river³² with a Value of Flood Control and Drainage as shown in Schedule Ba,⁶⁰ and 8 m from the inland toe of a stopbank*⁶⁵</p> <p>(k) for areas without stopbanks, anywhere within 10 m of an artificial watercourse or river the bed^ of a river^ with a Value of Flood Control and Drainage as shown in Schedule Ba.³²</p> <p>This rule^ does not apply to activities undertaken by or on behalf of⁵⁸ the Regional Council which are otherwise permitted by Rule 16-13 or, activities regulated by Rule 16-14A.⁶⁶</p>			
<p><u>16-14A Activities affecting the</u></p>	<p>The following activities pursuant to s9(2) RMA affecting:</p> <p>1. <u>the area between the riverside crest* and 0.5 m towards the river^ from the riverside toe* of</u></p>	<p><u>Discretionary</u></p>		

Rule^	Activity	Classification	Conditions^/Standards/Terms	Control/Discretion Non-Notification
<p><u>Palmerston North Secondary Stopbank</u>⁶⁶</p>	<p><u>the Palmerston North Secondary Stopbank</u>[*], or 2. <u>6 m inland from the riverside crest</u>[*] of the <u>Palmerston North Secondary Stopbank</u>[*]:</p> <p>a. <u>any land disturbance</u>[*] and associated removal of fill except:</p> <p>(i) <u>excavation and removal of fill where the excavation is up to 300 mm deep for the purpose of planting trees and shrubs provided for in (d)(i) and (d)(ii)</u></p> <p>(ii) <u>excavation and removal of trees and shrubs so long as the land</u>[^] <u>is restored to the existing ground level with compacted earth material.</u></p> <p>b. <u>any planting or removal of trees</u> except:</p> <p>(i) <u>trees and shrubs with a maturity height, or which are maintained at a height, no greater than 0.6 m, within the area defined in (1)</u></p> <p>(ii) <u>trees and shrubs with a maturity height, or which are maintained at a height, no greater than 2.0 m, within the area defined in (2)</u></p> <p>c. <u>erection, placement or extension of any structure except for fences parallel to the Palmerston North Secondary Stopbank</u>[*] <u>and less than 1.8 m high</u></p> <p>d. <u>deposition of rock, shingle or earth or cleanfill material</u>[*] <u>except for the purposes provided for in (a)(ii)</u></p> <p>e. <u>the upgrading</u>[*], <u>alteration, extension removal or demolition of any structure</u>[^] <u>that is maintained by the Regional</u></p>			

⁶⁶ Insertion of new rule 16-14A link to submissions 13/1 and 13/2.

Rule [^]	Activity	Classification	Conditions [^] /Standards/Terms	Control/Discretion Non-Notification
	<p><u>Council for the purpose of flood control or erosion protection or drainage.</u></p> <p><u>This rule[^] does not apply to activities undertaken by or on behalf of the Regional Council which are otherwise regulated by Rule 16-13.</u></p>			

Rule Guide for Rules 16-13 to 16-14A:

The discharge[^] of contaminants[^] into water[^] or into or onto land[^], other than sediment, associated with activities in this chapter are not covered by the Rules[^] in Chapter 16. Instead this type of discharge[^] is controlled by the Rules[^] in Chapter 13.⁷⁴

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	<p>The excavation, tunnelling or other disturbance of the bed[^] of a river[^] or lake[^] (but not within a lake[^] or wetland[^] that is as a rare habitat* or threatened habitat⁶⁷) for the purpose of removing extracting gravel and other bed[^] material, pursuant to s13(1) RMA- and any ancillary:⁷⁴</p> <p>(a) <u>discharge[^] of water[^] or sediment into water[^] or into or onto land[^] pursuant to ss15(1), 15(2) or 15(2A) RMA⁷⁴</u></p> <p>(b) <u>discharges[^] of dust to air pursuant to ss15(2) or 15(2A) RMA⁷⁴</u></p> <p>(c) <u>deposition of substances in, on, under or over the bed[^] of a river[^] pursuant to s13(1).⁷⁴</u></p>	Permitted	<p>(a) The activity shall <u>must</u>⁴³ not take place in a river[^] or lake[^] regulated under Rule 16-2A or Rule 16-4.</p> <p>(b) The amount of gravel and bed[^] material removed <u>extracted</u>⁷⁴ shall <u>must</u>⁴³ not exceed 50 m³ in any 12-month period.</p> <p>(c) No excavation shall take place within 500 m upstream or 1 km downstream of any flow recording site.^{1 68}</p> <p>(d) The gravel or other material shall <u>must</u>⁴³ be removed <u>extracted</u> from an area of river bed[^] in a river[^]³² that is not covered by water[^] at the time of extraction.</p> <p>(e) The activity shall <u>must</u>⁴³ comply with the standard conditions[^] listed in Section 16.2.</p>	

⁶⁷ WTR 157- 268/48.

