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Rules: Land Use on Lake or River Beds or Regionally Significant Wetlands



- Note: 1. Where the rules in this chapter provide for any activity in the bed of a lake or river, or in any Regionally Significant Wetland, a resource consent may also be required for activities associated with it, such as discharges to water, takes of water, damming or diversion of water, bed disturbance or structures.
2. A wetland may include open water which is part of a lake.

13.1 The use of a structure

13.1.1 Permitted activities: No resource consent required

13.1.1.1 The use of any structure that is fixed in, on, under, or over the bed of any lake or river, or any Regionally Significant Wetland, is a *permitted* activity, providing:

- (a) The structure is lawfully established; and
- (b) In the case of a change in use, the effects of the new use of the structure are the same or similar in character, intensity and scale as the preceding use; and
- (c) Measures are taken to avoid animal waste entering the lake, river or Regionally Significant Wetland; and
- (d) The structure is maintained in good repair.

13.1.2 Restricted discretionary activities: Resource consent required

13.1.2.1 Except as provided for by Rule 13.1.1.1, the use of a structure that is fixed in, on under or over the bed of any lake or river, or any Regionally Significant Wetland, is a *restricted discretionary* activity.

In considering any resource consent for the use of any structure in terms of this rule, the Otago Regional Council will restrict the exercise of its discretion to the following:

- (a) Any adverse effect on the function or structural integrity of the structure; and
- (b) Any measures to avoid animal waste entering the lake, river, or Regionally Significant Wetland; and
- (c) The duration of the resource consent; and
- (d) The information and monitoring requirements; and
- (e) Any insurance or other appropriate means of remedying the effects of failure; and
- (f) Any bond; and
- (g) The review of conditions of the resource consent.

The Consent Authority is precluded from giving public notification of an application for a resource consent under this rule.

Principal reasons for adopting

The use of a structure that is fixed in, on, under, or over the bed of any lake or river can only occur if it is expressly allowed by a rule in a regional plan or any proposed regional plan, or by a resource consent (Section 13(1) of the Resource Management Act).

The use of any structure under Rule 13.1.1.1 is likely to have less adverse effect than the structure itself. This rule is adopted to enable the use of structures while ensuring that any change in use does not result in new or increased effects. Any other activity involving the use of a structure that is fixed in, on, under, or over the bed of any lake or river is a restricted discretionary activity in order that any adverse effects can be assessed.

13.2 The erection or placement of a structure

13.2.1 Permitted activities: No resource consent required

Note: Any alteration of the bed of a lake or river, or of any Regionally Significant Wetland, in association with the following activities must also comply with Rules under 13.5 in order to be classified as a permitted activity.

- 13.2.1.1 The erection or placement of any fence, pipe, line or cable over the bed of a lake or river, or a Regionally Significant Wetland, is a *permitted* activity, providing:
- (a) The fence, pipe, line or cable does not cross a lake or river identified in Schedule 1A as being an “Outstanding natural feature or landscape” unless it is attached to an existing lawfully established support structure; and
 - (b) No part of the fence, pipe, line or cable is fixed to the bed of the lake or river unless it is attached to an existing lawfully established support structure; and
 - (c) No part of any pipe, line or cable is less than two metres above the 1 percent probability flood level, unless it is attached to an existing lawful structure; and
 - (d) Where it is attached to an existing lawful structure, no part of any pipe, line or cable extends below the underside of the existing structure; and
 - (e) Any fence over the bed of a lake or river, or a wetland, does not impede the flow of flood water or debris, or is installed and maintained so it results in no flooding or erosion of the bed or banks of the lake or river, or of a wetland; and
 - (f) The fence, pipe, line or cable does not interfere with navigation; and
 - (g) For existing overhead network utility services over the bed of a lake or river, there is no reduction in the height of clearance above the waterway; and

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(h) The fence, pipe, line or cable is maintained in good repair.

13.2.1.2 The placement of any pipe, line, or cable on or under the bed of a lake or river, or any Regionally Significant Wetland, is a *permitted* activity, providing:

- (a) The pipe, line, or cable does not impede the flow of water or debris, or is installed and maintained so it results in no flooding, erosion or sedimentation; and
- (b) The location of the pipe, line, or cable is identified by markers on the banks of the river or lake; and
- (c) The pipe, line, or cable is maintained in good repair.

13.2.1.3 The erection or placement of any structure for the damming of water that is fixed in or on the bed of any lake or river is a *permitted* activity, providing:

- (a) The conditions of Rule 12.3.2.1 are met; and
- (b) The Otago Regional Council is notified of the location and nature of the dam, at least seven working days prior to commencing the erection or placement; and
- (c) The structure is maintained in good repair; and
- (d) The site is left tidy following the erection or placement.

Note: The erection of a dam structure is a different activity to the damming of water. The damming of water is covered by rules under 12.3 of this Plan.
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13.2.1.4 The erection or placement of any flow or level recording device, outfall or intake structure or navigational aid structure, that is fixed in, on or under the bed of any lake or river, or any Regionally Significant Wetland, is a *permitted* activity, providing:

- (a) The structure does not exceed 2 square metres in area provided that in respect of any flow or level recording device any catwalk to the nearest bank shall be excluded from the area calculation; and
- (b) The structure, or its erection or placement, does not cause any flooding or erosion; and
- (c) The Otago Regional Council is notified of the location and nature of the structure, at least seven working days prior to commencing the erection or placement; and
- (d) Except in the case of a navigational aid, or the sight board of any gauge, any visible part of the structure is of a neutral colour to blend in with the surroundings; and
- (e) The structure is maintained in good repair; and
- (f) The site is left tidy following the erection or placement.

