

## **4 River and Lake Bed**



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# 4.1 River and Lake Bed\* Management

## Background and Explanation

### Purpose of River and Lake Beds Module

This module of the Regional Plan addresses river and lake bed management issues and is divided into three chapters. Chapter 4.1 provides a general overview of river and lake bed management issues, including what issues Chapters 4.2 and 4.3 address, relevant sections of the RMA, a brief description of the adverse environmental effects of concern and the relationship of Module 4 to other chapters of the Plan.

Many structures on, in, under or over the beds of rivers and lakes provide for transport and communication, prevent or reduce flooding, generate electricity and provide for recreational use of water bodies. Chapter 4.2 deals with the use, erection, reconstruction, placement, alteration or extension of structures in, on, under or over the beds of rivers and lakes and any associated disturbances of the beds under s13 of the RMA.

Chapter 4.3 addresses those activities which involve some form of disturbance to the beds of rivers and lakes. Disturbance of the beds of rivers and lakes is necessary when constructing, maintaining or removing a structure, or maintaining the integrity of dams, diversions and drainage districts and river control schemes. Disturbances may include sand and gravel extraction, construction activities, bed maintenance, vegetation removal, dredging and reclamation. Disturbances directly associated with the erection, reconstruction, placement, alteration or extension of any structure is addressed in Chapter 4.2 of this Plan.

This Plan only applies to drains where they are natural or modified watercourses\*. Drains that are artificial watercourses\* are not included in the definition of a river under the RMA and are therefore not subject to the requirements of rules in this module of the Plan.

This module also applies to wetlands where the wetland becomes part of the bed of the river when the river is at its fullest flow, or part of the bed of the lake when the lake reaches its highest level without overtopping its margins. Also cave passages that are either ephemeral or permanently flowing water bodies are considered to be a river bed.

A wide variety of structures and bed disturbance activities occur in, on, under or over the beds of the rivers and lakes in the Waikato Region. Structures range from the large hydro dams on the Waikato River, and flood control structures on the Waikato, Waipa, Piako and Waihou Rivers, to bridges, culverts, maimai, whitebait sands, telephone or power cables over rivers and lakes, and jetties and moorings on many other rivers. Bed disturbance activities include sand and gravel extraction, construction activities, dredging, and vegetation removal for flood control and drain maintenance purposes.

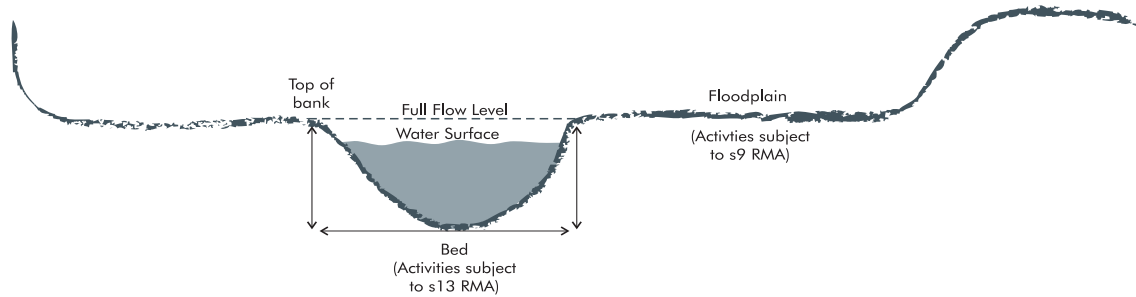
Many of these structures are important for the provision of transport, communications, electricity generation and supply, gas supply, flood protection and recreational activities. The beds of rivers and lakes are a supply of sand and gravel for individual and industry needs. Disturbance of river beds is necessary to maintain river systems to ensure the efficient functioning of river and drainage control systems and structures associated with electricity production.

### RMA Provisions and Interpretation

Explicit provisions relating to the management of river and lake beds are found within s13 of the RMA. Section 13(1) relates to structures, disturbances, planting and deposits on river and lake beds, while s13(2) relates to passage through and removal of plants on river and lake beds. The presumption within s13(1) is that activities cannot

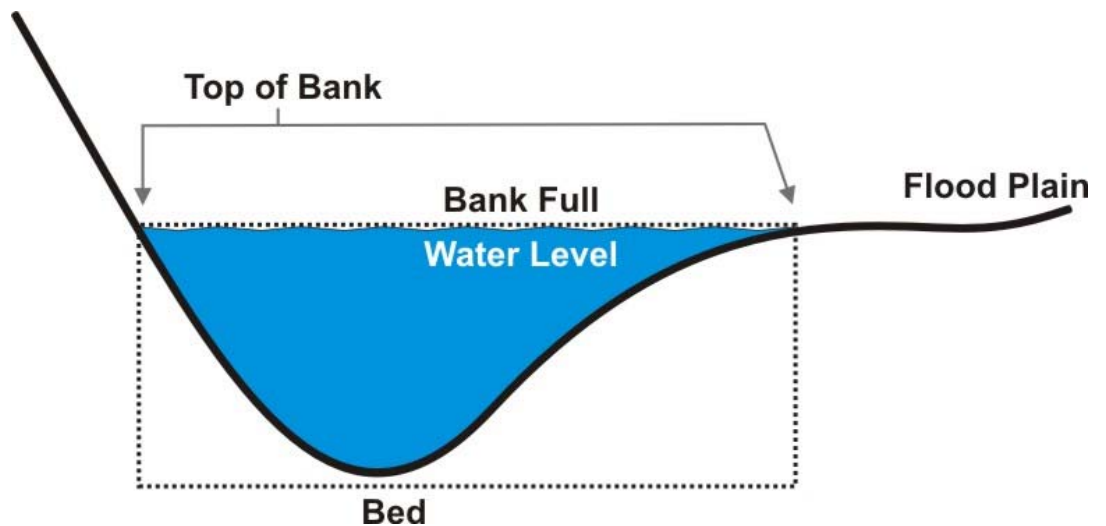
be carried out unless they are allowed by a resource consent, or a rule in a regional plan or any proposed regional plan. Section 13(2) has the opposite presumption, with activities allowed unless they contravene a rule or rules in a regional plan or proposed regional plan.

The following diagram of a river bed is included for guidance only to demonstrate where the requirements of s13 of the RMA apply



**Bed of a River**

For the purposes of the rules in this Plan in those situations where the top of one side of the bank is higher than the other side, the top of the bank referred to in conditions on rules is interpreted as being the top of the lower bank, e.g.



**Adverse Effects of Activities**

Destabilisation of river and lake beds is a natural process. However, destabilisation of the beds of rivers and lakes can be exacerbated through inappropriate instream constructions, fluctuating water levels, sand and shingle removal, inappropriate removal of bank vegetation, surface water activities, such as jet boating, and plant and animal pests. Inappropriate land uses, such as livestock grazing on lake or river banks, may also cause instability through vegetation removal, treading damage and catchment modification.

Destabilisation of the beds of rivers and lakes may have adverse effects on water quality through increased transport of sediment and deposition causing damage to aquatic habitats. Destabilisation may also cause changes in the course of rivers and streams, resulting in loss of land, damage to property and damage to infrastructural assets such as roads, bridges, flood protection and drainage works.

Structures on the beds of larger rivers and lakes may obstruct navigation. Care needs to be taken to ensure that structures are not positioned where they may obstruct navigation. A navigable river is considered to be one where the width at the top of the channel is greater than 10 metres. Rivers with a top of channel width less than 10

metres for most of the year generally have flows that are too small to support navigable recreation by motorised craft.

Structures located within the beds of rivers and streams may alter flow characteristics, water levels or sediment transport patterns, and cause or contribute to erosion and/or deposition resulting in bed destabilisation. Structures in the beds or on the shores of lakes that interfere with either littoral currents or offshore currents, or reflect or refract wave energy, may also cause instability.

Structures may obstruct fish passage up and down rivers. Fish passage is important particularly for species that migrate up and down rivers as part of their life cycle. By blocking river channels, structures can prevent fish access to spawning grounds and to areas that have been used as traditional or recreational fisheries.

### **Tangata Whenua**

Tangata whenua have a special relationship with river and lake beds. For example, Waikato Tainui have a special relationship with the Waikato River and its tributaries as do Tuwharetoa with Lake Taupo, its tributaries and the Waikato River to the confluence of the Waipapa Stream. Tangata whenua are particularly concerned where disturbances affect the health of, or access to, traditional food. Tangata whenua are also concerned about the effects of structures and activities that disturb the beds of lakes and rivers, water quality and subsequent effects on traditional fisheries, other food resources and sites which are of spiritual, cultural and historical significance to tangata whenua. Also refer to Chapter 3.1 of this Plan for a discussion of tangata whenua concerns in regard to the management of water bodies.

### **Relationship to Other Chapters of the Plan**

Chapter 3.6 addresses issues concerning the damming and diverting of water. Under s15 of the RMA the damming and diverting of water requires a resource consent unless there is a rule in a regional plan saying otherwise. The damming or diversion of water often involves the building of a structure in, on, under or over the beds of rivers that requires a resource consent under s13 of the RMA. In order to assist resource users, matters pertaining to the building of damming structures have been included in Chapter 3.6 so they are addressed in one place in the Plan.

Chapters 5.1 and 5.2 have specific rules concerning vegetation clearance, soil disturbance and discharges to land in areas adjacent to the beds of rivers and lakes. Any person building a structure in, on, under or over the bed of a river or lake that involves vegetation clearance, soil disturbance or a discharge to land in these areas should refer to the rules in Chapters 5.1 and 5.2.

## 4.2 River and Lake Bed Structures

### 4.2.1 Issue

The use, erection, reconstruction, placement, alteration, extension, removal or demolition of structures in, on, under or over the beds of rivers and lakes may:

- a) adversely affect bed stability, water quality, aquatic habitats, migration of fish, flow regimes, existing legal public access and natural character of river and lake beds,
- b) increase the risk of flooding or unnecessarily obstruct navigation,
- c) adversely affect the relationship tangata whenua as kaitiaki have with their taonga, such as waahi tapu, native flora and fauna and access to customary fisheries.

### 4.2.2 Objective<sup>25</sup>

The use, erection, reconstruction, placement, alteration, extension, removal or demolition of structures in, on, under or over the beds of rivers and lakes managed in a manner that:

- a) produces a net reduction in the adverse effects of the destabilisation of river and lake beds
- b) does not have adverse effects on water quality, flow regimes, aquatic ecosystems and wetlands that are inconsistent with Water Management Objective 3.1.2
- c) does not obstruct fish passage for trout and indigenous fish to complete their life cycle
- d) preserves the natural character of river and lake beds and their margins and protects them from inappropriate use and development
- e) there is no increase in the adverse effects of flooding
- f) provides for navigation of water bodies where appropriate
- g) remedies or mitigates adverse effects of existing structures on the relationship tangata whenua as kaitiaki have with identified taonga, such as waahi tapu, native flora and fauna and access to their customary fisheries
- h) avoids significant adverse effects of new structures on the relationship tangata whenua as kaitiaki have with identified taonga, such as waahi tapu, native flora and fauna and access to their customary fisheries
- i) remedies or mitigates cumulative adverse effects on the relationship tangata whenua as kaitiaki have with their identified taonga, such as waahi tapu, native flora and fauna and access to their customary fisheries
- j) maintains existing legal public access to and along river and lake beds and their margins.

#### Principal Reasons for Adopting the Objective

Some structures on the beds of lakes and rivers are important in enabling people and communities to provide for their social, economic and cultural well-being and may have historical/archeological significance. However, some structures can have significant adverse effects on the beds of rivers and lakes either individually or in combination with other structures. These can include loss of physical space, navigation hazards, prevention of fish migration, changes to the nature of benthic communities, interference

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<sup>25</sup> Also refer to the Objectives in Section 1.2.3 of this Plan.



with sediment transport processes, obstruction and flooding. In addition, structures can both provide habitat and result in loss of habitat.

Parts a), b), c) and d) of Objective 4.2.2 states the desired outcomes Waikato Regional Council is seeking to achieve in respect of part a) of Issue 4.2.1.

Part a) of the objective focuses on reducing adverse effects of destabilisation associated with a structure. These words are consistent with the objective for Section 3.3.11 (River and Lake Beds Management) of the Waikato RPS. Destabilisation of river and lake beds is a natural process and may even be desirable to prevent sediment build-up and aggradation of river beds. The word 'net' has been included because it may not be possible to produce a complete reduction in the adverse effects of destabilisation of river and lake beds. For guidance on interpretation of this expression refer to the policy framework in this chapter in conjunction with Section 1.3.3 of the RPS.

Part b) of Objective 4.2.2 provides a strong link between this chapter of the Plan and Objective 3.1.2 in the Water Module. The management of water and river and lake beds are interlinked and each can directly influence the other. This part of the objective therefore provides for integrated management of water and river and lake beds.

Structures may obstruct the passage of fish. Part c) of Objective 4.2.2 ensures that structures in, on, under or over the beds of rivers and lakes do not obstruct fish passage for indigenous fish and trout to complete their lifecycle. For a number of indigenous fish species and trout in some areas (such as Lake Taupo), the ability to migrate is a critical component in their lifecycle. If they cannot migrate to spawning areas or to adult habitat the fishery will become unsustainable. Structures in water bodies that are important for fish spawning or habitat must be designed to ensure that fish are able to pass the structure.

Structures may also impact on the natural character of river or lake beds. Part d) of Objective 4.2.2 recognises that the management of structures should ensure that natural character is protected.

Part e) of Objective 4.2.2 recognises that structures can exacerbate the adverse effects of flooding, such as damage to property. This part of the objective identifies that the exacerbation of these effects is not acceptable and should not be increased.

There are many different uses made of river and lake beds some of which may obstruct navigation. Part f) of Objective 4.2.2 recognises that structures may obstruct navigation and pose a threat to human safety. Structures should be located in such a way as to avoid obstructions to navigation.

Part g) acknowledges that existing structures in, on, under or over the beds of rivers and lakes can cause adverse effects on the relationship tangata whenua as kaitiaki have with their identified taonga, such as waahi tapu, native flora and fauna and access to their customary fisheries. These adverse effects are more easily remedied or mitigated as they occur, through a permitted activity rule or resource consent conditions.

New structures in, on, under or over the beds of rivers and lakes may also have impacts on the relationship tangata whenua as kaitiaki have with their identified taonga such as waahi tapu, native flora and fauna and access to customary fisheries. Part h) of Objective 4.2.2 recognises that the statutory duty to manage structures in, on, under or over river and lake beds should avoid significant adverse effects on the relationship tangata whenua as kaitiaki have with their waahi tapu, native flora and fauna and access to customary fisheries.

Part i) of Objective 4.2.2 recognises that there are effects which may be smaller scale but which together adversely affecting identified taonga, such as waahi tapu, native flora and fauna and access to customary fisheries. These adverse effects are more easily remedied or mitigated as they occur, through resource consent conditions or non-regulatory methods such as education or incentives.

Module 2 Matters of Significance to Maori identifies the process by which Maori and Waikato Regional Council can work together to identify the areas of interest to Maori, in regard to the specific resource, that will facilitate a greater awareness of these matters in the management of this resource.

The maintenance of existing legal public access to, along and across the beds and margins of lakes, rivers and wetlands is of importance in managing the Region's water resource. Maintaining existing legal public access to active and passive recreational areas and places of cultural and historical interest is important. It is intended to promote public access to and along water bodies, however, it is recognised that there are instances when restriction of public access is necessary such as where safety, defence or security purposes require limits or where sensitive areas require protection.

### 4.2.3 Policies

#### **Policy 1: Enable Low Impact Structures**

Enable through permitted activity rules the use, erection, reconstruction, placement, alteration, extension, removal or demolition of structures, in, on, under or over the beds of rivers or lakes which:

- a) do not significantly adversely affect bed stability
- b) do not significantly degrade water quality, flow regimes and aquatic ecosystems, in a manner that is inconsistent with the policies in Section 3.2.3
- c) do not obstruct fish passage for trout and indigenous fish
- d) do not adversely affect the natural character of river and lake beds (including caves)
- e) do not increase the adverse effects of flooding on neighbouring properties
- f) do not obstruct navigation where appropriate
- g) avoid significant adverse effects on the relationship tangata whenua as kaitiaki have with river and lake beds
- h) do not obstruct existing legal public access where appropriate

#### **Policy 2: Management of Structures**

Control through resource consents the use, erection, reconstruction, placement, alteration, extension, removal and demolition of those structures in, on, under or over river and lake beds that:

- a) cause or accentuate the significant adverse effects of destabilisation of the beds and the banks of rivers and lakes, or
- b) have the potential to cause significant adverse effects on water quality, flow regimes and aquatic ecosystems in a manner that is inconsistent with the policies in Section 3.2.3 of this Plan, or
- c) occur in natural state areas as identified in the Water Management Class Maps of this Plan, or
- d) obstruct fish passage for trout and indigenous fish, or
- e) may cause significant adverse effects on the natural character of river and lake beds (including caves), or
- f) increase the adverse effects of flooding on neighbouring properties, or

- g) cause obstruction to navigation, or
- h) cause significant adverse effects on the relationship tangata whenua as kaitiaki have with river and lake beds, or
- i) cause cumulative adverse effects
- j) obstruct existing legal public access.

### **Policy Three: Existing Lawfully Established Structures**

Enable, through permitted activity and controlled activity rules, the use or alteration of existing structures that were lawfully established prior to the notification date of this Plan, where the significant adverse effects of these activities are avoided, remedied or mitigated.

### **Policy 4: Removal of Structures**

Seek the removal of any derelict, unlawful or non-functional structure in, on, under or over the bed of a river or lake which:

- a) is causing an obstruction to the flow of water resulting in significant flooding on adjacent land, or
- b) poses a threat to the safety of people, or
- c) is causing adverse erosion or siltation that is threatening the integrity of other structures or damaging property, or
- d) prevents access for maintenance purposes in flood control and drainage scheme areas, or
- e) is causing significant adverse effects on the natural character of river and lake beds (including caves), or
- f) is impeding fish passage upstream or downstream

unless the effects can be remedied or mitigated or its removal will create more adverse effects on the environment than its non-removal, or it is an historically, culturally or recreationally important structure.

### **Policy 5: Natural Character**

Recognise and, where relevant, provide for the following characteristics when considering the preservation of the natural character of river and lake beds and their margins and the protection of them from the inappropriate use, erection, reconstruction, placement, extension, removal or demolition of structures in, on, under or over river and lake beds:

- a) Diversity and composition of aquatic and riparian habitat.
- b) Topography and physical composition of river and lake beds and the course of the river.
- c) The natural flow characteristics and hydraulic processes (such as sediment transport) of rivers and streams or the pattern and range of water level fluctuations that occur naturally in rivers and lakes.
- d) Any significant natural features of the bed or banks.

### **Policy 6: Positive Benefits of Resource Use**

Recognise the positive benefits that can arise from the use, development and protection of river and lake beds whilst ensuring that any adverse effects are controlled in accordance with Policy 2 of this Chapter.

### **Explanation and Principal Reasons for Adopting the Policies**

The approach adopted in the policies in Section 4.2.3 is to permit activities whose effects are minor or not inconsistent with Objective 4.2.2. Those structures that have the potential to have the significant adverse effects identified in Issue 4.2.1 (Policy 2) will be controlled through resource consents.

There are a number of structures that have minor or no adverse environmental effects on the beds of rivers and lakes. Policy 1 enables the use, erection, reconstruction, placement alteration, extension, removal or demolition of these structures provided they do not result in the adverse effects noted.

The requirement of s13(1) of the RMA is that structures in, on, over or under a river or lake bed must be allowed by a rule in regional plan and any relevant proposed regional plan, or need a resource consent. By providing regional rules that reflect the levels of environmental effects caused by a structure, Waikato Regional Council will improve the efficiency of resource use decision-making and decrease the bureaucracy that individuals must go through, while ensuring that activities with the potential to cause significant adverse effects are avoided, remedied or mitigated.

Some streams, caves and lakes in the Waikato Region have outstanding aquatic fauna and wildlife values. The purpose of Policy 2 is to protect the values of those rivers and lakes while recognising that it may be desirable to allow some structures, such as foot bridges, that enhance human use of these areas, without causing adverse effects.

The purpose of Policy 3 is to provide for existing lawfully established structures. These structures are already in place and in most cases performing important functions with minor or no adverse effects. For some existing structures, those people managing them have taken steps to mitigate adverse effects. In some cases the adverse effects of existing structures cannot be changed and are generally accepted by the community as the cost of having a particular structure. To require consents for those structures would impose unnecessary transaction costs on resource users that may be passed on to the wider community. This policy implements objectives in Chapter 1 Approaches to Resource Management.

Policy 4 recognises that it is desirable to remove structures from the beds of rivers and lakes in situations where they may result in significant adverse effects that are inconsistent with Objective 4.2.2. However, in some instances it may not be practical or possible to remove a lawfully established structure due to size or other constraints, such as, for example, when the structure is buried. There may be other circumstances where the removal of a structure may cause more adverse effects than if it were to be left, such as habitat loss or disturbance, release of sediment or other adverse effects, which might be significant. This may warrant leaving the structure. In these circumstances structures will not be removed or required to be removed. In cases involving the possible removal of a structure, Waikato Regional Council will consult with the owner (where they can be identified) to see if the effects of that structure can be resolved.

Natural character is a set of interdependent qualities that together give an area its recognisable character, and this will vary widely throughout the Region. Policy 5 sets out the key aspects of natural character of a water body that will be considered in the First Schedule process of regional and district plan preparation and changes, as well as in the consideration of any relevant consent application that affects water bodies and their margins.

Policy 6 recognises that structures in, on, under or over the beds of rivers or lakes can and do have benefits for the community's social, cultural and economic wellbeing. This policy is necessary to achieve the direction in Section 1.2.3 Objective 3.

## 4.2.4 Implementation Methods – Structures In, On, Under or Over the Beds of Lakes and Rivers

### Advisory Notes:

- The repair, upgrading, operation and maintenance of structures is provided for in the rules in Module 4 River and Lake Beds only so far as those activities are controlled by s13(1)(a) of the RMA 1991 and to the extent that they are governed by regional councils' functions.
- The Department of Conservation must be notified of the intention to erect or place any structure likely to impede fish passage. This includes, for example, culverts, fords, dam or diversion structures (Part VI of the Freshwater Fisheries Regulations 1983).
- The authority responsible for navigation safety may need to be notified prior to undertaking the erection or placement of a structure in, on, under or over the bed of any navigable river or lake. As at the date of notification of this Plan the authority responsible is the Maritime Safety Authority. However, legislative reform may pass this responsibility to regional councils.
- All structures must comply with provisions of the Building Act 1991 and any other relevant legislation.
- Some lake beds may be covered by designations detailed in the relevant district plan. The approval of the relevant authority may be needed before any structure is erected in such places. The district plan may also have controls relating to surface water activities, which may impact upon the location of structures.
- Restrictions in s13 of the RMA do apply to wetlands where the wetland becomes part of the bed of the river when the river is at its fullest flow, or part of the bed of a lake when the lake reaches its highest level without exceeding its margins.
- The rules in this section apply to structures in natural and modified watercourses, but do not apply to artificial watercourses\*. Artificial watercourses are not included in the definition of a river under the RMA and are therefore not subject to the requirements of rules in this module of the Plan.
- Cave passages that are either ephemeral or permanently flowing water bodies are considered to be a river bed.
- All structures in, on, under or over the bed of Lake Taupo or its tributaries and the bed of the Waikato River to the confluence of the Waipapa Stream require, in addition to any RMA requirements, the approval of the Tuwharetoa Maori Trust Board as owners of the lake bed and part river bed. Any person wishing to erect a structure in Lake Taupo must consult with the Tuwharetoa Maori Trust Board to check with their requirements. Furthermore, such consideration extends to the bed of Lake Rotoaira which is hapu owned and vested in the Lake Rotoaira Trust. Meeting the requirements of the Trust Board does not exclude an applicant from compliance with the rules of this Plan.
- Waikato Tainui have a close interest in activities and structures in the Waikato River and its tributaries. It is recommended that any person erecting a structure in, on, under or over the bed of the Waikato River consult with the Waikato Raupatu Lands Trust.
- The beds of rivers and lakes in New Zealand are owned by the Crown or by private organisations or individuals. Any person intending to build any structure in, on, under or over the bed of a lake or river must seek the consent of the owner of the bed before doing so, including where the activity is authorised by a resource consent or rule in a regional plan.
- Where a structure is to be located in, on, under or over the bed of a water body that is a Significant Geothermal Feature Rules 7.6.6.1 to 7.6.6.3 of Module 7 Geothermal shall apply. Significant Geothermal Features are defined in the Glossary, and in Development and Limited Development Geothermal Systems, identified on maps in Section 7.10 of this Plan.
- Rules regarding the effects of dam and diversion structures in, on, under or over the beds of lakes and rivers (with the exception of culverts) appear in Chapter 3.6 Damming and Diverting.

### 4.2.4.1 Environmental Education

Waikato Regional Council will use environmental education programmes to inform the community and resource users of:

1. methods that protect the beds and banks of rivers and lakes from destabilisation
2. rules regarding structures and activities in, on, under or over the beds of rivers and lakes.

#### **4.2.4.2 Integration of Lake Taupo Moorings Management**

Waikato Regional Council will liaise with representatives of Tuwharetoa Maori Trust Board, the Department of Internal Affairs and Taupo District Council to ensure that the integration of RMA functions and navigation safety functions for Lake Taupo are managed efficiently and effectively. Waikato Regional Council will work with Taupo District Council to ensure moorings management is co-ordinated and consistent with management of, and planning for, associated shore-based facilities, and vice-versa.

#### **4.2.4.3 Advocacy for Voluntary Good Practice**

Waikato Regional Council will liaise with mooring holders within Lake Taupo, to achieve voluntary good practice with regard to issues such as sewage disposal from vessels on the Lake.

#### **4.2.4.4 Discretionary Activity Rule – Structures In, On, Under or Over the Beds of Rivers and Lakes**

The use, erection, reconstruction, placement, extension, alteration or demolition or removal of any structure in, on, under or over the bed of any lake or river that is not specifically provided for by any rule, or does not comply with the conditions of a permitted or controlled activity rule in this Plan, is a **discretionary activity** (requiring resource consent).

##### **Advisory Note:**

- Information requirements to enable the assessment of any application under this rule are set out in Section 8.1.31. In addition, assessment shall also take into account the matters identified in Policy 1 of Section 4.2.3.

#### **Explanation and Principal Reasons for Adopting Methods 4.2.4.1 to 4.2.4.4**

**Method 4.2.4.1** provides for environmental education programmes which will be used to assist the community and resource users to understand the requirements of regional rules and to use methods that avoid erosion of the beds of rivers and lakes. Environmental education is an effective means of providing resource users with information on how they can improve and undertake activities on the beds of rivers and lakes.

**Method 4.2.4.2** recognises that it is important that RMA and navigation safety matters are aligned and any joint management issues are addressed as efficiently as possible. It also recognises that Waikato Regional Council and Taupo District Council operate under different jurisdictions but that decisions made by each may impact upon the functions and demands placed upon the other. For example, provision of new offshore facilities may give rise to additional pressure for onshore facilities, and vice-versa. This method also links to methods under section 2.3.4 of this Plan.

**Method 4.2.4.3** seeks to engage the support of mooring holders in Lake Taupo in establishing good practice with regard to issues affecting the quality of the lake environment.

The purpose of **Rule 4.2.4.4** is to provide for any structure that has not been specifically provided for, or cannot comply with the rules in this Plan.