⁶⁸ Clause (c) recommended to be removed as it is repeated in clause (e).

Rule^	Activity	Classification	Conditions^/Standards/Terms	Control/Discretion Non-Notification
<p><u>16-15A Large-scale gravel extraction</u> ⁶⁹</p>	<p>Except as regulated by Rule 16-2A and Rule 16-15, the excavation or other disturbance of the <u>bed^</u> of a <u>river^</u> or <u>lake^</u> (but not within a <u>lake^</u> or <u>wetland^</u> classed as a <u>rare habitat^</u> or <u>threatened habitat^</u>⁶⁷ ⁷⁰) for the purpose of removing gravel and other <u>bed^</u> material, pursuant to s13(1) RMA and including any ancillary:</p> <p>(a) <u>discharge^</u> of <u>water^</u> or sediment into <u>water^</u> or into or onto <u>land^</u> pursuant to ss15(1), 15(2) or 15(2A) RMA</p> <p>(b) <u>discharges^</u> to air pursuant to ss15(2) or 15(2A) RMA</p> <p>(c) <u>deposition</u> of substances in, on, under or over the <u>bed^</u> of a <u>river^</u> pursuant to s13(1)</p>	<p><u>Restricted Discretionary</u></p>	<p>(a) The activity must not take place in a <u>river^</u> or <u>lake^</u> regulated under Rule 16-2A or Rule 16-4.</p> <p>(b) The gravel or other material must be extracted from an area of <u>bed^</u> in a <u>river^</u> that is not covered by <u>water^</u> at the time of extraction.</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 bed^</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>Effects^</u> on aquatic habitats</p> <p>(g) <u>Overall effect^</u> on <u>water^</u> quality</p> <p>(h) <u>Effects^</u> on riparian margins</p> <p>(i) <u>Effects^</u> on channel, bank and <u>bed^</u> stability</p> <p>(j) <u>Erosion and flooding effects^</u></p> <p>(k) <u>Effects^</u> on public access</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> <p>(o) <u>Duration of consent</u></p> <p>(p) <u>Review of consent conditions^</u></p> <p>(q) <u>Compliance monitoring.</u></p>
<p>16-16</p>	<p>Except as regulated by other <u>rules^</u>, the excavation, drilling, tunnelling or other disturbance of the <u>bed^</u></p>	<p>Permitted</p>	<p>(a) The activity shall <u>must</u>⁴³ not take place in a <u>river^</u> regulated under</p>	

⁶⁹ WTR 157 – 346/100.

