

To: Freshwater Advisory Group
From: Lois Easton
Date: 4 June 2014
SUBJECT: **Regional Plan: Beds of Rivers, Lakes and Wetlands**

Introduction

This report outlines the proposed approach to the management of activities within the beds of rivers, lakes and wetlands.

Currently these activities are managed within the Combined Plan, and generally the feedback from the review process is that the general approach to the Rules fits well within the Freshwater Plan framework. The key areas where changes have been identified as being needed are:

- Better providing for the migratory and spawning requirements of native freshwater fish
- Better protecting significant habitats of threatened native flora and fauna that rely on freshwater ecosystems
- Protecting the freshwater values of regionally significant wetlands

Proposed Policies

The proposed policies for the Beds of Rivers, Lakes and Wetlands are contained in the Appendix. More detailed work is still being done on the methods to implement these policies, but the current proposed approach to some issues is outlined further below.

Proposed Approach to Existing Structures

Generally the proposed approach to existing lawfully established structures (e.g. bridges, culverts, infrastructure, river control works) is to allow for their use, repair, maintenance, alteration, reconstruction and extension as a Permitted Activity with performance standards.

However where these structures have been identified as creating a barrier to fish passage, or to be increasing a flooding problem, it is proposed that the repair, alteration, reconstruction or extension be a Controlled Activity, with measures put in place to remedy fish passage or reduce the flooding problem.

Where these structures are located in a Regionally Outstanding Waterbody, or a Regionally Significant Wetland, it is proposed that any extension be a Discretionary Activity, in order that the potential effects on these very significant areas can be fully considered.

Proposed Approach to New Structures and Activities

In terms of new structures, the approach proposed is to allow a range of structures and activities within Permitted Activity standards. These include:

- Culverts (with more detailed culvert design standards) below a certain size
- Fords for temporary use where no formed structure is put in place
- Disturbance, removal, damage or destruction of: plant pests, customary harvest plants or some vegetation for flood control purposes
- Planting of plants for: soil conservation/natural hazards purposes
- Vehicle access along the bed of a lake or river (not a wetland) within thresholds
- Stock access to the beds of lakes, rivers and wetlands within thresholds
- Pedestrian entry and passage along the beds of rivers, lakes and wetlands
- Structures which are suspended over the bed, but do not have any contact with the bed
- Use and suspension of temporary hauler cables and loads as part of plantation forest harvesting
- Gravel extraction of 30m³ or less per person per year
- Erection and maintenance of lines and cables owned by network utility operators
- Clearance and maintenance of drains

Beyond the Permitted Activity standards these activities will become either Controlled, Restricted Discretionary or Discretionary.

Some of the key considerations in deciding which level of management are:

- Whether the waterbody is included within a Schedule of the Plan
- Whether the activities are likely to lead to or exacerbate erosion or flooding
- Effects on fisheries, heritage items or natural heritage values – including whether existing structures and activities are causing barriers to fish passage or damage to these values

As well as activities beyond the Permitted Activity standard, other things which will be covered by these rules include:

- Damming and diversion of waterbodies
- Channel modification and straightening
- New erosion control and flood control works
- Bridges (where work is required within the waterbody)
- Reclamation and bed disturbance

Non Regulatory Methods

In relation to the management of the beds of rivers, lakes and wetlands, the key non regulatory methods identified relate mainly to:

- education around good practice,
- the significant role of Council's own activities as a landowner and network utility operator to demonstrate good practice,
- the need for active restoration and management of priority areas, and
- the need to remove existing barriers to fish passage.

For example, the recent work done by the Department of Conservation identifying existing barriers to fish passage indicates that many of these are Council owned structures. Similarly the Council management of flood control schemes has significant potential to either degrade or enhance the ability of whitebait to spawn.

With regard to Regionally Outstanding Waterbodies and Regionally Significant Wetlands, community and landowner involvement in restoration and management will be critical to achieving the Objectives and Outcomes sought by the Plan.

Summary

The proposed approach to the management of the beds of lakes, rivers and wetlands in the Freshwater Plan has been developed to reflect the Outcomes sought for the management of freshwater, to protect the key values identified and also to build on the learnings of implementing the Combined Plan provisions. A mix of new and existing measures are proposed with a focus on managing the identified fish passage and water quality issues, and protecting important waterbodies within the Region.

Appendix

Draft Policies for the Beds of Rivers and Lakes

1. Activities undertaken within waterbodies should be managed so that sediment generation is minimised and within the water quality limits for that waterbody. Where possible work within Outstanding Waterbodies and Regionally Significant Wetlands should be avoided.
2. Provide for the use, maintenance, repair and minor upgrade of existing network utility infrastructure and lawfully established structures.
3. Modification such as straightening and piping of natural water channels should be avoided. Installation of culverts and bridges and diversions should be undertaken so that in stream habitat values are maintained. Where channels are already modified these should be managed to improve in stream habitat values.
4. Progressively remove barriers to fish passage in priority areas and avoid the creation of future barriers to fish passage in areas with high freshwater fish values.
5. Encourage the use of culverts and bridges for permanent river crossings rather than fords, to avoid creating barriers to migratory fish
6. Allow ongoing maintenance and repair of existing lawfully established structures where these are not having adverse effects on the environment.
7. Allow maintenance, repair and upgrading of network utility infrastructure where these are not having adverse effects on the environment.
8. Allow for new structures in waterways where fish passage is maintained and they are established according to best practice.
9. Encourage gravel extraction in areas where it provides the most benefit for:
 - river management purposes
 - the minimisation of flood risk
 - maintaining or protecting existing structuresGravel extraction should not be undertaken in Outstanding Water Bodies and Regionally Significant Wetlands.
Gravel extraction from rivers listed in Schedule 1 should be undertaken at a rate, and within time periods that protect the aquatic habitat and/or native fauna values within that river.
10. Provide for domestic or community scale hydropower generation in locations consistent with the values and limits for the waterbody. Hydropower generation shall not be allowed within Regionally Outstanding Water Bodies as identified in the Regional Plan or Catchment Management Plans.
11. Earthworks should be avoided in outstanding water bodies and wetlands.
12. Reclamation of outstanding and regionally significant water bodies and wetlands shall not be undertaken.
13. Vegetation Clearance – including by stock should be avoided in outstanding water bodies and wetlands.
14. To allow for low levels of stock access to freshwater bodies which have not been identified as Regionally Outstanding Waterbodies, or Regionally Significant Wetlands but require reduced access where intensification of

stock numbers occurs beyond thresholds determined by the limits set for the values of the particular water body.

15. Encourage water storage initiatives in areas affected by seasonal water shortages where this is consistent with the values and limits of the water body. Water storage dams should be constructed outside the beds of permanently flowing rivers and wetlands.