

16. ~~Structures and Activities in Artificial Watercourses^{*}, involving the Beds of Rivers, and Lakes and Artificial Watercourses, and Damming~~

16.1A Objectives

Objective 16-1: Regulation of *structures*[^] and activities in *artificial watercourses*^{*} and in the *beds*[^] of *rivers*[^] and *lakes*[^], and damming

The regulation of *structures*[^] and activities in *artificial watercourses*^{*} and in the *beds*[^] of *rivers*[^] and *lakes*[^], and damming, in a manner that has regard to:

- (a) the Values and management objectives in Schedule AB, and
- (b) the objectives and policies of Chapter 6 that relate to *structures*[^] and activities in *artificial watercourses*^{*} and in the *beds*[^] of *rivers*[^] and *lakes*[^], and damming.

16.1 Policies

Policy 16-1: Consent decision-making for activities in, on, under or over the *beds*[^] of *rivers*[^] and *lakes*[^] beds (including modified watercourses but excluding *artificial watercourses*^{*})

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*^{*}) the Regional Council ~~will~~ must:

- ~~(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 reasonably 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, and
- ~~(e) recognise and provide for the provisions of Chapter 10 in relation to flood management.~~
- (ea) have regard to the objectives and policies of Chapters 3, 4, 6, 7, 10 and 11A to the extent that they are relevant to the activity.

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 *on land*[^] 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 must:

- (a) ~~recognise and provide for~~ have regard to 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~~ have regard to the policies ~~regarding~~ relating to the *beds*[^] of *river*[^] and *lake*[^] 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**, ~~and~~ or artificial lake
- (d) manage the activity in accordance with ~~subsections (b), (d) and to~~ (ea) of Policy 16-1.

~~Policy 6-32~~ 16-2A: Gravel extraction

Having regard to Policies 6-27 to 6-30, activities in, on, under or over the *beds*[^] of *river*[^] and *lake*[^] that enable gravel extraction will generally be allowed provided that:

- ~~(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 those *river*[^] and *river*[^] reaches ~~with estimated allocations, listed in Table 6.4, 16.1A shall~~ must generally be limited to the quantities stated in the table, unless ~~better information is available:~~
 - (i) there is a demonstrable *river*[^] management need to increase or decrease this volume, or
 - (ii) the gravel extraction is necessary to decrease the risk of flooding or damage to *structures*[^], or
 - (iii) future information establishes that actual sustainable rates of gravel extraction are higher or lower than those in Table 16-1A 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 *river*[^] reach not specified in Table 16.1A, the *effects*[^] of the cumulative volume of gravel being extracted on an annual basis in the *river*[^] reaches must be considered, including matters in relation to:
 - (i) the natural rates of gravel replenishment,
 - (ii) the *site*^{*}-specific *effects*[^] of the gravel extraction.

- (iii) river[^] management needs, and
- (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.

Table 16.1A Average annual allocable volumes of gravel

<u>River or Reach</u>	<u>Volume (m³)</u>
<u>Kawhatau River</u>	<u>35,000</u>
<u>Makino Stream</u>	<u>3,000</u>
<u>Makuriiti Stream</u>	<u>3,000</u>
<u>Manawatu River</u>	
• <u>From 1 km upstream of Ngawapurua Bridge to source</u>	<u>20,000</u>
• <u>1 km upstream to 2.5 km downstream of Ngawapurua Bridge</u>	<u>No extraction</u>
• <u>2.5 km downstream of Ngawapurua Bridge to Ballance Bridge</u>	<u>15,000</u>
• <u>Manawatu Gorge to Karere Rd</u>	<u>2,500</u>
• <u>Karere Rd to Hamilton’s Line</u>	<u>15,000</u>
• <u>Hamilton’s Line to Oroua confluence [2007 to 2009]</u>	<u>20,000</u>
• <u>Hamilton’s Line to Oroua confluence [2009 onwards] the 2 km aggrading reach between 39 Miles (NZMS 260 S24:212-832) and Benchmark 643 (NZMS 260 S24:226-830)</u>	<u>17,500</u>
• <u>Hamilton’s Line to Oroua confluence [2009 onwards] the 2 km aggrading reach between BM 604 (NZMS 260 S24:206-833) and BM 622 (NZMS 260 S24:207-826)</u>	<u>35,000</u>
<u>Mangahao River</u>	<u>15,000</u>
<u>Mangatainoka River</u>	<u>55,000</u>
<u>Ohau River</u>	
• <u>Upstream of a point 1 km above SH 1 bridge</u>	<u>5,000</u>
• <u>Downstream of a point 1 km above SH 1 bridge</u>	<u>10,000</u>
<u>Oroua River</u>	
• <u>Upstream of Menzies Ford</u>	<u>10,000</u>
• <u>Downstream of Menzies Ford</u>	<u>55,000</u>
<u>Pohangina River</u>	<u>25,000</u>

River or Reach	Volume (m ³)
<u>Rangitikei River</u>	
• <u>Makahikatoa Stream to Mangarere Road bridge</u>	<u>15,000</u>
• <u>Mangarere Road bridge to Rewa</u>	<u>25,000</u>
• <u>Rewa to 7 km downstream of SH 1 bridge</u>	<u>40,000</u>
• <u>7 km downstream of SH 1 bridge to mouth</u>	<u>100,000</u>
<u>South East Ruahine Streams</u>	
• <u>Kumeti</u>	<u>3,000</u>
• <u>Mangaatua</u>	<u>5,000</u>
• <u>Mangapapa</u>	<u>2,000</u>
• <u>Mangatera</u>	<u>500</u>
• <u>Mangatewaiiti</u>	<u>2,000</u>
• <u>Mangatewainui</u>	<u>4,000</u>
• <u>Oruakeretaki</u>	<u>5,000</u>
• <u>Otamaraho</u>	<u>2,000</u>
• <u>Otamarahu</u>	<u>1,000</u>
• <u>Rokaiwhana</u>	<u>10,000</u>
• <u>Raparapawai</u>	<u>3,000</u>
• <u>Tamaki</u>	<u>20,000</u>
<u>Turakina River</u>	<u>3,000</u>
<u>Whangaehu River</u>	<u>8,000</u>
<u>Whanganui River</u>	<u>7,000</u>

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

The table below sets out ~~standard general~~ conditions for activities involving the beds of rivers and lakes. These ~~standard general~~ conditions are referred to in a number of the permitted activity and controlled activity rules in this chapter. The table ~~firstly~~ sets out ~~standard general~~ conditions for all rivers and lakes under the Value of Life-supporting Capacity (this Value applies to all rivers and lakes as shown in Schedule D AB). It then sets out additional conditions for other Values that apply to specific reaches of rivers, as listed in Schedule D AB. Schedule D AB must be

referred to in order to identify the locations of the *Water Management Sub-zones** to which these other Values apply, and whether they are therefore relevant to a particular activity.