## 4.2.5 Existing Lawfully Established Structures

### 4.2.5.1 Permitted Activity Rule – Existing Lawfully Established Structures

1. Unless controlled by Rules 3.6.4.5, 3.6.4.7, 3.6.4.10 and 3.6.4.11 the use or alteration (including operation, repair, upgrading and maintenance activities encompassed by section 13(1)(a)) of any existing lawfully established structure authorised before the date of notification (28 September 1998) of this Plan, and
2. Associated bed disturbances, in, on, under or over the bed of a river or lake; and
3. Any discharge of sediment associated with the use or alteration of activities;

are **permitted activities** subject to the following conditions:

- a) The structure shall be maintained in a structurally sound condition at all times.
- b) There shall be no obstruction of debris that results in flooding on neighbouring properties.
- c) Any discharge from the structure from maintenance activities shall comply with the suspended solids discharge standards as set out in Section 4.2.21 of this Plan.
- d) The structure shall comply with any conditions that are part of a resource consent granted for the structure before the date of notification (28 September 1998) of this Plan, other than conditions relating to review or expiry.
- e) The activity shall not disturb any archaeological site or waahi tapu identified as at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust (except where Historic Places Trust approval has been obtained).
- f) In the event of any waahi tapu that is not subject to condition e) being identified by the Waikato Regional Council to the person undertaking the use or alteration of the structure, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.
- g) Any alteration shall not result in any increase in the area of river or lake bed occupied by the structure.
- h) Any erosion occurring as a result of the activity that is not authorised in condition d) shall be remedied as soon as practicable.
- i) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents but excluding sediment) shall be discharged to water from the activity.
- j) For culverts in water bodies classified as Trout Fisheries or Indigenous Fisheries:
  - i) the structure shall not impede fish passage where it would otherwise occur, or
  - ii) a mechanism, structure or procedure shall be provided, that allows for fish passage where it would otherwise occur.

#### Advisory Notes:

- If any of these conditions cannot be complied with, then the activity is a controlled activity pursuant to Rule 4.2.5.2.
- Refer to Rule 4.3.6.1 for the removal of bed material for the maintenance of structures.
- Where a waahi tapu site is identified whilst undertaking the activity, the process that Waikato Regional Council will follow in order to implement condition f) is set out in Section 2.3.4.22 of this Plan.

### 4.2.5.2 Controlled Activity Rule – Existing Lawfully Established Structures

1. Unless controlled by Rules 3.6.4.5, 3.6.4.7, 3.6.4.10, 3.6.4.11 or 4.2.5.1 the use or alteration (including operation, repair, upgrading and maintenance activities encompassed by section 13(1)(a)) of any existing lawfully established structure authorised before the date of notification (28 September 1998) of this Plan, and

2. Associated bed disturbances, in, on, under or over the bed of a river or lake, and
3. Any discharge of sediment associated with the use or alteration activities;

are **controlled activities** (requiring resource consent) subject to the following standard and term:

- a) The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.

Waikato Regional Council reserves control over the following matters:

- i. Measures to control the effect of the activity on areas of significant indigenous vegetation and significant habitats of indigenous fauna.
- ii. Measures to prevent damage to riparian vegetation or soil.
- iii. Measures to provide for the passage of fish, both upstream and downstream, including whether passage is appropriate or necessary.
- iv. The potential effects on bed and bank stability and water quality.
- v. Measures to control the effect of the activity on upstream or downstream properties.
- vi. Measures to control the effect of the activity on any lawfully established structures.
- vii. Effects on any waahi tapu or other taonga affected by the activity.
- viii. Effects on the relationship of tangata whenua and their culture and traditions with the site and any waahi tapu or other taonga affected by the activity.
- ix. Effects on the ability of tangata whenua to exercise their kaitiaki role in respect of any waahi tapu or other taonga affected by the activity.
- x. Measures to ensure consistency with criteria set out in any applicable Water Management Classes in this Plan.
- xi. Measures to control suspended solids discharges.

**Notification:**

Applications for resource consents for activities under this rule will be considered without notification or the need to obtain written approval of affected persons, in accordance with s94(1)(b) of the RMA.

**Advisory Notes:**

- If the standard and term cannot be complied with, then the activity is a discretionary activity pursuant to Rule 4.2.4.2
- Refer to Rule 4.3.6.1 for the removal of bed material for the maintenance of structures.
- The information Waikato Regional Council will require to assess any application under this rule is set out in Section 8.1.3.1.
- The imposition of consent conditions under matters vii, viii and ix shall take into account the policy direction provided in Policies 1 and 2 in Section 2.3.3 in addition to specific policies in this chapter of the Plan.

**Explanation and Principal Reasons for Adopting Methods 4.2.5.1 and 4.2.5.2**

**Rules 4.2.5.1 and 4.2.5.2** implement Policy 3 of Section 4.2.3 by recognising that there are existing lawfully established structures within the Region, including bridges, dams, telecommunication and power lines and drainage scheme works. The use and alteration of these structures has minor or no adverse environmental effects. To require consents for these structures would impose unnecessary compliance and transaction costs on resource users that may be passed on to the wider community. However, it is important that these structures are operated and maintained in a manner that avoids, remedies or mitigates adverse environmental effects.



Existing lawfully established structures that are unable to comply with Rule 4.2.5.1 will be considered as controlled activities under Rule 4.2.5.2 in order to address any adverse effects that might be occurring. This rule is included because it is unlikely that Waikato Regional Council will refuse consent for an established structure but it enables Council to impose conditions to address any adverse effects.

## 4.2.6 Whitebait Stands

### 4.2.6.1 Permitted Activity Rule – Whitebait Stands

1. Unless controlled by Rule 4.2.5.1 the use, erection, reconstruction, placement, extension or alteration of any structure, and associated bed disturbance, in, on, under or over the bed of any river or lake bed for the purpose of catching whitebait, and
2. Any discharge of sediment associated with construction activities;

are **permitted activities** subject to the following conditions:

- a) No damage to river protection works or to any existing structure shall occur as a result of the structure.
- b) The structure shall be located at least 30 metres from the closest neighbouring whitebait stand on the same bank of the river.
- c) Except that as provided for in condition d) of this Rule, the deck of the structure shall not exceed four square metres. This area does not include accessways onto the structure.
- d) In the Waikato River from the Tuakau Bridge downstream to the coastal marine area boundary (as defined in the Regional Coastal Plan 28 August 1997), the deck of the structure shall not exceed six square metres. This area does not include accessways onto the structure.
- e) The structure shall not be located on the bed of any river at a point not exceeding 10 metres wide.
- f) The structure shall not extend out into the river from the river bank for more than 10 percent of the river width, or five metres, whichever is the lesser.
- g) The structure shall be located at least 20 metres from any flood gate, confluence, culvert, bridge or sand/gravel mining operation.
- h) The structure shall not impede the flow of water.
- i) The structure shall be maintained in a structurally sound condition at all times.
- j) The owner of the structure shall inform the Waikato Regional Council in writing, of the location of the structure at least 10 working days prior to commencing construction.
- k) The structure shall be open piled\*.
- l) The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.
- m) In the event of any waahi tapu that is not subject to condition l) being identified by the Waikato Regional Council to the person undertaking the use, erection, reconstruction, placement, extension or alteration of the structure, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.
- n) The construction works shall comply with the suspended solids discharge standards as set out in Section 4.2.21 of this Plan.
- o) Any erosion occurring as a result of the structure shall be remedied as soon as practicable.
- p) The structure shall be kept free of debris.
- q) All equipment and surplus construction materials shall be removed from the river or lake bed and the floodplain on the completion of that activity.

- r) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity.

**Advisory Notes:**

- If any of these conditions cannot be complied with, then the activity is a discretionary activity in accordance with Rule 4.2.4.4.
- The Department of Conservation also administers regulations associated with whitebaiting. People should contact the Department of Conservation to ascertain if any further approvals are required.
- Where waahi tapu site is identified whilst undertaking the activity, the process that Waikato Regional Council will follow in order to implement condition m) is set out in Section 2.3.4.22 of this Plan.

**Explanation and Principal Reasons for Adopting Method 4.2.6.1**

Whitebait stands are considered to be structures that have minor or no adverse effects and are therefore permitted in line with Policy 1 of Section 4.2.3 on low impact structures.

## **4.2.7 Maimai, Game Bird Hunting Structures**

### **4.2.7.1 Permitted Activity Rule – Maimai, Game Bird Hunting Structures**

1. Unless controlled by Rule 4.2.5.1 the use, erection, reconstruction, placement, alteration or extension of a maimai or structure for the purposes of game bird hunting, and associated bed disturbance, in, on, under or over any river or lake bed, and
2. any discharge of sediment associated with construction activities;

are **permitted activities** subject to the following conditions:

- a) The floor area of the structure shall not exceed 10 square metres.
- b) The overall (maximum) height of the structure shall not exceed 2.5 metres from the floor height.
- c) The floor of the structure shall be no higher than 0.5 metres above maximum water level.
- d) The structure shall not impede the free flow of water.
- e) The structure shall be located at least 20 metres from any flood gate, culvert, bridge, or confluence
- f) The structure shall provide for the safe passage of fish both upstream and downstream.
- g) The structure shall be maintained in a structurally sound condition at all times.
- h) The structure shall be open piled.
- i) All equipment and surplus construction materials shall be removed from the river or lake bed and the floodplain on the completion of that activity.
- j) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity.
- k) The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.
- l) In the event of any waahi tapu that is not subject to condition k) being identified by the Waikato Regional Council to the person undertaking the use, erection, reconstruction, placement, extension or alteration, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.

- m) The construction works shall comply with the suspended solids discharge standards as set out in Section 4.2.21 of this Plan.
- n) Any erosion occurring as a result of the structure shall be remedied as soon as practicable.
- o) This rule shall not apply to activities located in, on, under or over the bed of a river or lake that is a Significant Geothermal Feature.

**Advisory Notes:**

- Fish and Game New Zealand administer regulations relating to game bird hunting. People should contact this agency to ascertain if any further approvals are required.
- Separation distances for maimai are governed by the Wildlife Regulations 1955, which require a minimum of 90 metres.
- The use, erection, reconstruction, placement, alteration or extension of a maimai or structure for the purposes of game bird hunting in or on the bed of a river or lake that does not comply with Rule 4.2.7.1 is a discretionary activity in accordance with Rule 4.2.4.4.
- Maimai guidelines have been developed by Land Information NZ, Department of Conservation, and Fish & Game New Zealand and are available at the offices of those organisations. People using the guidelines must comply with the conditions of Rule 4.2.7.1.
- Where waahi tapu site is identified whilst undertaking the activity, the process that Waikato Regional Council will follow in order to implement condition l) is set out in Section 2.3.4.22 of this Plan.
- Where a structure or activity is to be located in, on, under or over the bed of a water body that is Significant Geothermal Feature, Rules 7.6.6.1 to 7.6.6.3 shall apply. Significant Geothermal Features are defined in the Glossary, and in Development and Limited Development Geothermal Systems, identified on maps in Section 7.10 of this Plan.

**Explanation and Principal Reasons for Adopting Method 4.2.7.1**

Maimai are considered to be structures that cause minor or no adverse effects and are therefore permitted in line with Policy 1 of Section 4.2.3 on low impact structures.

## 4.2.8 Bridges

### 4.2.8.1 Permitted Activity Rule – Bridges

1. Unless controlled by Rule 4.2.5.1 the use, erection, reconstruction, placement, alteration or extension of any single span bridge not exceeding 10 metres in length, and necessary bed disturbance, in, on, under or over the bed of any river, and
2. Any discharge of sediment associated with construction activities; and
3. Any deposition of necessary construction materials

are **permitted activities** subject to the following conditions:

- a) Any such bridge shall be designed so that a two percent annual exceedance probability (1 in 50 year) flood event shall not cause any increase in upstream water levels which causes flooding on neighbouring properties.
- b) The soffit (underside of the bridge beams) of any bridge shall be at least 0.5 metres higher than the top of the banks of the river bed, or at least 0.5 metres above the two percent annual exceedance probability (1 in 50 year) flood, whichever is the lowest.
- c) The waterway area of the river bed shall not be reduced by more than 10 percent. Reduction of the floodplain area shall not exceed 10 percent.
- d) The construction works shall comply with the suspended solids discharge standards as set out in Section 4.2.21.
- e) The waterway area of the river bed and floodplain within five metres of the structure shall be maintained clear of debris.
- f) The bridge shall be fixed in place or constructed to prevent it being washed away in the event of a flood.

- g) The structure shall be maintained in a structurally sound condition at all times.
- h) All materials and equipment used shall be removed from the river or lake bed and floodway and the floodplain on the completion of that activity.
- i) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity.
- j) The owner of the structure shall inform the Waikato Regional Council in writing, at least 10 working days prior to commencing construction, of the location of the structure where that structure is located within a flood control or drainage scheme managed by the Waikato Regional Council or a territorial authority.
- k) The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.
- l) In the event of any waahi tapu that is not subject to condition k) being identified while undertaking the use, erection, reconstruction, placement, alteration or extension of the structure, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.
- m) Any erosion occurring as a result of the structure shall be remedied as soon as practicable.
- n) This rule shall not apply to activities located in, on, under or over the bed of a river or lake that is a Significant Geothermal Feature.

**Advisory Notes:**

- Where a waahi tapu site is identified whilst undertaking the activity, the process that Waikato Regional Council will follow in order to implement condition l) is set out in Section 2.3.4.22 of this Plan.
- Refer also to the advisory notes at the end of Rule 4.2.8.3.
- Where a structure or activity is to be located in, on, under or over the bed of a water body that is Significant Geothermal Feature, Rules 7.6.6.1 to 7.6.6.3 shall apply. Significant Geothermal Features are defined in the Glossary, and in Development and Limited Development Geothermal Systems, identified on maps in Section 7.10 of this Plan.

#### 4.2.8.2 Controlled Activity Rule - Bridges

1. Any activity unable to comply with Rule 4.2.8.1, or
2. Unless controlled by Rule 4.2.5.1, the use, erection, reconstruction, placement, alteration or extension of any bridge exceeding a length of 10 metres that has no pier(s) and any necessary bed disturbance, in, on, under or over the bed of any river, and
3. Any discharge of sediment associated with construction activities
4. Any deposition of necessary construction materials

are **controlled activities** (requiring resource consent) subject to the following standards and terms:

- a) Any such bridge shall be designed so that a two percent annual exceedance probability (1 in 50 year) flood event shall not cause any increase in upstream water levels which causes flooding on neighbouring properties.
- b) The soffit (underside of the bridge beams) of any bridge shall be at least 0.5 metres higher than the top of the banks of the river bed, or at least 0.5 metres above the two percent annual exceedance probability (1 in 50 year) flood, whichever is the lowest.
- c) The waterway area of the river bed shall not be reduced by more than 10 percent. Reduction of the floodplain area shall not exceed 10 percent.
- d) The waterway area of the river bed and floodplain within five metres of the structure shall be maintained clear of debris.

- e) The bridge shall be fixed in place or constructed to prevent it being washed away in the event of a flood.
- f) The structure shall be maintained in a structurally sound condition at all times.
- g) All equipment and surplus construction materials shall be removed from the river or lake bed and the floodplain on the completion of that activity.
- h) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity.
- i) The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.
- j) Any erosion occurring as a result of the structure shall be remedied as soon as practicable.
- k) The structure shall not be located in, on, under or over the bed of a river or lake that is identified as a Significant Geothermal Feature.

Waikato Regional Council reserves control over the following matters:

- i. Measures to control the effect of the activity on areas of significant indigenous vegetation and significant habitats of indigenous fauna<sup>26</sup>.
- ii. Measures to prevent damage to riparian vegetation or soil.
- iii. The design and location of the bridge.
- iv. The potential effects on bed and bank stability and water quality.
- v. Measures to control the effect of the activity on upstream or downstream properties.
- vi. Measures to control the effect of the activity on any lawfully established structures.
- vii. Measures to ensure consistency with criteria as set out in any applicable Water Management Class in this Plan.
- viii. Measures to control suspended solids discharges.
- ix. Measures to provide for navigation where appropriate.
- x. Effects on any waahi tapu or other taonga from the activity.
- xi. Effects on the relationship of tangata whenua and their culture and traditions with the site and any waahi tapu or other taonga affected by the activity.
- xii. Effects on the ability of tangata whenua to exercise their kaitiaki role in respect of any waahi tapu or other taonga affected by the activity.

### **Notification:**

Applications for resource consents for activities under Rule 4.2.8.2 will be considered without notification or the need to obtain written approval of affected persons, in accordance with s94(1)(b) of the RMA.

### **Advisory Notes:**

- The imposition of consent conditions under matters x, xi, and xii, shall take into account the policy direction provided in Policies 1 and 2 in Sections 2.3.3 in addition to specific policies in this chapter of the Plan.
- Where a structure or activity is to be located in, on, under or over the bed of a water body that is Significant Geothermal Feature, Rules 7.6.6.1 to 7.6.6.3 shall apply. Significant Geothermal Features are defined in the Glossary, and in Development and Limited Development Geothermal Systems, identified on maps in Section 7.10 of this Plan.
- Refer also to the advisory notes at the end of Rule 4.2.8.3.

<sup>26</sup> Refer to Appendix 3 of the RPS.

### 4.2.8.3 Restricted Discretionary Activity Rule - Bridges

1. Any activity unable to comply with Rule 4.2.8.2, or
2. Unless controlled by Rules 4.2.5.1, the use, erection, reconstruction, placement, alteration or extension of any bridge exceeding a length of 10 metres that has a pier(s) and any necessary bed disturbance, in, on, under or over the bed of any river or lake, and
3. Any discharge of sediment associated with construction activities,
4. Any deposition of necessary construction materials

are **restricted discretionary activities** (requiring resource consent).

Waikato Regional Council reserves its discretion over the following matters:

- i) The design and location of the bridge including size of the span and the positioning of piers to avoid, remedy or mitigate any potential adverse effects of the structure.
- ii) The potential effects on bed and bank stability and water quality.
- iii) Measures to control the effect of the activity on upstream or downstream properties.
- iv) Effects on any waahi tapu or other taonga from the activity.
- v) Effects on the relationship of tangata whenua and their culture and traditions with the site and any waahi tapu or other taonga affected by the activity.
- vi) Effects on the ability of tangata whenua to exercise their kaitiaki role in respect of any waahi tapu or other taonga affected by the activity.
- vii) Measures to ensure the safe passage of fish both upstream and downstream.
- viii) Measures to control the effects of the activity on any lawfully established structure.
- ix) Measures to control suspended solids discharges.
- x) Measures to avoid, remedy or mitigate adverse effects on the natural character of the beds of rivers and lakes.
- xi) Measures to ensure consistency with criteria as set out in any applicable Water Management Class in this Plan.
- xii) Measures to control the effect of the activity on areas of significant indigenous vegetation and significant habitats of indigenous fauna.

#### **Advisory Notes:**

- A building consent from the relevant territorial authority may be required for a bridge under the Building Act 2004.
- These rules do not override any requirements of drainage authorities where the activity occurs in drains administered by Waikato Regional Council or a district council.
- Information requirements to enable the assessment of any application under Rules 4.2.8.2 and 4.2.8.3 are as set out in Section 8.1.3.1. In addition assessment shall also take into account the matters identified in Policy 2 of Section 4.2.3.
- Construction of access tracks or causeways associated with bridges can reduce the waterway area of the river channel and floodplain. Condition c) of Rule 4.2.8.2 restricts the reduction of waterway area to no more than 10 percent of the river channel and/or floodplain.
- Waikato Regional Council staff are able to provide information on the location and boundaries of flood control and drainage scheme areas within the Region.
- The imposition of consent conditions relating to matters iv), v) and vi) shall take into account the policy direction provided in Policies 1 and 2 in Section 2.3.3 in addition to specific policies in this chapter of the Plan.

#### **Explanation and Principal Reasons for Adopting Methods 4.2.8.1, 4.2.8.2 and 4.2.8.3**

Bridges with single spans not exceeding 10 metres are considered to be structures that would have minor adverse effects if built in accordance with the conditions specified.

Rivers over which bridges of this span pass, are unlikely to be navigable waterways. It is necessary to permit these activities to encourage use of bridges as an alternative to livestock crossing.

Bridges with spans exceeding 10 metres, that have no pier(s) in or on the bed, as provided for in **Rule 4.2.8.2** are likely to require specialist design. Rivers of this size are also likely to be navigable. For these reasons these structures are controlled activities.

Bridges with spans exceeding 10 metres in length that have a pier(s) in or on the bed have the potential to have significant adverse effects and are therefore restricted discretionary activities under **Rule 4.2.8.3**. These structures will require specialist design and will involve works on and in the beds of rivers.

## 4.2.9 Culverts

### 4.2.9.1 Permitted Activity Rule – Catchments Not Exceeding Five Hectares

Unless controlled by Rule 4.2.5.1 the following activities:

1. The use, erection, reconstruction, placement, alteration or extension of a culvert, and associated bed disturbances, in or on the bed of a river for catchments not exceeding five hectares upstream of the culvert, and
2. The subsequent diversion and discharge of water through the culvert, and
3. Any discharge of sediment associated with construction activities, and
4. The associated deposition of construction materials

are **permitted activities** subject to the following conditions:

- a) Any such culvert shall be designed so that a two percent annual exceedance probability (1 in 50 year) flood event shall not cause any increase in upstream water levels which causes flooding on neighbouring properties.
- b) Culverts shall be designed to safely overtop without causing structural failure, or include a spillway, to ensure safe passage of flood flows where the two percent annual exceedance probability flood flow will overtop the embankment over the culvert.
- c) The structure shall not cause:
  - i) water depth upstream to exceed three metres, and
  - ii) the water level immediately upstream to exceed the water level immediately downstream by more than three metres
- d) The structure shall not be located in any permanently flowing water body or in the headwaters of any river identified for Natural State purposes in the Water Management Class Maps of this Plan.
- e) The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.
- f) In the event of any waahi tapu that is not subject to condition e) being identified by the Waikato Regional Council to the person undertaking the use, erection, reconstruction, placement, extension or alteration, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.
- g) The construction works shall comply with the suspended solids discharge standards as set out in Section 4.2.21.
- h) Any erosion occurring as a result of the structure or diversion and discharge of water shall be remedied as soon as practicable.
- i) No discharge shall be made outside of the natural catchment.
- j) This Rule shall not apply to activities located in, on, under or over the bed of a river or lake that is a Significant Geothermal Feature.

**Advisory Note:**

- Where a waahi tapu site is identified whilst undertaking the activity, the process that Waikato Regional Council will follow in order to implement condition f) is set out in Section 2.3.4.22 of this Plan.
- Where a structure or activity is to be located in, on, under or over the bed of a water body that is Significant Geothermal Feature, Rules 7.6.6.1 to 7.6.6.3 shall apply. Significant Geothermal Features are defined in the Glossary, and in Development and Limited Development Geothermal Systems, identified on maps in Section 7.10 of this Plan.

**4.2.9.2 Permitted Activity Rule – Culverts for Catchments Not Exceeding 100 Hectares**

Unless controlled by Rule 4.2.9.1 and Rule 4.2.5.1 the following activities:

1. The use, erection, reconstruction, placement, alteration or extension of a culvert, and associated bed disturbance, in or on the bed of a river or lake for a catchment area not exceeding one square kilometre (100 hectares) upstream of the culvert, and
2. The subsequent diversion and discharge of water through the culvert, and
3. Any discharge of sediment associated with construction activities; and
4. The associated deposition of construction materials

are **permitted activities** subject to the following conditions:

- a) Any such culvert shall be designed so that a two percent annual exceedance probability (1 in 50 year) flood event shall not cause any increase in upstream water levels which causes flooding on neighbouring properties.
- b) The structure shall provide for the safe passage of fish both upstream and downstream.
- c) There shall be no obstruction of debris that causes flooding on neighbouring properties.
- d) The culvert invert shall be submerged when water is flowing.
- e) Culverts shall be designed to safely overtop without causing structural failure, or include a spillway to ensure safe passage of flood flows where the two percent annual exceedance probability flood flow will overtop the embankment over the culvert.
- f) The structure shall not cause;
  - i) water depth upstream to exceed three metres, and
  - ii) the water level immediately upstream to exceed the water level immediately downstream by more than three metres.
- g) The construction works shall comply with the suspended solids discharge standards as set out in Section 4.2.21.
- h) This Rule does not apply within a Natural State water body as identified in the Water Management Class Maps of this Plan.
- i) All equipment and surplus construction materials shall be removed from the river or lake bed and the floodplain on the completion of that activity.
- j) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity.
- k) The owner of the structure shall inform the Waikato Regional Council in writing, at least 10 working days prior to commencing construction, of the location of the structure and whether that structure is located within a flood control or drainage scheme managed by the Waikato Regional Council or a territorial authority.
- l) The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.
- m) In the event of any waahi tapu that is not subject to condition l) being identified by the Waikato Regional Council to the person undertaking the use, erection, reconstruction, placement, extension or alteration, the activity shall cease insofar



as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.

- n) Any erosion occurring as a result of the structure or diversion and discharge of water shall be remedied as soon as practicable.
- o) No discharge shall be made outside of the natural catchment.
- p) This rule shall not apply to activities located in, on, under or over the bed of a river or lake that is a Significant Geothermal Feature.

**Advisory Note:**

- Where a waahi tapu site is identified whilst undertaking the activity, the process that Waikato Regional Council will follow in order to implement condition m) is set out in Section 2.3.4.22 of this Plan.
- Where a structure or activity is to be located in, on, under or over the bed of a water body that is Significant Geothermal Feature, Rules 7.6.6.1 to 7.6.6.3 shall apply. Significant Geothermal Features are defined in the Glossary, and in Development and Limited Development Geothermal Systems, identified on maps in Section 7.10 of this Plan.

#### 4.2.9.3 Controlled Activity Rule - Culverts for Catchment Areas Not Exceeding 500 Hectares

Any activity unable to comply with Rules 4.2.9.1 or 4.2.9.2 or unless controlled by Rule 4.2.5.1, the following activities:

1. The use, erection, reconstruction, placement, alteration or extension of a culvert, and associated bed disturbance, in or on the bed of a river or lake for a catchment area exceeding 100 hectares but not exceeding 500 hectares upstream of the culvert, and
2. The subsequent diversion and discharge of water through the culvert, and
3. Any discharge of sediment associated with construction activities; and
4. The associated deposition of construction materials

are **controlled activities** (requiring resource consent) subject to the following standards and terms:

- a) Any such culvert shall be designed so that a two percent annual exceedance probability (1 in 50 year) flood event shall not cause any increase in upstream water levels which causes flooding on neighbouring properties.
- b) The structure shall provide for the safe passage of fish both upstream and downstream in water bodies classified as Significant Indigenous Fisheries and Fish Habitats
- c) There shall be no obstruction of debris that causes flooding on neighbouring properties.
- d) This Rule does not apply within a Natural State water body as identified in the Water Management Class Maps of this Plan.
- e) All construction materials and equipment shall be removed from the river or lake bed and the floodplain on the completion of that activity.
- f) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity.
- g) The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.
- h) Any erosion occurring as a result of the structure and diversion and discharge shall be remedied as soon as practicable.
- i) No discharge shall be made outside of the natural catchment.
- j) This rule shall not apply to activities located in, on, under or over the bed of a river or lake that is a Significant Geothermal Feature.

Waikato Regional Council reserves control over the following matters:

- i) The invert level of the culvert.
- ii) Measures to provide for the safe passage of fish both upstream and downstream when the culvert is located in water bodies not classified as Significant Indigenous Fisheries and Fish Habitat.
- iii) Techniques for ensuring safe passage of flood water (spillway requirements).
- iv) Measures to control the effect on the activity of areas of significant indigenous vegetation and significant habitats of indigenous fauna<sup>27</sup>.
- v) Measures to prevent damage to riparian vegetation or soil.
- vi) The design and location of the culvert.
- vii) The potential effects on bed and bank stability and water quality.
- viii) Measures to control the effect of the activity on upstream or downstream properties.
- ix) Measures to control the effects of the activity on any lawfully established structures.
- x) Measures to control suspended solids discharges.
- xi) Measures to avoid, remedy or mitigate adverse effects on the natural character of the beds of rivers and lakes.
- xii) Measures to ensure consistency with criteria as set out in any applicable Water Management Class in this Plan.
- xiii) Effects on any waahi tapu or other taonga from the activity.
- xiv) Effects on the relationship of tangata whenua and their culture and traditions with the site and any waahi tapu or other taonga affected by the activity.
- xv) Effects on the ability of tangata whenua to exercise their kaitiaki role in respect of any waahi tapu or other taonga affected by the activity.

**Notification:**

Applications for resource consents for activities under this Rule will be considered without notification or the need to obtain written approval of affected persons, in accordance with s94(1)(b) of the RMA.