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- 13.2.1.5 The erection or placement of any maimai that is fixed in, on or under the bed of any lake or river, or any Regionally Significant Wetland, is a *permitted* activity, providing:
- (a) The structure does not exceed 10 square metres in area; and
 - (b) The structure is open piled; and
 - (c) The structure is at least 90 metres from any adjacent maimai; and
 - (d) The site is left tidy following the erection or placement.
- 13.2.1.6 The erection or placement of any whitebait stand or eel trap that is fixed in, on or under the bed of any lake or river, or any Regionally Significant Wetland, is a *permitted* activity, providing:
- (a) The structure is open piled; and
 - (b) The structure does not exceed three square metres in area; and
 - (c) The dimension of the structure perpendicular to the flow of water is no more than 10 percent of the width of the bed of the lake or river, or no more than three metres, whichever is the lesser; and
 - (d) The structure is at least 20 metres from any neighbouring structure, flood gate, confluence or culvert located within the bed of a lake or river; and
 - (e) In the case of a whitebait stand, the structure is erected or placed in or on the bed of the Clutha River/Mata-Au, or its branches; and
 - (f) The site is left tidy following the erection or placement.
- 13.2.1.7 The erection or placement of any single span bridge including for pipes over the bed of a lake or river, or any Regionally Significant Wetland, is a *permitted* activity, providing:
- (a) The bridge or its erection or placement, does not cause any flooding, nor cause any erosion of the bed or banks of the lake or river, or Regionally Significant Wetland, or property damage; and
 - (b) No more than 20 metres of bridge occurs on any 250 metre stretch of any lake or river; and
 - (c) There is no reduction in the flood conveyance of the lake, river or Regionally Significant Wetland; and
 - (d) The bridge soffit is no lower than the top of the higher river bank; and
 - (e) The bridge and its abutments are secured against bed erosion, flood water and debris loading; and

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- (f) Where the bridge is intended for use by stock, measures are taken to avoid animal waste entering the lake, river or Regionally Significant Wetland; and
- (g) If the bridge is situated over or on public land, then public access over the public land is maintained.

13.2.1.7A The erection or placement of any boardwalk in, on or over a Regionally Significant Wetland, is a *permitted* activity, providing the erection or placement, or the boardwalk, does not cause any flooding, nor any erosion.

13.2.1.7B Unless covered by Rule 13.2.1.7 or 13.2.1.7A, the erection or placement of any crossing in or on the bed of a lake or river, or any Regionally Significant Wetland, is a *permitted* activity, providing:

- (a) The crossing, or its erection or placement, does not cause any flooding, nor cause erosion of the bed or banks of the lake, river or Regionally Significant Wetland, or property damage; and
- (b) The top of the crossing is no higher than:
 - (i) 2 metres above the lowest part of the bed where it is located; or
 - (ii) 3.5 metres above the lowest part of the bed where it is located, if the catchment upstream of the crossing is 50 hectares or less in area and there is a culvert with a minimum diameter of 1.2 metres (or equivalent cross-sectional area); and
- (c) No more than 24 metres of crossing occurs on any 250 metre stretch of any lake or river, with a minimum separation distance between any two crossings in or on the same lake or river of 12 metres; and
- (d) There is no reduction in the flood conveyance of the lake, river or Regionally Significant Wetland; and
- (e) The crossing and any ancillary structures are stable under flood conditions, and secured against bed erosion and debris loading; and
- (f) Fish passage is retained; and
- (g) Movement of bed material is not impeded; and
- (h) Where the crossing is intended for use by stock, measures are taken to avoid animal waste entering the lake, river or Regionally Significant Wetland; and
- (i) If the crossing is situated over or on public land, then public access over the public land is maintained.

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13.2.1.8 The placement of a floating boom in, on or over the bed of a lake, or any Regionally Significant Wetland, is a *permitted* activity, providing that for the bed of any lake:

- (a) The boom is securely fixed to the bed or margins of the lake; and
- (b) The boom is not more than 850 metres upstream of a lawfully established hydro-electric dam or control structure or within 200 metres of any other lawfully established dam or control structure; and
- (c) The boom is maintained at all times in a safe condition, good repair and substantially free of debris; and
- (d) The boom and all associated equipment are clearly visible.

13.2.2 Restricted discretionary activities: Resource consent required

13.2.2.1 Except as provided for by Rules 13.2.1.1, 13.2.1.2 and 13.2.1.5 to 13.2.1.7B, the erection or placement of any fence, pipe, line, cable, whitebait stand, eel trap, maimai, jetty, single span bridge or crossing in, on, under, or over the bed of any lake or river, or the erection or placement of any fence, pipe, line, cable, jetty, bridge, crossing or boardwalk in, on, under or over any Regionally Significant Wetland, is a *restricted discretionary* activity.

