



Tairāwhiti Regional Freshwater Planning Advisory Group – Hui 5

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Title of report: Activities in the beds of rivers and lakes – options

Report no: **2**

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Purpose of this report

This report provides information on the options being progressed in the new Regional Freshwater Plan for managing **activities in the beds of rivers and lakes**.

Outcomes sought

Members of this Advisory Group:

1. understand how their feedback has shaped the options for managing **activities in the beds of rivers and lakes**
2. reflect on their practical experience and knowledge relating to **activities in the beds of rivers and lakes** to help test the proposed options
3. consider the impacts of different policy options to inform if / how the options should be progressed in the new Regional Freshwater Plan.

Getting ready for the meeting

Please consider the questions in this report ahead of the hui. These questions will be discussed at the hui so if you haven't found answers for each of the questions prior to the meeting, we can capture them then.

Table of Contents

1. Background and context	3
2. Hui 2 Freshwater Advisory Group feedback	3
3. Key options	4
3.1 <i>Gravel management</i>	4
3.2 <i>Flood management and response</i>	5
3.3 <i>Vegetation clearance and planting</i>	6
4. Next steps	7

1. Background and context

As discussed in hui 2, there is a diverse range of freshwater bodies in Tairāwhiti that provide habitat for flora, fauna and valued mahinga kai while also supporting a variety of uses including recreational activities, infrastructure, farming, gravel extraction, and flood mitigation.

During the hui, we discussed the following activities that form part of this topic of the TRMP review:

- the establishment, placement, maintenance, operation and removal of structures (for example, pipelines, cables, bridges, culverts, irrigation intakes, flood protection works)
- bed disturbance, excavation, drilling, tunnelling (for example, during placement of culverts and bridges)
- vehicle and stock access to rivers and lakes
- introduction and removal of vegetation such as to install a structure, as erosion control or flood mitigation
- gravel extraction
- drain maintenance
- drainage or reclamation (for example realigning waterbodies, filling channels and stopping the flow of water)
- deposition of substances (such as excavated material, vegetation, any other materials)
- damming and diversion activities (for example to facilitate the abstraction of water).

This topic does not address:

- activities associated with forestry
- identification of outstanding waterbodies
- discharges of contaminants within the beds and margins of waterbodies, except where associated with the activities above
- wetlands¹.

These matters will all be addressed in other hui.

2. Hui 2 Freshwater Advisory Group feedback

At hui 2, the Advisory Group split into six smaller groups to discuss each of the sub-topics and answer the questions that were pre-circulated. Additional feedback was invited after each small group reported back to the room and following the hui.

All feedback obtained has been collated and analysed to shape the options for managing activities in rivers and lakes in the new Regional Freshwater Plan. Key points raised were:

- the need to consider the whole "system", such as how land uses influence flood risk and impact on activities undertaken in rivers. Also, how upstream activities can affect downstream activities and environments.
- we need to plan for the impacts of climate change.
- in general activities should be enabled but the range of potential impacts should be

¹ Wetlands are largely managed by the NES-F, and if any additional rules are required, they will be addressed in a separate topic for wetlands and riparian margins.

controlled.

- remaining natural “assets” such as flood plains and wetlands that provide ecological benefits and natural hazard mitigation must be protected and development prevented to avoid risks such as flooding.
- individuals must be able to address their own flood risks or respond to events.
- gravel extraction should be provided for across the region for individual and commercial extraction. It is important for roading recovery following cyclone Gabrielle. Resource users should pay for monitoring of impacts not the rate payer.
- there has been reduced Council management of riparian vegetation and drains in more recent years.
- ecological restoration and habitat enhancement should be encouraged, native plantings used in riparian areas over exotic species.
- stock exclusion requirements in the new regulations are a step change from current practice, any other regulation should focus on main stems. Need to acknowledge that any further requirements can have a significant impact on the farming systems in Tairāwhiti.

3. Key options

Staff have developed the options which are proposed to be carried through into objectives, policies and rules in the new Regional Freshwater Plan. Some options simply propose to carry over existing provisions with minor amendments, but others represent a greater change from the current situation. The options which propose a more significant change from the TRMP framework are described below along with questions for members to consider. The answers to these questions will influence if, and how these options are further progressed.

3.1 Gravel management

Gravel management refers to the extraction of gravel from river beds by individuals and commercial entities. The options to manage gravel extraction for the new Regional Freshwater Plan are:

- Option 1: Revising the plan to address gaps and limitations
- Option 2: Revising the plan and introducing gravel management plans

Option 1

Option 1 would update the TRMP requirements to ensure that the National Policy Statement for Freshwater (NPS-FM) is being given effect to and there is guidance on how to manage all potential effects of gravel extraction. Based on feedback from members, gravel extraction would be provided for across the region for both individuals and commercial extractors, with consents required for extraction activities that pose environmental risks.

