

Under Section 86A of the RMA, Council can still give weight to the objectives and policies that are proposed for deletion until Freshwater Plan becomes operative. This does not apply to the rules.

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7.0 BEDS OF LAKES AND RIVERS

7.1 Introduction

Purpose

This chapter of the combined plan covers management of the beds of lakes and rivers under Section 13 of the Act. Management of these areas is carried out as a regional function of the Gisborne District Council.

Jurisdiction

The provisions in this chapter apply to the beds of all lakes and rivers throughout the Gisborne district, except those within the coastal marine area. The bed of a lake or river is defined by the Act (Section 2). The boundary of a bed may vary depending on the location of the waterbody, heavy rainfall events and the extent of aggradation that is occurring in some rivers. In some instances the bed of a river may be artificially bounded, e.g. erosion control or flood protection works. Due to river training, the position of these banks may not be within the space that the river would naturally flow. Riverbed migration is prevented through fixed flood control structures. The bed of the river will then be considered to lie within the fixed boundaries. The bed of a river in the case of heavily aggrading riverbeds includes both the wetted and dry parts of the riverbed. In some instances, therefore the riverbed area may be significantly increasing or decreasing according to natural processes or rates of aggradation in the upper catchment. In the case of rivers increasing the size of their beds, management of the land which is covered by aggregate will alter as the boundary shifts.

The bed of a river is not considered to include:

- natural riparian margins of the river;
- any berms or flood control regions contained within additional stopbanks constructed for flood control purposes;
- the bed of the river including the river mouth which lies within the jurisdiction of the Regional Coastal Environment Plan (the coastal marine area).
- The following diagram illustrates the boundaries of the bed of a river. Note that rivers in the district vary significantly but, excluding stopbanks, each will have similar basic components as illustrated.

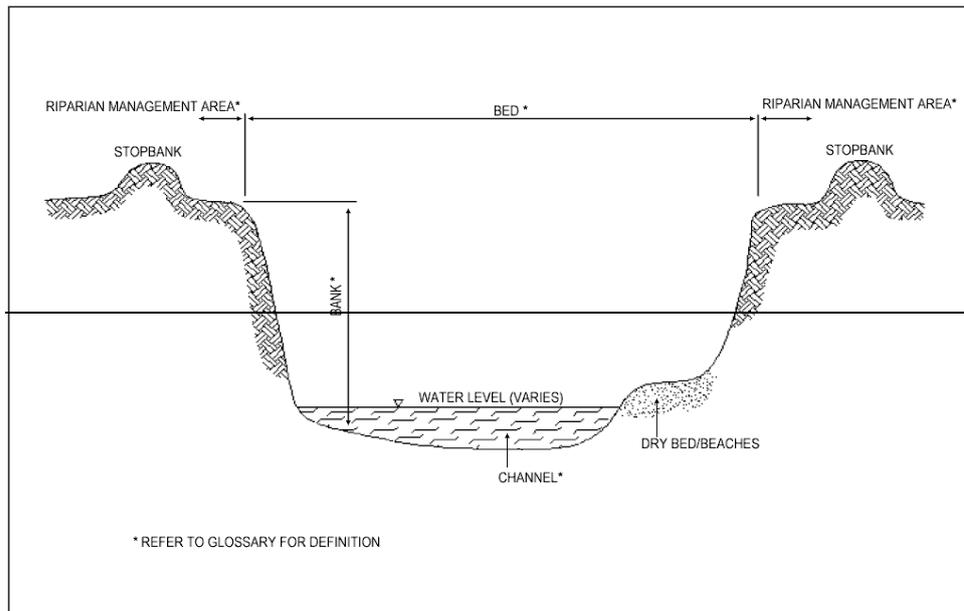


Figure 1: Diagrammatic illustration of the bed of a river

The boundary of the bed of a lake is also defined by the Act. None of the lakes in the district, except for Ratahi Lagoon (Te Puia Lagoon) are controlled by artificial means so the beds of lakes will be defined by natural water levels. Depending on the individual site characteristics of particular water bodies, the margins of lakes and rivers (including wetlands) may be included as part of the bed of the lake or river. Wetlands (as defined by the Act) represent an important intermediary boundary between rivers and lakes and dry land. It is appropriate to include wetland management considerations in this chapter as often the boundary between these two environments will be difficult to identify. Management of these areas should therefore be integrated. Wetland management is important as few wetlands remain due to extensive drainage activities undertaken historically.