**Advisory Notes:**

- The use, erection, reconstruction, placement, alteration or extension of a culvert in or on the bed of a river or lake that does not comply with Rule 4.2.9.3 is a discretionary activity in accordance with Rule 4.2.4.4.
- Information requirements to enable the assessment of any application under Rule 4.2.9.3 are set out in Section 8.1.3.1. In addition assessment shall also take into account the matters identified in Policy 2 of Section 4.2.3.
- Waikato Regional Council staff are able to provide information on the location and boundaries of flood control and drainage areas within the Region.
- Refer to Section 3.6.4 for methods and rules concerning the damming and diverting of water.
- The following steps should be followed in order to calculate the catchment size above the proposed culvert site:
  - i) Locate the site of the proposed culvert on a plan or topographical map
  - ii) Identify all the watercourses (streams & drains) that drain to the upstream side of the culvert.
  - iii) Draw a catchment boundary. This will encompass an area of land that includes all of the watercourses upstream of the site for the proposed the culvert. Start at the culvert site and follow the divide between the identified watercourses and others, following the tops of ridges where they are evident, finishing back at the culvert.
  - iv) Measure the area within the catchment boundary. As a guide one square on a topographical map (scale 1:50,000) equals one square kilometre.
- Rule 4.2.19.1 permits gradient control structures. Gradient control structures can be used as a means of ensuring compliance with 4.2.9.2 d) and to prevent or remediate erosion at the outlet to the culvert. They can also be used to facilitate fish passage upstream and downstream of the culvert.

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<sup>27</sup> Refer to Appendix 3 of the RPS.

- The imposition of consent conditions relating to matters xiii), xiv) and xv) shall take into account the policy direction provided in Policies 1 and 2 in Section 2.3.3 in addition to specific policies in this chapter of the Plan.
- Where a structure or activity is to be located in, on, under or over the bed of a water body that is Significant Geothermal Feature, Rules 7.6.6.1 to 7.6.6.3 shall apply. Significant Geothermal Features are defined in the Glossary, and in Development and Limited Development Geothermal Systems, identified on maps in Section 7.10 of this Plan.

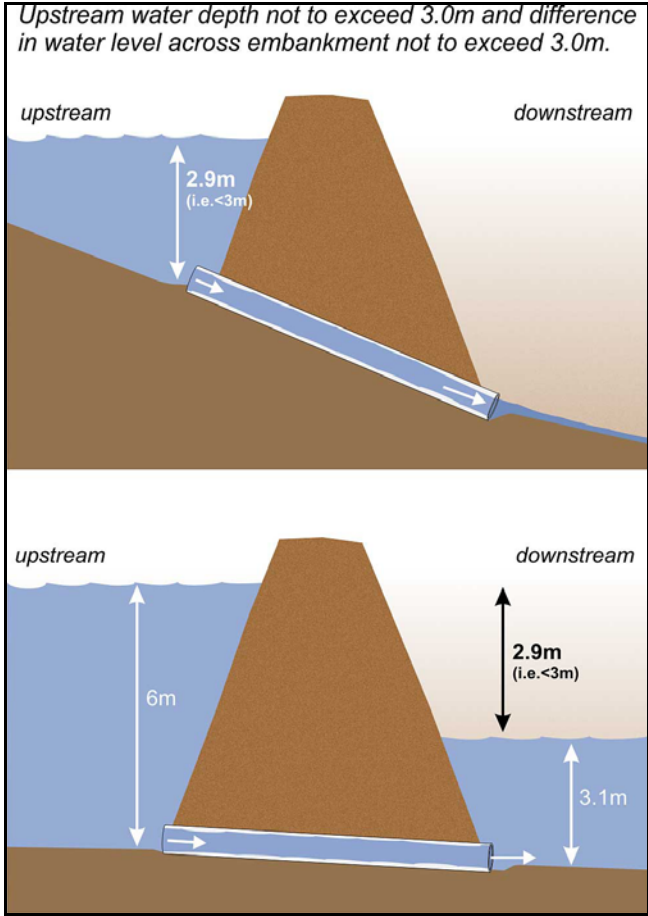
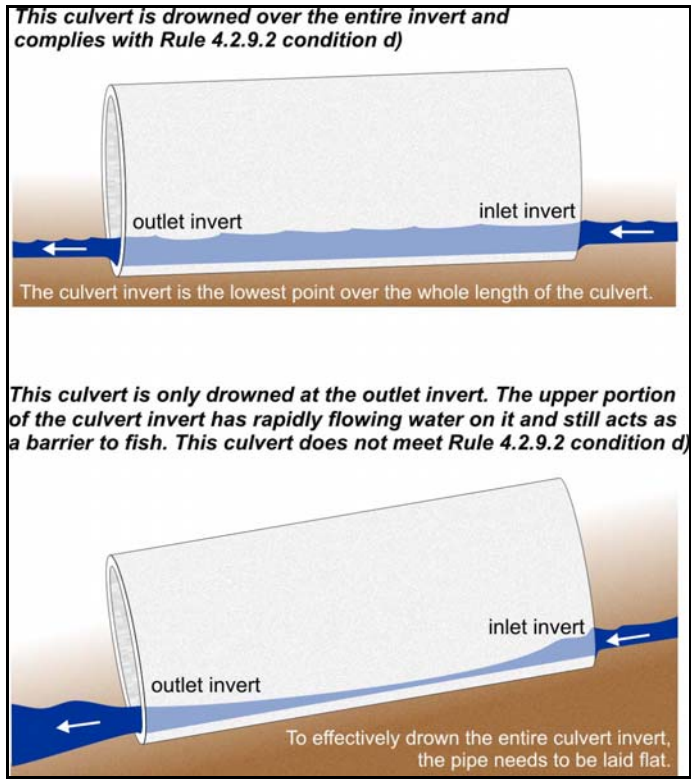
### **Explanation and Principal Reasons for Adopting Methods 4.2.9.1 to 4.2.9.3**

Culverts for catchments (excluding perennial rivers and catchments in Natural State water bodies) not exceeding five hectares are permitted activities in **Rule 4.2.9.1**. These areas have minor or no fisheries values and only occur on very short streams or at the extreme headwaters of rivers where there are unlikely to be fisheries values. Also, many of these areas are steep or in situations where it is impractical to put a culvert to provide for fish passage. It is necessary to permit these activities to encourage use of bridges as an alternative to livestock crossing.

The subsequent diversion and discharge of water through the culvert is also provided for in the rules concerning culverts. The purpose is to align rules for damming, diversion and discharge of water with rules concerning culverts. Culverts are often used as a means of diverting and discharging water. Under s14 of the RMA a resource consent is required to divert or discharge water unless permitted by a rule in a regional plan. Rules 4.2.9.1, 4.2.9.2 and 4.2.9.3 ensure that where diverting and discharging are undertaken in conjunction with culverts that the consent requirements are the same.

Culverts for catchments not exceeding one square kilometre (100 hectares) are a permitted activity in **Rule 4.2.9.2** because in these areas the flows produced can be adequately coped with by culvert structures that are simple to install and should not require specific design. Also, rivers within these catchments are likely to be ephemeral or intermittently flowing water bodies and culverts will have only minor effects on fisheries values.

Culverts for catchment areas exceeding 100 hectares but not exceeding 500 hectares, are provided for in **Rule 4.2.9.3**. It is considered that specialist consideration is required because of higher water flows, and this is provided for by a controlled activity rule. Some core standards and terms are the same as conditions for the permitted activity rules. Control is retained over a number of matters which are best considered on an individual consent application basis. These matters may vary according to the specific circumstances of a particular consent. Culverts in catchments exceeding 500 hectares are likely to require specialist instream design and are therefore discretionary activities. Such culverts will be of a large size, be able to divert and discharge large volumes of water, and potentially have significant adverse effects on fish passage and the beds and banks of rivers.



## 4.2.10 Discharge and Intake Structures

### 4.2.10.1 Permitted Activity Rule - Discharge and Intake Structures

1. Unless controlled by Rule 4.2.5.1, 4.2.9.1, 4.2.9.2 and 4.2.9.3 the use, erection, reconstruction, placement, alteration or extension of a discharge or intake structure and associated bed disturbance, in, on, under or over the bed of any river or lake, and
2. Any discharge of sediment associated with construction activities;

are **permitted activities** subject to the following conditions:

- a) Total pipe diameter shall not exceed 300 millimetres or have a cross sectional area exceeding 0.071 square metres.
- b) The intake or discharge structure shall not extend more than five metres, horizontally from the river or lake bank, or for more than 10 percent of the river bed width, whichever is the lesser.
- c) The structure shall be kept free of debris.
- d) The construction works shall comply with the suspended solids discharge standards as set out in Section 4.2.21.
- e) The structure shall be maintained in a structurally sound condition at all times.
- f) Where the water body exceeds 10 metres wide the presence of the structure shall be clearly indicated to river users by the use of signs.
- g) All equipment and surplus construction materials shall be removed from the river or lake bed and the floodplain on the completion of that activity.
- h) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity.
- i) The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic laces Trust approval has been obtained.
- j) In the event of any waahi tapu that is not subject to condition i) being identified by the Waikato Regional Council to the person undertaking the use, erection, reconstruction, placement, extension or alteration, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.
- k) The structure shall provide for the safe passage of fish both upstream and downstream.
- l) Any erosion occurring as a result of the structures shall be remedied as soon as practicable.
- m) This rule shall not apply to activities located in, on, under or over the bed of a river or lake that is a Significant Geothermal Feature.
- n) The structure shall be consistent with the provisions specified in the Water Management Classes in Section 3.2.4. of this Plan.

#### Advisory Notes:

- Refer to Chapters 3.3 and 3.5 of this Plan for rules concerning the take and discharge of water.
- The use, erection, reconstruction, placement, alteration or extension of a discharge or intake structure in or on the bed of a river or lake that does not comply with Rule 4.2.10.1 is a discretionary activity in accordance with Rule 4.2.4.4.
- Structures in or on the bed of Lake Taupo and the bed of the Waikato River to the confluence of the Waipapa Stream, also require the approval of the Tuwharetoa Maori Trust Board who are the owners of the bed of the Lake and part of the bed of the Waikato River.
- Where a waahi tapu site is identified whilst undertaking the activity, the process that Waikato Regional Council will follow in order to implement condition j) is set out in Section 2.3.4.22 of this Plan.

- Where a structure or activity is to be located in, on, under or over the bed of a water body that is Significant Geothermal Feature, Rules 7.6.6.1 to 7.6.6.3 shall apply. Significant Geothermal Features are defined in the Glossary, and in Development and Limited Development Geothermal Systems, identified on maps in Section 7.10 of this Plan.

### **Explanation and Principal Reasons for Adopting Method 4.2.10.1**

The purpose of **Rule 4.2.10.1** is to allow discharge and intake structures as permitted activities up to a certain size as it is considered adverse effects of these structures will be minor. Above this size the use, erection, reconstruction, placement, alteration, and extension of discharge and intake structures will be discretionary activities because of the potential for adverse environmental effects.

The rules in Chapters 3.3 and 3.5 of this Plan require resource consents for water takes and discharges. These structures cannot therefore be used for the intended purposes until all necessary resource consents have been obtained.

## **4.2.11 Fords\***

### **4.2.11.1 Permitted Activity Rule - Fords**

1. Unless controlled by Rule 4.2.5.1 the use, erection, reconstruction, placement, alteration or extension of a ford and associated bed disturbances in, on, under or over the bed of a river or lake, and
2. Any discharge of sediment associated with construction activities;
3. The associated deposition of construction materials

are **permitted activities** subject to the following conditions:

- a) The structure shall be constructed in a location where there are hard and stable beds and banks.
- b) The entry and exit points of the structure shall be constructed and maintained to prevent erosion of the beds and banks.
- c) The structure shall not divert water or contain pipes or culverts within it.
- d) The structure shall be designed so that there is no increase in water velocity or water level across the structure.
- e) The structure shall not reduce the cross sectional area of the channel or raise the level of the bed.
- f) Where the ford is used for livestock crossing the conditions of Rule 4.3.5.4 shall be complied with.
- g) The construction works shall comply with the suspended solids discharge standards as set out in Section 4.2.21.
- h) The structure shall not be located in a water body identified as Natural State in the Water Management Class Maps of this Plan.
- i) All equipment and surplus construction materials shall be removed from the river or lake bed and the floodplain on the completion of that activity.
- j) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity.
- k) The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historical Places Trust except where Historic Places Trust approval has been obtained.
- l) In the event of any waahi tapu that is not subject to condition k) being identified by the Waikato Regional Council to the person undertaking the use, erection, reconstruction, placement, extension or alteration, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.

- m) The structure shall provide for the safe passage of fish both upstream and downstream.
- n) Any erosion occurring as a result of the structure shall be remedied as soon as practicable.
- o) This rule shall not apply to activities located in, on, under or over the bed of a river or lake that is a Significant Geothermal Feature.
- p) The owner of the structure shall inform the Waikato Regional Council in writing, of the location of the structure at least 10 working days prior to commencing construction.

**Advisory Note:**

- Where a waahi tapu site is identified whilst undertaking the activity, the process that Waikato Regional Council will follow in order to implement condition l) is set out in Section 2.3.4.22 of this Plan.
- Where a structure or activity is to be located in, on, under or over the bed of a water body that is Significant Geothermal Feature, Rules 7.6.6.1 to 7.6.6.3 shall apply. Significant Geothermal Features are defined in the Glossary, and in Development and Limited Development Geothermal Systems, identified on maps in Section 7.10 of this Plan.

#### 4.2.11.2 Restricted Discretionary Activity Rule – Fords

1. Unless controlled by Rule 4.2.5.1 or Rule 4.2.11.1 the use, erection, reconstruction, placement, alteration or extension of a ford and associated bed disturbances, in, on, under or over the bed of a river or lake, and
2. Any discharge of sediment associated with construction activities; and
3. The associated deposition of construction materials

are **restricted discretionary activities** (requiring resource consent).

Waikato Regional Council restricts its discretion over the following matters:

- i) The design and location of the ford, including the ability to pass bedload.
- ii) The potential effects on bed and bank stability and water quality.
- iii) Measures to control the effect of the activity on upstream or downstream properties.
- iv) Effects on any waahi tapu or other taonga from the activity.
- v) Effects on the relationship of tangata whenua and their culture and traditions with the site and any waahi tapu or other taonga affected by the activity.
- vi) Effects on the ability of tangata whenua to exercise their kaitiaki role in respect of any waahi tapu or other taonga affected by the activity.
- vii) Measures to ensure the safe passage of fish both upstream and downstream.
- viii) Measures to control the effects of the activity on any lawfully established structure.
- ix) Measures to control the suspended solids discharges.
- x) Measures to avoid, remedy or mitigate adverse effects on the natural character of the beds of rivers and lakes.
- xi) Measures to ensure consistency with criteria as set out in the applicable Water Management Class in this Plan.
- xii) Measures to control the effect of the activity on areas of significant indigenous vegetation and significant habitats of indigenous fauna<sup>28</sup>.

**Advisory Notes:**

- Information requirements to enable the assessment of any application under this Rule are as set out in Section 8.1.3.1. In addition assessment shall also take into account the matters identified in Policy 2 of Section 4.2.3.

<sup>28</sup> Refer to Appendix 3 of the RPS.

- The imposition of consent conditions under matters iv), v) and vi) shall take into account the policy direction provided in Policies 1 and 2 in Section 2.3.3 in addition to specific policies in this chapter of the Plan.

### **Explanation and Principal Reasons for Adopting Method 4.2.11.1 and 4.2.11.2**

The types of fords permitted by **Rule 4.2.11.1** are those that will have minor adverse effect and are at the same level as the bed of the river or lake. These sorts of structures are generally constructed of gravel and do not cause any increase in water velocity or water level across the structure. These structures can be used as stock or vehicle crossings.

**Rule 4.2.11.2** provides for fords that raise the level of the bed or bank of a river or lake. These structures can have significant adverse effects on the beds of rivers or lakes. It is considered that the effects of these structures warrant assessment on an individual basis, and the use, erection, reconstruction, placement, alteration or extension of a ford is therefore a restricted discretionary activity.

## **4.2.12 Boat Ramps and Jetties**

### **4.2.12.1 Discretionary Activity Rule – Boat Ramps and Jetties**

1. Unless controlled by Rule 4.2.5.1 the use, erection, reconstruction, placement, alteration or extension of any boat ramp or jetty, and associated bed disturbances, in, on, under or over the bed of a river or lake, and
2. Any discharge of sediment associated with construction activities;

are **discretionary activities** (requiring resource consent).

#### **Advisory Note:**

- Information requirements to enable the assessment of any application under Rule 4.2.12.1 are set out in Section 8.1.3.1. In addition assessment shall also take into account the matters identified in Policy 2 of Section 4.2.3.

### **Explanation and Principal Reasons for Adopting Method 4.2.12.1**

**Rule 4.2.12.1** provides for boat ramps and jetties in, on, under or over the beds of rivers and lakes discretionary activities because they have the potential to cause significant adverse effects. There are a large number of these structures in the Region and their use and development creates demands for other facilities on land, such as car parks and toilets. These other facilities are territorial authority responsibilities. Waikato Regional Council considers that, given the potential and actual adverse effects and the flow-on effects of the boat ramps and jetties resource consents are required.

## **4.2.13 Moorings\*, Navigational Markers, Safety/Interception Booms, Signs, Ski Lane Markers and Canoe Gates**

### **4.2.13.1 Permitted Activity Rule - Navigational Markers, Safety/Interception Booms, Signs, Ski Lane Markers and Canoe Gates**

1. Unless controlled by Rule 4.2.5.1 the use, erection, reconstruction, placement, alteration or extension of navigational markers, safety/interception booms, signs, ski lane markers and canoe gates and associated bed disturbance, in, on, under or over the bed of a river or lake, and
2. Any discharge of sediment associated with construction activities;

are **permitted activities** subject to the following conditions:

- a) The structure shall not obstruct navigation except where the structure is specifically designed to prevent access to a hydro dam or to prevent damage to a structure by debris.



- b) The structure shall be maintained in a structurally sound condition at all times.
- c) All equipment and surplus construction materials shall be removed from the river or lake bed and the floodplain on the completion of that activity.
- d) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity.
- e) The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historical Places Trust except where Historic Places Trust approval has been obtained.
- f) In the event of any waahi tapu that is not subject to condition e) being identified by the Waikato Regional Council to the person undertaking the use, erection, reconstruction, placement, extension or alteration, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.
- g) The construction works shall comply with the suspended solids discharge standards as set out in Section 4.2.21.
- h) Any erosion occurring as a result of the structure shall be remedied as soon as practicable.
- i) This rule shall not apply to activities located in, on, under or over the bed of a river or lake that is a Significant Geothermal Feature.

**Advisory Notes:**

- The use, erection, reconstruction, placement, alteration or extension of navigational markers, signs, ski lane and canoe gates in or on the bed of a river or lake that does not comply with Rule 4.2.13.1 is a discretionary activity in accordance with Rule 4.2.4.4.
- The management of surface water activities (associated with structures such as ski lane markers) is the responsibility of territorial authorities. All people wishing to use or erect any of the above structures should consult with the relevant territorial authorities on rules affecting surface water activities.
- Navigation safety is a function of regional councils under the Local Government Act. Consideration should therefore be given to the relevant Waikato Regional Council Navigation Safety Bylaw. Lake Taupo is an exception to this as it is managed for navigation safety purposes by the Department of Internal Affairs. Consideration should be given to the Lake Taupo Bylaws.
- Navigational structures should be constructed to the standards set by the Maritime Safety Authority.
- Where a waahi tapu site is identified whilst undertaking the activity, the process that Waikato Regional Council will follow in order to implement condition f) is set out in Section 2.3.4.22 of this Plan.
- Where a structure or activity is to be located in, on, under or over the bed of a water body that is Significant Geothermal Feature, Rules 7.6.6.1 to 7.6.6.3 shall apply. Significant Geothermal Features are defined in the Glossary, and in Development and Limited Development Geothermal Systems, identified on maps in Section 7.10 of this Plan.

**4.2.13.2 Restricted-Discretionary Activity Rule – Swing Moorings**

Unless controlled by Rule 4.2.5.1, 4.2.13.3, 4.2.13.4, 4.2.13.5 or 4.2.13.6

1. The use, erection, reconstruction, placement, alteration or extension of any structure on the bed of a river or lake for the purpose of a mooring; and
2. Any discharge of sediment associated with construction activities;

are **restricted discretionary activities** (requiring resource consent) subject to the following standard and terms:

- a) The mooring shall be:
  - i) designed, constructed and maintained to a standard to withstand flooding, currents and changes in water level, and
  - ii) of adequate specifications to safely accommodate the vessel to be moored (size, type, displacement).

- b) There is adequate space available for the swing mooring during all weather and tidal conditions to avoid collisions with neighbouring vessels.
- c) The swing mooring location shall be marked with a floatation device.
- d) The swing mooring shall not be located within any channel.
- e) The Waikato Regional Council resource consent number, owner's name and phone number shall be attached to the swing mooring buoy and be visible at all times.
- f) No contaminants (including, but not limited to, sewage (treated or untreated), oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents) shall be discharged to water from the vessel while on a mooring.
- g) The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district Plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places trust approval has been obtained.
- h) Any erosion occurring as a result of the structure shall be remedied as soon as practicable.

Waikato Regional Council restricts its discretion over the following matters:

- i) The extent to which the mooring will constitute a hazard to navigation or conflict with other surface water users.
- ii) The position of the mooring within a given area.
- iii) The extent to which the mooring is designed, constructed and maintained to a standard to withstand environmental processes.
- iv) The colour, shape and size of the swing mooring buoy(s), and
- v) The extent to which the proliferation of moorings and any cumulative effects of moorings will occur.

**Advisory Notes:**

- The use, erection, reconstruction, placement, alteration or extension of moorings, in or on the bed of a river or lake (excluding Lake Taupo) that does not comply with Rule 4.2.13.2 is a discretionary activity in accordance with Rule 4.2.4.4.
- The management of surface water activities is the responsibility of territorial authorities. All people wishing to use or erect any of the above structures should consult with the relevant territorial authorities on rules affecting the surface water activities. Navigation safety requirements must also meet the Waikato Regional Council Navigation Safety Bylaw.
- The discharge of untreated human effluent to water in the Waikato Region is a prohibited activity under Rule 3.5.7.8 of this Plan. Waikato Regional Council may seek to ensure compliance with Rule 3.5.7.8 by requiring owners to disable any subsurface outlet from onboard holding tanks, which would otherwise allow discharge of sewage directly to the water. The Council will firstly liaise with mooring holders within Lake Taupo, to achieve this voluntarily. However, this will, where appropriate, be enforced by the issue of an abatement notice pursuant to section 322(1)(b) of the Resource Management Act 1991 against the owners of any vessel. This is on the grounds that disabling such an outlet is necessary to ensure compliance with a rule in the Regional Plan and to avoid adverse effects on the environment.
- Information requirements to enable the assessment of any application under this Rule are set out in Section 8.1.3.1. In addition, assessment shall also take into account the matters identified in Policy 2 of Section 4.2.3.
- Council accepts no liability in the event that vessels tied to moorings for which consent has been granted suffer any loss or damage whether caused by third parties, natural processes (including storms) or any other cause.
- Boats tied to moorings for extended periods of time, such as house boats, are considered to be structures over the beds of river and lakes and are discretionary activities in accordance with Rule 4.2.4.4.

#### 4.2.13.3 Permitted Activity Rule – Swing Moorings in Lake Taupo within a Zoned Mooring Area

The use, erection, reconstruction, placement, alteration or extension of a swing mooring for the purpose of mooring a vessel, on the bed of Lake Taupo, within a Zoned Mooring Area (as shown in Figures 4-1 to 4-9), and any associated discharge of sediment and bed disturbance;

are **permitted activities** subject to the following conditions:

- a) The swing mooring shall be:
  - i) designed, constructed and maintained to a standard to withstand currents, fluctuating lake levels and storms, and
  - ii) marked with a floatation device;
- b) The swing mooring shall not be located in any marked channel or fairway;
- c) A permit is obtained under the Lake Taupo Navigation Safety Bylaw from the Harbourmaster (as appointed by the Department of Internal Affairs);
- d) No contaminants (including, but not limited to, sewage (treated or untreated), oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents) shall be discharged to water from the vessel while on a mooring;
- e) In the event of any archaeological site or waahi tapu being identified or disturbed while undertaking the use, erection, reconstruction, placement, extension or alteration of the structure, the activity shall cease insofar as it may affect the archeological site or waahi tapu and the Waikato Regional Council shall be notified as soon as practicable. The activity shall not be recommenced without the approval of the Waikato Regional Council.

##### Advisory Notes:

- Refer General Advisory Notes for moorings at the end of section 4.2.13.6.
- The use, erection, reconstruction, placement, alteration or extension of swing mooring within a Zoned Mooring Area in Lake Taupo (as shown in Figures 4-1 to 4-9), that does not comply with Rule 4.2.13.3 is a prohibited activity.

#### 4.2.13.4 Permitted Activity Rule – Existing Public Moorings in Lake Taupo

The use, reconstruction and alteration of a swing mooring for the purpose of mooring a vessel, in or on the bed of Lake Taupo, and any associated discharge of sediment and bed disturbance, where such mooring structure is:

1. for use by the general public for the temporary visitor mooring of vessels, or for provision of emergency mooring for safety in adverse weather conditions or in the event of boat failure; and
2. existing as at October 4, 2003 as per Schedule 4-1

are **permitted activities** subject to the following conditions:

- a) The swing mooring shall be:
  - i) designed, constructed and maintained to a standard to withstand currents, fluctuating lake levels and storms;
  - ii) marked with a floatation device; and
  - iii) marked as a public or emergency mooring;
- b) A permit is obtained under the Lake Taupo Navigation Safety Bylaw from the Harbourmaster (as appointed by the Department of Internal Affairs);
- c) There is adequate space available for the swing mooring at all times to avoid collisions with neighbouring vessels;
- d) No contaminants (including, but not limited to, sewage (treated or untreated), oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents) shall be discharged to water from the vessel while on a mooring;
- e) In the event of any archaeological site or waahi tapu being identified or disturbed while undertaking the use, erection, reconstruction, placement, extension or

alteration of the structure, the activity shall cease insofar as it may affect the archeological site or waahi tapu and the Waikato Regional Council shall be notified as soon as practicable. The activity shall not be recommenced without the approval of the Waikato Regional Council.

**Advisory Notes:**

- Refer General Advisory Notes for moorings at the end of section 4.2.13.6.
- The use, erection, placement, alteration or extension of swing moorings, in or on the bed of Lake Taupo that does not comply with Rule 4.2.13.4 is a prohibited activity.

#### 4.2.13.5 Discretionary Activity Rule - Swing Moorings in Lake Taupo

Unless controlled by Rule 4.2.13.3, 4.2.13.4 or 4.2.13.6 the use, erection, reconstruction, placement, alteration or extension of a swing mooring for the purpose of mooring a vessel in Lake Taupo, and any associated discharge of sediment and bed disturbance

are **discretionary activities** (requiring resource consent) subject to the following standard and terms:

- a) The mooring shall not be located in a bay where there is an existing Zoned Mooring Area (as shown in Figures 4-1 to 4-9).
- b) There shall be no more than three moorings per bay, including public moorings provided for by Rule 4.2.13.4 and moorings with existing rights under section 20A or 418 of the RMA;
- c) A permit is obtained under the Lake Taupo Navigation Safety Bylaw from the Harbourmaster (as appointed by the Department of Internal Affairs);
- d) The swing mooring shall be:
  - i) designed, constructed and maintained to a standard to withstand currents, fluctuating lake levels and storms, and
  - ii) marked with a floatation device;
- e) The swing mooring shall not be located in any marked channel or fairway;
- f) There is adequate space available for the swing mooring at all times to avoid collisions with neighbouring vessels;
- g) No contaminants (including, but not limited to, sewage (treated or untreated), oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents) shall be discharged to water from the vessel while on a mooring;
- h) The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained;
- i) In the event of any archaeological site or waahi tapu being identified or disturbed while undertaking the use, erection, reconstruction, placement, extension or alteration of the structure, the activity shall cease insofar as it may affect the archaeological site or waahi tapu and the Waikato Regional Council shall be notified as soon as practicable. The activity shall not be recommenced without the approval of the Waikato Regional Council.

**Advisory Notes:**

- Refer General Advisory Notes for moorings at the end of section 4.2.13.6.
- The use, erection, reconstruction, placement, alteration or extension of swing moorings, in or on the bed of Lake Taupo that does not comply with Rule 4.2.13.5 is a prohibited activity.