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

Value	Condition
Life-supporting Capacity <u>conditions[^] which apply to all water bodies[^] and their beds[^]</u>	<p>(a) The activity shall must not adversely reduce the ability of the <i>water body[^] or its bed[^]</i> to convey flood flows, floating debris or sediment.</p> <p>(b) There shall must be no <i>discharge[^] of contaminants[^]</i>, other than sediment and other <i>contaminants[^]</i> inherent to the <i>water[^] or bed[^]</i>, into the <i>river[^] or lake[^]</i> <u>except where the <i>discharge[^]</i> is explicitly allowed by the activity description of a <i>rule[^]</i> in this chapter.</u></p> <p>(c) Any <i>discharge[^]</i> of sediment <u>into <i>water[^]</i> directly caused by the activity shall must not be undertaken for more than 5 <u>consecutive days</u>, or and for more than 12 hours on any one of those 5 days. <u>There must be no more than one activity in any 12 month period.</u></u></p> <p>(d) Any <i>discharge[^]</i> of sediment <u>into <i>water[^]</i> under condition (c) shall must 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 <u>30% the target set in the visual clarity % change column of Schedule D</u>, more than 24 hours after completion of the activity.</u></p> <p>(e) Any materials used shall must be necessary for the activity and shall must 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 must not be stored in or on <u>the <i>bed[^]</i> of any <i>river[^] or lake[^]</i> bed</u> and shall must be removed after completion of the activity.</p> <p>(g) Refuelling of machinery shall must not take place in any area where spills may enter surface <i>water[^]</i>.</p> <p>(h) The activity shall must 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 <u>ancillary to a <i>structure[^]</i> shall must be temporary, shall must be within the <i>bed[^]</i> of the <i>river[^]</i>, shall must not exceed 100 m in length, shall must not be between catchments, shall must not involve a <i>lake[^]</i> (except artificial lakes), and the diversion channel shall must have sufficient capacity to carry the same flow as the original channel. <u>bed.</u></u></p> <p>(j) Upon completion of any channel bank works, the banks shall must be reinstated to a natural contour and revegetated.</p> <p>(k) Any permanent straightening or channelling 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 as identified in any district 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.</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. The activity shall not be recommenced without the approval of the Regional Council.</p> <p><u>(ma) There must 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.</u></p>

Value	Condition
Riparian Habitat (applies to all sites reaches in water bodies [^] and their beds [^] with a Schedule AB Value of Sites of Significance - Riparian Habitat as shown in Schedule D)	(n) For the purpose of minimising disturbance to nesting dotterels between 1 August and to 31 December (inclusive), gravel extraction and bed[^] disturbance on gravel beaches shall <u>must</u> only take place: <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.
Inanga Spawning (applies to all sites reaches in water bodies [^] and their beds [^] with a Schedule AB Value of Inanga Spawning as shown in Schedule D)	(o) The use of mobile machinery in or on the bed[^] of a river [^] or lake [^] in a manner that disturbs the bed[^] shall <u>must</u> not take place between 1 February and to 1 May (inclusive).
Native Fishery Whitebait* Migration (applies to all sites reaches in water bodies [^] and their beds [^] with a Schedule AB Value of Native Fishery Whitebait* Migration as shown in Schedule D)	(p) The use of mobile machinery in or on the bed[^] of a river [^] or lake [^] in a manner that disturbs the bed[^] of the active flowing channel shall <u>must</u> not take place in the following locations at the following times: <ul style="list-style-type: none"> (i) in any waterbody valued as a whitebait fishery between 1 October 15 August and to 30 November (inclusive). (ii) in any waterbody valued as a koura fishery, between 1 April and 31 December.
Trout Spawning (applies to all sites reaches in water bodies [^] and their beds [^] with a Schedule AB Value of Trout Spawning as shown in Schedule D)	(q) The use of mobile machinery in or on the bed[^] of a river [^] or lake [^] in a manner that disturbs the bed[^] of the active flowing channel shall <u>must</u> not take place in water bodies valued for the spawning of trout between 1 May and to 30 September (inclusive).
Trout Fishery (applies to all sites reaches in water bodies [^] and their beds [^] with a Schedule AB Value of Trout Fishery as shown in Schedule D)	(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. (ra) <u>Activities must not result in suspended sediment being conspicuous during Saturdays, Sundays and public holidays 1 December to 28 February (inclusive).</u>

Value	Condition
<p><u>Amenity Contact Recreation</u> (applies to all <u>sites reaches in water bodies[^] and their beds[^] with a Schedule AB Value of Amenity Contact Recreation as shown in Schedule D</u>)</p>	<p>(s) Existing public access to or along a <u>river[^] or lake[^]</u> shall <u>must</u> not be rendered unsafe by the activity.</p> <p>(t) Existing public access to or along a <u>river[^] or lake[^]</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> not result in suspended sediment being conspicuous at <u>public bathing beaches reaches with a Schedule AB Value of Contact Recreation as shown in Schedule D</u>, during <u>weekends Saturdays, Sundays</u> and public holidays between 1 December and to 28 February <u>(inclusive)</u>.</p>
<p>Existing <u>Infrastructure[^]</u></p>	<p>(v) No <u>Excavation, drilling, tunnelling or other disturbance of the river bed[^] of a river[^]</u> shall <u>must not</u> take place within 500 m upstream or 4 km downstream of any flow-recording site.¹</p> <p>(va) <u>Excavation, drilling, tunnelling or other disturbance of the bed[^] of a river[^]</u> must not take place within 20 m upstream or downstream of a high pressure gas transmission pipeline identified by a <u>district plan[^] or regional plan[^]</u> or by a marker² on the bank of the <u>river[^]</u>.</p>

16.3 Rules - Special Rivers and Lakes

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
<p>16-1 Damming of protected rivers[^]</p>	<p>The erection or placement of a dam <u>structure[^]</u> pursuant to s13(1) RMA in or on the <u>bed[^]</u> of the following <u>river[^]</u>, and any associated <u>ancillary</u> damming of <u>water[^]</u> pursuant to s14(4 2) 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) <u>the Rangitikei River itself and all its tributaries above the confluence of the Makahikatoa Stream, the Rangitikei River itself from the confluence of the Makahikatoa</u></p>	<p>Prohibited</p>		

¹ 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 Regional Council's Hydrology Department.

² High pressure transmission gas pipelines are normally indicated by white triangle marker posts or yellow pipeline warning signs. If you are unsure about a pipeline being present, please contact your Territorial Authority.