In considering any resource consent for the erection or placement of any fence, pipe, line, cable, whitebait stand, eel trap, maimai, jetty, single span bridge or crossing in terms of this rule, the Otago Regional Council will restrict the exercise of its discretion to the following:

- (a) Any adverse effects of the activity on:
 - (i) Any natural and human use value identified in Schedule 1 for any affected water body; and
 - (ii) The natural character of any affected water body; and
 - (iii) Any amenity value supported by any affected water body; and
 - (iv) Any heritage value associated with any affected water body; and
- (b) Any effect on any Regionally Significant Wetland or on any regionally significant wetland value; and
- (c) Flow and sediment processes; and
- (d) Any adverse effect on a defence against water; and
- (e) Any adverse effect on existing public access; and
- (f) Fish passage; and
- (g) The method of construction; and

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- (h) Any measures to avoid animal waste entering the lake, river, or Regionally Significant Wetland; and
- (i) The duration of the resource consent; and
- (j) The information and monitoring requirements; and
- (k) Any existing lawful activity associated with any affected water body; and
- (l) Any bond; and
- (m) The review of conditions of the resource consent; and
- (n) Any financial contribution for regionally significant wetland values or Regionally Significant Wetlands that are adversely affected.

The Consent Authority is precluded from giving public notification of an application for a resource consent under this rule.

13.2.3 Discretionary activities: Resource consent required

13.2.3.1 Except as provided for by Rules 13.2.1.1 to 13.2.2.1, the erection or placement of any structure fixed in, on, under, or over the bed of any lake or river, or any Regionally Significant Wetland, is a *discretionary* activity.

Principal reasons for adopting

The erection or placement of a structure that is fixed in, on, under, or over the bed of any lake, river or Regionally Significant Wetland can only occur if it is expressly allowed by a rule in a regional plan or any proposed regional plan, or by a resource consent (Section 13(1) of the Resource Management Act).

The erection or placement of structures under Rules 13.2.1.1 to 13.2.1.7B will have no more than minor adverse effects on the natural and human use values supported by water bodies, or on any other person, since the structures are suspended clear of the lake or river, or are small or open piled. These rules are adopted to enable such structures to be erected or placed while providing protection for those values and the interests of those people. Any other activity involving the erection or placement of any structure, that is fixed in, on, under, or over the bed of any lake or river is either a restricted discretionary or a discretionary activity in order that any adverse effects can be assessed.

13.3 The repair, maintenance, extension, alteration, replacement or reconstruction of a structure

13.3.1 Permitted activities: No resource consent required

Note: Any alteration of the bed of a lake or river, or of any Regionally Significant Wetland, in association with the following activities must

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also comply with Rules under 13.5 in order to be classified as a permitted activity.

- 13.3.1.1 The repair or maintenance of any lawful structure in, on, under or over the bed of a lake or river, or any Regionally Significant Wetland, is a *permitted* activity providing:
- (a) There is no permanent change to the scale, nature or functions of the structure.
- 13.3.1.2 The extension, alteration, replacement or reconstruction of any lawful structure in, on, under or over the bed of a lake or river, or any Regionally Significant Wetland, is a *permitted* activity providing:
- (a) In the case of a replacement or reconstruction, the structure is replaced or reconstructed in the same location as the original structure; and
- (b) There is no permanent change to the scale, nature or functions of the structure, except where a rule under 13.2.1 applies to that structure and the conditions of that rule are met.

13.3.2 Restricted discretionary activities: Resource consent required

- 13.3.2.1 Except as provided for by Rules 13.3.1.1 and 13.3.1.2, the extension, alteration, replacement or reconstruction of any structure, fixed in, on, under or over the bed of any lake or river, or any Regionally Significant Wetland, is a *restricted discretionary* activity.

In considering any resource consent for the extension, alteration, replacement or reconstruction of any structure in terms of this rule, the Otago Regional Council will restrict the exercise of its discretion to the following:

- (a) Any adverse effects of the activity on:
- (i) Any natural and human use value identified in Schedule 1 for any affected water body; and
- (ii) The natural character of any affected water body; and
- (iii) Any amenity value supported by any affected water body; and
- (iv) Any heritage value associated with any affected water body; and
- (b) Any effect on any Regionally Significant Wetland or on any regionally significant wetland value; and
- (c) Flow and sediment processes; and
- (d) Any adverse effect on a defence against water; and
- (e) Any adverse effect on existing public access; and
- (f) The method of construction; and
- (g) The duration of the resource consent; and

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- (h) The information and monitoring requirements; and
- (i) Any existing lawful activity associated with any affected water body; and
- (j) Any insurance or other appropriate means of remedying the effects of failure; and
- (k) Any bond; and
- (l) A financial contribution if the structure is a dam, or for regionally significant wetland values or Regionally Significant Wetlands that are adversely affected; and
- (m) The review of conditions of the resource consent; and
- (n) Any measures to avoid animal waste entering the lake, river, or Regionally Significant Wetland.

The Consent Authority is precluded from giving public notification of an application for a resource consent under this rule.

Principal reasons for adopting

The extension, alteration, replacement or reconstruction of a structure that is fixed in, on, under, or over the bed of any lake or river can only occur if it is expressly allowed by a rule in a regional plan or any proposed regional plan, or by a resource consent (Section 13(1) of the Resource Management Act). Repair or maintenance is allowed under Rule 13.3.1.1 provided there is no permanent change to the scale, nature or functions of the structure.