#### 4.2.13.6 Prohibited Activity Rule – Moorings in Lake Taupo

The use, erection, reconstruction, placement, alteration or extension of a mooring structure for the purpose of mooring a vessel that:

- a) is within a Zoned Mooring Area as identified in Figures 4-1 to 4-9 and does not meet the conditions of Rule 4.2.13.3; or

- b) is an existing public mooring as per Schedule 4-1 that does not meet the conditions of Rule 4.2.13.4; or
- c) does not meet the standards and terms of Rule 4.2.13.5; or
- d) is within a Prohibited Mooring Area as identified in Figures 4-10 to 4-15; is within an area that has been reserved for other users as identified in the Lake Taupo Navigation Safety Bylaw.

is a **prohibited activity**.

#### **General Advisory Notes for Moorings:**

- All moorings are required to have a permit from the Department of Internal Affairs under the Lake Taupo Navigation Safety Bylaw. At the time of notification, responsibility for the issue of permits under the Lake Taupo Navigation Safety Bylaw rests with the Harbourmaster (as appointed by the Department of Internal Affairs).
- In addition to any resource consent requirements as specified in this Plan, structures in or on the bed of Lake Taupo, the bed of navigable rivers and streams flowing into that lake and the bed of the Waikato River extending from Lake Taupo to and inclusive of Huka Falls, also requires the approval of Tuwharetoa Maori Trust Board which is the owner of the bed of the Lake bed.
- The management of surface water activities is the responsibility of the Taupo District Council. All people wishing to use or erect a mooring should also consult with Taupo District Council on rules affecting surface water activities. Approval may also be required from the Department of Internal Affairs in relation to navigation safety.
- Navigation safety is managed by the Department of Internal Affairs under the Local Government Act. Consideration should therefore be given to the relevant Lake Taupo Navigation Safety Bylaw. The Bylaw covers all the waters of Lake Taupo, the navigable rivers and streams flowing into the Lake, the tailrace from Tokaanu power station, and the waters of the Waikato River, between Lake Taupo and Huka Falls.
- The discharge of untreated human effluent to water in the Waikato Region is a prohibited activity under Rule 3.5.7.8 of this Plan. Waikato Regional Council may seek to ensure compliance with Rule 3.5.7.8 by requiring owners to disable any subsurface outlet from onboard holding tanks, which would otherwise allow discharge of sewage directly to the water. The Council will firstly liaise with mooring holders within Lake Taupo, to achieve this voluntarily. However, this will, where appropriate, be enforced by the issue of an abatement notice pursuant to section 322(1)(b) of the Resource Management Act 1991 against the owners of any vessel. This is on the grounds that disabling of such an outlet is necessary to ensure compliance with a rule in the Regional Plan and to avoid adverse effects on the environment.
- Rules 4.2.13.3 to 4.2.13.6 cover swing moorings only. Pole moorings are discretionary activities in accordance with Rule 4.2.4.4.
- In assessing any application for the purpose of mooring, regard shall be had to Policy 2 and Policy 5 of section 4.2.3, in particular relating to effects on natural character and cumulative effects.
- Information requirements to enable the assessment of any application are set out in section 8.1.3.1.
- Council accepts no liability in the event that vessels tied to moorings for which consent has been granted suffer any loss or damage whether caused by third parties, natural processes (including storms) or any other cause.
- Boats tied to moorings for extended periods of time, such as house boats, are considered to be structures over the beds of river and lakes and are discretionary activities in accordance with Rule 4.2.4.4.

**Explanation and Principal Reasons for Adopting Methods 4.2.13.1 to 4.2.13.6:**

**Rule 4.2.13.1:** Navigational markers, safety/interception booms, signs, ski lane markers and canoe gates are structures that have minor adverse effects on the beds of rivers and lakes. As long as these activities comply with the conditions specified, there are unlikely to be any significant adverse environmental effects.

**Rule 4.2.13.2:** The adverse effects of moorings are minimal, but the cumulative spread is of concern because the space available in rivers and some lakes is limited. Making individual moorings a restricted discretionary activity enables Waikato Regional Council to have tighter control over the location of the moorings and stronger enforcement provisions, which will assist in managing the cumulative spread of moorings. It will give mooring holders more legal certainty and includes Navigation Safety matters, therefore managing moorings under one management regime rather than have two management frameworks with which the public need to comply. This Rule recognises that while the structure itself may have minor effects, the location in rivers and lakes may cause significant conflicts between users or result in safety concerns. NB: pole moorings are covered by Rule 4.2.4.4.

**Rule 4.2.13.3** is a permitted activity rule for moorings for vessels in Lake Taupo. This Rule recognises that the adverse environmental effects of moorings are minimal when confined within defined mooring areas. Zones are established to recognise that moorings in Lake Taupo have been in place for a number of years and are generally accepted in those areas by the wider community. Therefore Zoned Mooring Areas have been identified in Figures 4-1 to 4-9 of this Plan. Navigation safety issues with moorings are managed by the Department of Internal Affairs through the Lake Taupo Navigation Safety Bylaw. This bylaw requires mooring holders to obtain a permit from the Lake Taupo Harbourmaster.

Permitted Activity **Rule 4.2.13.4** allows for existing public moorings that are outside of Zoned Mooring Areas to remain for use by the general public for temporary visitor use and emergency mooring for safety in adverse weather conditions or in the event of boat failure.

Discretionary activity **Rule 4.2.13.5** applies for all moorings outside of Zoned Mooring Areas that are not within a prohibited mooring area. This Rule provides flexibility to accommodate a limited number of moorings per bay where there is no existing Zoned Mooring Area (if shown to be consistent with the policies of this Plan). In particular, it provides opportunity for future public moorings to be established. However should there be pressure for more moorings in an area then a plan change process is required to ensure that the Tuwharetoa Maori Trust Board as the owners of the lake bed, Taupo District Council as managers of activities on the lakeshore, and the public are involved in any further expansion of moorings in Lake Taupo.

**Rule 4.2.13.6** is a prohibited activity rule which applies to moorings that do not comply with the conditions of Rule 4.2.13.3 or Rule 4.2.13.4, the standards and terms of Rule 4.2.13.5, are within identified Prohibited Mooring Areas or are located within an area that has been reserved for other users as identified in the Lake Taupo Navigation Safety Bylaw. This Rule applies to both swing and pole moorings within the Prohibited Mooring Areas.

## 4.2.14 Lines, Cables, Pipelines, Ropeways and Associated Structures

### 4.2.14.1 Permitted Activity Rule – Lines, Cables, Pipelines, Ropeways and Associated Structures

1. Unless controlled by Rule 4.2.5.1 the use, erection, reconstruction, placement, alteration or extension and associated bed disturbance of any:
  - i. Lines, cables, pipelines, ropeways and associated structures over the bed that do not have any part of the structure fixed on the bed of a lake or river,
  - ii. Lines, cables or pipelines in, on or under the bed of a lake or river,
  - iii. Lines, cables or pipelines attached to or fixed to any legally established bridge or dam in, on or over the bed of a lake or river, and
2. Any discharge of sediment associated with construction activities;

are **permitted activities** subject to the following conditions:

- a) The location of any pipeline, line or cable on or under the bed of a river or lake shall be identified by markers, both upstream and downstream, on the banks of the river or lake concerned.
- b) Any fixed lines and overhead cabling other than electricity lines or cables shall be no less than five metres (at all points) above the top of the bank in rivers and lakes exceeding 10 metres in width; and two metres in height above the top of the bank in rivers and lakes not exceeding 10 metres wide, except that, where the cabling is attached to a lawful structure, no part of the cable or lines shall extend below the existing soffit of the structure. Electricity lines and cables over the beds of rivers and lakes shall maintain vertical clearances above ground as specified in Table 1 of New Zealand Electricity Code of Practice 34:1993 for Electrical Safety Distances.
- c) The construction works shall comply with the suspended solids discharge standards as set out in the Section 4.2.21.
- d) There shall be no obstruction of debris that causes flooding on neighbouring properties.
- e) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity.
- f) The structure shall not obstruct navigation.
- g) Except for pipes associated with existing hydro dams, any pipes over the bed of a lake or river bed shall be at least one metre above the two percent annual exceedance probability (1 in 50 year) flood event.
- h) The structure shall be maintained in a structurally sound condition at all times.
- i) The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.
- j) In the event of any waahi tapu that is not subject to condition i) being identified by the Waikato Regional Council to the person undertaking the use, erection, reconstruction, placement, extension or alteration, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.
- k) Any erosion occurring as a result of the structure shall be remedied as soon as practicable.
- l) This rule shall not apply to activities located in, on, under or over the bed of a river or lake that is a Significant Geothermal Feature.
- m) The waterway area of the river bed shall not be reduced by more than 10 percent. The waterway area of the floodplain shall not be reduced by more than 10 percent.

**Advisory Notes:**

- The use, erection, reconstruction, placement, alteration or extension of a line, cable, pipeline and associated structures in or on the bed of a river or lake that does not comply with Rule 4.2.14.1 is a discretionary activity in accordance with Rule 4.2.4.4.
- Where a waahi tapu site is identified whilst undertaking the activity, the process that Waikato Regional Council will follow in order to implement condition j) is set out in Section 2.3.4.22 of this Plan.
- Electricity operators responsible for electricity network infrastructure shall maintain vertical clearances above ground as specified in Table 1 of New Zealand Electrical Code of Practice 34:1993 for Electrical Safety Distances. The height of electrical conductors over a navigable waterway shall be determined in consultation with the Maritime Safety Authority of New Zealand. The booklet titled 'System of Buoyage and Beaconage for New Zealand' shall be used as a guide. Navigable waterways include all lakes, rivers and streams where applicable.
- Where a structure or activity is to be located in, on, under or over the bed of a water body that is Significant Geothermal Feature, Rules 7.6.6.1 to 7.6.6.3 shall apply. Significant Geothermal Features are defined in the Glossary, and in Development and Limited Development Geothermal Systems, identified on maps in Section 7.10 of this Plan.

**Explanation and Principal Reasons for Adopting Method 4.2.14.1**

The purpose of **Rule 4.2.14.1** is to allow lines, cables, pipelines, ropeways and associated structures over the bed, where no part of the structure is fixed in, on or under the bed, and where there are minor adverse effects. For the avoidance of doubt this includes lines and cables attached to other structures in the beds of lakes and rivers such as dams and bridges. This Rule allows lines, cables or pipelines to occur in, on or under the beds of river and lakes as a permitted activity provided the conditions can be met as these structures are considered to have minor adverse environmental effects.

## 4.2.15 Erosion Control Structures

### 4.2.15.1 Permitted Activity Rule – Erosion Control Structures

Unless controlled by Rule 4.2.5.1 the use, erection, reconstruction, placement, alteration or extension of a:

1. revetment or erosion control structure, and
2. associated bed disturbance, and
3. necessary deposition of construction material, and
4. any discharge of sediment associated with construction activities

in, on or over the bed of a lake or river, for the purposes of erosion control are permitted activities subject to the following conditions:

- a) The structure and the floodway in the immediate vicinity of the structure shall be maintained clear of debris.
- b) The structure shall not decrease the cross sectional area of the river.
- c) For any stretch of river or lake bank measuring up to one bank kilometre in length, the combined length or erosion control structures shall not exceed 50 metres in length.
- d) The structure shall not be constructed of, or contain, vehicle bodies or demolition rubble other than clean concrete, placed such that there is no visible steel in the finished work.
- e) The construction works shall comply with the suspended solids discharge standards as set out in Section 4.2.21.
- f) All construction materials and equipment shall be removed from the river or lake bed and the floodplain on the completion of that activity.



- g) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity.
- h) Where the weight of the structure is insufficient to keep it in place it shall be anchored to the bed and bank of the river.
- i) The structure shall be maintained in a structurally sound condition at all times.
- j) The owner of the structure shall inform the Waikato Regional Council in writing of the location of the structure at least 10 works days prior to work commencing.
- k) The structure shall not be located in a water body identified as a Natural State water body in the Water Management Class Maps.
- l) The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.
- m) In the event of any waahi tapu that is not subject to condition l) being identified by the Waikato Regional Council to the person undertaking the use, erection, reconstruction, placement, extension or alteration, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.
- n) Any erosion occurring as a result of the structure shall be remedied as soon as practicable.
- o) This rule shall not apply to activities located in, on, under or over the bed of a river or lake that is a Significant Geothermal Feature.
- p) The structure shall provide for the safe passage of fish both upstream and downstream.
- q) The structure shall be constructed against the eroding stream or lake bank and be physically attached to it.

**Advisory Note:**

- Where a waahi tapu site is identified whilst undertaking the activity, the process that Waikato Regional Council will follow in order to implement condition m) is set out in Section 2.3.4.22 of this Plan.
- Where a structure or activity is to be located in, on, under or over the bed of a water body that is Significant Geothermal Feature, Rules 7.6.6.1 to 7.6.6.3 shall apply. Significant Geothermal Features are defined in the Glossary, and in Development and Limited Development Geothermal Systems, identified on maps in Section 7.10 of this Plan.

#### 4.2.15.2 Controlled Activity Rule – Erosion Control Structures

Unless controlled by Rule 4.2.5.1 and Rule 4.2.15.1 the use, erection, reconstruction, placement, alteration or extension of a:

1. revetment or erosion control structure not exceeding 200 metres combined length per kilometre, and
2. associated bed disturbance, and
3. necessary deposition of construction material, and
4. any discharge of sediment associated with construction activities

in, on or over the bed of a lake or river, for the purposes of erosion control are **controlled activities** (requiring resource consents) subject to the following standards and terms:

- a) The structure and the floodway in the immediate vicinity of the structure shall be maintained clear of obstructions.
- b) The structure shall not be constructed of, or contain, vehicle bodies or demolition rubble other than clean concrete placed such that there is no visible steel in the finished work.

- c) All construction materials and equipment shall be removed from the river or lake bed and the floodplain on the completion of that activity.
- d) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity.
- e) Where the weight of the structure is insufficient to keep it in place it shall be anchored to the bed and bank of the river.
- f) The structure shall be maintained in a structurally sound condition at all times.
- g) The structure shall not be located in a water body identified as a Natural State water body in the Water Management Class Maps of this Plan.
- h) The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.
- i) Any erosion occurring as a result of the structure shall be remedied as soon as practicable.
- j) This rule shall not apply to activities located in, on, under or over the bed of a river or lake that is a Significant Geothermal Feature.

Waikato Regional Council reserves control over the following matters:

- i. The degree to which the structure is able to restrict the cross sectional area of the river.
- ii. The design, location and size of the erosion control structure.
- iii. The materials used for construction of the structure.
- iv. The potential effects on bed and bank stability and water quality.
- v. The potential to alter the shape or alignment of the river or lake bed.
- vi. Measures to control the effect of the activity on upstream or downstream properties.
- vii. Measures to control the effects of the activity on any lawfully established structures.
- viii. Effects on any waahi tapu or other taonga from the activity.
- ix. Effects on the relationship of tangata whenua and their culture and traditions with the site and any waahi tapu or other taonga affected by the activity.
- x. Effects on the ability of tangata whenua to exercise their kaitiaki role in respect of any waahi tapu or other taonga affected by the activity.
- xi. Measures to control suspended sediment discharges.
- xii. Measures to avoid, remedy or mitigate adverse effects on the natural character of the beds of rivers and lakes.
- xiii. Measures to control the effect of the activity on areas of significant indigenous vegetation and significant habitats of indigenous fauna<sup>29</sup>.
- xiv. Measures to prevent damage to riparian vegetation or soil.
- xv. Measures to ensure the safe passage of fish both upstream and downstream.
- xvi. Measures to control the adverse effects on recreational uses and access.

**Advisory Notes:**

- The use, erection, reconstruction, placement, alteration or extension of a revetment or erosion control structure in or on the bed of a river or lake that does not comply with Rule 4.2.15.1 or 4.2.15.2 is a discretionary activity in accordance with Rule 4.2.4.4.
- Information requirements to enable the assessment of any application under Rule 4.2.15.2 are set out in Section 8.1.3.1. In addition, assessment shall also take into account the matters identified in Policy 2 of Section 4.2.3.
- The imposition of consent conditions under matters viii), ix) and x) shall take into account the policy direction provided in Policies 1 and 2 in Section 2.3.3 in addition to specific policies in this chapter of the Plan.
- Where a structure or activity is to be located in, on, under or over the bed of a water body that is Significant Geothermal Feature, Rules 7.6.6.1 to 7.6.6.3 shall apply. Significant

<sup>29</sup> Refer to Appendix 3 of the RPS.

Geothermal Features are defined in the Glossary, and in Development and Limited Development Geothermal Systems, identified on maps in Section 7.10 of this Plan.

#### **Explanation and Principal Reasons for Adopting Methods 4.2.15.1 and 4.2.15.2**

The use, erection, reconstruction, placement, alteration or extension of erosion control structures that are less than 50 metres combined length per kilometre are unlikely to have any significant adverse effects. These structures provide positive effects by stabilising river beds and banks, preventing sediment inputs, and assist in improving aquatic habitats.

Erosion control structures between 50 and 200 metres combined length per kilometre as provided for in **Rule 4.2.15.2** have a greater potential to cause significant adverse effects. This Rule allows structures of this size to be constructed while maintaining control over any potential adverse effects that may occur.

### **4.2.16 Channel Training Structures\***

#### **4.2.16.1 Controlled Activity Rule – Channel Training Structures**

1. Unless controlled by Rule 4.2.5.1 the use, erection, reconstruction, placement, alteration or extension of any channel training structure, and associated bed disturbance, in or on the bed of a river within drainage districts and river control scheme areas that is carried out by, or under contract to, Waikato Regional Council or a territorial authority in exercising its responsibilities under the Soil Conservation and Rivers Control Act 1941, the Land Drainage Act 1908 or the Local Government Act 1974, and
2. Any discharge of sediment associated with construction activities; and
3. The associated deposition of construction materials

are **controlled activities** subject to the following standards and terms:

- a) The structure shall provide for the safe passage of fish both upstream and downstream.
- b) All equipment and surplus construction materials shall be removed from the river or lake bed and the floodplain on the completion of that activity.
- c) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity.
- d) The structure shall be anchored to the bed and/or bank of the river.
- e) The structure and floodway shall, in the immediate vicinity, be maintained clear of obstructions.
- f) The structure shall be maintained in a structurally sound condition at all times.
- g) The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.
- h) In the event of any waahi tapu that is not subject to condition g) being identified by the Waikato Regional Council to the person undertaking the use, erection, reconstruction, placement, extension or alteration, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.
- i) Any erosion occurring as a result of the structure shall be remedied as soon as practicable.
- j) The structure shall not be located in a water body identified as a Natural State water body in the Water Management Class Maps of this Plan.
- k) This rule shall not apply to activities located in, on, under or over the bed of a river or lake that is a Significant Geothermal Feature.

Waikato Regional Council reserves control over the following matters:

- i. Measures to control the effect of the activity on the natural character of river and lake beds.
- ii. Measures to prevent damage to riparian vegetation or soil.
- iii. The design, location and size of the structure.
- iv. The potential effects on bed and bank stability and water quality.
- v. Measures to control the effect of the activity on upstream or downstream properties.
- vi. Measures to control the effect of the activity on any lawfully established structures.
- vii. Effects on any waahi tapu or other taonga from the activity.
- viii. Effects on the relationship of tangata whenua and their culture and traditions with the site and any waahi tapu or other taonga affected by the activity.
- ix. Effects on the ability of tangata whenua to exercise their kaitiaki role in respect of any waahi tapu or other taonga affected by the activity.
- x. Measures to control suspended solids discharges.
- xi. Measures to ensure consistency with criteria as set out in any applicable Water Management Classes.
- xii. Measures to control the effect of the activity on the loss of backwater and marginal habitat.

**Advisory Notes:**

- The use, erection, reconstruction, placement, alteration or extension of any channel training structure in or on the bed of a river that does not comply with Rule 4.2.16.1 is a discretionary activity in accordance with Rule 4.2.4.4.
- Waikato Regional Council staff are able to provide information on the location and boundaries of drainage districts and river control scheme areas within the Region.
- Information requirements to enable the assessment of any application under this Rule are set out in Section 8.1.3.1. In addition, assessment shall also take into account the matters identified in Policy 2 of Section 4.2.3.
- Where a waahi tapu site is identified whilst undertaking the activity, the process that Waikato Regional Council will follow in order to implement condition h) is set out in Section 2.3.4.22 of this Plan.
- The imposition of consent conditions under matters vii), viii) and ix) shall take into account the policy direction provided in Policies 1 and 2 in Section 2.3.3 in addition to specific policies in this chapter of the Plan.
- Where a structure or activity is to be located in, on, under or over the bed of a water body that is Significant Geothermal Feature, Rules 7.6.6.1 to 7.6.6.3 shall apply. Significant Geothermal Features are defined in the Glossary, and in Development and Limited Development Geothermal Systems, identified on maps in Section 7.10 of this Plan.

**Explanation and Principal Reasons for Adopting Method 4.2.16.1**

Waikato Regional Council has statutory responsibilities in relation to rivers and drains as set out in the Soil Conservation and Rivers Control Act 1941, the Land Drainage Act 1908, and the Local Government Act 1974. Nothing in these Acts derogates from the provisions of RMA.

Waikato Regional Council's river control and drainage works have been provided for as permitted activities under the Transitional Regional Plan and s418 of the RMA. Many of these works are routine and occur on a day-to-day basis. These works perform a service to rural and urban communities and there is a large degree of public acceptance of them. A channel training structure is built in order to maintain the bed of a river in a particular location or at a particular width. The placement of channel training structures within drainage districts and river control scheme areas is carefully planned and undertaken in accordance with publicly endorsed scheme design standards and good management practices. However, channel training structures have the potential to have significant adverse effects. A controlled activity consent is

required to ensure that such structures are erected, reconstructed, placed or extended in a manner that avoids, remedies or mitigates significant adverse effects.

## 4.2.17 Monitoring and Sampling Structures

### 4.2.17.1 Permitted Activity Rule – Monitoring and Sampling Structures

1. Unless controlled by Rule 4.2.5.1 the use, erection, reconstruction, placement, alteration or extension of any equipment, measuring apparatus or similar device for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples, and associated bed disturbance, in, on, under or over the bed of a river or lake, and
2. Any discharge of sediment associated with construction activities;

are **permitted activities** subject to the following conditions:

- a) The structure shall provide for the safe passage of fish both upstream and downstream.
- b) The structure and the floodway shall, in the immediate vicinity, be maintained clear of obstructions.
- c) The structure shall not restrict the cross sectional area by more than 10 percent of the river width or five metres, whichever is the lesser.
- d) The structure shall be maintained in a structurally sound condition at all times.
- e) All equipment and surplus construction materials shall be removed from the river or lake bed and the floodplain on the completion of that activity.
- f) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity.
- g) The owner of the structure shall inform the Waikato Regional Council in writing of the location of the structure at least 10 working days prior to commencing the activity.
- h) The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.
- i) In the event of any waahi tapu that is not subject to condition h) being identified by the Waikato Regional Council to the person undertaking the use, erection, reconstruction, placement, extension or alteration, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.
- j) The construction works shall comply with the suspended solids discharge standards as set out in Section 4.2.21.
- k) Any erosion occurring as a result of the structure shall be remedied as soon as practicable.
- l) This rule shall not apply to activities located in, on, under or over the bed of a river or lake that is a Significant Geothermal Feature.

#### Advisory Notes:

- The use, erection, reconstruction, placement, alteration or extension of monitoring or sampling structures in, on, under or over the bed of a river or lake that does not comply with Rule 4.2.17.1 is a discretionary activity in accordance with Rule 4.2.4.4.
- Where a waahi tapu site is identified whilst undertaking the activity, the process that Waikato Regional Council will follow in order to implement condition i) is set out in Section 2.3.4.22 of this Plan.
- Where a structure or activity is to be located in, on, under or over the bed of a water body that is Significant Geothermal Feature, Rules 7.6.6.1 to 7.6.6.3 shall apply. Significant Geothermal Features are defined in the Glossary, and in Development and Limited Development Geothermal Systems, identified on maps in Section 7.10 of this Plan.

### **Explanation and Principal Reasons for Adopting Method 4.2.17.1**

Monitoring and sampling structures generally have minor adverse effects and some are of a temporary nature. These structures provide important data that assists in managing natural and physical resources.

## **4.2.18 Maintaining Access for Maintenance of Artificial Watercourses and Beds of Rivers in Drainage Districts and River Control Scheme Areas**

### **4.2.18.1 Discretionary Activity Rule – Maintaining Access for Maintenance Purposes**

Any of the following activities within 10 metres of an artificial watercourse, modified watercourse or river bed, that is managed by the Waikato Regional Council or a territorial authority, (except in the Hauraki District Council and Aka Aka Otua Drainage areas where a 15 metre distance shall apply,) within drainage districts and those parts of the rivers or streams that are the full responsibility of Waikato Regional Council or territorial authorities for maintenance purposes, as listed in Table 4-1.

1. The planting of trees, shrubs, and the construction of any structure, or
2. The placement of fences perpendicular to a watercourse without a gate, or
3. The placement of fences greater than 1,200 millimetres high parallel to watercourses (except in the Hauraki District Council area where a 750 millimetre fence height shall apply) , or
4. The placement of fences parallel to watercourses that prevents access for maintenance, or
5. The placement and maintenance of an artificial watercourse without a culvert perpendicular to a watercourse;

are **discretionary activities** (requiring resource consent).

#### **Exclusion to Rule 4.2.18.1:**

This rule shall not apply where the activities are undertaken by Waikato Regional Council or territorial authorities within drainage districts or river control scheme area managed by those authorities.

#### **Advisory Notes:**

- Waikato Regional Council staff are able to provide information on the location and boundaries of drainage districts and river control scheme areas within the Region.
- Information requirements to enable the assessment of any application under this Rule are set out Section 8.1.3.2. In addition, assessment shall also take into account the matters identified in Policy 2 of Section 4.2.3.
- Within any drainage districts or river control scheme areas Waikato Regional Council staff will provide assistance with the siting of any fence to allow access to the watercourse for maintenance purposes.

### **Explanation and Principal Reasons for Adopting Method 4.2.18.1**

Rule 4.2.18.1 provides for maintenance access alongside artificial watercourses, modified watercourses and rivers beds that are managed by Waikato Regional Council and territorial authorities in drainage districts and river control scheme areas. Access is required for the purpose of maintaining flood and erosion control assets and drainage areas. A distance of 10 metres is an adequate distance to move machinery required for maintenance works. Access is maintained by ensuring that activities such as the planting of trees, building of fences and construction of any structures and the maintenance or placement of artificial watercourses do not occur within 10 metres of these water bodies and artificial watercourses. A 15 metre distance is appropriate for the Hauraki District Council and Aka Aka Otua Drainage areas because of the size of

the watercourses in the district and the large machinery that is required to maintain them. This distance is also consistent with that provided for in the Hauraki District Plan.