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	<p><u>Stream to the Mangarere Bridge, the Whakaurekau River and all its tributaries and the Kawhatau River and all its tributaries, namely the Pouranaki River and the Mangakokeke Stream 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</u></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> <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</p>			

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	<p>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>(i) 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.</p>			
<p>16-2 Other structures and 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</p> <p>(b) any excavation, drilling, tunnelling or other disturbance of the bed of the rivers listed below pursuant to s13(1) RMA except for disturbances associated with lines, cables, pipelines and ropeways.</p> <p>The rivers to which this rule applies are:</p> <p>(c) 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>(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 Irirangi</p>	<p>Non-complying</p>		

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	<p>Stream</p> <p>(f) the Makuri River 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>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 s13(1) RMA, excluding any existing (as at 31 May 2007) reclamations and drainage:</p> <p>(a) Lake Horowhenua (b) Lake Papaitonga (c) Pukepuke Lagoon and any ancillary:</p> <p>(i) <u>excavation, drilling, tunnelling or other disturbance of the <i>bed[^]</i> pursuant to s13(1) RMA</u> (ii) <u>damming or diversion of <i>water[^]</i> pursuant to s14(2) RMA</u> (iii) <u><i>discharge[^]</i> of <i>water[^]</i> or sediment into <i>water[^]</i> or onto or into <i>land[^]</i> pursuant to ss15(1) or 15(2A) RMA</u> (iv) <u>deposition of substances in or on the <i>bed[^]</i> pursuant to s13(1).</u></p>	<p>Non-complying</p>		
<p>16-4 Structures[^] and disturbances involving water bodies a reach of <i>river[^]</i> or its <i>bed[^]</i> with Schedule AB</p>	<p>Except as prohibited by Rule 16-1, any of the following activities pursuant to s13(1) RMA <u>within:</u></p> <p>(a) a reach of <i>river[^]</i> or its <i>bed[^]</i> with a Schedule AB Value of Natural State waterbodies</p> <p>(i) The erection, placement or extension of any <i>structure[^]</i> in, on, under or over the</p>	<p>Discretionary</p>		

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
<p>Values of valued as Natural State, Sites of Significance - Aquatic, and Sites of Significance - Cultural</p>	<p><u>bed^ of a river or lake valued as Natural State* (including lines, cables pipelines and ropeways) except for lines, cables and ropeways that are suspended above the water^ and do not require a support structure^ in, on, over or under the bed^ of the river^</u></p> <p>(ii) Any excavation, drilling, tunnelling or other disturbance of the <u>bed^ including gravel extraction of a river or lake valued as Natural State*</u></p> <p>and any ancillary:</p> <p>(i) <u>damming or diversion of water^ pursuant to s14(2) RMA</u></p> <p>(ii) <u>discharge^ of water^ or sediment into water^ or onto or into land^ pursuant to ss15(1) or 15(2A) RMA</u></p> <p>(iii) <u>deposition of substances in or on the bed^ pursuant to s13(1).</u></p> <p>(b) Sites of Significance - Aquatic and Sites of Significance - Cultural waterbodies</p> <p>(i) The erection, placement or extension of any <u>structure^ in, on, or on under or over the bed^ of a river or lake valued as a Site of Significance - Aquatic* or Site of Significance - Cultural*</u>, except for lines, cables and ropeways that are <u>suspended above the water^ and do not require a support structure^ in, on, over or under the bed^ and except for those activities regulated by Rule 16-13 listed in (c) and (d)</u></p> <p>(ii) Any excavation, drilling, tunnelling or other disturbance of the <u>bed^ of a river or lake valued as a Site of Significance</u></p>			

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	<p>–Aquatic* or Site of Significance– Cultural*, except for those activities regulated by Rules 16-6 and 16-13 listed in (c) and (d)</p> <p>and any ancillary:</p> <p>(i) <u>damming or diversion of water[^] pursuant to s14(2) RMA</u></p> <p>(ii) <u>discharge[^] of water[^] or sediment into water[^] or onto or into land[^] pursuant to ss15(1) or 15(2A) RMA</u></p> <p>(iii) <u>deposition of substances in or on the bed[^] pursuant to s13(1).</u></p> <p>This rule does not include:</p> <p>(c) lines, cables, pipelines and ropeways within a river or lake valued as a Site of Significance– Aquatic* or Site of Significance– Cultural* (these are regulated by Rule 16-10), or</p> <p>(d) activities involving a Site of Significance– Aquatic* within a flood control or drainage scheme, 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 (these activities are regulated by Rule 16-13).</p>			

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 <u>structures</u> [^]	<p>The use of a <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 associated <u>ancillary</u>:</p> <p>(a) damming or diversion of <u>water</u>[^] pursuant to s14(2) RMA, excluding the damming of <u>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 <u>water</u>[^] or sediment or water into <u>water</u>[^] or onto or into <u>land</u>[^] pursuant to ss15(1) or 15(2A) RMA.</p> <p>Advice Note: For the avoidance of doubt, this <u>rule</u>[^] includes the “use” of a dam <u>structure</u>[^], but excludes the damming of <u>water</u>[^] by a dam <u>structure</u>[^] (under s14(2) RMA).</p>	Permitted		
16-6 <u>Maintenance*</u> and <u>repair upgrade*</u> of <u>structures</u> [^] , and <u>associated ancillary</u> removal of <u>bed</u> [^] material and plants	<p>(a) Structures[^] - The <u>maintenance*</u> or <u>repair*</u> <u>upgrade*</u> of a <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 associated <u>ancillary</u>:</p> <p>(i) <u>excavation, drilling, tunnelling or other</u> disturbance of the <u>river</u>[^] or <u>lake</u>[^] <u>bed</u>[^] pursuant to s13(1) RMA</p> <p>(ii) damming or diversion of <u>water</u>[^] pursuant to s14(2) RMA</p> <p>(iii) <u>discharge</u>[^] of <u>water</u>[^] or sediment into <u>water</u>[^] or onto or into <u>land</u>[^] pursuant to ss15(1) or 15(2A) RMA</p>	Permitted	<p>(a) The activity shall must comply with the standard <u>general 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 must comply with the <u>conditions</u>[^] of Rule 16-23- 13-25, except for condition 13-25(c)(ii) and condition 13-25(b) with regard to <u>cleanfill material</u>[*].</p>	

Rule	Activity	Classification	Conditions /Standards/Terms	Control/Discretion Non-Notification
	<p>(iv) <u>deposition of substances in or on the bed[^] of the river[^] or lake[^] pursuant to s13(1).</u></p> <p>(b) Associated Ancillary removal of bed[^] material and plants - The removal or other disturbance of <u>bed[^] material pursuant to s13(1) or the disturbance, removal, damage, or destruction of plants pursuant to s13(1) or s13(2) RMA</u> 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>:</p> <p>(i) <u>damming or diversion of water[^] pursuant to s14(24) RMA</u></p> <p>(ii) <u>discharge[^] of water[^] or sediment into water[^] or onto or into land[^] pursuant to ss15(1) or 15(2A) RMA</u></p> <p>(iii) <u>deposition of removed bed[^] material or plants in or on the bed[^] pursuant to s13(1) RMA</u></p> <p>(iv) <u>discharge[^] of removed bed[^] material or plants into water[^] or onto or into land[^] pursuant to ss15(1) or 15(2A) RMA</u></p> <p>(v) <u>deposition of substances in or on the bed[^] of the river[^] or lake[^] pursuant to s13(1).</u></p>			