Under this option, an easier consent pathway would be provided if an extractor removes gravel on behalf of the Council where an accumulation of gravel poses a flood risk.

Option 2

Option 2 would update the current TRMP provisions to ensure the NPS-FM is given effect to, and potential adverse effects are controlled similar to Option 1. This option also includes the use of gravel management plans which would be prepared by Council, or consent applicants seeking large quantities of gravel to guide decisions on resource consents.

Gravel management plans would be prepared for a specified river or rivers and contain:

- a description of the gravel resource, including a sustainable extraction load limit
- areas where gravel extraction is to be encouraged to aid flood risk management
- areas where gravel should not be extracted either due to a lack of gravel supply or sites to be protected
- minimum bed levels (depths of extraction)
- monitoring and reporting requirements.

To support this option, data about the gravel supply in rivers is needed to determine how much gravel can be taken and where from. The dynamic nature of rivers means this information needs to be updated on a semi-regular basis. To fund this work, Council is considering introducing a gravel management fee which will be charged to gravel extractors to cover the costs of the environmental monitoring to implement this option.

This option reflects members feedback to ensure there is a user pays system when it comes to gravel extraction and aids in directing extractors to areas where positive outcomes for flood management can be achieved.

Questions for the Advisory Group

- ❖ Do you have a preference between Option 1 and Option 2. If so, why?
- ❖ Should a gravel management plan contain any other content not listed?

3.2 Flood management and response

Flood management and response in the beds of rivers and lakes relates to either flood mitigation activities designed to manage food risk, or actions following a flood event to restore channel capacity or reduce risks to structures, such as removing debris.

The options proposed for addressing flood management and response activities are:

- **Option 1:** Revising the plan to recognise flood management and response activities
- **Option 2:** Revising the plan recognise flood management and response activities and allow Council to undertake some works without consent

Option 1

Option 1 proposes to include specific plan policies and rules to direct how flood management and response activities occur. It is suggested this option would:

- give effect to the NPS-FM and Te Mana o te Wai
- recognise the need for some flood management activities to occur but require they are carried out in a manner that minimises environmental impacts and supports the values of waterbodies.
- provide for individuals and the Council to undertake flood management and response activities.
- ensure any resource consent applications assess how a proposal might impact river functions or values upstream and downstream, taking a holistic approach.
- require soft engineering methods and nature-based solutions over hard engineering structures unless it is demonstrated it is the only possible option.
- Provide a framework for removing woody debris and built-up silt from rivers following

flood events and direct how to manage potential effects.

This option reflects Members feedback to consider the "system" holistically and plan for the impacts of climate change, recognising that flood effects may be more common and severe. It also carries through the request to provide for individuals and the Council to undertake these activities.

Option 2

Option 2 would adopt the same methods as described in Option 1 above but would allow the Council to undertake flood management and response activities where they comply with a Code of Practice.

The Code of Practice would allow activities such as vegetation clearance, removal of built of silt and maintaining structures without the need for a resource consent. Activities with greater potential impacts such as new assets (i.e stop banks) would still require a consent. The Code of Practice would describe how the permitted works were to take place and their potential effects controlled.

This option addresses members comments about reduced Council management of rivers and drains. If works are easier to carry out due to fewer consenting requirements, it may be an incentive to complete further works. This option would still also enable individuals to carry out works, but it is more likely those works would need a resource consent.

Questions for the Advisory Group

- ❖ Do you support Option 2 over Option 1 which gives Council greater ability to carry out works compared to individuals?
- ❖ There may be relatively significant costs to prepare a Code of Practice to support Option 2 and it would not permit all of Council's activities, therefore some resource consents will still be necessary. Would these costs be justified by the level of work the Council does or may wish to undertake?

3.3 Vegetation clearance and planting

The topic of vegetation clearance and planting relates to the removal or introduction of vegetation in rivers and lakes. As these activities are relatively straightforward, only one option has been developed.

This option includes:

- allowing vegetation removal for restoring and enhancing habitat
- preventing the planting of pest species
- protecting vegetation planted for flood management and bank stabilisation purposes
- promoting and allowing planting for environmental enhancement where there will be positive outcomes
- directing an overall preference for planting of native plants over exotic plants

This option addresses members feedback particularly on encouraging ecological and habitat enhancement and promoting the use of native species over exotic species.

Question for the Advisory Group

◇ Are there any other outcomes the new Plan should achieve for vegetation clearance and planting in rivers and lakes?

4. Next steps

Once feedback is received from the Advisory Group on the options above, further work on drafting proposed provisions can commence.