**Table 4-1 Rivers or streams that are the full responsibility of Waikato Regional Council or territorial authorities for maintenance purposes**

<b>Thames and Waihou</b>				
River	Tributary	Secondary tributary	Third Order Tributary	Reach/length
Tararu	-	-	-	Mouth to Victoria Street ford
Moanatairi	-	-	-	Mouth to SH 25 inlet structure
Waiotahi	-	-	-	Mouth to SH 25 inlet structure
Karaka	-	-	-	Mouth to top debri trap on Karaka Creek Road
Hape	-	-	-	Mouth to Rolleston Street
Herewaka	-	-	-	Kauaeranga River to Parawai Road
Waikeke	-	-	-	Kauaeranga River to Parawai Road
Kauaeranga	-	-	-	Firth Thames to Watters Property
Waihou	-	-	-	L/B Mouth to Mangaiti excl. 2km length downstream Tirohia Bridge, R/B mouth to Mangaiti excl. 0.7km to 2.1km downstream of Tirohia Bridge
Waihou	Waipapa	-	-	Mouth to SH 25
Waihou	Te Kupata	-	-	Mouth to SH 25
Waihou	Kirikiri	-	-	Mouth to SH 25
Waihou	Waipaturawa	-	-	Mouth to detention dam on Pinnells property
Waihou	Warahoe	-	-	Mouth to SH 26
Waihou	Matatoki	-	-	Mouth to Quarry road bridge
Waihou	Matangiharara	-	-	Puriri Stream to SH 26
Waihou	Puriri	-	-	Mouth to Canoe Stream
Waihou	Kotorepupuai Stream	-	-	Puriri Stream to Top bridge up Neaseville Road (approx 3km length)
Waihou	Omahu	-	-	Right Bank Mouth to Rail Corridor, Left Bank Mouth to Onetai Stream
Waihou	Onetai	-	-	Left Bank, Mouth to high ground (214 metres upstream of Rail Corridor)
Waihou	Hikutaia	-	-	Right Bank Mouth (to 1.32km up Old Maratoto Road from SH 26), Left Bank Mouth to SH 26
Waihou	Komata	-	-	Right Bank Mouth to 800 m Upstream of Rail Corridor, Left Bank 1240 m Upstream of Rail

<b>Thames and Waihou</b>				
	-	-	-	-
Waihou	Ohinemuri	-	-	Right Bank Mouth to Old Paeroa Hospital, L/B Mouth to Rail Corridor upstream TeMoananui Flats
Waihou	-	Kuaoti	-	Only from upstream of Paeroa Golf Course to Rotokohu Road
Waihou	Waitoki	-	-	Rawhiti road – 2.0km upstream
Waihou	Patuwahao	-	-	Mouth-S.H.26, Rawhiti road – 1.75km upstream
Waihou	Mangaiti	-	-	Rawhiti road-2.0km upstream
Waihou	Omahu Warahau	-	-	S.H.26- 500m upstream
Waihou	Tunakohoia	-	-	Mouth – top of Hamilton street.
Waihou	Moonlight	-	-	Mouth-300m upstream
Waihou	Tutumangao	-	-	Mouth-water treatment plant
Waihou	Hahaenga	-	-	Mouth-500m upstream TeAroha/Gordon Road
Waihou	Wairongamai	-	-	Mouth-top of Wairongamai loop road.
Waihou	Pohimihi	-	-	Mouth-Mill road
Waihou	Wairakau	-	-	Mouth-1.0km upstream Wairakau road
Waihou	Waipupu	-	-	Mouth-Forestry bdy.
Waihou	Waihine	-	-	Mouth-1.0km upstream Wairakau road
Waihou	McLaren	-	-	TeAroha/Gordon road-Forestry bdy.
Waihou	Waiharakiekie	-	-	Mouth-Forestry bdy.
Waihou	Bay	-	-	Mouth-1.0km upstream Wairakau road
Waihou	Maungapukatea	-	-	Mouth-1.5km upstream TeAroha/Gordon road
Waihou	Parengorengo	-	-	Mouth-1.2km upstream Old TeAroha road
Waihou	Puketutu	-	-	Mouth-1.0km upstream Old TeAroha road
Waihou	Mangapiko	-	-	Mouth-Top end of Douglas road.
Waihou	Omahine	-	-	Mouth-Omahine road bridge
Waihou	Kakahu	-	-	Mouth-3.0km upstream of Kakahu road
Waihou	Waimakariri	-	-	S.H.5-Top end of Waimakariri road.



<b>Piako</b>				
River	Tributary	Secondary tributary	Third Order Tributary	Reach/length
Piako	-	-	-	Mouth-Westroad bridge(S.H.27) Tahuna.
Piako	Awaiti	-	-	Mouth to West Road – Piako River to T Head (total length)
Piako	Elstow	-	-	Mouth to West Road – Piako River to T Head
Piako	Ngarua	-	-	Mouth to West Road – Piako River to Kaihere Road
Piako	Waikaka	-	-	Mouth to West Road – SH 27
Piako	Carters	-	-	Mouth to Pouriri Stream to SH 27
Piako	Hart Road	-	-	Mouth to S.H.27
Piako	Ohinekaua	-	-	Mouth to S.H.27
Piako	Pouriri	-	-	Mouth to S.H.27
Piako	Waitoa	-	-	Mouth-Paeroa/Tahuna road
Maukoro Canal	-	-	-	Mouth to Torehape Road

<b>Lower Waikato</b>				
River	Tributary	Secondary Tributary	Third Order Tributary	Reach/length
Waikato River	Holmes Canal	-	-	Entire Length
Waikato River	Onepoto			Lower 1.6km
Waikato River	Onewhero			Confluence to Port Waikato Road
Waikato River	Whakapipi			Lower 2.3km
Waikato River	Kairoa			Confluence to Geraghty Road
Waikato River	Ohairoa			Confluence to Tuakau Te Uku Road
Waikato River	Mangatawhiri			Confluence to Lyons Road
Waikato River	Mangatawhiri	Contour		Confluence to SH 2
Waikato River	Mangatawhiri	Pouraureroa	-	Confluence to Pendergrast Road
Waikato River	Punga	-	-	Confluence to Churchill Road
Waikato River	Opuatia	-	-	Confluence to SH 22
Waikato River	Whagapae	-	-	Confluence to Lake Whangapae
Waikato River	Whagapae	Rotongaro	-	Confluence to Lake Rotongaro
Waikato River	Whagapae	Awaroa	-	Lake Whangapae to SH 22
Waikato River	Te Onetea	-	-	Confluence to Lake Waikare
Waikato River	Waahi	-	-	Confluence to Lake Waahi
Waikato River	Whangamarino	-	-	Confluence to Falls Road
Waikato River	Whangamarino	Maramarua	-	Confluence to SH 2

<b>Lower Waikato</b>				
Waikato River	Whangamarino	Northern outlet	-	Confluence to Lake Waikare
Waikato River	Whangamarino	Kapukapu	-	Confluence to Wairenga Road
Waikato River	Mangawara	-	-	Entire length
Waikato River	Mangawara	Tenfoot	-	Confluence to Tenfoot Road
Waikato River	Mangawara	Tauhei	-	Entire length
Waikato River	Mangawara	Tauhei	Tauhei Mangatea	Entire length
Waikato River	Mangawara	Sludge	-	Confluence to Tahuna Road
Waikato River	Mangawara	North Mangatea	-	Confluence to Mangatea Road
Waikato River	Mangawara	Paranui	-	Entire Length
Waikato River	Mangawara	Paranui	Waiti	Confluence to Waiti Road
Waikato River	Mangawara	Orakei	-	Confluence to Orakei dam

<b>Taupo</b>				
River	Tributary	Secondary tributary	Third Order Tributary	Reach/length
Tongariro	-	-	-	Middle River 1 (Puketarata Confluence to Hydro Pool)
Tongariro	-	-	-	Middle River 2 (Hydro Pool to State Highway 1 Bridge)
Tongariro	-	-	-	Lower River (State Highway 1 Bridge to de Latours Pool)
Tongariro Taupo	-	-	-	Quarry closure bank to mouth at Lake Taupo (from Te Kono Gauge to Mouth) Total Length Approximately 7000m (7km)

<b>Coromandel</b>				
River	Tributary	Secondary tributary	Third Order Tributary	Reach/length
TePuru	-	-	-	McCarthy's corner to Mouth
Waiomu	-	-	-	Ford on Waiomu Valley Rd to mouth
Pohue	-	-	-	Reach of 200 m u/s Pohue Cr Rd Bridge
Tapu	-	-	-	1 km reach from mouth
Whangarahi	-	-	-	Elizabeth Park Retirement Village to Harbour
Karaka	-	-	-	Kaponga Rd bridge to confluence
Weiti [Wade]	-	-	-	50 m upstream of SH25 bridge to mouth
Cook	-	-	-	Rees Ave culvert to mouth
Wigmore	-	-	-	Pa Road bridge to mouth

Coromandel				
Grahams	-	-	-	SH25 to harbour
Waikiekie	-	-	-	SH25 to harbour
TeWeiti	-	-	-	50 m upstream of SH25 bridge to mouth
TeWeiti	Unnamed Tributary	-	-	Reach through residential area
Wentworth	-	-	-	Golf course to harbour

## 4.2.19 Gradient Control Structures

### 4.2.19.1 Permitted Activity Rule – Gradient Control Structures\*

1. Unless controlled by Rule 4.2.5.1 the use, erection, reconstruction, placement, alteration or extension of any gradient control structure, and associated bed disturbance, in, on, under or over the bed of a river or lake, and
2. Necessary deposition of any construction material, and
3. Any discharge of sediment associated with construction activities;

are **permitted activities** subject to the following conditions:

- a) The structure shall not be located in, on, under or over any river bed exceeding 10 metres in width.
- b) Any maintenance work undertaken on the structure shall not exceed a total of 24 hours in any two-month period.
- c) Any such gradient control structure shall be designed so that a two percent annual exceedance probability (1 in 50 year) flood event shall not cause any increase in upstream water levels on neighbouring properties.
- d) The construction works shall comply with the suspended solids discharge standards as set out in Section 4.2.21.
- e) All equipment and surplus construction materials shall be removed from the river or lake bed and the floodplain on the completion of that activity.
- f) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity.
- g) The structure shall provide for the safe passage of fish both upstream and downstream.
- h) The structure shall not be constructed in a water body identified as Natural State in the Water Management Class Maps in this Plan.
- i) The structure shall be maintained in a structurally sound condition at all times.
- j) The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.
- k) In the event of any waahi tapu that is not subject to condition j) being identified by the Waikato Regional Council to the person undertaking the use, erection, reconstruction, placement, extension or alteration, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.
- l) Any erosion occurring as a result of the structure shall be remedied as soon as practicable.
- m) The structure shall be constructed of rock or clean concrete placed such that there is no visible steel in the finished work.
- n) This rule shall not apply to activities located in, on, under or over the bed of a river or lake that is a Significant Geothermal Feature.

- o) The owner of the structure shall inform the Waikato Regional Council in writing of the location of the structure at least 10 working days prior to commencing construction.

**Advisory Notes:**

- The use, erection, reconstruction, placement, alteration or extension of a gradient control structure in, on, under or over the bed of a river that does not comply with Rule 4.2.19.1 is a discretionary activity in accordance with Rule 4.2.4.4.
- Where a waahi tapu site is identified whilst undertaking the activity, the process that Waikato Regional Council will follow in order to implement condition k) is set out in Section 2.3.4.22 of this Plan.
- Where a structure or activity is to be located in, on, under or over the bed of a water body that is Significant Geothermal Feature, Rules 7.6.6.1 to 7.6.6.3 shall apply. Significant Geothermal Features are defined in the Glossary, and in Development and Limited Development Geothermal Systems, identified on maps in Section 7.10 of this Plan.

**Explanation and Principal Reasons for Adopting Method 4.2.19.1**

The use, erection, reconstruction, placement, alteration or extension of gradient control structures are unlikely to have any significant adverse effects. They provide some positive effects by preventing scour and providing a stable river bed and bank. The reason for restricting the structure to points of a river bed not exceeding 10 metres wide is that rivers are unlikely to be navigable at this width.

## **4.2.20 Removal or Demolition of a Structure or Part of a Structure**

### **4.2.20.1 Part XII RMA Enforcement**

Waikato Regional Council will apply for enforcement orders, issue abatement notices and use other enforcement mechanisms in Part XII of the RMA, where the adverse effects noted in Policy 4 in Section 4.2.3 are occurring as the result of a given structure, to:

1. require the owner to remove it, or
2. remove it at the owner's expense, or
3. where the owner is unidentifiable, arrange for the removal at the expense of Waikato Regional Council and/or the Crown

unless the removal is not practical or it is an historically, culturally or recreationally important structure.

### **4.2.20.2 Permitted Activity Rule – Removal or Demolition of Structures**

1. The removal or demolition of any structure or part of any structure, and associated bed disturbance, in, on, under or over the bed of a river or lake, and
2. Any discharge of sediment associated with removal or demolition;

are **permitted activities** subject to the following conditions:

- a) There shall be no use of explosives in the water except by a person who holds a current certificate of competence as a construction blaster, (issued by Occupational Safety and Health, under the Health and Safety Regulations 1995) that would allow demolition of a structure in, on, under or over the bed of a river or lake where the Waikato Regional Council is notified at least 10 days prior to the activity commencing and 24 hours in the case of an emergency.
- b) The structure, or part thereof, being removed or demolished shall be removed from the river or lake bed, and/or any material or temporary structures required to undertake the activity shall be removed.

- c) The activity shall not result in the removal of, or damage to, any lawfully established flood protection or erosion control structures, or linear bank protection structures or plantings undertaken for flood or erosion control.
- d) The activity shall not reduce the ability of the channel to convey flood flows or floating debris.
- e) The removal or demolition works shall comply with the suspended solids discharge standards as set out in Section 4.2.21.
- f) This Rule shall not apply to any structure records on the Historic Places register (in accordance with s22 of the Historic Places Act 1993).
- g) No submerged piles or parts of structures shall be left in the river or lake bed which might catch debris or obstruct navigation.
- h) The Waikato Regional Council shall be notified in writing of the removal or demolition at least 10 working days prior to commencement of the activity.
- i) The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.
- j) In the event of any waahi tapu that is not subject to condition i) being identified by the Waikato Regional Council to the person undertaking the removal or demolition, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.
- k) This rule shall not apply to activities located in, on, under or over the bed of a river or lake that is a Significant Geothermal Feature.

**Advisory Notes:**

- The demolition or removal of any structure, or part of any structure, in, on, under or over the bed of a river or lake that does not comply with any of the conditions in Rule 4.2.20.2 is a controlled activity in accordance with Rule 4.2.20.3.
- Where a waahi tapu site is identified whilst undertaking the activity, the process that Waikato Regional Council will follow in order to implement condition j) is set out in Section 2.3.4.22 of this Plan.
- Where a structure or activity is to be located in, on, under or over the bed of a water body that is Significant Geothermal Feature, Rules 7.6.6.1 to 7.6.6.3 shall apply. Significant Geothermal Features are defined in the Glossary, and in Development and Limited Development Geothermal Systems, identified on maps in Section 7.10 of this Plan.

**4.2.20.3 Controlled Activity Rule – Removal or Demolition of Structures**

1. The demolition or removal of any structure or part of any structure, and associated bed disturbance, in, on, under or over the bed of a river or lake, and
2. Any discharge of sediment associated with removal or demolition;

in a manner which does not comply with Rule 4.2.20.2 are **controlled activities** (requiring resource consent) subject to the following standards and terms:

- a) This Rule shall not apply to any structure recorded on the Historic Places register (in accordance with s22 of the Historic Places Act 1993).
- b) The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.
- c) This rule shall not apply to activities located in, on, under or over the bed of a river or lake that is a Significant Geothermal Feature.

Waikato Regional Council reserves control over the following matters:

- i. Measures to limit the effects of the use of explosives in water bodies.

- ii. Measures to control the effect of the activity on areas of significant indigenous vegetation and significant habitats of indigenous fauna<sup>30</sup>.
- iii. Measures to prevent damage to riparian vegetation or soil.
- iv. The potential effects on bed and bank stability and water quality.
- v. Measures to control the effect of the activity on upstream or downstream properties.
- vi. Measures to control the effect of the activity on any other lawfully established structures.
- vii. Effects on any waahi tapu or other taonga from the activity.
- viii. Effects on the relationship of tangata whenua and their culture and traditions with the site and any waahi tapu or other taonga affected by the activity.
- ix. Effects on the ability of tangata whenua to exercise their kaitiaki role in respect of any waahi tapu or other taonga affected by the activity.
- x. Measures to ensure consistency with criteria as set out in any applicable Water Management Class in this Plan.
- xi. Measures to control suspended solid discharges.

**Advisory Notes:**

- If any of these standards and terms is not complied with, then the activity is a discretionary activity in accordance with Rule 4.2.4.4.
- Information requirements to enable the assessment of any application under this Rule are set out in Section 8.1.3.3. In addition, assessment shall also take into account the matters identified in Policy 4 of Section 4.2.3.
- The imposition of consent conditions under matters vii), viii) and ix) shall take into account the policy direction provided in Policies 1 and 2 in Sections 2.3.3 in addition to specific policies in this chapter of the Plan.
- Where a structure or activity is to be located in, on, under or over the bed of a water body that is Significant Geothermal Feature, Rules 7.6.6.1 to 7.6.6.3 shall apply. Significant Geothermal Features are defined in the Glossary, and in Development and Limited Development Geothermal Systems, identified on maps in Section 7.10 of this Plan.

**Explanation and Principal Reasons for Adopting Methods 4.2.20.1 to 4.2.20.3**

**Method 4.2.20.1** describes in what situations and how Waikato Regional Council will require the removal of structures that are having adverse environmental effects. In using this method, Waikato Regional Council will consult with the owner (where they can be identified) of the structure to see if the adverse effects involving that structure can be resolved.

**Rule 4.2.20.2** allows for the removal or demolition of structures or parts of structures that may need to be removed from time to time. In many cases, the removal of the structure will not have adverse environmental effects. However, some temporary adverse effect, such as destabilisation of the river or lake bed, may occur. Removal of a structure may be necessary where a structure is unsafe or is no longer required and may be having adverse effects on the environment.

**Rule 4.2.20.3** provides for the removal or demolition of structures as controlled activities. The Rule is included because it is unlikely that Waikato Regional Council will refuse consent for the removal of a structure. Any adverse environmental effects can be addressed through the matters which Waikato Regional Council reserves control over.

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<sup>30</sup> Refer to Appendix 3 of the RPS.

#### **4.2.21 Suspended Solids Discharge Standards for Permitted Activity Rules in Chapters 4.2 and 4.3**

- a) In any river or stream (including Hydro Electricity Reservoirs): the suspended solids concentrations as a result of works associated with a structure in the stream downstream of the structure shall not exceed the suspended solids concentration as measured at the same time in the stream immediately upstream of the structure.
- b) In any lake (excluding Hydro Electricity Reservoirs): as a result of works associated with a structure the suspended solids concentration in the lake shall not exceed the ambient lake concentration (i.e. as measured in the lake in areas unaffected by the discharge).
- c) The restrictions in a) and b) shall not apply with regard to the erection, reconstruction, placement, alteration or removal of a structure within a water body within any 24 hour period within 30 days from commencement of the works, except in:
  - i) Significant Indigenous Fisheries and Fish Habitat Class waters during August to December inclusive.
  - ii) Significant Trout Fisheries and Trout Habitat class waters during May to September inclusive.

The point at which compliance with standards a) and b) shall be measured is:

- i. For rivers and streams (including Hydro Electricity Reservoirs): at a distance downstream of the discharge point (or site of the activity) which is three times the width of the river or stream and which in any instance does not exceed 200 metres from the point of discharge.
- ii. For lakes (other than Hydro Electricity Reservoirs): at a distance of 15 metres from the location of the discharge or the activity.

##### **Advisory Note:**

- As Hydro Electricity Reservoirs have significant flows it is more appropriate to use the river compliance point (maximum of 200m from point of discharge), rather than one intended for lakes with very low current or flow velocities.

#### **4.2.22 Environmental Results Anticipated**

1. Improved water quality and aquatic habitats as a result of more stable river and lake beds.
2. Improved fish passage both upstream and downstream.
3. A reduction in river and lake beds adversely affected by bank erosion and bed instability.
4. Structures that are unsafe for people, or present obstruction to navigation and cause other adverse effects removed.
5. Increased use of culverts, bridges and constructed crossings as an alternative to unfettered stock access to river and lake beds.

## 4.2.23 Monitoring Options

Objective	Indicator/ Measurements	Types of Monitoring	Information Source
A net reduction in the adverse effects of the destabilisation of river and lake beds.	The state of the banks and beds of rivers and lakes. Develop and update stock access to streams indicator for selected catchments. Develop and update sediment in rivers and streams indicator for selected catchments.	Regional trend monitoring. Compliance and effects monitoring. Sediment in streams monitoring programmes.	Land use/cover database. Resource consents database. Compliance monitoring database. Care group database. Iwi/Maori database. Complaints, enquiries and submissions databases. Central Government databases.
No adverse effects on water quality, aquatic ecosystems and wetlands that are inconsistent with Water Management Objective 3.1.2 of this Plan.	Refer to monitoring options for Water Management Objective 3.1.2.	Refer to monitoring techniques for Water Management Objective 3.1.2.	Refer to information sources for monitoring options for Water Management Objective 3.1.2
No obstruction to fish passage for indigenous fish and trout to complete their lifecycle.	Instances of structures obstructing fish and aquatic fauna habitat.	Regional trend monitoring. Compliance and effects monitoring.	Resource consents database. Compliance monitoring database. Care group database. Iwi/Maori database. Complaints, enquiries and submissions database. Territorial authority files. Central Government databases.
No increase in the adverse effects of flooding.	Increased flooding upstream of structures.	Compliance and effects monitoring.	Water quantity database. Resource consents database. Compliance monitoring database. Care group database. Iwi/Maori database. Complaints, enquiries and submissions databases. Central Government databases.
Natural character of river and lake beds protected.	Damage to natural features.	Regional trend monitoring. Compliance and effects monitoring.	Central government databases. Territorial authority files. Resource consents database. Compliance monitoring database. Perception surveys database.



<b>Objective</b>	<b>Indicator/ Measurements</b>	<b>Types of Monitoring</b>	<b>Information Source</b>
Avoid obstructions to navigation.	Instances of navigation obstructions.	Compliance and effects monitoring.	Complaints, enquiries and submissions databases. Resource consents database. Compliance monitoring database.
Remedy or mitigate adverse effects on the relationship tangata whenua as Kaitiaki have with their identified taonga, such as waahi tapu, native flora and fauna and access to their customary fisheries.	Complaints from tangata whenua. Damage to areas of significance to tangata whenua.	Regional trend monitoring. Compliance and effects monitoring. Case-by-case investigation.	Resource consents database. Compliance monitoring database. Complaints, enquiries and submissions database. Perception survey database.
Avoid significant adverse effects of new structures on the relationship tangata whenua as Kaitiaki have with their identified taonga, such as waahi tapu, native flora and fauna and access to their customary fisheries.	Complaints from tangata whenua. Damage to areas of significance to tangata whenua.	Regional trend monitoring. Compliance and effects monitoring. Case-by-case investigation.	Resource consents database. Compliance monitoring database. Complaints, enquiries and submissions database. Perception survey database.
Remedy or mitigate cumulative adverse effects on the relationship tangata whenua as Kaitiaki have with their identified taonga such as waahi tapu, native flora and fauna and access to their customary fisheries.	Complaints from tangata whenua. Damage to areas of significance to tangata whenua.	Regional trend monitoring. Compliance and effects monitoring. Case-by-case investigation.	Resource consents database. Compliance monitoring database. Complaints, enquiries and submissions database. Perception survey database.

## **4.3 River and Lake Bed Disturbances**

### **4.3.1 Issues**

#### **Issue 1:**

**Activities that alter the beds or banks of rivers and lakes, including tunnelling, drilling, excavation, reclamations or drainage, and deposition of substances can:**

- a) create bank erosion or destabilise bed material which may result in:
  - i) loss of adjacent land**
  - ii) siltation of the waterway with consequent loss of aquatic and marine habitat**
  - iii) accelerated infilling of wetlands and estuaries and harbours**
  - iv) reduced opportunity for abstractive uses of water resource**
  - v) unintended changes in bed levels resulting in flooding**
  - vi) increase in downstream channelisation and bank erosion, and undesirable oscillation of channel alignments**
  - vii) damage to lawfully established structures**
  - viii) adverse effects on the operation of drainage within drainage districts**
  - ix) adverse effects on the structural integrity of river control scheme works,****
- b) adversely affect the relationship tangata whenua as Kaitiaki have with their identified taonga such as waahi tapu, native flora and fauna and access to their customary fisheries, and**
- c) adversely affect natural character of beds of rivers and lakes and their margins,**
- d) Adversely affect existing legal public access to and along river and lake beds and their margins.**

#### **Issue 2:**

**Deliberate introduction of any plant in, on, or under the beds or banks of rivers or lakes can:**

- a) create plant pest infestation,**
- b) obstruct the channel of a river resulting in increased flood levels on adjacent properties,**
- c) redirect river flows resulting in localized erosion of river bed or bank, or on adjacent land,**
- d) out compete desirable plant species\* already present in areas adjacent to or downstream of the area into which the introduction is made.**

#### **Issue 3:**

**The clearance of vegetation from the bed or bank of a river or lake can result in the adverse effects listed in Issue 1, and:**

- a) reduced opportunity for downstream use of the water,**
- b) redirection of the flow of water in a waterbody creating erosion,**
- c) a rise in water temperature with a consequent loss of habitat for fresh water fish, creating a barrier to native fish passage, and increasing the potential for nutrients in waterways to create nuisance growth in waterways and estuaries.**

#### **Issue 4:**

**Livestock access to the banks and rivers, lakes and wetlands<sup>31</sup> that are areas of significant indigenous vegetation and/or significant habitats of indigenous fauna can**

- a) damage aquatic habitat by browsing of desirable species, trampling and defecation**
- b) create bank instability effects identified in Issue 1**
- c) cause deposition of faecal material in a place where it can enter the water body causing adverse effects on water quality inconsistent with Chapter 3.1.**

### **4.3.2 Objective<sup>32</sup>**

Physical alteration to the beds or banks of waterways, the deliberate introduction of vegetation to the beds or banks of rivers or lakes, the destruction or removal of vegetation from the beds and banks of rivers and lakes, and the access of livestock to the banks and beds of rivers and lakes managed so that:

- a) loss of adjacent land is avoided
- b) adverse effects on aquatic habitat, downstream water uses and on the passage of trout and indigenous fish of elevated suspended solids and temperature levels in surface water bodies are not inconsistent with objectives in Chapter 3.1
- c) accelerated infilling of estuaries, harbours and wetlands<sup>33</sup> that are areas of significant indigenous vegetation and/or significant habitats of indigenous fauna is avoided, excluding structures designed to trap sediment
- d) bank stability and channel stability is maintained
- e) there is no increase in the adverse effects of flooding
- f) significant adverse effects on the relationship tangata whenua as kaitiaki have with their identified taonga such as waahi tapu, native flora and fauna and access to their customary fisheries are avoided
- g) cumulative adverse effects on the relationship tangata whenua as kaitiaki have with their identified taonga such as waahi tapu, native flora and fauna and access to their customary fisheries are remedied or mitigated
- h) significant adverse effects on the natural character of the margins of wetlands, lakes and rivers are avoided
- i) there is no introduction of any plant pest identified in the Waikato Regional Pest Management Strategy
- j) competition by introduced vegetation to existent desirable plant species is avoided
- k) obstruction of river channels by introduced vegetation is avoided
- l) faecal contamination does not have adverse effects that are inconsistent with objectives in Chapter 3.1
- m) damage to lawfully established structures and drainage districts and river control scheme areas is avoided
- n) existing legal public access to and along river and lake beds and their margins is maintained, where appropriate.

#### **Principal Reasons for Adopting the Objective**

Objective 4.3.2 addresses all four issues described in Section 4.3.1. Parts a) to g) and l) relate generally to all the issues while parts h), i), j) and k) address specific issues as identified in the paragraphs below.

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<sup>31</sup> Refer to Appendix 3 of the RPS.

<sup>32</sup> Also refer to the Objectives in Section 1.2.3 of this Plan.

<sup>33</sup> Refer to Appendix 3 of the RPS.

Part a) of Objective 4.3.2 ensures that any loss of land adjacent to the bed of a river or lake by erosion or activities on the bed is avoided. Loss of adjacent land can occur as a result of activities in the bed of a river or lake causing erosion of its banks. Once land has been lost it is often not possible to reinstate it to its original state.

Part b) of Objective 4.3.2 provides a strong link between this chapter and the relevant Water Management Objective in Chapter 3.1 of this Plan. The way water is managed has an influence on how river and lake beds will be managed. This part of the objective therefore provides for integrated management of water and river and lake beds.

Part c) of Objective 4.3.2 recognises that infilling occurs naturally and will continue to do so. Where practical, the entry of sediment from activities into water bodies should be avoided so that the rate of accelerated infilling is not significantly greater than that which would naturally occur.

Part d) of Objective 4.3.2 provides that bank stability and channel stability need to be maintained while acknowledging that there is natural erosion of beds and banks. Maintaining stable banks and channels is desirable to prevent loss of adjacent land to prevent adverse effects downstream.