Rule	Activity	Classification	Conditions /Standards/Terms	Control/Discretion Non-Notification
<p>16-7 Removal and demolition of structures^</p>	<p>Except as regulated by Rule 16-14, 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 <i>ancillary</i>:</p> <p>(a) <i>excavation, drilling, tunnelling or other disturbance of the river^ or lake^ bed^</i> pursuant to s13(1) RMA</p> <p>(b) <i>damming or diversion of water^</i> pursuant to s14(24) RMA</p> <p>(c) <i>discharge^ of water^ or sediment into water^ or onto or into land^</i> pursuant to ss15(1) or 15(2A) RMA</p> <p>(d) <i>deposition of substances in or on the bed^ of the river^ or lake^</i> pursuant to s13(1).</p>	<p>Permitted</p>	<p>(a) The activity shall <u>must</u> comply with the standard <u>general conditions^</u> listed in Section 16.2.</p> <p>(b) The Regional Council shall <u>must</u> 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) <i>access structures^</i> in or on the <i>bed^</i> of a <i>river^</i> or <i>lake^</i>, including bridges (<u>other than temporary bridges for military training purposes</u>), culverts and fords, where the catchment above the <i>structure^</i> is greater than 50 ha</p> <p>(ii) <i>structures^</i> 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 river^ levels or quality.</u></p> <p>(c) <u>The activity must not take place in any rare habitat*, threatened habitat* or at-risk habitat*.</u></p>	

Rule Guide:

Use, *maintenance** and ~~repair~~ *upgrade** - The rules above permit the ongoing use, *maintenance** and ~~repair~~ *upgrade** of structures once they are established (subject to conditions in the case of *maintenance** and ~~repair~~ *upgrade** 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.

The discharge of contaminants into water or into or onto land, other than contaminants specifically identified in the rules, is regulated by the rules in Chapter 13.

16.5 Rules - Dams and Damming

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>river^</i>, within <i>artificial watercourses*</i> and on <i>land^</i>:</p> <p>(a) the erection, or placement or extension of a dam in, on, under or over the <i>bed^</i> of a <i>river^</i> or within an <i>artificial watercourse*</i> or on <i>land^</i> pursuant to ss9(2) or s13(1) RMA</p> <p>(b) the damming of <i>water^</i> and any associated ancillary take taking, diversion or <i>discharge^</i> of <i>water^</i> that is part of the normal operation* of a dam, pursuant to ss14(4 2) and s15(1) RMA</p> <p>(c) any associated ancillary excavation, drilling, tunnelling or other disturbance of a the <i>bed^</i> of a <i>river^</i> bed pursuant to s13(1) RMA</p> <p>(d) any associated ancillary <i>discharge^</i> of <i>water^</i> or sediment into <i>water^</i> or onto or into <i>land^</i> pursuant to ss15(1) or 15(2A) RMA</p> <p>(e) any deposition of substances in or on the <i>bed^</i> of the <i>river^</i> or <i>lake^</i> pursuant to s13(1).</p> <p>Advice Note: For the avoidance of doubt, any proposal to take <i>water^</i> that is impounded behind a dam <i>structure^</i> for any use other than that provided for in (b) must comply with the <i>rules^</i> set out in</p>	Permitted	<p>(a) Any new dam shall must not be located in a <i>river^</i> or lake 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 must be no greater than 50 ha hectares.</p> <p>(c) The maximum <i>water^</i> depth shall must be no greater less than 3 m (measured from the natural ground level at the upstream toe of the dam <i>structure^</i>).</p> <p>(d) A spillway shall must be constructed to enable the passage of the probable maximum a 200 year flood without the dam being overtopped.</p> <p>(e) <i>Water^</i> impounded by the dam shall must not encroach onto adjoining <i>properties*</i>.</p> <p>(f) Dams in permanently flowing <i>river^</i> and <i>artificial watercourses*</i> shall must 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 must comply with the standard general <i>conditions^</i> listed in Section 16.2.</p> <p>(h) For a dam located in an <i>artificial watercourse*</i>, the activity shall must comply with the standard general conditions (a) to (m) (k) in Section 16.2 as if these <i>conditions^</i> applied to an <i>artificial watercourse*</i>.</p> <p>(i) The activity must not take place in any <i>rare habitat*</i>, <i>threatened habitat*</i> or <i>at-risk habitat*</i>.</p>	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	Chapter 15 of this Plan.			
16-9 Replacement consents for Other existing dams damming of water[^]	<p>Any lawfully established damming of <i>water[^]</i> within a <i>river[^]</i>, within an <i>artificial watercourse*</i> or on <i>land[^]</i> for which replacement consents are sought and any associated ancillary:</p> <p>(a) taking take, diversion or <i>discharge[^]</i> of <i>water[^]</i> that is part of the normal <i>operation*</i> of the dam, pursuant to s14(4 2) and or s15(1) or 15(2A) RMA, except as permitted by Rule 16-8</p> <p>(b) <i>discharge[^]</i> of <i>water[^]</i> or sediment into <i>water[^]</i> or onto or into <i>land[^]</i> pursuant to ss15(1) or 15(2A) RMA</p> <p>(c) <i>deposition</i> of substances in or on the <i>bed[^]</i> of the <i>river[^]</i> or <i>lake[^]</i> pursuant to s13(1).</p> <p>Advice Note: For the avoidance of doubt, any proposal to take <i>water[^]</i> that is impounded behind a dam <i>structure[^]</i> for any use other than that provided for in (a) must comply with the <i>rules[^]</i> set out in Chapter 15 of this Plan.</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.</p>	Control is reserved over: (a) fish 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 <i>rare 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:

~~Dam structures versus damming of water—~~ All new and existing small dams are authorised if they comply with the conditions of Rule 16-8. The erection or placement of new large dams requires consent under Rule 16-20. These large dams also require a building consent from the Regional Council under the Building Act 2004. The damming of water by existing large dams requires ongoing authorisation under s14(2) RMA. Rule 16-9 regulates the replacement of existing consents for the damming of water when those consents expire. The use, *maintenance** and *repair upgrade** of all dam structures, once they are established, are permitted by the rules in Section 16.4 16-5 (use) and 16-6 (*maintenance** and *upgrade**). The authorised use (Rule16-5) specifically excludes damming regulated under s14(2) RMA as that is covered by Rules 16-8 and 16-9. ~~(subject to conditions in the case of maintenance and repair 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, for replacement consents for large dams, 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 Council.

The discharge of contaminants into water or into or onto land, other than contaminants specifically identified in the rules, is regulated by the rules in Chapter 13.

The erection and placement of new dams and the damming of water within *rare habitats**, *threatened habitats** or *at-risk habitats** is regulated under Rule 12-6.