Rule [^]	Activity	Classification	Conditions [^] /Standards/Terms	Control/Discretion Non-Notification
Other minor <i>bed[^]</i> disturbances	<p>of a <i>river[^]</i> (but not within a <i>lake[^]</i> or <i>wetland[^]</i> that is a <i>rare habitat[*]</i> or <i>threatened habitat[*]</i>⁷⁰) pursuant to s13(1) RMA and any associated <i>ancillary[^]</i>:³²</p> <p>(a) damming or diversion of <i>water[^]</i> pursuant to s14(24) RMA, or</p> <p>(b) <i>discharge[^]</i> of sediment into <i>water[^]</i> or into or onto <i>land[^]</i> pursuant to ss15(1), 15(2) or 15(2A)⁷⁴ RMA.</p> <p>This <i>rule[^]</i> does not include gravel extraction.</p>		<p>Rule 16-2 or Rule 16-4.</p> <p>(b) The activity shall <u>must</u>⁴³ comply with the standard <i>conditions[^]</i> listed in Section 16.2.</p>	
16-17 Plants	<p>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 <i>ancillary[^]</i>:³²</p> <p>(a) excavation, drilling, tunnelling or other⁷⁴ disturbance of the <i>bed[^]</i> of a <i>river[^]</i> or <i>lake[^]</i> bed[^] pursuant to s13(1) RMA,</p> <p>(b) damming or diversion of <i>water[^]</i> pursuant to s14(24) RMA, or</p> <p>(c) <i>discharge[^]</i> of <i>water[^]</i> or sediment into <i>water[^]</i> or into or onto <i>land[^]</i>⁷⁴ pursuant to ss15(1), 15(2) or 15(2A)⁷⁴ RMA-</p> <p>(d) <u>deposition of substances in, on, under or over the <i>bed[^]</i> of a <i>river[^]</i> pursuant to s13(1).</u>⁷⁴</p>	Permitted	<p>(a) No pest plant, as listed in the Regional Pest Plant Management Strategy (September 2007), shall <u>must</u>⁴³ be introduced or planted.</p> <p>(b) The activity shall <u>must</u>⁴³ not involve the planting of a <i>tree[*]</i> or <i>shrub[*]</i>⁶² in a reach of <i>water body[*]</i> valued for flood control Flood Control and Drainage or and drainage scheme in schedule Ba,⁶⁰ as regulated by Rule 16-14.</p> <p>(c) The activity shall <u>must</u>⁴³ 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>).</p> <p>(d) The activity shall <u>must</u>⁴³ comply with the standard <i>conditions[^]</i> listed in Section 16.2.</p> <p>(e) <u>The activity must not take place in any <i>rare habitat[*]</i> or <i>threatened habitat[*]</i>.</u>⁷⁰</p>	

Rule[^] Guide for Rules 16-15 to 16-17:⁷⁴

Gravel extractions that cannot meet the *conditions[^]* set out in Rule 16-15A are a *discretionary activity[^]* under Rule 16-20.⁶⁹

Gravel extraction and minor *bed[^]* disturbances undertaken within *rare habitat^{*}* or *threatened habitat^{*}* 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^{*}*.⁷⁰

The *discharge[^]* of *contaminants[^]* into *water[^]* or into or onto *land[^]*, other than sediment, associated with activities in this chapter are not covered by the *Rules[^]* in Chapter 16. Instead this type of *discharge[^]* is controlled by the *Rules[^]* in Chapter 13.⁷⁴

⁷⁰ WTR 159 – 268/48.

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 water[^] pursuant to s14(1) RMA (b) discharge[^] of water[^], sediment, bed[^] material⁷¹ or plants into water[^] or into or onto land[^] pursuant to s15(1) s15(2) and s15(2A)⁷¹ RMA associated with any of the following activities: (c) the maintenance[*], repair upgrade^{*43}, alteration, extension, removal or demolition of a structure[^] or part of a structure[^] in, on, under or over the bed of within⁷⁴ an artificial watercourse[*] pursuant to s9(2) RMA⁷¹ (d) the removal of bed[^] material sediment⁷¹ or plants pursuant to s9(2)RMA⁷¹ for the purpose of maintaining the functional integrity of a structure[^], including flushing accumulated bed[^] material sediment.⁷¹ (e) the discharge[^] of removed bed[^] material sediment⁷¹ or plants onto or into land[^] or water[^] pursuant to ss15(1), 15(2) or 15(2A) RMA⁷¹ (f) the excavation, drilling, tunneling, or other disturbance of the bed of within⁷¹ an artificial watercourse[*] pursuant to s9(2) RMA⁷¹ (g) the introduction, planting, removal or destruction of a plant in or on the bed of within	Permitted	(a) For activities located in an <i>artificial watercourse[*]</i> , the activity shall must⁴³ comply with the standard <i>conditions[^]</i> (a) to (m) in Section 16.2 as if these <i>conditions[^]</i> applied to an <i>artificial watercourse[*]</i> . (b) The activity shall must⁴³ not involve an activity restricted by Rule 16-14. (c) Any <i>discharge[^]</i> of removed bed material or plants onto or into land[^] shall must⁴³ comply with the <i>conditions[^]</i> of Rule 16-23 13-25 except <i>condition[^]</i> (c)(ii) ⁷² . (d) The activity must not take place in any <i>rare habitat[*]</i> or <i>threatened habitat[*]</i> . ⁷⁰	

⁷¹ WTR 161 - 426/214.