Part e) of Objective 4.3.2 recognises that there are adverse effects from flooding, such as damage to property, that are not acceptable and should not be increased. Waikato Regional Council wishes to ensure that the risk of flooding is not increased. Flooding damages property and creates costs in terms of flood mitigation for other users.

Disturbances in, on or under the beds of rivers and lakes may also have impacts on the relationship tangata whenua as kaitiaki have with their identified taonga such as waahi tapu, native flora and fauna and access to customary fisheries. Part f) of Objective 4.3.2 recognises that statutory duty to manage physical effects on the relationship tangata whenua as kaitiaki have with their waahi tapu, native flora and fauna and access to customary fisheries.

Part g) of Objective 4.3.2 recognises that there are effects which may be smaller scale but which together add up to adversely affecting identified taonga, such as waahi tapu, native flora and fauna and access to customary fisheries. These adverse effects are more easily remedied or mitigated as they occur, through resource consent conditions or non-regulatory methods such as education or incentives.

Module 2 Matters of Significance to Maori identifies the process in which Maori and Waikato Regional Council can work together to identify the areas of interest to Maori, in regard to the specific resource, that will facilitate a greater awareness of these matters in the management of this resource.

Part h) recognises that river and lake bed disturbances may have significant impacts upon the natural character of these areas. This part of the objective therefore seeks to avoid significant adverse effects on the natural character of river and lake beds.

Parts i), j) and k) of Objective 4.3.2 relate specifically to Issue 2 in Section 4.3.1. Part i) seeks that there is no introduction of any plant pest identified in the RPMS. Plant pests may smother habitats and block water bodies in areas where they are introduced. Part j) ensures that there is no competition from introduced plant species with desirable plants already existing in the Region. Desirable species assist in maintaining bank and bed stability and provide habitat for aquatic fauna. Competition from introduced species may result in a reduction in these benefits. Part k) ensures that river channels are not obstructed by introduced vegetation which may result in flooding on adjacent land and in bed and bank erosion.

Part l) of Objective 4.3.2 relates to Issue 4 of Section 4.3.1 and ensures that faecal contamination by livestock in water bodies does not have adverse effects that are inconsistent with the Water Management Objectives in Chapter 3.1.

Part m) of Objective 4.3.2 pertains to Issue 1a) vii) in Section 4.3.1 and ensures that damage to lawfully established structures and drainage districts and river control scheme areas is avoided. Many structures in these areas provide services to the community that if comprised could affect peoples safety and incomes. Costs of damages are often borne by the wider community.

Part n) of Objective 4.3.2 recognises that the maintenance of existing legal public access to, along and across the beds of margins of lakes, rivers and wetlands is of importance in managing the Region's water resource. Maintaining existing legal public access to active and passive recreational areas and places of cultural and historical interest is important. It is intended to promote public access to and along water bodies, however, it is recognised that there are instances when restriction of public access is necessary such as where safety, defence or security purposes require limits or where sensitive areas require protection.

### 4.3.3 Policies

#### **Policy 1: Bed and Bank Alterations and Extraction of Sand, Gravel and Other Bed Material**

Ensure that the physical alteration of the river bed and banks including the extraction of sand, gravel and other material in, on or under the bed of a river or lake:

- a) does not result in loss of adjacent land, or
- b) does not degrade water quality and aquatic ecosystems in a manner that is inconsistent with policies in Section 3.2.3, or
- c) does not result in the accelerated infilling of estuaries, harbours and wetlands<sup>34</sup> that are areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, or
- d) does not obstruct fish passage, or
- e) does not significantly adversely affect bed and channel stability, except in those instances where the disturbance will provide environmental benefits, or
- f) does not result in an increase in the adverse effects of flooding on neighbouring properties, or
- g) does not affect the integrity of existing lawfully established structures or drainage districts and river control scheme areas, or
- h) avoids significant adverse effects on the relationship tangata whenua as kaitiaki have with river and lake beds, or
- i) does not degrade natural character in a manner that is inconsistent with Policy 6 in Section 4.3.3
- j) does not obstruct existing legal public access where appropriate.

#### **Policy 2: Introduction of Vegetation**

Ensure that the deliberate introduction or planting of plants in, on or under the bed or bank of any river or lake and the ongoing maintenance of such plantings:

- a) does not result in the introduction of aquatic plant pests as noted in Waikato Regional Council's Regional Pest Management Strategy, or
- b) does not result in an increase in the adverse effects of flooding on neighbouring properties, or
- c) does not cause or accentuate bed and bank erosion, or

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<sup>34</sup> Refer to Appendix 3 of the RPS.

- d) does not overgrow, invade, smother, replace, or damage desirable species\* already present in areas adjacent to, and downstream from, where the plants are introduced.

### **Policy 3: Clearance of Vegetation**

Permit the clearance of any plants in, on or under the bed of any lake or river that:

- a) is not inconsistent with the objectives and policies in Chapter 3.2
- b) does not result in an increase in the adverse effects of flooding on neighbouring properties
- c) does not cause or accentuate erosion of the beds or banks of rivers or lakes
- d) does not redirect the flow of water in a water body, creating erosion

and restrict the disturbance, removal, damage or destruction of any plants (excluding plant pests) in, on or under the bed of any lake or river in Natural State Water Body as identified in Water Management Class Maps of this Plan and wetlands<sup>35</sup> that are areas of significant indigenous vegetation and/or significant habitats of indigenous fauna.

### **Policy 4: Livestock Access to Water Bodies**

Use a mixture of non-regulatory methods (including education and incentives) and rules to manage the adverse effects of livestock access to water bodies.

### **Policy 5: Enforcement of Livestock Access to Water Bodies Rule**

Waikato Regional Council's approach to enforcing Rule 4.3.5.4, prepared to implement Policy 4, will be as follows:

- a) For one-off or minor non-compliance with the Rule, Waikato Regional Council will work with the resource user to avoid future non-compliance.
- b) Where adverse effects of livestock access to water bodies are significant and ongoing, Waikato Regional Council will take enforcement action unless there is an agreed programme of work to exclude livestock access to water bodies being implemented.

### **Policy 6: Natural Character**

Recognise, and where relevant provide for, the following characteristics when considering the preservation of the natural character of river and lake beds and their margins and the protection of them from the inappropriate disturbance of river and lake beds:

- a) Diversity and composition of aquatic and riparian habitat.
- b) Topography and physical composition of river and lake beds and the course of the river.
- c) The natural flow characteristics and hydraulic processes (such as sediment transport) of rivers and streams or the pattern and range of water level fluctuations that occur naturally in rivers and lakes.
- d) Any significant natural features of the bed or banks.

### **Policy 7: Positive Benefits of Resource Use**

Recognise the positive benefits that can arise from the use, development and protection of river and lake beds whilst ensuring that any adverse effects are controlled in accordance with Policies 1 and 2 of this Chapter.

### **Explanation and Principal Reasons for Adopting the Policies**

The approach adopted in **Policy 1** in Section 4.3.3 is to ensure that physical alteration of river and lake beds do not result in significant adverse effects as listed in the

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<sup>35</sup> Refer to Appendix 3 of the RPS.

objective. This Policy will be implemented by ensuring that only activities that do not cause the significant adverse effects listed are permitted and those activities that may result in these effects will require resource consents.

Section 13(1)(c) of the RMA requires a resource consent for the introduction or planting of any plant in, on or under the bed unless the activity is allowed by a rule in a regional plan. **Policy 2** of Section 4.3.3 addresses parts h), i) and j) of Objective 4.3.2 and allows the introduction and planting of desirable species without undue restrictions as long as the adverse effects listed in parts a) to d) of the policy do not occur. Part of the purpose of this policy is to support and provide a link to the Waikato Regional Pest Management Strategy.

The purpose of **Policy 3** of Section 4.3.3 is to implement objectives linked to Issue 3 by controlling the removal or disturbance of vegetation (excluding plant pests) in or on the beds of Natural State water bodies and wetland habitat for indigenous vegetation or fauna communities. It is recognised that in some circumstances vegetation removal may be necessary, for example where there are plant pests or to prevent or mitigate flooding or damage to infrastructure or assets. This policy does not prevent vegetation removal for drain maintenance or flood control purposes.

**Policy 4** in Section 4.3.3 promotes the appropriate revegetation of river and lake banks across the Region to assist with maintaining bank stability and preventing the loss of adjacent land. The revegetation of banks can also assist in providing aquatic habitat and assist in maintaining and enhancing water quality. Policy 4 states how parts a), b) and k) of Objective 4.3.2 will be achieved. This policy addresses livestock access to water bodies in order to avoid adverse environmental effects. Livestock in water bodies can cause erosion of the beds and banks, channel widening, deepening and shallowing by trampling of the beds and banks, and water quality problems due to direct effluent inputs and sediment disturbances. Livestock access in combination with other activities also contributes to a significant cumulative decline in aquatic habitat quality throughout the Region.

**Policy 5** states how Waikato Regional Council will enforce Rule 4.3.5.4. In the first instance, for one-off or minor non-compliance, Waikato Regional Council is seeking a co-operative approach with landowners to avoid future adverse effects. Where there is deliberate ongoing non-compliance and adverse effects continue to occur enforcement action will be taken unless there is an agreed programme of work to exclude livestock access to water bodies being implemented.

**Policy 6** in Section 4.3.3 implements part g) of Objective 4.3.2 and recognises that natural character is a set of interdependent qualities that together give an area its recognisable character and this will vary widely throughout the Region. Policy 6 sets out the key aspects of natural character of a water body that will be considered in the First Schedule process of regional district plan preparation and changes, as well as in the consideration of any relevant consent application that affects water bodies and their margins.

**Policy 7** recognises that disturbances of the beds of rivers or lakes can and do have benefits for the community's social, cultural and economic wellbeing. This policy is necessary to achieve the direction in Section 1.2.3 Objective 3.

## 4.3.4 Implementation Methods – Disturbances of the Beds of Lakes and Rivers

### Advisory Notes:

- All bed disturbances in, on or under the bed of Lake Taupo and the bed of the Waikato River to the confluence of the Waipapa Stream require, in addition to any RMA requirements, the approval of the Tuwharetoa Maori Trust Board as owners of the lake bed and part river bed. Any person wishing to disturb the bed of Lake Taupo must consult with the Tuwharetoa Maori Trust Board to check with their requirements and get their permission. Landowner consent is required before anyone can exercise a resource consent. Meeting the requirements of the Trust Board does not exclude an applicant from compliance with the rules of this Plan.
- Waikato Tainui have a close interest in activities and structures in the Waikato River and its tributaries. It is recommended that any person applying for a resource consent to disturb the bed of the Waikato River consult with the Waikato Raupatu Lands Trust to check their concerns regarding bed disturbances.
- The beds of rivers and lakes in New Zealand are owned by the Crown or by private organisations or individuals. Any person intending to disturb the bed of a lake or river must seek the consent of the owner before doing so, including where the activity is authorised by a resource consent or rule in a regional plan.
- Under s51 of the Transit New Zealand Act 1989 every person commits an offence who, without the written permission of the Land Transport Authority (in the case of a State Highway) or of the Minister of Transport (in the case of a road under the Minister's control) digs up or removes any stone, gravel, sand, or other material from a river bed within 50 metres of a bridge, dam, ford, or weir forming part of a road.
- Where any bed disturbance activity is to occur in, on or under the bed of a water body that is a Significant Geothermal Feature then Rules 7.6.6.1 to 7.6.6.3 shall apply. Significant Geothermal Features are defined in the Glossary, and in Development and Limited Development Geothermal Systems, identified on maps in Section 7.10 of this Plan.

### 4.3.4.1 Environmental Education

Waikato Regional Council will use environmental education programmes to inform the community of:

1. methods that protect the beds and banks of rivers and lakes from destabilisation due to bed disturbance activities, including removal of sand and gravel and the removal of vegetation
2. rules regarding bed disturbance activities in, on or under the beds of rivers and lakes.

### 4.3.4.2 Good Practice

Waikato Regional Council will, in conjunction with organisations, industry groups and individuals that undertake activities that disturb the beds of rivers and lakes, provide guidance on the development, implementation and review of good practice techniques or appropriate codes of practice.

### 4.3.4.3 Economic Incentives

Waikato Regional Council will consider the provision of funding support for projects that assist with promoting the stabilisation of unstable river and lake beds including that caused by livestock access.

### 4.3.4.4 Discretionary Activity Rule – Bed Disturbance Activities

Any river or lake bed disturbance activity, including:

1. Excavation, drilling, tunneling, or
2. The introduction of any plant or part of any plant in, on or under the bed, or



3. Deposition of any substance in, on or under the bed, or
4. Reclamation or drainage of the bed, or
5. The clearance of vegetation in, on or under the bed:

that is not otherwise provided for by, or does not comply with, a permitted or controlled activity rule within this Regional Plan is a **discretionary activity** (requiring resource consent).

**Advisory Note:**

- Information requirements to enable the assessment of any application under Rule 4.3.4.4 are set out in Sections 8.1.3.4 and 8.1.3.6. In addition, assessment shall also take into account the matters identified in Policies 1, 2 and 3 of Section 4.3.3.

**Explanation and Principal Reasons for Adopting Methods 4.3.4.1 to 4.3.4.4**

Non-regulatory methods are necessary to provide information on the rules in this Plan, promote the use of good practice techniques and to provide incentives for projects which will assist in stabilising river and lake beds and avoiding, remedying or mitigating the adverse effects referred to in Issue 4.3.1.

Environmental education programmes as mentioned in **Method 4.3.4.1** are an effective means of assisting the community and resource users to understand the rules in this Plan and use methods that can improve how they undertake activities on the beds of rivers and lakes.

**Method 4.3.4.2** is included because many individuals and organisations have adopted good practices including codes of practice and environmental management systems (EMS) that are designed to avoid, remedy or mitigate adverse environmental effects. By working with organisations and individuals in the development, implementation and review of good practices, Waikato Regional Council will be able to provide guidance about avoiding adverse effects of activities that disturb the beds of river and lakes. Waikato Regional Council considers that the implementation of an EMS is a self-monitoring approach, which provides a systematic framework for ensuring an organisation complies with environmental legislation and improves its performance.

Economic incentives as referred to in **Method 4.3.4.3** such as the Promotion of New Projects Policy, provide a means through which Waikato Regional Council can, in partnership with other organisations, groups or individuals, assist to avoid, remedy or mitigate problems associated with unstable river and lake beds. Economic incentives may be used in circumstances where financial considerations are an obstacle to adopting improved practices.

**Rule 4.3.4.4.** provides for any bed disturbance activities that have not been specifically provided for, or cannot comply with the rules in this Plan.

## **4.3.5 Implementation Methods – Livestock Access to Water Bodies**

### **4.3.5.1 Environmental Education**

Waikato Regional Council will use environmental education programmes to inform landowners of:

1. the advantages of excluding livestock from the beds and banks of rivers and lakes,
2. the advantages of fencing riparian areas that are subject to erosion to prevent livestock trampling, subsequent erosion and adverse effects on water quality and aquatic flora and fauna,

3. how to organise and facilitate 'Care' groups as a means to address local destabilisation of river and lake beds and banks,
4. the advantages of using bridges and culverts for livestock crossings in preference to allowing livestock to have unimpeded access to water bodies.

**Advisory Note:**

- Refer also to Method 3.9.4.2 regarding non-point source discharges and Method 5.1.4.1 regarding accelerated erosion.

#### **4.3.5.2 Part XII RMA Enforcement**

1. Waikato Regional Council will apply for enforcement orders, issue abatement notices and use other enforcement mechanisms in Part XII of the RMA, where any of the following effects of livestock access to water bodies occur:
  - a) Severe bed or bank erosion.
  - b) Discharge of sediment or direct input of effluent to water bodies that compromises the relevant Water Management Class criteria outlined in Chapter 3.2 of this Plan for that river, or that exceeds the suspended solids standards specified in Method 3.2.4.5.
  - c) Damage to aquatic habitat (including spawning habitat) through livestock trampling .
  - d) Damage to riparian vegetation, particularly in estuarine areas above mean high water springs.
2. Where, in the opinion of an Waikato Regional Council officer, non-compliance with the conditions of Rule 4.3.5.4 resulting in the effects noted in parts a) to d) occurs Waikato Regional Council will seek an agreement with the landowner on how to avoid, remedy or mitigate the adverse effects over an agreed period of time.
3. Where there is deliberate ongoing non-compliance with the conditions of Rule 4.3.5.4 resulting in the adverse effects noted in parts a) to d) and where the landowner has had reasonable opportunity to avoid, remedy or mitigate the adverse effects, Waikato Regional Council will take enforcement action.
4. Where livestock are present in a water body that flows only intermittently Waikato Regional Council will seek an agreement with the land owner as to the most practical means of avoiding, remedying or mitigating adverse effects arising from stock access to that water body. Where the landowner has had reasonable opportunity to avoid, remedy or mitigate the adverse effects but the adverse effects in Rule 4.3.5.4 are still occurring, Waikato Regional Council will take enforcement action.

**Advisory Note:**

- Refer also to Methods 3.9.4.10 and 5.1.4.10 of this Plan regarding enforcement provisions for the adverse effects of activities in regard to non-point source discharges, soil disturbance and vegetation destruction.

#### **4.3.5.3 Livestock Access**

In addition to using a mixture of non regulatory methods and rules with effects based performance standards that must be met where livestock have access to water bodies, Waikato Regional Council will require that livestock be excluded from mapped portions of water bodies identified as priority 1 water bodies in Table 4-1. At Plan review and when allocating funding as part of its Long Term Council Community Plan, Waikato Regional Council will consider the need to extend this requirement for livestock exclusion to those water bodies identified as Priority 2 in Table 4-1.

**Table 4-1 Priority Water Bodies for Livestock Exclusion<sup>36</sup>**

<b>Water Body Type</b>	<b>Priority 1 – to be mapped as Stock Exclusion Areas in the Regional Plan Maps</b>	<b>Priority 2</b>
<b>Margins of Small, Shallow Lakes</b> (includes peat lakes and other lakes, excluding Lake Taupo)	<ul style="list-style-type: none"> <li>• Rotongaro</li> <li>• Okowhao</li> <li>• Whangape</li> <li>• Waikare</li> <li>• Serpentine</li> <li>• Kuratau</li> <li>• Taharoa</li> <li>• Rotomanuka</li> <li>• Mangakaware</li> <li>• Ohinewai</li> <li>• Waahi</li> <li>• Rotokawau</li> </ul>	<ul style="list-style-type: none"> <li>• Ngaroto</li> <li>• Matahura Catchment</li> <li>• Whangape Catchment</li> <li>• Waahi Catchment</li> <li>• Lake Harihari</li> </ul>
<b>Wetlands</b>	<ul style="list-style-type: none"> <li>• Whangamarino wetland</li> <li>• Kopuatai peat dome</li> <li>• Wetlands listed in Waikato Regional Plan 3.7.7</li> <li>• Opuatia</li> </ul>	<ul style="list-style-type: none"> <li>• Mangatawhiri Wetlands</li> <li>• Tauhua Wetland</li> <li>• Wetlands of the Upper Mokau Basin</li> </ul>
<b>Spring-fed dominated surface water</b>	Waihou River and tributaries above Whites Rd bridge.	<p>Waipa River and tributaries above Toa Bridge</p> <p>Mokau River and Tributaries North East of SH4</p>
<b>Natural state water bodies</b>	Natural State water bodies	
<b>High value rivers</b> Rivers and their tributaries upstream of long term water quality monitoring sites listed.	<ul style="list-style-type: none"> <li>• Kauaeranga</li> <li>• Waiwawa</li> </ul>	
<b>Habitat fringes</b> (banks of flow stable tidally influenced waterways)	<p>Sites within about 2 km upstream and 2 km downstream of saltwater intrusion OR if unknown 2 km upstream from Mean High Water Spring.</p> <ul style="list-style-type: none"> <li>• Known:</li> <li>• Waikato River Mouth</li> <li>• Waihou</li> <li>• Kawhia</li> <li>• Raglan</li> <li>• Mokau</li> <li>• Awakino River Mouth</li> </ul>	<p>Waikawau River Mouth</p> <p>Sites and areas of significant conservation value (ASCV), excluding off-shore islands.</p>

<sup>36</sup> Priority One Water Bodies for LiveStock Exclusion are mapped in the Regional Plan Maps as the Livestock Exclusion Layer.

Water Body Type	Priority 1 – to be mapped as Stock Exclusion Areas in the Regional Plan Maps	Priority 2
<b>Coromandel streams</b>	<ul style="list-style-type: none"> <li>• Waiharekeke</li> <li>• Te Puru</li> <li>• Huakitoetoe</li> <li>• Whareroa</li> <li>• Mataiterangi</li> <li>• Potiki Bay</li> <li>• Whenuakite</li> <li>• Horseshoe Bay</li> <li>• Sandy Bay</li> <li>• Fantail Bay</li> <li>• Awaroa Stream</li> <li>• Whauwhau Stream</li> <li>• Waiwawa</li> <li>• Kauaeranga</li> </ul>	
<b>Lake Taupo and tributaries</b>	<p>Banks of Lake Taupo</p> <p>All tributaries into Lake Taupo including the Tongariro, Tauranga-Taupo, Waihaha, Hinemaiaia and Waitahanui Rivers</p>	
<b>Other Rivers</b>		<p>Maramarua River Catchment</p> <p>Whangamarino River</p> <p>Mangatawhiri River</p> <p>Lower Waikato River Banks</p> <p>Waikato River above Karapiro Dam</p>

#### 4.3.5.4 Permitted Activity Rule – Livestock on the Beds and Banks of Rivers and Lakes

Except on the beds and banks of any water body mapped in the Livestock Exclusion Layer in the Waikato Regional Plan Maps:

1. Livestock entering or crossing part of the bed or bank of a river or lake, and
2. Any associated discharge of suspended solids;

are **permitted activities** subject to the following conditions:

- a) The activity shall
  - i) comply with the suspended solids discharge standards as set out in Section 3.2.4.5 of this Plan; and
  - ii) not cause a reduction in visual clarity of more than 10 percent measured at the point of compliance specified in Section 3.2.4.5 of this Plan
- b) Any erosion occurring that leads to a breach condition a) of this Rule as a result of livestock entering or crossing the bed or banks of a river or lake shall be remedied as soon as practicable.

- c) The amount of time livestock spend crossing water bodies shall be minimised by providing crossing sites.
- d) In a grazing situation, the amount of time that livestock spend in the bed or on the banks of lakes and rivers shall be minimised.

**Advisory Notes:**

- If conditions a) – d) are not complied with, then the activity is a non-complying activity in accordance with Rule 4.3.5.6.
- Refer to Method 4.3.5.2 as to how Waikato Regional Council will enforce this Rule.
- Practical means of compliance with Rule 4.3.5.4 include, but are not limited to:
  - a) the use of bridges or culverts
  - b) fencing of riparian areas
  - c) the use of gates in conjunction with fencing
  - d) provision of troughs for livestock watering in adjacent fenced pasture areas
  - e) construction of crossings so as to be as direct a route across the bed of the river or lake as is practicable
  - f) construction of hard entry and exit points at livestock crossing sites. Also refer to Rule 4.2.11.1 in respect of fords.
- Compliance with condition a) ii) will be assessed by measurement of horizontal water clarity using a black disc or measurement of turbidity.
- Erosion in the context of this Rule means banks being broken down, and the river bed being disturbed to the extent that there are adverse effects such as the widening or shallowing of the river channel.
- When livestock are crossing river beds it is desirable to ensure that:
  - a) effective steps are taken to prevent livestock loafing
  - b) grazing of bank side vegetation is avoided
  - c) trampling of aquatic habitat, or livestock defecating directly into the water or onto the immediate bank is minimised.
- The actions required to comply with condition d) will vary depending on the intensity of the farming operation. Where stocking rates alongside water bodies are high (for example under rotational grazing systems of mob stocking) the following types of actions will probably be necessary to ensure compliance:
  - a) use of permanent or temporary fences along the banks to deter livestock loafing in the stream bed, grazing of bank side vegetation, trampling aquatic habitat or defecating directly into the water or onto the immediate bank.
  - b) provision of alternative water supplies so that stock do not need to access the bed of the waterbody.
  - c) provision of shade so stock do not need to cool themselves by standing in water.
- Rule 4.3.5.4 has relatively narrow application and may be difficult to comply with. In circumstances where the bed of a river or lake has a soft or silty substrate, where large herds of livestock are crossing frequently or where stock have unrestricted access, it is unlikely that conditions a) and b) can be satisfied.

**4.3.5.5 Discretionary Activity – Livestock on the Beds and Banks of Priority One Water Bodies**

Where livestock have access to the beds and banks of any water body mapped in the Planning Maps as a Livestock Exclusion Area:

1. Livestock entering or crossing part of the bed or bank of a river or lake, and
2. Any associated discharge of suspended solids

are **discretionary activities** (requiring resource consents) subject to the following standards and terms:

- a) The activity shall:
  - i) comply with the suspended solids discharge standards as set out in Section 3.2.4.5 of this Plan; and
  - ii) not cause a reduction in visual clarity of more than 10 percent measured at the point of compliance specified in Section 3.2.4.5 of this Plan.

- b) Any erosion occurring, that leads to a breach of condition a) of this Rule, as a result of livestock entering or crossing the bed or banks of a river or lake shall be remedied as soon as practicable.
- c) The amount of time livestock spend crossing water bodies shall be minimised by providing crossing sites.
- d) In a grazing situation, the amount of time that livestock spend in the bed or on the banks of lakes and rivers shall be minimised.

**Exclusion to this Rule:** Where a water body flows only intermittently livestock shall be excluded from that water while it is flowing.

**Advisory Note:**

- Information requirements to enable the assessment of any application under this Rule are set out in Section 8.1.3.7. In addition, assessment shall also take into account the matters identified in Policy 4 of Section 4.3.3.

#### 4.3.5.6 **Non-Complying Activity – Livestock on the Beds and Banks of Rivers and Lakes**

Except as provided for in Rules 4.3.5.4 and 4.3.5.5:

1. Livestock entering or crossing part of the bed or bank of a river or lake, and
2. Any associated discharge of suspended solids;

are **non-complying activities** (requiring resource consent).

**Advisory Note:**

- Information requirements to enable the assessment of any application under this Rule are set out in Section 8.1.3.7. In addition, assessment shall also take into account the matters identified in Policy 4 of Section 4.3.3.

#### **Explanation and Principal Reasons for Adopting Methods 4.3.5.1 to 4.3.5.6**

Methods 4.3.5.1 to 4.3.5.5 implement Policy 5 of Section 4.3.3 and address Issue 4 and parts b), d) and k) of Objective 4.3.2.

Environmental education programmes as provided for in **Method 4.3.5.1** are an effective means of providing resource users with information on how they can avoid the adverse effects of livestock in water bodies. Parts 1 to 4 of this method provide for a variety of ways in which Waikato Regional Council will inform farmers of means to prevent livestock access to water bodies and avoid destabilisation of river and lake beds and direct effluent inputs.

Section 17 of the RMA places a duty on every person to avoid, remedy or mitigate adverse environmental effects. Where significant adverse effects as noted in **Method 4.3.5.2** occur on the beds of lakes and rivers as a result of an activity, Waikato Regional Council will apply for enforcement orders, abatement notices and other enforcement provisions to require a person to cease or prohibit from commencing the activity. Parts 2 and 3 of this method state how Waikato Regional Council will address the adverse effects noted in Part 1 and how non-compliance with Rule 4.5.5.4 will be enforced. In the first instance Waikato Regional Council is seeking a co-operative approach with landowners to avoid future adverse effects. Where there is deliberate ongoing non-compliance and adverse effects continue to occur enforcement action will be taken unless there is an agreed programme of work to exclude livestock access to water bodies being implemented.

**Method 4.3.5.3** identifies that there are a number of water bodies in the Region that are particularly sensitive to the impacts of livestock access and that it is Council's expectation that over time livestock will no longer have access to those water bodies under any circumstances.

**Rule 4.3.5.4** provides a means for farmers whose livestock are entering and crossing the beds of rivers and lakes to comply with the requirements of s13(1) and s15 of the RMA. Without this rule farmers would require a resource consent for bed disturbances and the discharge of suspended solids. The purpose of **Rule 4.3.5.4** is to indicate that livestock entering or crossing the beds and banks of rivers and lakes are activities that have the potential to cause significant adverse effects and this activity is therefore subject to conditions.