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 associated ancillary:</p> <p>(a) excavation, drilling, tunnelling or other 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</p> <p>(c) <i>discharge</i>[^] of <i>water</i>[^] or sediment <u>into <i>water</i>[^] or onto or into <i>land</i>[^]</u> pursuant to ss15(1) or 15(2A) RMA</p> <p>(d) <u>deposition of substances in or on the <i>bed</i>[^] of the <i>river</i>[^] or <i>lake</i>[^]</u> pursuant to s13(1).</p>	Permitted	<p>(a) The line or cable <u>activity</u> and any associated <u>ancillary support structures</u>[^] shall <u>must</u> either:</p> <p>(i) be wholly located over or under the <i>bed</i>[^] of the <u>waterbody</u>, or</p> <p>(ii) occupy no more than 20 m² of the <i>bed</i>[^] of the <u>waterbody</u>.</p> <p>(b) The activity shall <u>must</u> not take place in, <u>on, under or over a reach of a <i>river</i>[^] with a Schedule AB Value of Natural State* waterbody</u> except for lines, cables and ropeways that are suspended over the <i>water</i>[^] and do not require a support <u>structure</u>[^] in, on, over or under the <i>bed</i>[^] of the <u>river</u>[^].</p> <p>(c) The activity shall <u>must</u> comply with the <u>standard general conditions</u>[^] listed in Section 16.2.</p> <p>(d) <u>The activity must not take place in any <i>rare habitat</i>[*] or <i>threatened habitat</i>[*].</u></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 associated ancillary:</p> <p>(a) excavation, drilling, tunnelling or other disturbance 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) <i>discharge</i>[^] of <i>water</i>[^] or sediment <u>into <i>water</i>[^] or onto or into <i>land</i>[^]</u> pursuant to ss15(1) or 15(2A) RMA</p> <p>(d) <u>deposition of substances in or on the <i>bed</i>[^] of</u></p>	Permitted	<p>(a) No A new culvert shall <u>must not</u> be erected or placed in:</p> <p>(i) a river or lake 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 <u>waterway reach of a <i>river</i>[^] with a Schedule AB Value of Flood Control and Drainage managed by the Regional Council within a flood control or drainage scheme, unless the work is undertaken by or on behalf of the Regional Council.</u></p> <p>(iv) a waterway within an urban area, unless the work is undertaken by a Territorial Authority.</p> <p>(b) <u>There shall be only one culvert per crossing. Where multiple culverts are placed side by side, the total cross-sectional area of the multiple culverts must not be less than that of a</u></p>	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	<p><u>the river[^] or lake[^] pursuant to s13(1).</u></p>		<p><u>single culvert which complies with this rule[^].</u></p> <p>(c) The culvert, associated fill and culvert placement shall <u>must</u> comply with the following dimensions:</p> <p>(i) a maximum culvert length of 20 metres</p> <p>(ii) <u>for circular culverts a culvert diameter between of 0.3 m and to 1.2 metres (inclusive)</u></p> <p><u>(iia) for non-circular culverts a width and height of 0.3 m to 1.2 m each (inclusive)</u></p> <p>(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 bed</p> <p>(iv) a maximum fill height of 2 m above the <u>top of the culvert of 2 metres unless a spillway is constructed to enable the passage of a 200 year flood without the fill being overtopped</u></p> <p>(v) a minimum culvert installation depth below the <u>bed[^] of 0.3 m or 20% of the width of the culvert, whichever is the lesser.</u></p> <p>(d) The culvert shall <u>must</u> be positioned so that its alignment and gradient are the same as the <u>subject waterway river[^].</u></p> <p>(e) The culvert shall <u>must</u> be constructed to allow:</p> <p>(i) the flow from a 5% annual exceedance probability (20 year return period) flood event without overtopping, unless the overtopping flows to a specifically designed spillway</p> <p>(ii) the flow from a 2 year return period flood event without any flow impediment.</p> <p>(f) The culvert inlet and outlet shall <u>must</u> be protected against erosion.</p> <p>(g) All practicable steps shall <u>must</u> be used to minimise the release of sediment during construction.</p> <p>(h) The culvert shall <u>must</u> be constructed and maintained to avoid any aggradation or erosion of the <u>bed[^].</u></p>	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
			<ul style="list-style-type: none"> (i) The culvert shall <u>must</u> be kept clear of accumulated debris. (j) The activity shall <u>must</u> comply with the <u>standard general conditions</u>[^] listed in Section 16.2. (k) <u>The activity must not take place in any rare habitat*, threatened habitat* or at-risk habitat*.</u> 	
<p>16-12 Other structures[^] including bridges, fords and other access structures[^]</p>	<p>The erection, reconstruction, placement, alteration, or extension of any <i>structure[^]</i> that is not regulated by any other <i>rule[^]</i> in this chapter 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>:</p> <p>(a) <u>(e)</u> excavation, drilling, tunnelling or other disturbance of the <i>river[^]</i> or <i>lake[^]</i> <i>bed</i> pursuant to s13(1) RMA;</p> <p>(b) <u>(e)</u> damming or diversion of <i>water[^]</i> pursuant to s14(24) RMA; or</p> <p>(c) <u>(f)</u> <i>discharge[^]</i> of <i>water[^]</i> or sediment <u>into</u> <i>water[^]</i> or onto or into <i>land[^]</i> pursuant to ss15(1) or 15(2A) RMA</p> <p><u>(d)</u> <u>deposition of substances in or on the <i>bed[^]</i> of the <i>river[^]</i> or <i>lake[^]</i> pursuant to s13(1).</u></p> <p>Advice Note: For the avoidance of doubt, this <i>rule[^]</i> excludes the erection, reconstruction, placement, alteration, or extension of any dam in, on, under or over the <i>bed[^]</i> of any <i>river[^]</i> or <i>lake[^]</i>, within an <i>artificial watercourse*</i> or on <i>land[^]</i>. Dams are regulated by Rules 16-1, 16-4, 16-5, 16-6, 16-8 and 16-20.</p>	<p>Permitted</p>	<ul style="list-style-type: none"> (a) No <u>A new <i>structure[^]</i> shall <u>must not</u> be erected or placed in:</u> <ul style="list-style-type: none"> (i) a river or lake regulated under Rule 16-2 (ii) a <i>river[^]</i> or <i>lake[^]</i> regulated under Rule 16-4 (iii) a <u>waterway reach of a <i>river[^]</i> with a Schedule AB Value of Flood Control and Drainage managed by the Regional Council within a flood control or drainage scheme, unless the work is undertaken by or on behalf of the Regional Council</u> (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 and temporary bridges for military training purposes that are removed within 2 weeks of their erection, located in, or on, under or over the <i>bed[^]</i> of a <i>river[^]</i> or <i>lake[^]</i>, the catchment area above the <i>structure[^]</i> shall <u>must</u> be no greater than 200 hectares. (c) For all <i>structures[^]</i> located in, or on, under or over the <i>bed[^]</i> of a <i>river[^]</i> or <i>lake[^]</i>, the <i>structure[^]</i> shall <u>must</u> occupy a <i>bed[^]</i> area no greater than 20 m² except for: <ul style="list-style-type: none"> <u>(i) <i>whitebait*</i> and maimai <i>structures[^]</i> which shall <u>must</u> not exceed 5 m²</u> <u>(ii) fords which must occupy a <i>bed[^]</i> area no greater than 40 m²</u> <u>(iii) temporary bridges for military training purposes that are removed within 2 weeks of their erection.</u> (d) The <i>structure[^]</i> shall <u>must</u> be constructed and maintained to avoid any aggradation or scouring of the <i>bed[^]</i> that may inhibit fish passage. 	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
			<p>(e) The activity shall must comply with the standard <u>general conditions[^]</u> listed in Section 16.2.</p> <p>(f) The activity must not take place in any <u>rare habitat[*]</u>, <u>threatened habitat[*]</u> or <u>at-risk habitat[*]</u>.</p>	
<p>16-12A Recording sites[*]</p>	<p>The erection, placement or extension of a device for the purposes of monitoring or recording <u>river[^]</u> levels or quality 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 ancillary:</p> <p>(a) <u>excavation, drilling, tunnelling or other disturbance of the river[^] or lake[^] bed[^] pursuant to s13(1) RMA</u></p> <p>(b) <u>damming or diversion of water[^] pursuant to s14(24) RMA</u></p> <p>(c) <u>discharge[^] of water[^] or sediment into water[^] or onto or into land[^] pursuant to ss15(1) or 15(2A) RMA</u></p> <p>(d) <u>deposition of substances in or on the bed[^] of the river[^] or lake[^] pursuant to s13(1).</u></p>	<p>Permitted</p>	<p>(a) <u>The device must occupy a bed[^] area no greater than 20 m².</u></p> <p>(b) <u>The device must be constructed and maintained[*] to avoid any aggradation or scouring of the bed[^] that may inhibit fish passage.</u></p> <p>(c) <u>The 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 general 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[*]</u>, <u>threatened habitat[*]</u> or <u>at-risk habitat[*]</u>.</p>	
<p>16-12B Bridges and culverts constructed to comply with Rules 13-1 to 13-1C</p>	<p>The erection, placement or extension of a culvert or bridge in, on, under or over the <u>bed[^]</u> of a <u>river[^]</u> or <u>lake[^]</u> pursuant to s13 RMA in order to comply with Rules 13-1 to 13-1C and any ancillary:</p> <p>(a) <u>excavation, drilling, tunnelling or other disturbance of the river[^] or lake[^] bed[^] pursuant to s13(1) RMA</u></p> <p>(b) <u>damming or diversion of water[^] pursuant to s14(2) RMA</u></p> <p>(c) <u>discharge[^] of water[^] or sediment into water[^] or onto or into land[^] pursuant to ss15(1) or 15(2A) RMA</u></p> <p>(d) <u>deposition of substances in or on the bed[^] of the river[^] or lake[^] pursuant to s13(1).</u></p>	<p>Controlled</p>	<p>(a) <u>The proposed activity is required in order to comply with Rules 13-1 to 13-1C but is unable to meet one or more of the conditions[^] of Rules 16-6, 16-11 or 16-12.</u></p> <p>(b) <u>The activity must not take place in any rare habitat[*]</u>, <u>threatened habitat[*]</u> or <u>at-risk habitat[*]</u>.</p>	<p>Control is reserved over:</p> <p>(a) <u>measures to avoid, remedy or mitigate the effects[^] of any non-compliance with the conditions[^] of Rules 16-6, 16-11 or 16-12</u></p> <p>(b) <u>duration of consent</u></p> <p>(c) <u>review of consent conditions[^]</u></p> <p>(d) <u>compliance monitoring.</u></p>