Presumption

This chapter is written under the presumption that for activities controlled by Section 13(1) of the Act unless specifically provided for by a rule, a regional resource consent will be required. Activities referred to in Section 13(2) may not be undertaken in a manner which contravenes a rule in a regional plan unless a resource consent is obtained or the activity is allowed by Section 20.

Relevant legislation

Legislation affecting activities in relation to rivers includes Land Drainage Act 1908, Soil Conservation and Rivers Control Act 1941 and the Local Government Act 1974. Provisions contained in the Crown Minerals Act 1991 also apply with respect to management of minerals within the beds of waterbodies. In addition, the Water Conservation (Motu River) Order also has jurisdiction over the Motu River and four tributaries. Although other legislation provides for activities in relation to these areas, the Act is solely responsible for management of the effects of activities on the environment.

Resource Background

Despite the fragile mudstone geology which many of the rivers in the Gisborne district traverse, and the subsequent high sediment bed loads and levels of water turbidity which characterise many rivers, these areas provide important aquatic habitats for a variety of flora and fauna of both indigenous and exotic species. A 1996 Department of Conservation survey of fresh water fish in the Gisborne district has demonstrated that the districts rivers continue to support a large biomass of native fresh water fish. Many native species are diadromous (migrate to and from the sea to complete their lifecycle). Management of these areas should therefore be based on the entire river system, recognising that fish require habitat and fish passage along the length of the entire river.

~~Lakes, rivers and wetlands are also valued for their ability to contribute natural character and amenity values to the area. Public access to and along lakes, rivers and wetlands and their margins is a matter of national importance. Lakes and rivers are also of cultural, spiritual and historical significance to tangata whenua.~~

7.2 Issues

~~7.2.1 Activities occurring in, on, under or over the beds of lakes, rivers and wetlands have the potential to adversely affect the aquatic ecosystems of lake river-wetland environments.~~

~~7.2.2 Activities may adversely affect river stability contributing to aggradation, erosion and siltation.~~

~~7.2.3 Activities may adversely affect natural character, amenity values and access along the beds of rivers and lakes.~~

7.3 Objectives

- ~~1. Avoidance, remediation or mitigation of adverse effects on the environment, of activities in lakes or, river environments and their margins.~~
- ~~2. Preservation of the natural character of lake or river environments and their margins~~

Principal reason (1): The need to avoid, remedy or mitigate adverse effects is one aspect of sustainable management and is a requirement under the Act. The purpose of the Act includes the need to allow people and communities to provide for their social, economic and cultural wellbeing and their health and safety. It is important that these activities are provided for in a manner consistent with the philosophy of the Act. Such activities may include flood control works and other activities provided for by the Land Drainage Act 1908, Soil Conservation and River Control Act 1941 and the Local Government Act 1974.

Principal reason (2): Preservation of the natural character of the lake and river environments (and their margins where these form part of the bed) will assist in achieving the purposes of the Act by safeguarding life supporting capacity of water and ecosystems and in sustaining the potential of natural and physical resources for the needs of future generations.