⁷² WTR 146 – 182/84.

Rule [^]	Activity	Classification	Conditions [^] /Standards/Terms	Control/Discretion Non-Notification
	<p>⁷¹ an artificial watercourse[*] pursuant to s9(2) RMA⁷¹</p> <p>(h) the deposition of any substances in, on or under the bed of within⁷¹ an artificial watercourse[*] pursuant to s9(2) RMA⁷¹</p> <p>This rule[^] does not include the damming of an artificial watercourse[*] pursuant to s9(2) RMA.⁷¹ This activity is addressed by the rules[^] in Section 16.5.</p>			
16-19 Bed [^] disturbance of artificial lakes [^] to maintain their function	<p>Except as permitted by other rules[^], the disturbance or removal of bed[^] material or plants for the purpose of maintaining the functional integrity of an artificial lake[^], pursuant to s13(1) and s13(2) RMA,⁷¹ and any associated ancillary;³²</p> <p>(a) damming or diversion of water[^] pursuant to s14(24) RMA</p> <p>(b) discharge[^] of water[^] or sediment into water[^] or into or onto land^{^71} pursuant to ss15(1), 15(2) or 15(2A)⁷¹ RMA</p> <p>(c) deposition of removed bed[^] material or plants in or on the bed[^] pursuant to s13(1) RMA</p> <p>(d) discharge[^] of removed bed[^] material or plants onto or into land[^] or into water[^] pursuant to ss15(1), 15(2) or 15(2A)⁷¹ RMA.</p>	Controlled	<p>(a) The activity shall must⁴³ comply with the standard conditions[^] (a) to (m) in Section 16.2 as if these conditions[^] applied to an artificial watercourse lake.⁷⁴</p> <p>(b) Any discharge[^] of removed bed[^] material or plants onto or into land[^] shall must⁴³ comply with the conditions[^] of Rule 13-24-13-25 except condition[^] (c)(ii) ⁷³.</p> <p>(c) The activity must not take place in any rare habitat[*] or threatened habitat[*].⁷⁰</p>	Control is reserved over: (a) the overall effect [^] on water [^] quality (b) the effects [^] on inflow rates of sediment (c) the effects [^] on aquatic habitats (d) the nature, scale, timing and duration of the activity undertaken (e) duration of consent (f) review of consent conditions [^] . (g) compliance monitoring.

Rule Guide for Rules 16-18 to 16-19:

The discharge[^] of contaminants[^] into water[^] or into or onto land[^], other than sediment, associated with activities in this chapter are not covered by the Rules[^] in Chapter 16. Instead this type of discharge[^] is controlled by the Rules[^] in Chapter 13. ⁷⁴

⁷³ WTR 146 – 182/84.

⁷⁴ Scope for this recommendation is found in “Report on scope for Water Chapter recommendations”, Clause (ii).

16.10 Rules[^] – Activities that do not Comply with Permitted Activity[^] and Controlled Activity[^], Restricted Discretionary[^] Rules[^] and all other s13(1) RMA Activities Not Covered by this Chapter⁷⁵

Rule [^]	Activity	Classification	Conditions [^] /Standards/Terms	Control/Discretion Non-Notification
16-20 Activities that do not comply with <u>permitted activity[^] and controlled activity[^] rules, restricted discretionary rules[^] and all other s13(1) RMA activities not covered by this chapter⁷⁵</u>	Any activity in this chapter that does not comply with one or more <u>conditions[^]</u> , standards or terms of a permitted <u>activity[^] or controlled activity[^] or restricted discretionary[^] rule[^]</u> in this chapter, but which is not expressly classified as a <u>discretionary activity[^], non-complying activity[^] or prohibited activity[^]</u> or is a s13(1) RMA activity not covered by this chapter ⁷⁵ including any ancillary: (a) <u>disturbance of the river[^] or lake[^] bed[^] or artificial watercourse pursuant to s13(1) or 13(2) RMA</u> (b) <u>damming or diversion of water[^] pursuant to s14(21) RMA, or</u> (c) <u>discharge[^] of water[^] or sediment pursuant to s15(1) RMA</u> (d) <u>deposition of removed bed[^] material or plants in or on the bed[^] pursuant to s13(1) RMA.</u> ⁷⁵	Discretionary		

⁷⁵ WTR 163 - 182/93 and 184/148.