Rule Guide:

The discharge of contaminants into water or into or onto land, other than contaminants specifically identified in the rules, is regulated by the rules in Chapter 13.

Activities within *rare habitats**, *threatened habitats** or *at-risk habitats** are regulated by Rule 12-6.

16.7 Rules - Activities Within Rivers with a Schedule AB Value of 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 the Regional Council in rivers[^] with a Schedule AB Value of Flood Control and Drainage schemes</p>	<p>The following activities within a reach of a river[^] with a Schedule AB Value of Flood Control and Drainage scheme as shown in Schedule 1, where they are undertaken by or on behalf of the Regional Council:</p> <p>(a) the erection, reconstruction, placement, alteration, or extension of any structure[^] in, on, under or over the bed[^] of a river[^] or lake pursuant to s13(1) RMA</p> <p>(b) the excavation, drilling, tunnelling or other disturbance (including gravel extraction) of the bed[^] of a river[^] (but not lake) pursuant to s13(1) RMA</p> <p>(c) any damming or diversion of water[^] pursuant to s14(24) RMA</p> <p>(d) any discharge[^] or deposition of plants, removed bed[^] material, rock, shingle, earth, cleanfill material*, water[^] or sediment into water[^] or onto or into land[^] pursuant to ss13(1), 15(1) or 15(2A) RMA</p> <p>(e) the damage, destruction, disturbance or removal of plants or parts of plants pursuant to s13(2) RMA.</p>	<p>Permitted</p>	<p>(a) The activity shall must be undertaken in accordance with the following sections of the Environmental Code of Practice for River Works; (Horizons Regional Council, April 2007 June 2010):</p> <p>(i) <u>The Generic Standards in section 2.4.2 of Part One Generic Standards for Good Practice</u></p> <p>(ii) <u>The description of each Activity and the associated Standards for Good Practice in Part Two (for the avoidance of doubt, excluding the discussion of the Resource Management Act and potential beneficial and adverse effects)</u></p> <p>(iii) <u>Generic Special Standards and the Site Specific Special Standards in Part Three (for the avoidance of doubt, excluding Scheme maps and Scheme dams and locations)</u></p> <p>(iv) <u>Part Seven Definition of Terms, insofar as those defined terms must not be used other than in relation to interpreting the Environmental Code of Practice for River Works.</u></p> <p>(b) The activity shall must 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</u></p>	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
<p>16-14 Activities affecting flood control or drainage schemes Schedule AB Value of Flood Control and Drainage</p>	<p>Except as regulated by Rule 16-6, the following activities pursuant to ss 9(2) and 13(1) RMA within <u>in, on or under an <i>artificial watercourse*</i> or a reach of a <i>river</i>[^] with a Schedule AB Value of Flood Control or and Drainage scheme as shown in Schedule 1 or adjacent <i>land</i>[^] as defined in (i) to (l):</u></p> <ul style="list-style-type: none"> (a) the planting of a tree^z or shrub^z (b) the erection, or placement or extension of any building, fence or other <i>structure</i>[^] (including accessways but excluding fences) (c) the erection, or placement or extension of a fence perpendicular to a watercourse <u><i>river</i>[^] or <i>artificial watercourse*</i></u> (d) the erection, or placement or extension of a fence greater than 1.2 m high parallel to a watercourse <u><i>river</i>[^] or <i>artificial watercourse*</i></u> (e) the deposition of any rock, shingle, earth, debris or other <i>cleanfill material*</i> (f) any excavation, drilling, or tunnelling or other disturbance likely to undermine the functional integrity of a stopbank or <i>river</i>[^] control <i>structure</i>[^] (g) any <i>land disturbance*</i> that impedes access required for <i>maintenance*</i> of a <i>river</i>[^] or drainage scheme (ga) The <i>upgrade*</i>, reconstruction, alteration, extension, removal or demolition of any <i>structure</i>[^] that is maintained by the Regional Council for the purposes of flood control or erosion protection or drainage <p>and any ancillary:</p> <ul style="list-style-type: none"> (i) excavation, drilling, tunnelling or other 	<p>Discretionary</p>	<p>Significance - Cultural in accordance with (a).</p>	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	<p><u>disturbance of the river[^] or lake[^] bed[^] pursuant to s13(1) RMA</u></p> <p>(ii) <u>damming or diversion of water[^] pursuant to s14(2) RMA</u></p> <p>(iii) <u>discharge[^] of water[^] or sediment into water[^] or onto or into land[^] pursuant to ss15(1) or 15(2A) RMA</u></p> <p>(iv) <u>deposition of substances in or on the bed[^] of the river[^] or lake[^] pursuant to s13(1)</u></p> <p>(v) <u>land disturbance* pursuant to s9(2) RMA</u></p> <p>where the activities listed in (a) to (ga) are undertaken in any of the following areas:</p> <p>(h) <u>within the bed[^] of a river[^] or within an artificial watercourse*</u></p> <p>(i) on a stopbank</p> <p>(j) on any strip of land[^] between an artificial watercourse* or riverbed[^] of a river[^]; and 8 m inland of from the inland landward toe of a stopbank</p> <p>(k) for areas without stopbanks, anywhere within 10 m of an artificial watercourse* or the bed[^] of a riverbed river[^]</p> <p>(l) <u>Only land[^] use activities described under (f) and (g) are controlled under this rule[^] on land[^] described under (i) and (j) on and adjacent to the Manawatu River secondary stopbank located between Ruahine Street at Fitzroy Bend and Ruamahanga Crescent. The other listed land[^] use activities are not controlled in that area.</u></p> <p>This rule[^] does not apply to activities undertaken by or on behalf of the Regional Council.</p>			