7.4 Policies

- ~~1. The adverse effects of activities in, under or over the beds of lakes and rivers shall be avoided, remedied or mitigated giving preference to the preservation of natural character. When developing plan provisions and in assessing resource consent applications, the effects of the activity on the beds of lakes or rivers shall be considered. This includes consideration of the following:

 - impacts on ecosystems (including wetland ecosystems);
 - adverse effects on habitats of indigenous species and of trout and indigenous aquatic and terrestrial species (including flora and fauna);
 - reduction of fish passage along rivers and into lakes and wetlands such as through physical barriers, turbidity barriers or adverse effects on run, riffle, pool composition;
 - hindrance of the recharge of groundwater aquifers;
 - reduction of water quality;
 - alteration of water flow;
 - increase in bed instability and flooding;
 - increase in adjacent land instability;
 - reduced flood carrying capacity, increased flood levels, adversely altered floating debris carrying ability of the river, or adverse alteration to rates of~~

- aggradation or bank erosion;
- damage to heritage items, waahi tapu, taonga and areas of cultural significance;
 - reduction in the value of rivers, lakes or wetlands for activities such as kohinga kai or recreational use, including the reduction of public access and impacts on natural character and amenity values;
 - damage to existing structures.
2. When assessing applications for resource consents the use of financial contributions or the provision for works and services will be considered where appropriate as a condition on resource consents to avoid, remedy or mitigate adverse effects. The application of a condition relating to financial contributions or the provision of works and services will be considered on a case by case basis and will be used to address adverse effects such as:
- impacts on aquatic ecosystems including flora and fauna;
 - impacts on lake and river dynamics (flooding, flow rate and capacity) or the lake or river bed (including bank erosion, bed destabilisation);
 - reduction of natural character, amenity values or public access.
3. When assessing resource consent applications for mineral extraction, in addition to the matters listed in Policy 7.4.1 and 7.4.2, consideration shall include but not be limited to the effects of the following:
- the quantity and type of mineral extracted from a particular site;
 - the location from where mineral is extracted.

Explanation (1): Activities or structures occurring in the beds of lakes, river or wetlands should only be occurring on the condition that the possible adverse effects are controlled appropriately. Location is an important consideration when addressing means to avoid, remedy or mitigate adverse effects. This policy recognises that activities in the bed have consequences outside their immediate vicinity and consideration for these wider effects is required. Consideration should be had for the wider catchment and other land use policies when determining what action is considered to be appropriate. Principal reason (1): This policy assists in the achievement of objective 1 and addresses issues identified in Part II of the Act

Explanation (2): In some instances it may be appropriate to require a financial contribution when issuing a resource consent to ensure that adverse effects are adequately addressed. This will prevent the costs of adverse effects of activities being passed onto the environment or future generations. The level at which financial contributions will be set, will be determined by criteria as established by the policies in the financial contributions chapter. Principal reason (2): The use of financial contributions will assist in addressing adverse effects and achieving Objectives 1 & 2.

Explanation (3): The sustainability of the actual mineral resource itself is not required to be managed as minerals are excluded from the definition of natural and physical resources under the Act. However, the effects of extraction on the environment and river systems themselves are required to be controlled according to the Act. Principal reason (3): This policy serves to give guidance to assessment of gravel extraction applications in the intermediary period prior to the development of a Regional Gravel Extraction Management Chapter for the Plan.

7.5 METHODS OF IMPLEMENTATION

7.5.1 Advocacy

1. Provide information and advice about the effects of activities on the beds of lakes and rivers and their sustainable management through a programme of:
 - a) Individual property and project advice;

- ~~b) Promoting co-operation with and between hapu, iwi and runanga, landowners, users, and other organisations with responsibilities for bed management to advance the integrated management of the districts resources;~~
- ~~c) Supporting programmes of other organisations that conform with the concept of sustainable management and Councils policies. The type of programme could include "care" initiatives and support for industry based training programmes and the development of codes of practice appropriate to the Gisborne District. The degree of support would be higher where initiatives were on a district, catchment or sub-catchment basis. Support could include the provision of information, services or financial assistance. The type and amount of assistance would be determined through the Council's Annual Plan;~~
- ~~d) Submissions on policy to interest groups, government departments and industry.~~