The conditions are designed to prevent the adverse effects of suspended solids on water quality and to ensure that there is no increase in bed and bank instability. Effluent discharges are not covered in this rule because there are no region wide standards for nitrogen, phosphorous, bacteria or viruses that can be applied to every discharge to water.

**Rule 4.3.5.5** recognises that there are instances where livestock access to Priority 1 water bodies will not necessarily result in a breach of the permitted activity standards due to the way in which the farmer manages their livestock. The Rule provides a less restrictive pathway for farmers in these situations than the non-complying activity route for other situations.

**Rule 4.3.5.6** provides for livestock entering and crossing the beds and banks of rivers and lakes that are unable to comply with the conditions of **Rule 4.3.5.4**. The non-complying activity status of this rule signals that this is an activity that has the potential to have significant adverse environmental effects and Waikato Regional Council wishes to retain discretion over whether or not to grant a resource consent for it.

## 4.3.6 Implementation Methods – Disturbance of River and Lake Beds Associated with the Maintenance of a Lawfully Established Structure

### 4.3.6.1 Permitted Activity Rule – Extraction of Bed Material and Disturbance of River and Lake Beds Associated with the Maintenance of a Legally Established Structure

1. The extraction and/or disturbance of bed material for the purpose of clearing debris or bed material from within or surrounding a lawfully established structure, and
2. The disturbance of the bed of a river or lake (excluding excavation/removal of bed material) for the purpose maintaining channels or the beds of rivers and lakes in drainage districts and river control scheme areas that are managed by the Waikato Regional Council or territorial authorities, and
3. Any associated discharge of sediment;

are **permitted activities** subject to the following conditions:

- a) The activity shall provide for the safe passage of fish both upstream and downstream.
- b) The bed disturbance and/or extraction of bed material shall be limited to the extent necessary to clear debris or bed material and, in any event, shall not exceed a total length of 100 metres.
- c) All equipment and surplus materials shall be removed from the river and lake bed and floodplain on the completion of that activity.
- d) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity.
- e) The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological

- Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.
- f) In the event of any waahi tapu that is not subject to condition e) being identified by the Waikato Regional Council to the person undertaking the extraction of bed material and the disturbance of the bed, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.
  - g) The activity shall comply with the suspended solids discharge standards as set out in Section 4.2.21.
  - h) Any erosion occurring as a result of the structure shall be remedied as soon as practicable.
  - i) There shall be no use of explosives in the water except by a person who holds a current certificate of competence as a construction blaster, (issued by Occupation Safety and Health under the Health and Safety Regulation 1995), that would allow clearance of river debris and where the Waikato Regional Council is notified at least ten days prior to the activity commencing and 24 hours in the case of an emergency.
  - j) This rule shall not apply to activities located in, on, under or over the bed of a river or lake that is a Significant Geothermal Feature.

**Advisory Notes:**

- The extraction of bed material or the disturbance of the bed of a lake or river for the purposes of maintaining a legally established structure not provided for by Rule 4.3.6.1 is a controlled activity pursuant to Rule 4.3.6.2.
- Where a waahi tapu site is identified whilst undertaking the activity, the process that Waikato Regional Council will follow in order to implement condition f) is set out in Section 2.3.4.22 of this Plan.
- Where a structure or activity is to be located in, on, under or over the bed of a water body that is Significant Geothermal Feature, Rules 7.6.6.1 to 7.6.6.3 shall apply. Significant Geothermal Features are defined in the Glossary, and in Development and Limited Development Geothermal Systems, identified on maps in Section 7.10 of this Plan.

**4.3.6.2 Controlled Activity Rule – Extraction of Bed Material and Disturbance of River and Lake Beds Associated with Lawfully Established Structures**

Unless authorised by Rule 4.3.6.1:

1. the extraction and/or disturbance of bed material for the purpose of clearing debris or bed material from within or surrounding a lawfully established structure; and
2. The disturbance of the bed of a river or lake (including excavation/removal of bed material) for the purpose of maintaining channels or the beds of rivers and lakes in drainage districts or river control scheme areas that are managed by the Waikato Regional Council or territorial authorities or within hydroelectric schemes; and
3. Any associated discharge of sediment; and
4. Any associated deposition of removed bed material in, on or under the bed;

are **controlled activities** subject to the following standards and terms:

- a) All equipment and surplus materials shall be removed from the river or lake bed and floodplain on the completion of that activity.
- b) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity.
- c) The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.



- d) The works shall not permanently affect the passage of fish upstream and downstream.

The Waikato Regional Council reserves control over the following matters:

- i) The frequency and timing of extraction of bed material.
- ii) The method of removal of bed material.
- iii) The location and extent of the removal of bed material.
- iv) Measures to control the deposition of removed bed material in, on or under the bed.
- v) Measures to control the separation and subsequent deposition on any contaminated materials.
- vi) Measures to control suspended solids discharges.
- vii) Measures to limit the effects of the use of explosives in water bodies.
- viii) Measures to control the effect of the activity on areas of significant indigenous vegetation and significant habitats of indigenous fauna or trout.
- ix) Measures to prevent damage to riparian vegetation or soil.
- x) The potential effects on bed and bank stability and water quality.
- xi) Measures to control the effect of the activity on upstream or downstream properties.
- xii) Measures to control the effects of the activity on any other lawfully established structures.
- xiii) Measures to ensure consistency with criteria as set out in any applicable Water Management Classes in this Plan.
- xiv) Effects on any waahi tapu or other taonga from the activity.
- xv) Effects on the relationship of tangata whenua and their culture and traditions with the site and any waahi tapu or other taonga affected by the activity.
- xvi) Effects on the ability of tangata whenua to exercise their kaitiaki role in respect of any waahi tapu or other taonga affected by the activity.
- xvii) Measures to provide for the safe passage of fish both upstream and downstream during and after the works.

**Advisory Note:**

- The extraction of bed material or the disturbance of the bed of a lake or river for the purposes of maintaining a lawfully established structure not provided for by Rule 4.3.6.2 is a discretionary activity pursuant to Rule 4.3.4.4.

**Explanation and Principal Reasons for Adopting Method 4.3.6.1 and 4.3.6.2**

The purpose of **Rule 4.3.6.1** is to allow the extraction of bed material and other disturbance of the beds of river and lakes for the purpose of clearing debris or bed material from within, or surrounding lawfully established structures. These activities are necessary for the efficient functioning and integrity of structures, and are considered to have minor or no adverse effects.

The purpose of **Rule 4.3.6.2** is to provide for circumstances where it is not possible to comply with Rule 4.3.6.1 but the activity is necessary in order to maintain the operational efficiency of lawfully established structures.

## **4.3.7 Implementation Methods – Sand and Gravel Extraction**

### **4.3.7.1 Permitted Activity Rule – Sand and Gravel Extraction**

The extraction of up to 50 cubic metres per year of sand and gravel from a river bed within the Waihou River Catchment and Ohinemuri River Catchment, excluding water bodies identified as Natural State in the Water Management Class Maps of this Plan, is a **permitted activity** subject to the following conditions:

- a) Machinery shall not be operated in any flowing water.
- b) The removal of sand and gravel shall take place no closer than two metres from flowing water.
- c) Sand and gravel shall not be extracted to a depth exceeding 0.5 metres below water level.
- d) Sand and gravel extraction shall not take place within 20 metres of any structure in, on, under or over the bed of the river.
- e) Sand and gravel extraction shall not take place within 100 metres upstream of a water intake.
- f) All excavated sand and gravel shall be removed from the river bed not stockpiled in the floodplain.
- g) The Waikato Regional Council shall be notified in writing of the sand and gravel extraction at least 10 working days prior to commencing the activity.
- h) The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.
- i) In the event of any waahi tapu that is not subject to condition h) being identified while undertaking the sand and gravel extraction, the activity shall cease insofar as it may affect the waahi tapu and the Waikato Regional Council shall be notified as soon as practicable. The activity shall not be recommenced without the approval of the Waikato Regional Council.
- j) The activity shall comply with the suspended solids discharge standards as set out in Section 4.2.21.
- k) Any erosion occurring as a result of the activity shall be remedied as soon as practicable.
- l) All equipment and surplus materials shall be removed from the floodplain on the completion of that activity.
- m) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity.

**Advisory Note:**

- Where a waahi tapu site is identified whilst undertaking the activity, the process that Waikato Regional Council will follow in order to implement condition i) is set out in Section 2.3.4.22 of this Plan.

#### 4.3.7.2 Controlled Activity Rule – Sand and Gravel Extraction

The extraction of between 50 and 200 cubic metres per year of sand and gravel from a river bed within the Waihou River Catchment and Ohinemuri River Catchment, excluding water bodies identified as Natural State in the Water Management Class Maps of this Plan, is a **controlled activity** (requiring resource consent) subject to the following standards and terms:

- a) Machinery shall not be operated in any flowing water.
- b) The removal of sand and gravel shall take place no closer than two metres from flowing water.
- c) Sand and gravel shall not be extracted to a depth exceeding 0.5 metres below water level.
- d) Sand and gravel extraction shall not take place within 20 metres of any structure in, on, under or over the bed of the river.
- e) Sand and gravel extraction shall not take place within 100 metres upstream of a water intake.
- f) All excavated sand and gravel shall be removed from the river bed and not stockpiled in the floodplain.
- g) The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological

Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.

- h) In the event of any waahi tapu that is not subject to condition g) being identified by the Waikato Regional Council to the person undertaking the activity, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.
- i) Any erosion occurring as a result of the extraction shall be remedied as soon as practicable.
- j) All equipment and surplus materials shall be removed from the floodplain on the completion of that activity.
- k) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity.

Waikato Regional Council reserves control over the following matters:

- i. The frequency and timing of the sand and gravel extraction.
- ii. The method of sand and gravel removal.
- iii. The location and extent of the sand and gravel removal.
- iv. The information and monitoring requirements.
- v. Effects on any waahi tapu or other taonga from the activity.
- vi. Effects on the relationship of tangata whenua and their culture and traditions with the site and any waahi tapu or other taonga affected by the activity.
- vii. Effects on the ability of tangata whenua to exercise their kaitiaki role in respect of any waahi tapu or other taonga affected by the activity.
- viii. Measures to avoid, remedy, or mitigate the effect of the activity on areas of significant indigenous vegetation and significant habitats of indigenous fauna<sup>37</sup>.
- ix. Measures to control suspended solids discharges.

#### **Advisory Notes:**

- Where a waahi tapu site is identified whilst undertaking the activity, the process that Waikato Regional Council will follow in order to implement condition h) is set out in Section 2.3.4.22 of this Plan.
- The imposition of consent conditions under matters v), vi) and vii) shall take into account the policy direction provided in Policies 1 and 2 in Section 2.3.3 in addition to specific policies in this chapter of the Plan.

#### **Notification:**

Applications for resource consents for activities under Rule 4.3.7.2 will be considered without notification or the need to obtain written approval of affected persons, in accordance with s94(1)(b) of the RMA.

### **4.3.7.3 Restricted Discretionary Activity Rule – Sand and Gravel Extraction in Coromandel Peninsula Rivers**

The extraction of sand and gravel from the bed of a river on the Coromandel Peninsula is a **restricted discretionary activity** (requiring resource consent).

Waikato Regional Council restricts its discretion over the following matters:

- i. The location, timing and frequency of the activity.
- ii. The amount of sand and gravel to be removed.
- iii. The method of sand and gravel removal.
- iv. The use, site and placement of material removed from the bed.

<sup>37</sup> Refer to Appendix 3 of the RPS.

- v. Effects on any waahi tapu or other taonga from the activity.
- vi. Effects on the relationship of tangata whenua and their culture and traditions with the site and any waahi tapu or other taonga affected by the activity.
- vii. Effects on the ability of tangata whenua to exercise their kaitiaki role in respect of any waahi tapu or other taonga affected by the activity.
- viii. Measures to control the effects of the activity on any lawfully established structure.
- ix. Measures to control suspended solids discharges
- x. Measures to avoid, remedy or mitigate adverse effects on the natural character of the beds of rivers and lakes.
- xi. Measures to ensure consistency with criteria as set out in any applicable Water Management Class in this Plan.
- xii. Measures to control the effect of the activity on areas of significant indigenous vegetation and significant habitats of indigenous fauna<sup>38</sup>.

**Notification:**

Applications for resource consents for activities under Rule 4.3.7.3 will be considered without notification or the need to obtain written approval of affected persons, in accordance with s94(1)(b) of the RMA.

**Advisory Notes:**

- The imposition of consent conditions under matters v), vi) and vii) shall take into account the policy direction provided in Policies 1 and 2 in Section 2.3.3 in addition to specific policies in this chapter of the Plan.
- If neither Rule 4.3.7.1 or 4.3.7.2 can be complied with, then the activity is a discretionary activity pursuant to Rule 4.3.4.4.
- Refer also to Rule 6.1.16.1 of this Plan concerning discharges to air from land based sand and gravel extraction sites.
- Under s51 of the Transit New Zealand Act 1989 every person commits an offence who, without written permission from the Land Transport Authority (in case of a State Highway) or of the Minister of Transport (in the case of a road under the Minister's control) digs up or removes any stone, gravel, sand, or other material from a river bed within 50 metres of a bridge, dam, ford, or weir forming part of a road.
- Information requirements to enable the assessment of any application under this Rule are set out in Section 8.1.3.4. In addition, assessment shall also take into account the matters identified in Policy 1 of Section 4.3.3.

**Explanation and Principal Reasons for Adopting Methods 4.3.7.1 to 4.3.7.3**

**Rule 4.3.7.1** allows minor extraction of sand and gravel not exceeding 50 cubic metres per year from the dry part of a river bed within the Waihou River Catchment, Ohinemuri River Catchment and in rivers on the Coromandel Peninsula. There is a continuous supply of gravel entering the rivers from the ranges in those areas.

**Rule 4.3.7.2** allows up to 200 cubic metres of gravel to be extracted per year from the dry part of a river bed as a controlled activity. The reason for allowing amounts not exceeding 200 cubic metres is that this quantity is considered to be sustainable for extraction within the catchments named. Controls are required to ensure that metal and sand extraction up to 200 cubic metres is undertaken without causing significant adverse effects on the beds and banks of rivers.

**Rule 4.3.7.3** provides for sand and gravel extraction from the beds of rivers in Coromandel Peninsula rivers. A restricted discretionary rule for this activity has been included because it gives Waikato Regional Council the ability to allow the removal of sand and gravel where the effects will be minor and control removal where there is the potential for significant adverse effects to occur.

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<sup>38</sup> Refer to Appendix 3 of the RPS.

## 4.3.8 Implementation Methods – Introduction or Planting of Vegetation and Tree Layering on the Beds and Banks of Rivers and Lakes

### 4.3.8.1 Permitted Activity Rule – Introduction and Planting of Plants

1. Except as controlled by Rule 4.2.18.1 and prohibited in Rule 4.3.8.2, the introduction, planting or layering\* of any plant or any part of any plant, with the exclusion of plants pests as identified in the Waikato Regional Pest Management Strategy, in, on or under the beds or banks of any lake or river, for the purposes of soil conservation or streamside enhancement, and
2. The associated deposition of construction material, and
3. The associated discharge of sediment, and
4. The associated bed disturbance

is a **permitted activity** subject to the following conditions:

- a) The activity shall not result in any increase in the adverse effects of flooding, or obstruct the river or lake bed.
- b) All materials from the planting, and associated equipment shall be removed from the river or lake bed and floodplain on the completion of that activity.
- c) The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.
- d) In the event of any waahi tapu that is not subject to condition 'x' (c, or e respectively) being identified by the Waikato Regional Council to the person undertaking the introduction and planting of plants, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.
- e) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity.
- f) The Waikato Regional Council shall be notified in writing at least 10 working days prior to commencing the activity if it occurs within a flood or drainage control scheme area that is managed by the Waikato Regional Council or a territorial authority.
- g) The activity shall comply with the suspended solids discharge standards as set out in Section 4.2.21.
- h) Any erosion occurring as a result of the activity shall be remedied as soon as practicable.
- i) Plants shall not replace indigenous flora or have the potential to smother indigenous flora.

#### Advisory Note:

- Except as prohibited by Rule 4.3.8.2, the introduction or planting of any plant or any part of any plant or tree layering in, on or under the beds or banks of any lake or river that does not comply with the conditions of Rule 4.3.8.1 is a discretionary activity pursuant to Rule 4.3.4.4.

### 4.3.8.2 Prohibited Activity Rule – Introduction and Planting of Plant Pests

The introduction or planting of any, or part of any, of the following plant species in, on or under the bed of any river or lake in the Waikato Region is a **prohibited activity**:

1. Alligator weed (*Alternanthera philoxeroides*)
2. Bladderwort (*Utricularia gibba*)

3. Bogbean (*Menyanthes trifoliata*)
4. Clasped pondweed (*Sagittaria graminea* ssp. *platyphylla*)
5. Eel grass (*Vallisneria gigantea*)
6. Egeria oxygen weed (*Egeria densa*)
7. Floating sweetgrass (*Glyceria maxima*)
8. Freshwater eel grass (*Vallisneria* spp.)
9. Fringed water lily (*Nymphaoides peltata*)
10. Hornwort (*Ceratophyllum demersum*)
11. Hydrilla (*Hydrilla verticillata*)
12. Lagarosiphon (*Lagarosiphon major*)
13. Manchurian wild rice (*Zizania latifolia*)
14. Marshwort (*Nymphaoides geminata*)
15. Nardoo (*Marsilea mutica*)
16. Parrot's feather (*Myriophyllum aquaticum*)
17. Phragmites (*Phragmites australis*)
18. Sagittara (*Sagittaria graminea* spp. *Platyphylla*)
19. Senegal tea (*Gymnocoronis spilanthoides*)
20. Salvina (*Salvinia molesta*)
21. Spartina (*Spartina* spp.)
22. Water poppy (*Hydrocleys nymphoides*)
23. Water primrose (*Ludwigia peploides* ssp. *Montevidensis*)
24. Yellow flag (*Iris pseudacorus*)
25. Yellow water lily (*Nuphar lutea*)
26. Water hyacinth (*Eichhornia crassipes*)
27. Pussy willow (*Salix x reichardtii*)
28. Grey willow (*Salix cinerea*)

#### **Explanation and Principal Reasons for Adopting Methods 4.3.8.1 and 4.3.8.2**

Section 13(1)(c) of the RMA restricts the introduction or planting of any plant, or part of any plant, in, on or under the bed of a river or lake. **Rule 4.3.8.1** therefore enables the introduction or planting of any plant, or any part of any plant, and tree layering in, on or under the beds or banks of any lake or river in the situations described, and where the adverse effects described do not result. Activities that do not comply with this Rule are discretionary activities pursuant to Rule 4.3.4.4.

The purpose of **Rule 4.3.8.2** is to prohibit the introduction or planting of any plant, or part of any plant, listed as an aquatic plant pest in the Waikato Regional Pest Management Strategy. The introduction of plant pests is an offence under s52 and s53 of the Biosecurity Act 1993. The plant pests listed in Rule 4.3.8.2 are either banned from sale or are national surveillance plant pests. The two willow species named are very invasive and spread quickly blocking river channels and causing flooding problems. Planting of any of these listed species may cause significant adverse effects.

### **4.3.9 Clearance of Vegetation In, On or Under the Beds of Rivers and Lakes**

#### **4.3.9.1 Part XII RMA Enforcement – Clearance of Vegetation**

Waikato Regional Council will apply for enforcement orders, issue abatement notices and use other enforcement mechanisms in Part XII of the RMA, where any of the following effects occur as a result of vegetation clearance in, on or under the bed of a river or lake:

1. Release of sediments directly associated with vegetation removal, giving rise to any effect that exceeds the suspended sediment standards as set out in Section 4.2.21, or
2. Significant bed or bank erosion, or
3. Increase in the adverse effects of flooding on neighbouring properties, or
4. Significant adverse effects on fish habitat, or
5. Spread of undesirable plant species as listed in Rule 4.3.8.2 but also including crack willow (*Salix fragilis*), or
6. Release of floating debris that has the potential to create a navigation hazard downstream.

#### 4.3.9.2 Permitted Activity Rule – Vegetation Clearance

Except as provided for in Rule 4.3.9.3 the clearance of vegetation in, on or under the beds of rivers and lakes is a **permitted activity** subject to the following conditions:

- a) Floating debris and plant material shall be prevented from drifting away causing obstructions to the river or lake bed, spreading plant pests (as listed in Rule 4.3.8.2) or creating a navigation hazard.
- b) The activity shall not cause any increase in flooding on neighbouring properties.
- c) The activity shall not take place in Significant Indigenous Fisheries and Fish Habitat Class waters during August to December inclusive and Trout Fisheries and Trout Spawning Habitat class waters during May to September inclusive.
- d) All materials from the vegetation clearance activity and associated equipment shall be removed from the river or lake bed and floodplain on the completion of that activity.
- e) The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.
- f) In the event of any waahi tapu that is not subject to condition 'x' (c, or e respectively) being identified by the Waikato Regional Council to the person undertaking the introduction and planting of plants, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.
- g) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity.
- h) The Waikato Regional Council shall be notified in writing at least 10 working days prior to commencing the activity if it occurs within a flood or drainage control scheme area that is managed by the Waikato Regional Council or a territorial authority.
- i) The activity shall comply with the suspended solids discharge standards as set out in Section 4.2.21.
- j) Any erosion occurring as a result of the activity shall be remedied as soon as practicable.
- k) The activity shall not be located in, on, or under the bed of a river or lake that is identified as a Significant Geothermal Feature.

#### Advisory Notes:

- The clearance of vegetation in, on or under the beds of rivers and lakes not provided for by Rule 4.3.9.2 is a discretionary activity pursuant to Rule 4.3.4.4.
- For vegetation clearance by way of spraying agrichemicals also refer to Section 6.2.4 of this Plan.
- Where a structure or activity is to be located in, on, under or over the bed of a water body that is Significant Geothermal Feature, Rules 7.6.6.1 to 7.6.6.3 shall apply. Significant Geothermal Features are defined in the Glossary, and in Development and Limited Development Geothermal Systems, identified on maps in Section 7.10 of this Plan.

### 4.3.9.3 Discretionary Activity Rule – Clearance of Vegetation in Natural State Water Bodies and Wetlands

The clearance of vegetation, with the exclusion of plant pests as identified in the Waikato Regional Pest Management Strategy, in, on or under the beds of rivers and lakes in Natural State water bodies identified in the Water Management Class Maps of this Plan and wetlands<sup>39</sup> that are areas of significant indigenous vegetation and/or significant habitats of indigenous fauna is a **discretionary activity** (requiring resource consent).

#### Advisory Notes:

- Refer to Rule 5.1.4.15 of this Plan regarding the clearance of riparian vegetation adjacent to Natural State Water Bodies and wetlands<sup>40</sup> that are areas of significant indigenous vegetation and/or significant habitats of indigenous fauna.
- Refer to the policies and rules in Chapter 6.2 of this Plan if removing vegetation on the beds of rivers and lakes with agrichemicals.
- Refer to Rule 3.5.4.4 of this Plan for the discharge of a contaminant into water, or onto land when removing vegetation on the beds of river and lakes with agrichemicals.
- Information requirements to enable the assessment of any application under Rule 4.3.9.3 are set out in Section 8.1.3.6. In addition, assessment shall also take into account the matters identified in Policy 3 of Section 4.3.3.

#### Explanation and Principal Reasons for Adopting Methods 4.3.9.1 to 4.3.9.3

Section 17 of the RMA places a duty on every person to avoid, remedy, or mitigate adverse environmental effects. **Method 4.3.9.1** indicates that Waikato Regional Council will apply for enforcement orders, issue abatement notices and use other enforcement provisions under Part XII of the RMA to require a person to cease or prohibit from commencing an activity that may result in those effects occurring.

Under s13(2) of the RMA the clearance of vegetation from the bed of a river or lake is allowed unless a rule in a regional plan provides otherwise.

**Rule 4.3.9.2** provides guidance on how vegetation clearance in, on or under the beds of rivers and lakes should occur and the adverse environmental effects to be avoided. The purpose of this Rule is to control the removal or disturbance of vegetation (excluding plant pests) in, on or under the beds of lakes or rivers identified as Natural State in the Water Management Class Maps of this Plan and wetland habitat of indigenous vegetation or fauna communities. It is recognised that, in some circumstances, vegetation clearance may be necessary such as in the case of plant pests and to prevent or mitigate flooding or damage to infrastructure or assets. This Rule does not prevent vegetation clearance for drain maintenance or flood control purposes in water bodies not classed as Natural State in the Water Management Class Maps of this Plan.

## 4.3.10 Removal of Obstructions

### 4.3.10.1 Permitted Activity Rule – Removal of Obstructions

1. The removal of vegetation, rocks, gravel, sediment and any other debris that are blocking or obstructing a river channel and are or are likely to directly result in erosion or flooding or cause a navigation or safety hazard, and
2. Any associated bed disturbance, and
3. Any associated discharge of suspended solids;

are **permitted activities** subject to the following conditions

<sup>39</sup> Refer to Appendix 3 of the RPS

<sup>40</sup> Refer to Appendix 3 of the RPS



- a) The activity shall be limited to the extent necessary to clear obstructions and, in any event, the total length of works shall be limited to five times the width of the river bed or 100 metres per kilometre per 12 month period whichever is the lesser.
- b) The activity shall provide for the safe passage of fish both upstream and downstream.
- c) All equipment and surplus materials shall be removed from the river or lake bed and floodplain on the completion of that activity.
- d) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity.
- e) The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.
- f) In the event of any waahi tapu that is not subject to condition e) being identified by the Waikato Regional Council to the person undertaking the extraction of bed material and the disturbance of the bed, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.
- g) The activity shall comply with the suspended solids discharge standards as set out in Section 4.2.21.
- h) Any erosion occurring as a result of the activity shall be remedied as soon as practicable.
- i) There shall be no use of explosives in the water except by a person who holds a current certificate of competence as a construction blaster, (issued by Occupational Safety and Health under the Health and Safety Regulation 1995), that would allow clearance of river obstructions and where the Waikato Regional Council is notified at least ten days prior to the activity commencing and 24 hours in the case of an emergency.
- j) This rule shall not apply to activities located in, on, or under the bed of a river or lake that is a significant geothermal feature that is regulated by Rules 7.2.6.1 and 7.2.6.2.
- k) The activity shall not take place in Significant Indigenous and Fish Habitat Class waters during August to December inclusive and Trout Fisheries and Trout Spawning class water during May to September inclusive.
- l) Floating debris and plant material shall be prevented from drifting away causing obstructions to the river bed, spreading plant pests (as listed in Rule 4.3.8.2) or creating a navigation hazard.
- m) The location of the proposed obstruction removal shall be notified to the Waikato Regional Council at least 24 hours prior to commencing activities.
- n) The activity shall not take place in a water body that is identified as a Natural State Water body in the Water Management Class maps or in a wetland.

**Advisory Notes:**

- The removal of vegetation, rocks, gravel, sediment and any other debris that are blocking or obstructing a river channel resulting erosion or flooding or causing a navigation or safety hazard not provided for by Rule 4.3.10.1 is a discretionary activity pursuant to Rule 4.3.4.4
- Where a waahi tapu site is identified whilst undertaking the activity, the process that Waikato Regional Council will follow in order to implement condition f) is set out in Section 2.3.4.22 of this Plan.
- The removal or demolition of a structure or part of any structure in, on, under or over the beds of rivers and lakes are addressed in Section 4.2.20 of this Plan.

### 4.3.11 Environmental Results Anticipated

1. Minimal adverse effects of sand and gravel extraction exceeding natural replenishment.
2. Improved water quality and aquatic habitats as a result of more stable river and lake beds.
3. A reduction in river and lake beds adversely affected by bank erosion and bed instability.
4. Increased plantings of indigenous plant species on the beds and banks of rivers and lakes.
5. Reduction in area and species of aquatic plant pests in the Region.
6. Increasing lengths of water bodies fenced to prevent livestock access to the beds of rivers and lakes.
7. Increased use of culverts, bridges and constructed crossings as an alternative to unrestricted livestock access to river and lake beds.