The work able to be carried out on structures under Rules 13.3.1.1 and 13.3.1.2 will have no more than minor adverse effects on the natural and human use values supported by water bodies, or on any other person, since there is no significant change to the structure. These rules are adopted to enable such structures to be repaired, maintained, extended, altered, replaced or reconstructed while providing protection for those values and the interests of those people. Any other activity involving the extension, alteration, replacement or reconstruction of structure, that is fixed in, on, under, or over the bed of any lake or river is a restricted discretionary activity in order that any adverse effects can be assessed.

13.4 Demolition or removal of a structure

13.4.1 Permitted activities: No resource consent required

Note: Any alteration of the bed of a lake or river, or any Regionally Significant Wetland, in association with the following activities must also comply with Rules under 13.5 in order to be classified as a permitted activity.

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13.4.1.1 The demolition or removal of any structure or any part of a structure that is fixed in, on, under, or over the bed of any lake or river, or any Regionally Significant Wetland, is a *permitted* activity providing:

- (a) Where any part of the structure remains in situ, nothing remains above the level of the bed; and
- (b) The structure is not identified as a registered historic place, a building or place identified in any district plan as being of historic value, an archaeological site or a place with interim historic place registration; and
- (c) The structure is not a sacred place identified by Kai Tahu and located in any area identified as MA3 in Schedule 1D; and
- (d) There is no use of explosives; and
- (e) The Otago Regional Council is notified of the demolition or removal, at least seven working days prior to commencing the activity; and
- (f) The demolition or removal of the structure does not cause any erosion; and
- (g) The site is left tidy following the demolition or removal; and
- (h) In the case of any dam structure, the dam is no more than 3 metres high, and the volume of water stored by the dam is no more than 20,000 cubic metres; and
- (i) There is no change to the water level range or hydrological function of any Regionally Significant Wetland; and
- (j) There is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland.

13.4.2 Restricted discretionary activities: Resource consent required

13.4.2.1 Except as provided for by Rule 13.4.1.1, the demolition or removal of any structure or any part of a structure that is fixed in, on, under, or over the bed of any lake or river, or any Regionally Significant Wetland, is a *restricted discretionary* activity.

In considering any resource consent for the demolition or removal of any structure in terms of this rule, the Otago Regional Council will restrict the exercise of its discretion to the following:

- (a) Any adverse effects of the activity on:
 - (i) Any natural and human use value identified in Schedule 1 for any affected water body;
 - (ii) The natural character of any affected water body;
 - (iii) Any amenity value supported by any affected water body; and
 - (iv) Any heritage value associated with any affected water body; and

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- (b) Any effect on any Regionally Significant Wetland or on any regionally significant wetland value; and
- (c) Flow and sediment processes; and
- (d) Any adverse effect on a defence against water; and
- (e) Any adverse effect on existing public access; and
- (f) The method of demolition or removal; and
- (g) The duration of the resource consent; and
- (h) The information and monitoring requirements; and
- (i) Any existing lawful activity associated with any affected water body; and
- (j) Any bond; and
- (k) The review of conditions of the resource consent; and
- (l) Any financial contribution for regionally significant wetland values or Regionally Significant Wetlands that are adversely affected.

The Consent Authority is precluded from giving public notification of an application for a resource consent under this rule.

Principal reasons for adopting

The demolition or removal of a structure that is fixed in, on, under, or over the bed of any lake or river can only occur if it is expressly allowed by a rule in a regional plan or any proposed regional plan, or by a resource consent (Section 13(1) of the Resource Management Act).

The demolition or removal of a structure under Rule 13.4.1.1 will have less adverse effect than if the structure remained in the bed. This rule is adopted to enable such demolition or removal to occur while providing protection for the natural and human use values supported by the water body and other persons. Any other activity involving the demolition or removal of a structure, that is fixed in, on, under, or over the bed of any lake or river is a restricted discretionary activity in order that any adverse effects can be assessed.

13.5 Alteration of the bed of a lake or river, or of a Regionally Significant Wetland

13.5.A General rules for section 13.5

- 13.5.A.1 Discharges of bed material resulting from the alteration of the bed of a lake or river, or a Regionally Significant Wetland, are addressed only through rules in section 13.5.

Note: Alteration includes any disturbance, and the associated remobilisation (discharge) and redeposition (deposit) of bed material already present, reclamation or deposition of cleanfill associated with works in the bed.

Note: Rules applying to plantation forestry:

- Refer to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017:
<http://www.legislation.govt.nz/regulation/public/2017/0174/latest/whole.html>
- Refer to *Schedule 17: Rules applying to plantation forestry in Otago*.
- Rules that apply:
13.5.1.1(g) for river crossings;
13.5.3.1 for any bed disturbance outside spawning seasons as defined in the Fish Spawning Indicator.⁹

13.5.1 Permitted activities: No resource consent required

13.5.1.1 The disturbance of the bed of any lake or river, or any Regionally Significant Wetland, and any resulting discharge or deposition of bed material associated with:

- (i) The erection, placement, extension, alteration, replacement, reconstruction, repair, maintenance, demolition or removal, of any structure that is fixed in, on, under or over the bed of any lake or river, or the wetland; or
- (ii) The clearance of debris or alluvium from within, or immediately surrounding, any structure in order to safeguard the function or structural integrity of the structure; or
- (iii) The maintenance or reinstatement of a water intake, in order to enable the exercise of a lawful take of water,

is a *permitted* activity, providing:

- (a) Except in the case of the demolition or removal of a structure, the structure is lawfully established; and
- (b) Except in the case of (i), there is no increase in the scale of the existing structure; and
- (c) If work is undertaken between 1 May and 30 September inclusive, the Department of Conservation and the relevant Fish and Game Council will be notified as soon as reasonably practicable in advance; and
- (d) The bed or wetland disturbance is limited to the extent necessary to undertake the work; and
- (e) The bed or wetland disturbance does not cause any flooding or erosion; and

⁹ This is an online mapping tool developed by the Ministry for Primary Industries, which can be found on its website: <https://www.mpi.govt.nz/growing-and-harvesting/forestry/national-environmental-standards-for-plantation-forestry/fish-spawning-indicator/> retrieved 12 June 2018.

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- (f) The time necessary to carry out and complete the whole of the work within the wetted bed of the lake or river does not exceed 10 hours in duration; and
- (g) All reasonable steps are taken to minimise the release of sediment to the lake or river during the disturbance, and there is no conspicuous change in the colour or visual clarity of the water body beyond a distance of 200 metres downstream of the disturbance; and
- (h) No lawful take of water is adversely affected as a result of the bed or wetland disturbance; and
- (i) The site is left tidy following completion of the activity; and
- (j) Except for activities covered by Rules 13.2.1.5, 13.2.1.6, or 13.2.1.8, there is no change to the water level range or hydrological function of any Regionally Significant Wetland; and
- (k) Except for activities covered by Rules 13.2.1.5, 13.2.1.6, or 13.2.1.8, there is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland.

13.5.1.2 The disturbance of the bed of any river for the purpose of clearing any material that has accumulated as a result of a storm event, excluding alluvium, in order to maintain the flood carrying capacity of the bed of the river, and any resulting discharge or deposition of bed material, is a *permitted* activity, providing:

- (a) The bed disturbance is limited to the extent necessary to clear the debris; and
- (b) The bed disturbance does not cause any flooding or erosion; and
- (c) The time necessary to carry out and complete the whole of the work within the wetted bed does not exceed 10 hours in duration; and
- (d) All reasonable steps are taken to minimise the release of sediment to the lake or river during the activity, and there is no conspicuous change in the colour or visual clarity of the water body beyond a distance of 200 metres downstream of the disturbance; and
- (e) No lawful take of water is adversely affected as a result of the bed disturbance; and
- (f) The site is left tidy following completion of the activity.

13.5.1.3 The disturbance or reclamation of, or the deposition of any substance in, on or under, either the bed of any lake or river, or any Regionally Significant Wetland, and any resulting discharge of bed material, for the purpose of:

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- (i) The erection, placement, extension, alteration, replacement, reconstruction, repair, maintenance, demolition or removal, of any structure carried out under Rules 13.2.1.1 to 13.2.1.7B, 13.3.1.1, 13.3.1.2 or 13.4.1.1; or
- (ii) The repair or maintenance of any defence against water constructed or placed by artificial means,

is a *permitted* activity providing:

- (a) The structure or defence against water is lawfully established; and
- (b) There is no change to the original scale of the structure or defence against water; and
- (c) The time necessary to carry out and complete the whole of the work within the wetted bed of the lake or river does not exceed 10 hours in duration; and
- (d) All reasonable steps are taken to minimise the release of sediment to the lake, river or wetland during the activity, and there is no conspicuous change in the colour or visual clarity of the water body beyond a distance of 200 metres downstream of the activity; and
- (e) No lawful take of water is adversely affected as a result of the activity; and
- (f) In the case of reclamation or deposition, only cleanfill is used; and
- (g) The site is left tidy following completion of the activity; and
- (h) Except for activities covered by Rules 13.2.1.5, 13.2.1.6, or 13.2.1.8, there is no change to the water level range or hydrological function of any Regionally Significant Wetland; and
- (i) Except for activities covered by Rules 13.2.1.5, 13.2.1.6, or 13.2.1.8, there is no damage to fauna, or New Zealand native flora, in or on any Regionally Significant Wetland.

13.5.1.4 The disturbance or reclamation of, or the deposition of any substance in, on or under, the bed of any lake or river, for the purpose of the reinstatement of any bank of a lake or river which has been eroded by a flood event, and any resulting discharge of bed material, is a *permitted* activity providing:

- (a) There is no change to the scale of the bank existing before the flood event; and
- (b) The activity is carried out within twelve months of the flood event that caused the erosion; and
- (c) The time necessary to carry out and complete the whole of the work within the wetted bed does not exceed 10 hours in duration; and

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- (d) All reasonable steps are taken to minimise the release of sediment to the lake or river during the activity, and there is no conspicuous change in the colour or visual clarity of the water body beyond a distance of 200 metres downstream of the activity; and
- (e) No lawful take of water is adversely affected as a result of the repair or maintenance; and
- (f) In the case of reclamation or deposition, only cleanfill is used; and
- (g) The site is left tidy following completion of the activity.