~~Principal reason (1): Due to the diverse nature of lakes and rivers and the wide area over which they are located, comprehensive and effective monitoring and enforcement of all activities and structures occurring in these areas would prove to be excessively expensive and time intensive. It is important therefore to achieve compliance with rules and conditions by informing the public of these requirements and encouraging compliance by assisting understanding and rationale for these rules.~~

~~Provision of information is considered in many cases to be a more effective and efficient means of achieving compliance than enforcement. Emphasis is on direct contact with landholders, but there is also an advocacy role in ensuring that Council's policies are considered by other resource user groups in the community when they are planning or undertaking activities and also central government when it is considering intervention in local environmental management issues.~~

7.5.2 — Education

1. ~~Promote the sustainable management of the district's lake and river beds by community and interest groups through the Annual Plan by:

 - a) ~~Making available information and advice on sustainable management and advocate the principals of sustainable management to individuals community and industry groups and other agencies through publications such as Conservation Quorum and other pamphlets, seminars, field days and workshops on specific issues;~~
 - b) ~~Support a programme of education for sustainable management which would include activities such as extension programmes and demonstrations to educational and industry groups. The prioritizing of these activities would be determined through the Annual Plan.~~~~

~~Principal reason (1): Education is a key method to engendering change in the community's perception of the environment and sustainable management. It is a long term process that is implemented through Councils Annual Plan.~~

7.5.3 — Information

1. ~~Development of a database of lakes and rivers throughout the district will be undertaken. This may include relevant data and information about the nature and features of these waterbody areas such as:

 - a) ~~location and physical characteristics in respect of lake and river areas;~~
 - b) ~~any special ecological or heritage features known;~~
 - c) ~~amenity values including recreational use and access;~~
 - d) ~~river cross-sections;~~
 - e) ~~flood hazard mapping and existing activities and structures occurring in the area; and~~
 - f) ~~other considerations which will assist resource consent processing.~~~~
2. ~~This database should also include details (basic content and where information may be located) of research performed by Fish and Game and Department of Conservation for example.~~

~~Principal reason (1 and 2): Currently information about rivers is distributed throughout various organisations and information within Council is also dispersed, with much of this information unrecorded. Establishing a database would coordinate and consolidate this information and assist in resource consent processing and state of the environment monitoring and may assist in decision making or identification of where further research is required. A greater understanding of the rivers and lakes in the district would also assist in appropriately locating various activities and structures within these areas.~~

7.5.4 Regional Gravel Extraction Management Plan

1. The Gisborne District Council will develop a Regional Gravel Extraction Management Plan to be included as a chapter in the Combined Regional Land and District Plan for the purposes of managing the effects of bed-based gravel extraction and associated activities such as grading and crushing within the district by December 1999. The plan should assist in addressing issues which are unable to be resolved when considering resource consent applications on a case-by-case basis. For example, the strategic location of gravel extraction for the purposes of managing effects of extraction may be able to be identified.

Principal reason (1): As a mineral managed under the Crown Minerals Act 1991, the gravel resource itself is not required to be managed in a sustainable manner. However, the effects of extraction on the wider environment are required to be managed under the Act. Gravel extraction can cause adverse effects making its management important. The volume of gravel extracted in Gisborne district has increased 260% between 1992-1996 with approximately 450 000m³ of gravel processed (312 300 m³ extracted) in 1996. The number of gravel extraction resource consent applications being submitted is projected to rise exponentially in the next few years. This increase in demand for gravel is largely in response to forestry roading requirements as large blocks of trees come into the harvest rotation. There are many issues associated with management of gravel which are not considered to be adequately covered by the general policy outlined for management of activities in the beds of lakes and rivers and wetlands. This justifies the development of a separate chapter.