### 4.3.12 Monitoring Options

Objective	Indicators/ Measurements	Types of Monitoring	Information Source
Loss of adjacent land is avoided	The state of the banks along selected rivers and streams.	Regional trend monitoring. Compliance and effects monitoring. Riparian surveys for selected catchments.	Land use/cover database. Resource consents database. Compliance monitoring database. Care group database. Iwi/Maori database. Complaints, enquiries and submissions databases. Central government databases.
Adverse effects on aquatic habitat, downstream water users, and on native fish passage of artificially elevated water temperatures in surface water bodies, are not inconsistent with objectives in Chapter 3.1	Refer to monitoring options for Water Management Objective 3.1.2	Refer to monitoring techniques for Water Management Objective 3.1.2.	Refer to information sources for Water Management Objective 3.1.2.
Accelerated infilling of estuaries, harbours and wetlands <sup>41</sup> that are areas of significant indigenous vegetation an/or significant habitats of indigenous fauna is avoided, excluding structures designed to trap sediment.	Land cover. Extent and frequency of slipping. Sediment levels in water bodies. Develop and update soil loss by erosion indicator. Develop and update sediment in rivers and streams indicator for selected catchments. Develop and update estuary infilling indicator for selected estuaries.	Regional trend monitoring. Compliance and impact monitoring. Site investigations . Sediment in streams monitoring programmes.	Land use/cover database. Vegetation and wetlands database. Resource consents database. Compliance monitoring database. Care group database.

<sup>41</sup> Refer to Appendix 3 of the RPS

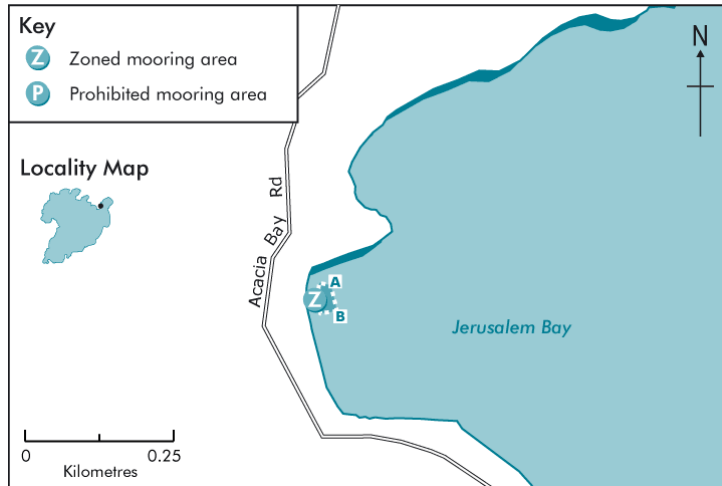
Objective	Indicators/ Measurements	Types of Monitoring	Information Source
Bank stability and channel stability is maintained.	The state of the banks and beds of rivers and lakes. Develop and update sediment in rivers and streams indicator for selected catchments.	Regional trend monitoring. Compliance and effects monitoring. Sediment in streams monitoring programme.	Land use/cover database. Resource consents database. Compliance monitoring database. Care group database. Iwi/Maori database. Complaints, enquiries and submissions databases. Central Government databases.
There is no increase in the adverse effects of flooding.	Increased flooding as a result of bed disturbances.	Compliance and effects monitoring.	Water quantity database. Resource consents database. Compliance monitoring database. Complaints, enquiries and submissions database.
Significant adverse effects on the relationship tangata whenua as Kaitiaki have with their identified taonga such as waahi tapu, native flora and fauna and access to their customary fisheries are avoided.	Damage to areas of significance to tangata whenua. Complaints from tangata whenua.	Regional trend monitoring. Compliance and effects monitoring.	Iwi/Maori database. Resource consents database. Compliance monitoring database. Complaints, enquiries and submissions databases. Perception survey database.
Cumulative adverse effects on the relationship tangata whenua as Kaitiaki have with their identified taonga such as waahi tapu, native flora and fauna and access to their customary fisheries are avoided.	Damage to areas of significance to tangata whenua. Complaints from tangata whenua.	Regional trend monitoring. Compliance and effects monitoring.	Iwi/Maori database. Resource consents database. Compliance monitoring database. Complaints, enquiries and submissions databases. Perception survey database.
Significant adverse effects on the natural character of the margins of wetlands, lakes and rivers are avoided.	The state of the banks and beds of rivers and lakes.	Regional trend monitoring. Compliance and effects monitoring.	Perceptions survey database. Territorial authority files. Land use/cover database. Vegetation and wetlands database. Central government databases.
There is no introduction of any plant pest identified in the RPMS.	Refer to Chapter 10 of the RPMS (1996).	Refer to Chapter 10 of the RPMS (1996).	Refer to Chapter 10 of the RPMS (1996).
Competition from introduced vegetation with existent desirable plant species is avoided.	Land cover.	Regional trend monitoring.	Land use/cover database. Vegetation and wetlands database.

<b>Objective</b>	<b>Indicators/ Measurements</b>	<b>Types of Monitoring</b>	<b>Information Source</b>
Obstruction of river channels by introduced vegetation is avoided.	Incidence of obstruction of river channels by introduced vegetation.	Compliance and effects monitoring.	Resource consents database. Compliance monitoring database. Complaints, enquiries and submissions database
Faecal contamination does not have adverse effects that are inconsistent with objectives in Chapter 3.1	Refer to monitoring options for Water Management Objective 3.1.2.	Refer to monitoring techniques for Water Management Objective 3.1.2.	Refer to information sources for monitoring options for Water Management Objective 3.1.2.
Damage to lawfully established structures and drainage districts and river control scheme areas is avoided.	Land cover. Sediment levels in water bodies.	Regional trend monitoring. Compliance and effects monitoring.	Resource consents database. Compliance monitoring database. Aerial photographs. Incidents and accidents.

## 4.4 Lake Taupo Mooring Maps

### 4.4.1 Zoned Maps Areas

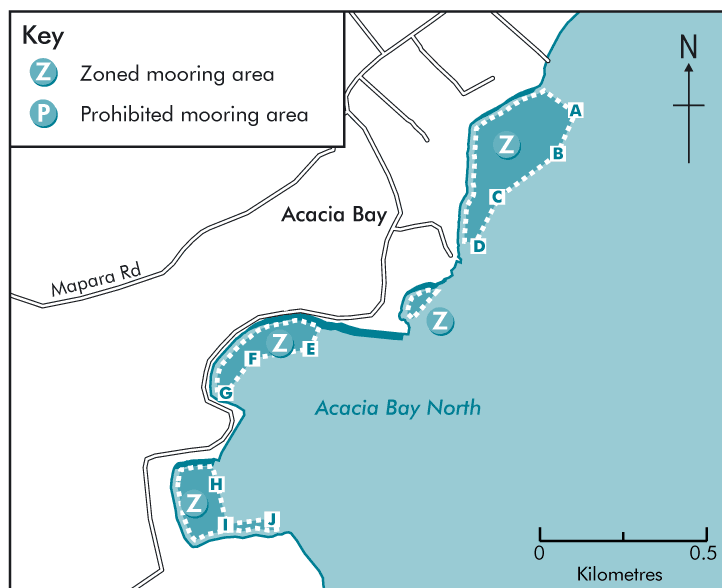
**Figure 4-1 Zoned Mooring Area Map 1 - Jerusalem Bay**



**Co-ordinates of Corner Points (WGS84 Datum)**

	Latitude	Longitude	Bay Name
A	-38:43.211	176:01.378	Jerusalem Bay
B	-38:43.234	176:01.386	Jerusalem Bay

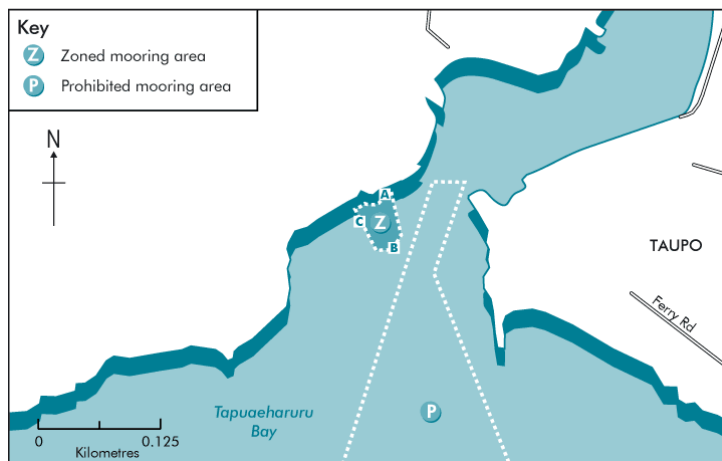
**Figure 4-2 Zoned Mooring Area Map 2 – Acacia Bay South, Acacia Bay North, Te Kopua Bay, & Te Moenga Bay**



**Co-ordinates of Corner Points (WGS84 Datum)**

	<b>Latitude</b>	<b>Longitude</b>	<b>Bay Name</b>
A	-38:42.085	176:02.342	Te Moenga Bay
B	-38:42.153	176:02.307	Te Moenga Bay
C	-38:42.225	176:02.190	Te Moenga Bay
D	-38:42.300	176:02.145	Te Moenga Bay
E	-38:42.480	176:01.812	Acacia Bay North
F	-38:42.499	176:01.693	Acacia Bay North
G	-38:42.556	176:01.641	Acacia Bay North
H	-38:42.704	176:01.629	Acacia Bay South
I	-38:42.769	176:01.650	Acacia Bay South
J	-38:42.756	176:01.750	Acacia Bay South

**Figure 4-3 Zoned Mooring Area Map 3 – Waikato River**



**Co-ordinates of Corner Points (WGS84 Datum)**

	<b>Latitude</b>	<b>Longitude</b>	<b>Bay Name</b>
A	-38:41.228	176:03.786	Waikato River
B	-38:41.258	176:03.790	Waikato River
C	-38:41.243	176:03.768	Waikato River

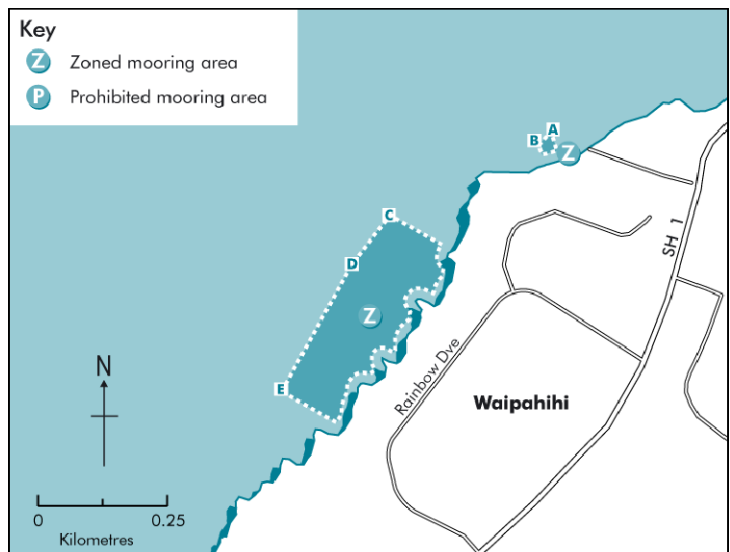
**Figure 4-4 Zoned Mooring Area Map 4 – Hot Water Beach, Waipahihi Bay, & Two Mile Bay**



**Co-ordinates of Corner Points (WGS84 Datum)**

	<b>Latitude</b>	<b>Longitude</b>	<b>Bay Name</b>
A	-38:42.203	176:05.110	Hot Water Beach
B	-38:42.248	176:05.151	Hot Water Beach
C	-38:42.426	176:05.151	Waipahihi Bay
D	-38:42.483	176:05.184	Waipahihi Bay
E	-38:42.584	176:05.146	Waipahihi Bay
F	-38:42.700	176:05.059	Two Mile Bay
G	-38:42.868	176:04.942	Two Mile Bay

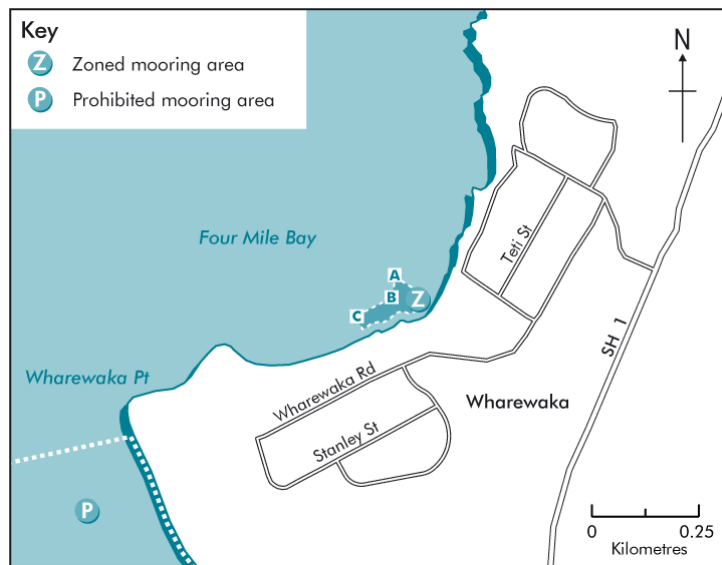
**Figure 4-5 Zoned Mooring Area Map 5 – Lions Walk & Rainbow Point**



**Co-ordinates of Corner Points (WGS84 Datum)**

	<b>Latitude</b>	<b>Longitude</b>	<b>Bay Name</b>
A	-38:42.922	176:04.752	Lions Walk
B	-38:42.937	176:04.736	Lions Walk
C	-38:43.015	176:04.542	Rainbow Point
D	-38:43.067	176:04.494	Rainbow Point
E	-38:43.202	176:04.406	Rainbow Point

**Figure 4-6 Zoned Mooring Area Map 6 – Four Mile Bay**

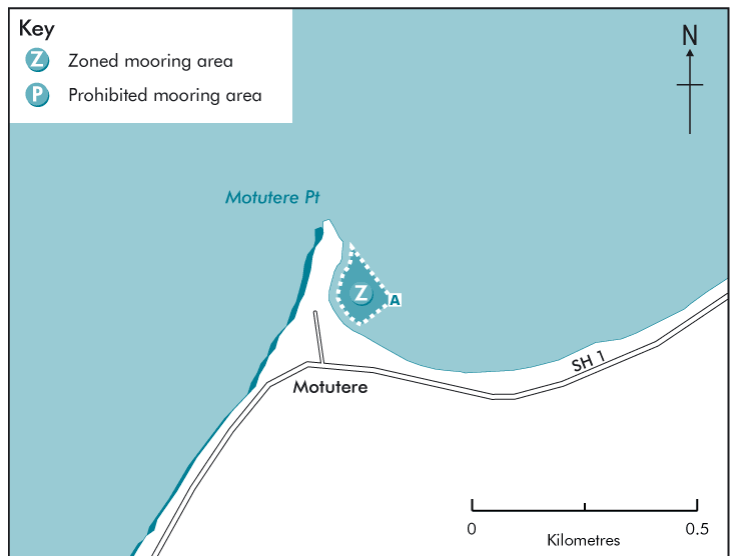


**Co-ordinates of Corner Points (WGS84 Datum)**

	<b>Latitude</b>	<b>Longitude</b>	<b>Bay Name</b>
A	-38:43.763	176:04.040	Four Mile Bay
B	-38:43.789	176:04.036	Four Mile Bay
C	-38:43.813	176:03.980	Four Mile Bay



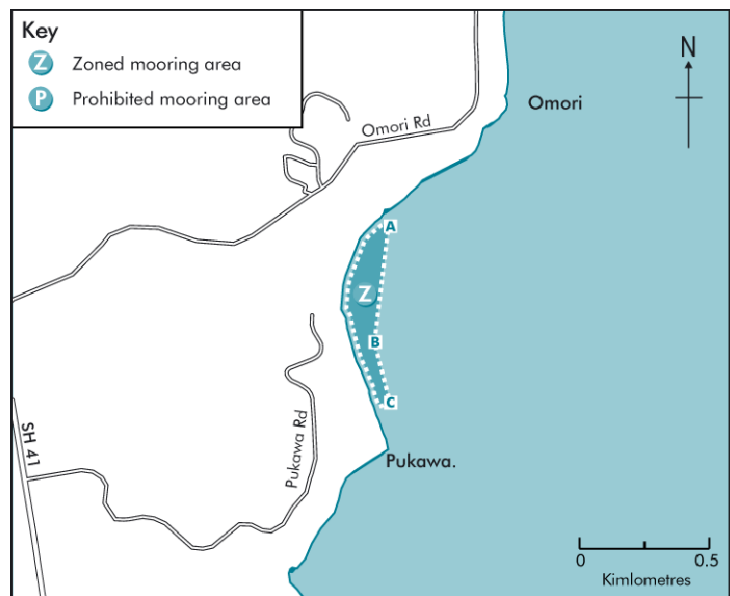
**Figure 4-7 Zoned Mooring Area Map 7 – Motutere**



**Co-ordinates of Corner Points (WGS84 Datum)**

	<b>Latitude</b>	<b>Longitude</b>	<b>Bay Name</b>
A	-38:53.132	175:57.381	Motutere

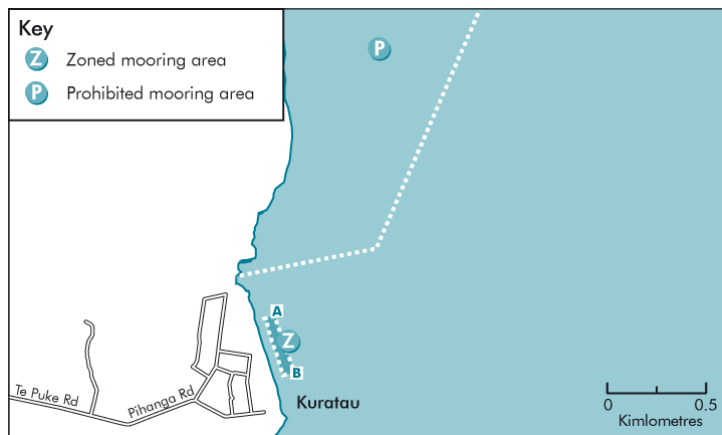
**Figure 4-8 Zoned Mooring Area Map 8 – Pukawa Bay**



**Co-ordinates of Corner Points (WGS84 Datum)**

	<b>Latitude</b>	<b>Longitude</b>	<b>Bay Name</b>
A	-38:54.555	175:45.409	Pukawa Bay
B	-38:54.794	175:45.382	Pukawa Bay
C	-38:54.919	176:45.428	Pukawa Bay

**Figure 4-9 Zoned Mooring Area Map 9 – Kuratau**

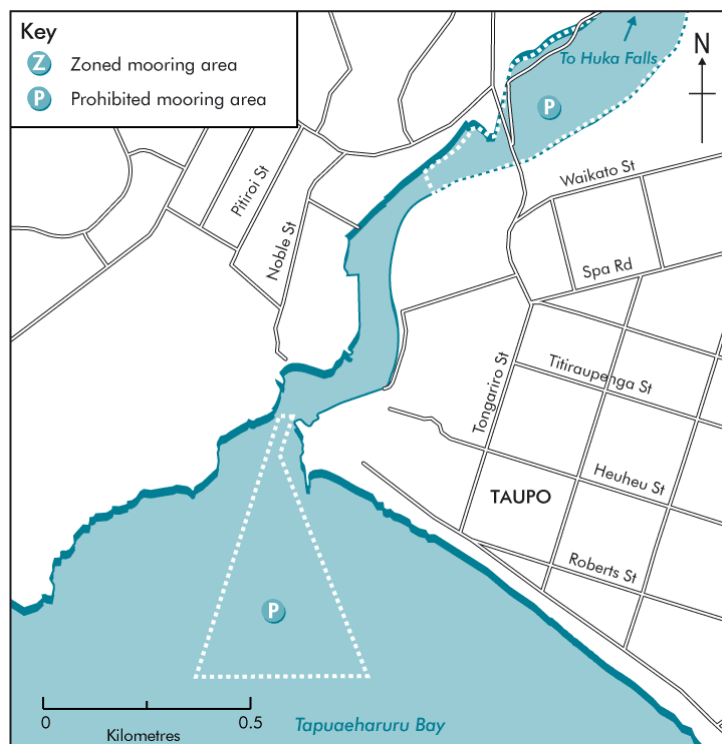


**Co-ordinates of Corner Points (WGS84 Datum)**

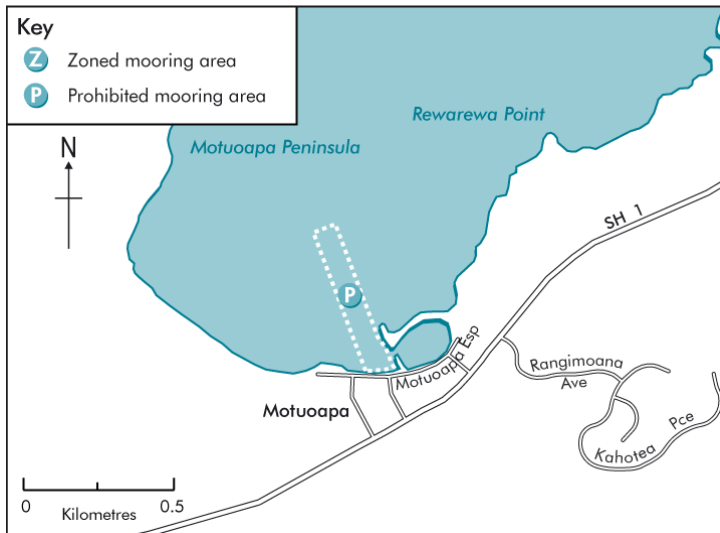
	Latitude	Longitude	Bay Name
A	-38:53.369	175:46.462	Kuratau
B	-38:53.520	175:46.537	Kuratau

#### 4.4.2 Prohibited Mooring Maps

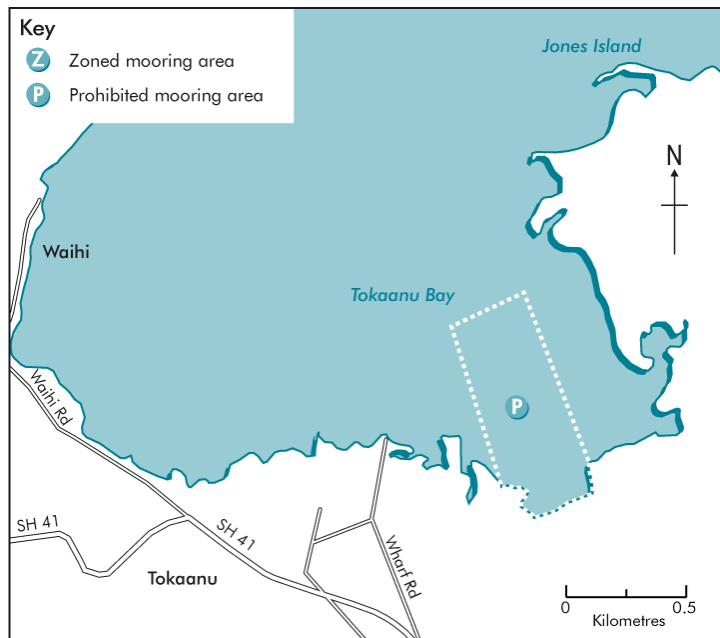
**Figure 4-10 Prohibited Mooring Area Map 1 – Waikato River**



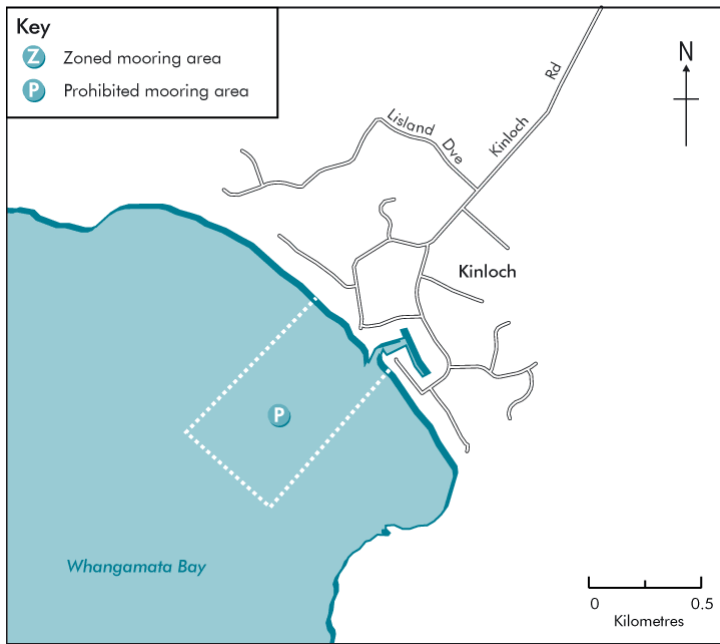
**Figure 4-11 Prohibited Mooring Area Map 2 – Motuoapa**



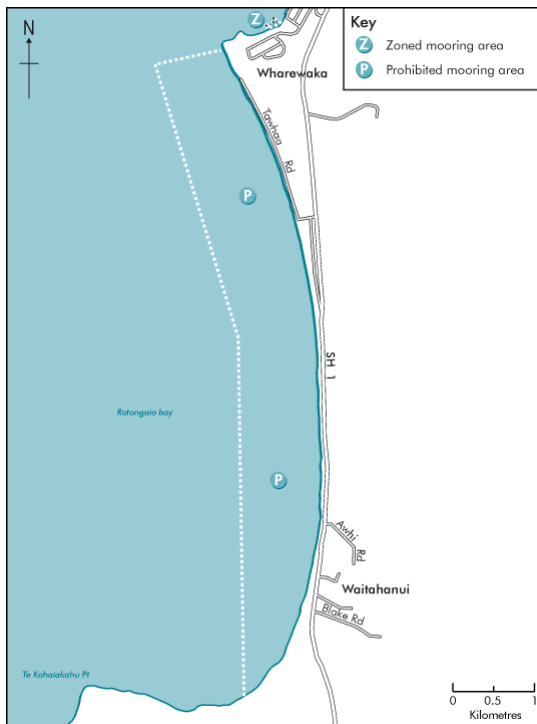
**Figure 4-12 Prohibited Mooring Area Map 3 – Tokaanu Bay**



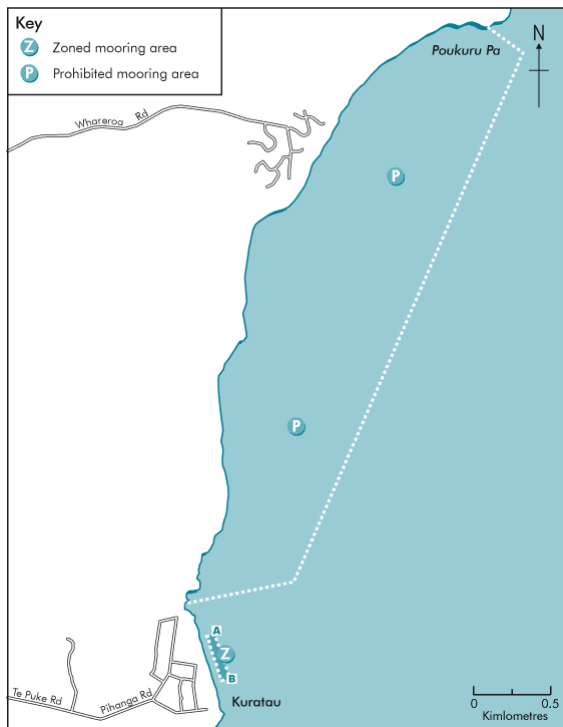
**Figure 4-13 Mooring Area Map 4 – Kinloch**



**Figure 4-14 Prohibited Mooring Area Map 5 – Rotongaio Bay**



**Figure 4-15 Prohibited Mooring Area Map 6 – Kuratau**



### 4.4.3 Existing Public Moorings

#### Schedule 4-1 Public Moorings

Bay	Latitude	Longitude
Waikato River	-38:41.167	176:03.858
Waihaha Bay	-38:43.449	175:45.013
The Nooks	-38:47.038	175:47.000
Cherry Bay	-38:47.850	175:45.310
Motuoapa (A)	-38:55.762	175:52.175
Motuoapa (B)	-38:55.521	175:51.898
Lakefront	-38:41.462	176:04.069
Jerusalem Bay (South)	-38:43.316	176:01.419
Jerusalem Bay (North)	-38:43.117	176:01.442