13.5.1.5 The disturbance of the bed of any lake or river associated with the control of aquatic pest plants, and any resulting discharge or deposition of bed material, is a *permitted* activity providing:

- (a) The control is carried out under Rule 13.7.1.1, or under a resource consent; and
- (b) The bed disturbance is limited to that which is necessary for the removal of the plant material.

13.5.1.5A The alteration of any Regionally Significant Wetland, associated with the introduction, planting, removal or clearance of plant material is a *permitted* activity providing:

- (a) The introduction, planting, removal or clearance is carried out under Rule 13.6.2.0 or 13.7.1.2, or
- (b) The introduction, planting, removal or clearance is carried out under a resource consent.

13.5.1.5B The disturbance of any Regionally Significant Wetland, for the purpose of drain maintenance, and any resulting discharge or deposition of bed material, is a *permitted* activity, providing:

- (a) The disturbance is limited to that necessary to address water accumulating on land outside of any Regionally Significant Wetland; and
- (b) The drain was lawfully constructed on or before 2 July 2011; and
- (c) The drain has been maintained within the preceding 15 years; and
- (d) There is no increase in the drain dimensions from the last maintenance; and
- (e) All reasonable measures are taken to minimise the release of sediment to any water body during the disturbance, and there is no conspicuous change in the colour or visual clarity of any water body beyond a distance of 100 metres downstream of the disturbance; and

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- (f) All reasonable steps are taken to minimise damage to fauna and New Zealand native flora; and
- (g) At least ten working days prior to commencing the maintenance, the Otago Regional Council is given notice of the location and date of the drain maintenance; and
- (h) Within ten working days after the drain maintenance is carried out, the Otago Regional Council is provided with:
 - (i) Photographs of:
 - (a) The drain immediately before and after maintenance; and
 - (b) The wetland adjoining the drain being maintained, showing vegetation cover; and
 - (ii) Dimensions (longitude and cross-section) of the drain immediately before and after maintenance; and
 - (iii) A map or line diagram identifying the location and course of the drain.

13.5.1.6 Except as provided for by Rule 13.5.1.1, the extraction of alluvium within the bed of a river is a *permitted* activity, providing:

- (a) No person takes more than 20 cubic metres in any month; and
- (b) The alluvium is not taken from the wet bed of the river and the surface of the remaining alluvium is not left lower than the level of the water in the river; and
- (c) The area from which the material is taken is smoothed over, as far as practicable; and
- (d) The activity is not carried out within 20 metres of any structure which has foundations in the river bed, or any ford or pipeline; and
- (e) No material is taken directly from the bank or from any defence against water.

13.5.1.7 Suction dredge mining within the bed of a river is a *permitted* activity providing:

- (a) The internal diameter of the nozzle does not exceed 150 mm; and
- (b) The mining activity does not occur in those rivers, or parts of rivers, listed in Schedule 7 during any identified time period; and
- (c) The mining activity is not carried out within 20 metres of any structure which has foundations in the river bed, or any ford or pipeline; and
- (d) The activity does not cause any flooding or erosion; and

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- (e) No refuelling is carried out while the dredge is within the wet bed of the river unless an effective spill tray has been installed; and
- (f) The area dredged lies within the wet bed of the river, and no material is removed from within or under the banks of the river; and
- (g) No suction dredge is operated within 500 metres of another dredge; and
- (h) No explosives or earthmoving machinery apart from the dredge is used to move material in the river bed; and
- (i) Any rocks moved to allow suction dredging to occur are returned as close as possible to the site from which they were removed; and
- (j) There is no conspicuous change in the colour or visual clarity of the water body beyond a distance of 100 metres downstream of the point of discharge of the dredge; and
- (k) No lawful take of water is adversely affected as a result of the bed disturbance.

13.5.1.8 *[Repealed – 1 May 2014]*

13.5.1.8A The disturbance of the bed of any lake or river, or any Regionally Significant Wetland by livestock, excluding intentional driving of livestock, and any resulting discharge or deposition of bed material, is a **permitted** activity, providing it does not:

- (a) Involve feeding out on that bed or wetland; or
- (b) Cause or induce noticeable slumping, pugging or erosion; or
- (c) Result in a visual change in colour or clarity of water; or
- (d) Damage fauna, or New Zealand native flora, in or on any Regionally Significant Wetland.

13.5.1.8B The disturbance of the bed of any lake or river, or any Regionally Significant Wetland, by livestock where they are being intentionally driven, and any resulting discharge or deposition of bed material, is a **permitted** activity, providing there is no:

- (a) Existing structure available for use; or
- (b) Visual change in colour or clarity of water, after the disturbance ceases; or
- (c) Noticeable slumping, pugging or erosion.

13.5.1.9 The drilling of land on the bed of any lake or river, other than for the purpose of creating a bore, and any disturbance of the bed associated with that drilling, and any resulting discharge or deposition of bed material, is a **permitted** activity providing:

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- (a) The bed disturbance is limited to the extent necessary for the drilling; and
- (b) The drill hole is filled or sealed on completion of the work so that contaminants are prevented from entering the hole at any level; and
- (c) The activity does not occur in the wet bed; and
- (d) The site is left tidy following completion of the activity.

13.5.2 Restricted discretionary activities: Resource consent required

13.5.2.1 Except as provided for by Rules 13.5.1.1 and 13.5.1.6, the extraction of alluvium within the bed of a lake or river, or within any Regionally Significant Wetland, is a *restricted discretionary* activity.