7.5.5 Regulation

1. Regional rules

Principal reason (1): Rules provide guidance and certainty regarding what activities are considered appropriate and which require control or restrictions. Under Section 13 of the Act, unless specifically provided for, every activity requires a resource consent. Establishing rules increases efficiency as not all activities should require resource consents, the processing of which would prove costly and causes unnecessary delay for legitimate activities and structures.

7.6 REGIONAL RULES FOR BEDS OF LAKES AND RIVERSNote

Activities shall comply, where relevant, with regional or district rules specified in Chapter 3-Cultural Heritage, Chapter 4-Natural Heritage, Chapter 5-Natural Hazards, Chapter 6-Land, Chapter 8-Utilities, Chapter 9-Contaminated Sites, Chapter 9A-Hazardous Substances Chapter 10-Signs, and Chapter 11-Noise and Vibration.

The rules for activities in the beds of lakes and rivers shall apply in addition to the zone rules for the area.

General Regional Rules

The following General Regional Rules shall apply to all activities classified as permitted activities in the beds of lakes and rivers, where applicable:

- 7.6.1 Fish passage shall not be impeded by physical barriers or other means.
- 7.6.2 Activities shall not reduce the flood-carrying capacity or the ability of the river to carry floating debris.
- 7.6.3 Activities shall not cause any increase in induced bank erosion or permanent destabilisation of the bed of the river.
- 7.6.4 Activities shall cause no conspicuous change in colour or natural visual clarity of any receiving waters after reasonable mixing.

Note:

Under Section 51 of the Transit NZ Act 1989, the removal of any material within 50m of a State Highway Bridge requires Transit NZ written consent.

A National Water Conservation (Motu River) Order 1984 exists on the Motu River and includes the Motu River from and including the Motu Falls (at or about map reference NZMS 1 N88:007886) to the State Highway 35 bridge (at or about map reference NZMS 1 N70:052354) together with-

(a) The following tributaries of the Motu River:

- _____ (i) The Waitangirua Stream;
- _____ (ii) The Mangaotane Stream;
- _____ (iii) The Te Kahika Stream; and
- _____ (iv) The Mangatutara Stream:

(b) That part of the Takaputahi River below its confluence with the Whiti kau Stream (at or about map reference NZMS 1 N79:004116).

7.7 Permitted Activities (Regional Rules)

The following activities shall be permitted activities provided they comply with the General Regional Rules, where applicable:

7.7.1 Any structure (including river control works) or activity including use, repair and maintenance of structures occurring in, on, under or over the bed of a lake, river or wetland

Provided that:

- a) It is not specifically provided for in a rule in this plan.
- b) The activity was lawfully established prior to this plan being publicly notified.
- c) Any materials used for repair and maintenance do not include vehicle and machinery bodies.

7.7.2 The alteration, reconstruction, and extension of legally existing structures (including river control works, but excluding the extension of dams which act to impound water) occurring in, on, under or over the beds of lakes, rivers and wetlands

Provided that:

- a) Any increase in the structure is not more than 10% of the size of the structure at the date of plan notification.
- b) Any materials used for alteration, reconstruction or extension do not include vehicle and machinery bodies.

7.7.3 Erection, placement and ensuing use of any river crossing (including fords, culverts and other similar crossings, but excluding bridges) that is fixed in, on, or under the bed of any lake, river or wetland after the 20th of November 1997

Provided that:

- a) The structure does not occur on rivers within urban areas.
- b) The catchment of the river over which the crossing is located does not exceed 100ha.
- c) Any culvert shall convey at least a 5 year average recurrence interval (ARI) flood without heading up more than 0.5 metres or causing any significant increase in upstream water levels on neighbouring properties.
- d) Construction between 1 May and 1 October in any year (spawning season) shall ensure that:
 - i. Fish passage is maintained following construction.
 - ii. Sediment discharge is minimised
 - iii. Within 48 hours of construction commencing within the river channel or lake, ambient levels of sediment and fish passage are returned.
- 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) Culvert inlets (entry point) and outlets (exit point) shall be protected against erosion.~~
- ~~g) Culverts shall include provision for overflow to ensure safe passage of flood flows.~~
- ~~h) The maximum fill height over a culvert shall be 2.5 metres.~~
- ~~i) The structure shall be maintained to give effect to its design capacity, including remedying as soon as practicable any blockage or obstruction occurring as a result of the structure.~~
- ~~j) Within the Council Administered Drainage Areas (see Appendix 30), in addition to the matters listed above:

 - ~~i. The Gisborne District Council shall be notified at least 10 days prior to construction; and~~
 - ~~ii. Construction shall comply with the Gisborne District Council (2004) Culvert Construction Guidelines for Council Administered Drainage Areas (see Appendix 30) except if the construction of any river (or modified river) crossing is for the purpose of operating State Highways under the Transit New Zealand Act 1989.~~~~

7.7.4 ~~Disturbance removal, damage or destruction to any plant, or part of any plant (whether exotic or indigenous) in, on, or under the bed of any lake or river~~

Provided that:

- ~~a) No vegetation, slash, soil or other debris shall be:

 - ~~1) Directly deposited in, on or under the bed of a lake or river, or deposited into a position where it can readily enter or be carried into a permanently flowing river or lake.~~
 - ~~2) Left in a position described by 1) above, where the vegetation exceeds:

 - ~~i. 100mm diameter and 3m in length; or~~
 - ~~ii. 100mm diameter and any lesser length, where the vegetation may cause diversion, damming, bed erosion or habitat destruction; or~~~~~~
- ~~b) The activity is for the purposes of control of any plant pest which is included within the Gisborne Regional Pest Management Strategy; or~~
- ~~c) The activity is for the purposes of customary harvest by tangata whenua; or~~
- ~~d) The activity is for the purposes of control of natural hazards and:

 - ~~i) the area to be cleared does not exceed 100m² per contiguous 100m of the bed and/or;~~
 - ~~ii) clearance does not exceed 100m² over any 24 month period;~~
 - ~~iii) the area to be cleared does not include any indigenous vegetation which lies within Protection Management Areas, Outstanding Landscape Areas, or the Coastal Environment or~~~~
- ~~e) The activity is not the clearance and maintenance of drains subject to 7.7.13~~

~~7.7.5 Introduction or planting of any plant or part of any plant (whether exotic or indigenous) in, on or under the 'banks' of lakes, or rivers~~

Provided that:

- ~~a) It is for the purposes of soil conservation or the avoidance or mitigation of natural hazards;~~
- ~~b) Introduction or planting does not include:
 - ~~i) the introduction or planting of any plant or part of any plant pest which is included within the Gisborne Regional Pest Management Strategy;~~
 - ~~ii) Salix viminalis (an osier type willow);~~
 - ~~iii) the introduction or planting of any trees or shrubs into any engineering flood or erosion control structure or works.~~~~

~~7.7.6 Motorised or non-motorised vehicular or stock entry or passage along the bed of a lake or river~~

Provided that:

- ~~a) The effects of entry or passage are minor;~~
- ~~b) No lawfully established structure provides for such an activity; or~~
- ~~c) No other practical convenient alternative access route is locally available.~~

~~7.7.7 Pedestrian entry and passage along the bed of a lake or river or wetland~~

Provided that:

- ~~a) The area has not been identified as an area where public access is restricted to protect identified high conservation values and/or~~
- ~~b) The area has not been identified as an area where public access is restricted to protect public safety.~~

~~7.7.8 Use, erection and placement of temporary whitebaiting and game shooting structures, or the use erection and placement of scientific and monitoring structures and irrigation or water extraction pipes in, on or under the bed of a lake, river or wetland~~

Provided that:

- ~~a) Structures do not protrude into the water flow in excess of 5% of the average river channel width.~~
- ~~b) Structures do not occur on rivers which flow within urban areas.~~

Note:

Structures which are wholly submerged below the flow of water in the channel of the bed (i.e. under the bed) shall be considered to not trigger the 5% threshold. Irrigation or water extraction pipes will also require consents under Section 14 of the Act.