Rule Guide:

The discharge of contaminants into water or into or onto land, other than contaminants specifically identified in the rules, is regulated by the rules in Chapter 13.

16.8 Rules - Gravel Extraction, Bed Disturbances and Plants

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
<p>16-15 Small-scale gravel extraction</p>	<p>The excavation, tunnelling or other disturbance of the <i>bed</i>[^] of a <i>river</i>[^] or <i>lake</i>[^] (but not lake) for the purpose of removing extracting gravel and other <i>bed</i>[^] material, pursuant to s13(1) RMA and any ancillary:</p> <p>(a) <u>damming or diversion of <i>water</i>[^] pursuant to s14(2) RMA</u></p> <p>(b) <u><i>discharge</i>[^] of <i>water</i>[^] or sediment into <i>water</i>[^] or onto or into <i>land</i>[^] pursuant to ss15(1) or 15(2A) RMA</u></p> <p>(c) <u>deposition of substances in or on the <i>bed</i>[^] of the <i>river</i>[^] or <i>lake</i>[^] pursuant to s13(1).</u></p>	<p>Permitted</p>	<p>(a) The activity shall must not take place in a <i>river</i>[^] or <i>lake</i>[^] regulated under Rule 16-2 or Rule 16-4.</p> <p>(b) The amount of gravel and <i>bed</i>[^] material removed extracted shall must 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.</p> <p>(d) The gravel or other material shall must only be removed extracted from an area of <i>river</i>[^] <i>bed</i>[^] that is not covered by flowing <i>water</i>[^] at the time of extraction.</p> <p>(e) The activity shall must comply with the standard general conditions[^] listed in Section 16.2.</p> <p>(f) <u>The activity must not take place in any <i>rare habitat</i>[*], <i>threatened habitat</i>[*] or <i>at-risk habitat</i>[*].</u></p>	
<p>16-15A Other gravel extraction</p>	<p>Except as regulated by Rules 16-4 and 16-15, the excavation or other disturbance of the <i>bed</i>[^] of a <i>river</i>[^] or <i>lake</i>[^] for the purpose of extracting gravel and other <i>bed</i>[^] material, pursuant to s13(1) RMA and including any ancillary:</p> <p>(a) <u>damming or diversion of <i>water</i>[^] pursuant to s14(2) RMA</u></p> <p>(b) <u><i>discharge</i>[^] of <i>water</i>[^] or sediment into <i>water</i>[^] or onto or into <i>land</i>[^] pursuant to ss15(1) or 15(2A) RMA</u></p> <p>(c) <u>deposition of substances in or on the <i>bed</i>[^] of the <i>river</i>[^] or <i>lake</i>[^] pursuant to s13(1)</u></p> <p>(d) <u><i>discharges</i>[^] to air pursuant to s15(2A) RMA.</u></p>	<p>Restricted Discretionary</p>	<p>(a) <u>The gravel or other material must only be extracted from an area of <i>river</i>[^] <i>bed</i>[^] that is not covered by flowing <i>water</i>[^] at the time of extraction.</u></p> <p>(b) <u>The activity must not take place in any <i>rare habitat</i>[*], <i>threatened habitat</i>[*] or <i>at-risk habitat</i>[*].</u></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 areas within the <i>river</i>[^] or <i>lake</i>[^] <i>bed</i>[^]</u></p>

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
				<ul style="list-style-type: none"> (f) <u>effects^ on aquatic habitats</u> (g) <u>effects^ on water^ quality</u> (h) <u>effects^ on river^ margins</u> (i) <u>effects^ on channel, bank and bed^ stability</u> (j) <u>effects^ on river^ flows</u> (k) <u>effects^ on public access</u> (l) <u>dust management</u> (m) <u>financial contributions</u> (n) <u>duration of consent</u> (o) <u>review of consent conditions^</u> (p) <u>compliance monitoring.</u>
<p>16-16 Other minor bed^ disturbances</p>	<p>Except as regulated by other <i>rules^</i> in this chapter, the excavation, drilling, tunnelling or other disturbance of the <i>bed^</i> of a <i>river^</i> (but not lake) pursuant to s13(1) RMA and any associated ancillary:</p> <ul style="list-style-type: none"> (a) damming or diversion of <i>water^</i> pursuant to s14(2-4) RMA, or (b) <u>discharge^ of water^ or sediment into water^ or onto or into land^</u> pursuant to ss15(1) or 15(2A) RMA (c) <u>deposition of substances in or on the bed^ of the river^ or lake^</u> pursuant to s13(1). <p>Advice Note: For the avoidance of doubt, this <i>rule^</i> does not include gravel extraction.</p>	<p>Permitted</p>	<ul style="list-style-type: none"> (a) The activity shall must not take place in a <i>river^</i> regulated under Rule 16-2 or Rule 16-4. (b) The activity shall must comply with the <u>standard general conditions^</u> listed in Section 16.2. (c) <u>The activity must not take place in any rare habitat*, threatened habitat* or at-risk habitat*.</u> 	
<p>16-17 Plants</p>	<p>Except as regulated by other <i>rules^</i> in this chapter, 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</p>	<p>Permitted</p>	<ul style="list-style-type: none"> (a) No A pest plant, as listed in the Regional Pest Plant Management Strategy, shall <u>must not</u> be introduced or planted. (b) The activity shall must not involve the planting of a tree* or 	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	<p>ancillary:</p> <p>(a) excavation, drilling, tunnelling or other 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(2-4) RMA; or</p> <p>(c) <i>discharge</i>[^] of <i>water</i>[^] or sediment into <i>water</i>[^] or onto or into <i>land</i>[^] pursuant to ss15(1) or 15(2A) RMA</p> <p>(d) deposition of substances in or on the <i>bed</i>[^] of the <i>river</i>[^] or <i>lake</i>[^] pursuant to s13(1).</p>		<p>shrub* in a reach of a <i>river</i>[^] with a Schedule AB Value of Flood Control and Drainage flood control or drainage scheme, as regulated by Rule 16-14.</p> <p>(c) The activity shall not <u>must</u> 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 not <u>must</u> comply with the standard <u>general conditions</u>[^] listed in Section 16.2.</p> <p>(e) The activity must not take place in any rare habitat*, threatened habitat* or at-risk habitat*.</p>	

Rule Guide:

Gravel extraction that cannot meet the conditions set out in Rule 16-15A is a discretionary activity under Rule 16-20.