In considering any resource consent for the extraction of alluvium in terms of this rule, the Otago Regional Council will restrict the exercise of its discretion to the following:

- (a) Any adverse effects of the activity on:
 - (i) Any natural and human use value identified in Schedule 1 for any affected water body;
 - (ii) The natural character of any affected water body;
 - (iii) Any amenity value supported by any affected water body; and
 - (iv) Any heritage value associated with any affected water body; and
- (b) Any effect on any Regionally Significant Wetland or on any regionally significant wetland value; and
- (c) Any financial contribution for regionally significant wetland values or Regionally Significant Wetlands that are adversely affected;
- (d) Any adverse effect on a defence against water; and
- (e) The quantity of alluvium to be extracted, and the location and the method of removal; and
- (f) Any adverse effect on existing public access; and
- (g) The duration of the resource consent; and
- (h) The information and monitoring requirements; and
- (i) Any existing lawful activity associated with any affected water body; and
- (j) Any bond; and
- (k) The review of conditions of the resource consent.

Except in the case of extraction from the wet bed of a lake or river, or within a Regionally Significant Wetland, the Consent Authority is

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precluded from giving public notification of an application for a resource consent under this rule.

13.5.3 Discretionary activities: Resource consent required

13.5.3.1 Except as provided for by Rules 13.5.1.1 to 13.5.2.1 the alteration of the bed of any lake or river is a *discretionary* activity.

13.5.3.2 Unless covered by Rules 13.5.1.1, 31.5.1.3, 13.5.1.5A, 13.5.1.5B, 13.5.1.8A, 13.5.1.8B or 13.5.2.1, the alteration of any Regionally Significant Wetland, is a *discretionary* activity.

Principal reasons for adopting

The alteration of the bed of a lake or river can only occur if it is expressly allowed by a rule in a regional plan or any proposed regional plan, or by a resource consent (Section 13(1) of the Resource Management Act).

No person may disturb, remove, damage, or destroy any plant or part of any plant (whether exotic or indigenous) or the habitats of any such plants or of animals in, on, or under the bed of any lake or river in a manner that contravenes a rule in a regional plan or proposed regional plan, unless that activity is expressly allowed by a resource consent or is an existing lawful use allowed by Section 20A of the Act (Resource Management Act Section 13(2)(b)).

Rules 13.5.2.1 and 13.5.3.1 provide for the preservation of the natural state of the shoreline of Lake Wanaka, consistent with Section 4 (c) of the Lake Wanaka Preservation Act 1973.

The alteration of the bed of a lake or river under Rules 13.5.1.1 to 13.5.1.9 will have no more than minor adverse effects on the natural and human use values supported by water bodies, or on any other person, since the activities involve minimal disturbance of the bed. Any other activity involving the alteration of the bed of a lake or river is either a restricted discretionary or a discretionary activity in order that any adverse effects can be assessed.

13.6 The introduction or planting of vegetation

Note: The Otago Regional Council's Pest Management Strategy 2009 addresses the management of pest plants in Otago under the Biosecurity Act 1993. The Biosecurity Act 1993 bans a number of aquatic plants that have been declared unwanted organisms, from sale, distribution and propagation.

13.6.1 Prohibited activities: No resource consent granted

13.6.1.1 The introduction of material of the following species:

- (i) Lagarosiphon *Lagarosiphon major*; or
- (ii) Eel Grass *Vallisneria spiralis*; or
- (iii) Egeria *Egeria densa*; or
- (iv) Hornwort *Ceratophyllum demersum*; or

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- (v) Hydrilla *Hydrilla verticillata*; or
- (vi) Sagittaria *Sagittaria graminea ssp platyphylla*; or
- (vii) Spartina *Spartina anglica*; or
- (viii) Salvinia *Salvinia molesta*; or
- (ix) Water Hyacinth *Eichhornia crassipes*; or
- (x) Water Lettuce *Pistia stratiotes*,

to the bed or water of any Otago lake, river, or any Regionally Significant Wetland, is a **prohibited** activity for which no resource consent will be granted.

13.6.2 Permitted activities: No resource consent required

13.6.2.0 The introduction or planting of any New Zealand native plant to any Regionally Significant Wetland, is a **permitted** activity providing:

- (a) All reasonable measures are taken to minimise effects on any Regionally Significant Wetland or on any regionally significant wetland value; and
- (b) The introduction or planting does not cause any flooding or erosion.

13.6.2.1 The introduction or planting of any plant to or on the bed of any lake or river for the purpose of remedying or mitigating the adverse effects of flooding, erosion, or non-point source discharge of contaminants, or to restore or enhance habitat, is a **permitted** activity providing:

- (a) Crack Willow *Salix fragilis* or Grey Willow *Salix cinerea* is not introduced to an area where it does not currently exist; and
- (b) The plant is not any pest plant listed in the Pest Management Strategy for Otago 2009; and
- (c) All reasonable steps are taken to minimise the release of sediment to the lake or river during the introduction or planting, and there is no conspicuous change in the colour or visual clarity of the water body beyond a distance of 100 metres downstream of the introduction or planting; and
- (d) The introduction or planting does not cause any flooding or erosion; and
- (e) The site is left tidy following the introduction or planting.