~~7.7.9 Structures, including bridges, cables, lines, pipelines and suspended fences, which are suspended over the bed of a lake, river or wetland which do not have any contact with the bed of the river~~

Provided that:

- a) Structures are suspended at least 500mm above the 50 year ARI flood level at the lowest point of the structure.

Note:

The Maritime Safety Authority of New Zealand has specific requirements for heights of cables and structures over navigable rivers. The Civil Aviation Authority also has height requirements over land (including rivers, lakes and wetlands) which will be outlined in CAR 77 to be released in the near future. These requirements must also be considered when establishing suspended structures over lakes, rivers and wetlands.

7.7.10 The suspension and use of a temporary hauler cable and loads over the bed of lakes, and rivers in the normal course of plantation forest harvesting

Provided that:

- a) The material which is being hauled does not come in contact with the bed.
- b) No vegetation, slash, soil or other debris associated with plantation forestry shall be left in, on or under the beds of lakes, rivers or wetlands, or be left in a position where it can readily enter or be carried into a permanently flowing river or lake where the vegetation exceeds:
 - i. 100mm diameter and 3m in length; or
 - ii. 100mm diameter and any lesser length, where the vegetation may cause diversion, damming, bed erosion or habitat destruction

7.7.11 The extraction of sand, shingle, gravel or rock in quantities less than 30 cubic metres per individual over any 12 month period from the dry bed of the river

Provided that:

- a) Gravel is taken from a location in the bed that is at least 2 metres from both the water channel and the river bank.
- b) Excavation is not more than 500 mm in depth as measured from existing material level.
- c) The activity does not occur within 10m of an existing structure within the bed.
- d) Resulting spoil is redistributed within the dry river bed immediately on completion, at least two metres from both the water channel and the river bank, and in a manner which does not change the profile of the river bed.

7.7.12 The erection, placement or maintenance of any line or cable owned by a network utility operator in, on, or under the bed of a lake, river or wetland

Provided that:

- a) No mobilisation of base or sides of the lake, river or wetland bed occurs.
- b) The activity does not occur between the 1 May and 1 October (spawning season).

7.7.13 — ~~The clearance and maintenance of drains~~

Provided that:

- a) ~~Clearance and maintenance does not involve relocating the drain or alteration in design of drain, size, grade or depth.~~
- b) ~~No mobilisation of drain base and sides occurs.~~

7.8 ~~Controlled Activities (Regional Rules)~~

The following activities shall be controlled activities:

7.8.1 ~~The suspension and use of a temporary hauler cable and loads over the bed of lakes and rivers in the normal course of plantation forest harvesting which is unable to comply with the rules for Permitted Activities in respect of:~~

- a) ~~no contact with the bed.~~

Council shall limit its control to the matters specified below:

1. ~~Effects on fisheries and instream habitat.~~
2. ~~Methods necessary to avoid bank erosion and destabilisation of the bed.~~

7.8.1.1 ~~Notification~~

- a) ~~Subject to Section 95A(3) and 95B(2) of the Act an application for a controlled resource consent for the suspension and use of a temporary hauler cable and loads which will come into contact with the bed of lakes and rivers, shall not be notified except where the application relates to a land overlay (but excluding the Riparian Management Area Overlay) in respect of Chapter 4 – Natural Heritage, in which case limited notification may be required.~~

7.9 ~~Restricted Discretionary Activities (Regional Rules)~~

The following activities shall be restricted discretionary activities:

7.9.1 ~~Erection, placement and ensuing use of any river crossing (including fords, culverts and other similar crossings, but excluding bridges) that is fixed in, on, or under the bed of any lake, river or wetland after the 20th of November 1997 which are unable to comply with specific conditions with respect to:~~

- a) ~~Timing of the event of the activity~~
b) ~~Size of the catchment in which culvert is placed~~

Provided that:

1. ~~The activity shall comply with all rules (except those listed above) specified for a permitted activity;~~
2. ~~For any activity for which a resource consent is required, provision for financial contributions, works and services may be stipulated as a condition on consent. The maximum provision provided for shall be the full and actual costs of addressing the adverse effects of the activity.~~

Council shall restrict its discretion to the matters a) – f) specified below:

- a) ~~Size, placement, type and location of crossing~~
- b) ~~Timing and duration of activity~~
- c) ~~Effects on water flow, capacity of river and ability of the river to carry floating debris~~
- d) ~~Effects on bank erosion and destabilisation of the bed~~
- e) ~~Effects on fisheries and spawning tributaries~~

- f) ~~Effects on hazard management, heritage items and natural heritage values~~

7.9.1.1 Notification

- a) ~~Subject to Section 95A(3) and 95B(2) of the Act an application for a restricted discretionary resource consent for the erection, placement and ensuing use of any river crossing that is fixed in, on, or under the bed of lakes and rivers after 20 November 1997, shall not be notified except where the application relates to a land overlay (but excluding the Riparian Management Area Overlay) in respect of Chapter 4 – Natural Heritage, in which case limited notification may be required.~~

7.9.2 The erection, placement or maintenance of any line or cable owned by a network utility operator in, on, or under the bed of a lake, river or wetland which is unable to comply with the Rules with respect to:

- a) ~~Timing of the activity~~
b) ~~Mobilisation of base or sides of the lake, river or wetland bed~~

Provided that:

1. ~~The activity shall comply with all rules (except those listed above) specified for a permitted activity;~~
2. ~~For any activity for which a resource consent is required, provision for financial contributions, works and services may be stipulated as a condition on consent. The maximum provision provided for shall be the full and actual costs of addressing the adverse effects of the activity.~~

Council shall restrict its discretion to the matters a) – e) specified below:

- a) ~~Location and placement of any line or cable~~
b) ~~Timing and duration of activity~~
c) ~~Effects on bank erosion, mobilisation and destabilisation of the bed~~
d) ~~Effects on fisheries and spawning tributaries~~
e) ~~Effects on hazard management, heritage items and natural heritage values~~

7.10 Discretionary Activities (Regional Rules)

The following activities shall be discretionary activities:

- 7.10.1 Activities listed as Permitted which do not comply with the rules and are not provided for as Controlled or Restricted Discretionary activities**
- 7.10.2 Use, erection, reconstruction, placement, alteration, removal or demolition of any structure or part of any structure which is not already provided for by a rule in the Plan**
- 7.10.3 Excavation, drilling, tunnelling or otherwise disturbance of the bed which is not already provided for by a rule in the Plan**
- 7.10.4 Deposition of any substance in, on, or under the bed which is not already provided for by a rule in the Plan**

~~7.10.5 Reclamation or drainage of the bed including (lakes, rivers and wetlands) which is not already provided for by a rule in the Plan~~

Provided that:

- ~~1. For any activity specified in rules 7.10.1—7.10.5 for which a resource consent is required, provision for financial contributions, works and services may be stipulated as a condition on consent. The maximum provision provided for shall be the full and actual costs of addressing the adverse effects of the activity.~~

7.11 ANTICIPATED ENVIRONMENTAL RESULTS

- a) Occurrence of activities and structures in, on, under or over the bed of lakes, rivers and wetlands in a manner and location which is compatible with the values associated with that area and avoids, remedies or mitigates adverse effects.
- b) Community understanding and support for management of lake, river and wetland areas to achieve the maintenance and enhancement of these areas and their margins.