The discharge of contaminants into water or into or onto land, other than contaminants specifically identified in the rules, is regulated by the rules in Chapter 13.

Activities undertaken in *rare habitats**, *threatened habitats** or *at-risk habitats** are regulated under Rule 12-6.

16.9 Rules - Activities in *Artificial Watercourses** and Artificial Non-natural Lakes

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
<p>16-18</p> <p>Minor activities involving the beds of artificial watercourses*</p>	<p>Any:</p> <p>(a) damming or diversion of <i>water</i>[^] pursuant to s14(4-2) RMA</p> <p>(b) <i>discharge</i>[^] of <i>water</i>[^], sediment, bed <i>artificial watercourse*</i> material or plants into <i>water</i>[^] or onto or into <i>land</i>[^] pursuant to ss15(1) or 15(2A) RMA</p> <p>associated with any of the following activities within an <i>artificial watercourse*</i>:</p> <p>(c) the <i>maintenance*</i>, repair <i>upgrade*</i>,</p>	<p>Permitted</p>	<p>(a) For activities located in an artificial watercourse, The activity shall <u>must</u> comply with the standard <u>general conditions</u> (a) to (m) (k) and (v), (va) and (ra) in Section 16.2 as if these <i>conditions</i>[^] applied to an <i>artificial watercourse*</i>.</p> <p>(b) The activity shall not <u>must</u> not involve an activity restricted by Rule 16-14.</p> <p>(c) Any <i>discharge</i>[^] of removed bed material or plants onto or into <i>land</i>[^] (being <i>land</i>[^] that is not the bed of within an <i>artificial watercourse*</i>) shall not <u>must</u> comply with the</p>	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	<p>alteration, or extension, removal or demolition of a structure^ or part of a structure^ in, on, under or over the bed of land^ within an artificial watercourse*</p> <p>(d) the removal of bed artificial watercourse* material or plants for the purpose of maintaining the functional integrity of a structure^, including flushing accumulated bed material</p> <p>(e) the discharge^ of removed bed artificial watercourse* material or plants onto or into land^</p> <p>(f) the excavation, drilling, tunneling, or other disturbance of the the bed of land^ within an artificial watercourse*</p> <p>(g) the introduction, planting, removal or destruction of a plant in or on the bed of land^ within an artificial watercourse*</p> <p>(h) the deposition of any substance in, or on or under the bed of land^ within an artificial watercourse*.</p> <p>This rule^ does not include the damming of an artificial watercourse* pursuant to s14(2) RMA. This That activity is addressed by the rules^ in Section 16.5.</p>		<p>conditions^ of Rule 16-23 13-25, except for condition 13-25(c)(ii).</p> <p>(d) <u>The activity must not take place in any rare habitat*, threatened habitat* or at-risk habitat*.</u></p>	
<p>16-19 Bed^ disturbance of artificial non-natural lakes^ to maintain their function</p>	<p>Except as permitted by other rules^ in this chapter, the disturbance or removal of bed^ material or plants for the purpose of maintaining the functional integrity of an artificial a non-natural lake^, pursuant to ss13(1) and or 13(2) RMA and any associated ancillary:</p> <p>(aa) <u>excavation, drilling, tunnelling or other disturbance of the bed^ pursuant to s13(1) RMA</u></p> <p>(a) damming or diversion of water^ pursuant to</p>	<p>Controlled</p>	<p>(a) The activity shall <u>must</u> comply with the standard general conditions (a) to (m) (k) and (v), (va) and (ra) 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 <u>must</u> comply with the conditions^ of Rule 13-24 13-25 except condition 13-25(c)(ii).</p> <p>(c) <u>The activity must not take place in any rare habitat*.</u></p>	<p>Control is reserved over:</p> <p>(a) the overall effects^ 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>

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	<p>s14(2-4) RMA</p> <p>(b) <u>discharge^ of water^ or sediment into water^ or onto or into land^</u> pursuant to <u>ss15(1) or 15(2A) RMA</u></p> <p>(c) deposition of removed <u>bed^</u> material or plants in or on the <u>bed^</u> pursuant to s13(1) RMA</p> <p>(d) <u>discharge^ of removed bed^ material or plants onto or into land^ or into water^</u> pursuant to <u>ss15(1) or 15(2A) RMA</u>.</p>		<p><u>threatened habitat* or at-risk habitat*</u>.</p>	<p>(g) compliance monitoring.</p>

Rule Guide:

The discharge of contaminants into water or into or onto land, other than contaminants specifically identified in the rules, is regulated by the rules in Chapter 13.

Activities within *rare habitats**, *threatened habitats** or *at-risk habitats** are regulated by Rule 12-6.

16.10 Rules - Activities that do not Comply with Permitted Activity, and Controlled Activity or Restricted Discretionary Activity Rules and all other s13(1) RMA Activities Not Covered by this Chapter

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
<p>16-20 Activities that do not comply with <u>permitted activity</u>, <u>and controlled activity</u> or <u>restricted discretionary activity</u> rules and all other s13(1) RMA activities not covered by this chapter</p>	<p>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</i> or <i>restricted discretionary activity</i> rule in this chapter, but which is not expressly classified as a <i>discretionary activity</i>, <i>non-complying activity</i> or <i>prohibited activity</i> or is a s13(1) RMA activity not covered by this chapter, including any ancillary:</p> <p>(a) <u>excavation, drilling, tunnelling or other disturbance of the bed</u> pursuant to s13(1) RMA</p> <p>(b) <u>damming or diversion of water</u> pursuant to s14(2) RMA</p> <p>(c) <u>discharge</u> of <u>water</u> or sediment into <u>water</u> or onto or into <u>land</u> pursuant to ss15(1) or 15(2A) RMA</p> <p>(d) <u>deposition of substances in or on the bed</u> of the <u>river</u> or <u>lake</u> pursuant to s13(1).</p>	<p>Discretionary</p>		

Rule Guide:

The discharge of contaminants into water or into or onto land, other than contaminants specifically identified in the rules, is regulated by the rules in Chapter 13.