13.6.3 Discretionary activities: Resource consent required

13.6.3.1 Except as provided for by Rules 13.6.1.1 to 13.6.2.1, the introduction or planting of vegetation to the bed of any lake or river, or any Regionally Significant Wetland, is a **discretionary** activity.

Principal reasons for adopting

The introduction or planting of any plant, or any part of any plant (whether exotic or indigenous) on the bed of a lake or river can only occur if it is expressly allowed by a rule in a regional plan or any proposed regional plan, or by a resource consent (Section 13(1) of the Resource Management Act).

The distribution of those plants listed in Rule 13.6.1.1 is banned under the Biosecurity Act 1993 as they have been declared unwanted organisms. It is therefore appropriate to prohibit their introduction to the beds or the waters of Otago's lakes or rivers.

The introduction of vegetation under Rule 13.6.2.1 will have positive effects, including remedying or mitigating the adverse effects of flooding, erosion, or non-point source discharge of contaminants, and the restoration of habitat. This rule is adopted to enable such beneficial planting to occur. It excludes Crack and Grey willow, where they are not already present, due to their invasive nature. Any other activity involving the introduction of any plant to the bed of a lake or river is a discretionary activity in order that any adverse effects can be assessed.

13.7 The removal of vegetation

13.7.1 Permitted activities: No resource consent required

13.7.1.1 The physical removal of material of any of the following plants:

- (i) Lagarosiphon *Lagarosiphon major*; or
- (ii) Eel Grass *Vallisneria spiralis*; or
- (iii) Egeria *Egeria densa*; or
- (iv) Hornwort *Ceratophyllum demersum*; or
- (v) Hydrilla *Hydrilla verticillata*; or
- (vi) Sagittaria *Sagittaria graminea ssp platyphylla*; or
- (vii) Spartina *Spartina anglica*; or
- (viii) Salvinia *Salvinia molesta*; or
- (ix) Water Hyacinth *Eichhornia crassipes*; or
- (x) Water Lettuce *Pistia stratiotes*,

from the bed of any lake or river is a **permitted** activity, providing:

- (a) Except in the case of Lagarosiphon *Lagarosiphon major* in Lake Wanaka or Lake Dunstan, containment is utilised to ensure no weed fragments escape; and
- (b) In the case of Lagarosiphon *Lagarosiphon major* in Lake Wanaka, containment is utilised to ensure no floating mats or rafts of weed fragments are released onto the lake surface; and

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- (c) The Otago Regional Council is notified of the location and nature of the removal, at least seven working days prior to commencing the removal; and
- (d) The site is left tidy following the removal.

13.7.1.2 The removal or clearance of plant material exotic to New Zealand from any Regionally Significant Wetland, is a **permitted** activity providing:

- (a) The plant is not Lagarosiphon (*Lagarosiphon major*) in Lake Wanaka or Lake Dunstan; and
- (b) All reasonable measures are taken to minimise effects on any Regionally Significant Wetland or on any regionally significant wetland value.

13.7.2 Controlled Activities: Resource consent required but always granted

13.7.2.1 Except as provided for by Rules 13.7.1.1 and 13.7.1.2, physical removal of material of any of the following plants:

- (i) Lagarosiphon *Lagarosiphon major*; or
- (ii) Eel Grass *Vallisneria spiralis*; or
- (iii) Egeria *Egeria densa*; or
- (iv) Hornwort *Ceratophyllum demersum*; or
- (v) Hydrilla *Hydrilla verticillata*; or
- (vi) Sagittaria *Sagittaria graminea ssp platyphylla*; or
- (vii) Spartina *Spartina anglica*; or
- (viii) Salvinia *Salvinia molesta*; or
- (ix) Water Hyacinth *Eichhornia crassipes*; or
- (x) Water Lettuce *Pistia stratiotes*,

from the bed of any lake or river, or from any Regionally Significant Wetland, is a **controlled** activity.

In granting any resource consent for the removal of material of the above identified plants in terms of this rule, the Otago Regional Council will restrict the exercise of its control to the following:

- (a) The method of removal; and
- (b) The effects on any Regionally Significant Wetland or on any regionally significant wetland value; and
- (c) The duration of the resource consent; and
- (d) The information and monitoring requirements; and
- (e) Any bond; and
- (f) The review of conditions of the resource consent.

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The Consent Authority is precluded from giving public notification of an application for a resource consent under this rule.

13.7.3 Discretionary activities: Resource consent required

13.7.3.1 Unless covered by Rules 13.7.1.1 to 13.7.2.1, removal or clearance of plant material from any Regionally Significant Wetland, is a *discretionary* activity.

Principal reasons for adopting

No person may disturb, remove, damage or destroy any plant or any part of any plant (whether exotic or indigenous), or the habitats of any such plants or of animals, in, on, or under the bed of any lake or river in a manner that contravenes a rule in a regional plan or any proposed regional plan, unless it is expressly allowed by a resource consent or is an existing lawful use (Resource Management Act Section 13(2)(b)).

The removal of material of the identified plants under Rule 13.7.2.1 will ensure that any spread of the plants caused by their removal is avoided. Any other removal of material of the identified plants from the bed of any lake or river is a controlled activity so that the Otago Regional Council has the opportunity to control the adverse effects likely to arise from that removal.