



The rules: what you need to know

The Otago Water Plan allows for some waterway bed disturbance.

However, there are rules and conditions that must be followed to ensure that adverse effects are limited.

See inside for more information on:

- The types of activity that may not need a consent
- The activities that will need a consent
- How to apply for a consent
- Working in artificial drains
- Protecting freshwater species while you work
- The permitted activity conditions applying to different types of work
- See Otago Water Plan Rule 13.5.1 for more detail.

The Otago water quality rules

Working in waterways



Most work in rivers, lakes and Regionally Significant Wetlands (waterways) will require resource consent before you begin. However, some work is permitted without a consent providing you meet certain conditions.

WHAT IS BED DISTURBANCE?

Work that in any way changes or modifies the bed (including the banks) of a waterway, is referred to as a “bed disturbance” activity, in the Otago Water Plan.

WHY ARE THERE RULES?

Bed disturbance can affect water quality, flood flows, erosion, neighbouring property, vegetation, aquatic ecosystems and habitats. The rules were developed to regulate and reduce these impacts.

WHO DO THE RULES APPLY TO?

Everyone. Regardless of whether you are the landowner or manager, the contracting firm, or the digger driver, everyone has a responsibility to make sure the rules are being followed. If any of the rules are broken, all of those involved may be held accountable through enforcement action.



Make sure to apply for a resource consent before cleaning sediment from the bed of a waterway.

Resource Consents

WHICH ACTIVITIES CAN I DO WITHOUT A CONSENT?

Activities which are allowed without a consent providing the conditions are met include:

- installing some bridges or culverts (see bridge and culvert guide #6);
- repairing a water intake;
- reinstating a bank that was damaged in a recent flood event;
- removing debris and sediment immediately surrounding a culvert, and;
- all other activities listed in the permitted activity conditions table (inside).

Make sure you meet all the conditions applicable to your proposed activity. If you are unable to meet any of the applicable conditions you will need to apply for a resource consent.

Activities not listed in the table will require a consent.

WHICH ACTIVITIES REQUIRE A CONSENT?

Activities that require consent include common practices such as:

- realigning and straightening sections of waterways (this includes creeks and streams);
- removal of sediment from the wet bed (including banks) of waterways;
- tiling a stream, and;
- disturbing a river bed while removing logging slash.

HOW DO I APPLY FOR A RESOURCE CONSENT?

Call the ORC consents team – they can walk you through the application process. Consent applications can cover a number of works on your property over several years. This can save you applying for consent every time you want to do some work.

Can I carry out work within an ORC flood protection scheme?

Council approval is required for any works on or in any scheduled drains, overland flow paths, defences against water, or flood protection areas.

Check the Otago Flood Protection Management Bylaw (2012, section 3) or contact ORC for more information.



Mistakes can easily occur when putting in a culvert or fixing up flood damage when a digger continues cleaning out work further along the waterway.

A resource consent is required for the additional work before it begins.



Excessive amounts of sediment entering waterways often mean they have to be cleaned out.

It is better to identify the source of this sediment and to take steps to minimise or prevent it from getting into the waterway.

See the ORC sediment guidesheet for more information.

Working in waterways

PERMITTED ACTIVITIES AND CONDITIONS

Identify ❶ the type of work you want to do, and then ❷ check the conditions you need to meet to do so without a resource consent

↓ Start here

DISTURBANCE ACTIVITY		Water Plan rule no.		❷ Conditions that must be met for bed disturbance to be permitted													
				DOC and Fish and Game must be notified in advance if work is carried out between 1 May and 30 September (see contact details below)	The disturbance will not cause any flooding or erosion	The disturbance will be limited to the extent needed to carry out the work	The time needed to complete the work within the wetted bed area will not exceed 10 hours	Effective steps will be taken to minimise the release of sediment to the waterway	There will be no conspicuous change in colour or visual clarity beyond a distance of 200 metres downstream of the activity	There will be no damage to fauna or native flora in or on a Regionally Significant Wetland	There will be no change in the water level range or hydrological function in a Regionally Significant Wetland	The site will be left tidy upon completion of the work	Any structure constructed is lawfully established	No lawful water take is adversely affected as a result of the bed disturbance	There will be no increase or change in the scale of the structure, defence, bank etc	In the case of deposition or reclamation, only cleanfill is used	
❶ Permitted activities	Structures, defences against water, and water intakes	Bed disturbances resulting from the installation, maintenance, reinstatement, alteration, or removal of a structure. This includes the clearance of debris or alluvium around a structure to protect the structure's functionality or structural integrity.	13.5.1.1 13.5.1.3	→													
	Flood works - Clearing Material	Clearing material that has accumulated as a result of a storm to maintain the riverbed's flood-carrying capacity (excludes alluvium).	13.5.1.2	→									n/a		n/a	n/a	
	Flood works - Bank reinstatement	Disturbance of a bed, as part of the reinstatement of a bank that has eroded from a flood event within the previous 12 months.	13.5.1.4	→										n/a			
	Aquatic pest plants	Disturbance of a bed in order to control aquatic pest plants as carried out under rule 13.7.1.1 or a resource consent.	13.5.1.5	→				n/a						n/a		n/a	n/a
	Drains in a Regionally Significant Wetland	Disturbance of a Regionally Significant Wetland for drain maintenance (See notes below where the extra conditions are summarised).	13.5.1.5 B	→						- but no more than 100m downstream	Reasonable steps are taken to minimise damage			n/a		n/a	n/a
	Gravel extraction	Extraction of alluvium up to 20 cubic meters per person per month (See notes below where the extra conditions are summarised). Note: Gravel extraction can only be undertaken from the dry bed.	13.5.1.6	→												n/a	n/a
	Other permitted activities	Planting or clearing plants from a Regionally Significant Wetland, suction dredge mining, and the drilling of the bed of a river, lake or wetland, for the purpose other than for a bore	13.5.1.5A, 13.5.1.7, 13.5.1.8 A, B, and 13.5.1.9.	→	These permitted activities contain some different conditions to those above, please see the Water Plan for the applicable conditions												



CONDITIONS YOU MUST MEET



BEST PRACTICE

Notes:

DRAINAGE WORK IN REGIONALLY SIGNIFICANT WETLANDS

Drains must have been maintained in the previous 15 years, there must be no increase in drain dimensions from the last maintenance, the drain must have existed lawfully before 2 July 2011, and ORC is notified ten days prior to any work and provided with information about the proposed drainage maintenance.

Please check rule 13.5.1.5B to see the full set of conditions that apply.

GRAVEL EXTRACTION

Any gravel extraction should not be from the wet bed and you must leave the site tidy and smooth. The work cannot have any impact on the river bank or any nearby structure.

Please check rule 13.5.1.6 to see the full set of conditions that apply.

ACTIVITIES NOT COVERED IN THIS TABLE

If your activity will disturb the bed of a waterway, and is not covered in this guide it is not permitted.

This means you will have to apply for and be granted a consent before you begin the work. Please note that this table is limited to the bed disturbance rules and there may be further rules that apply to your specific proposed activity.

CONTACTS YOU MAY NEED

Fish and Game Otago office on (03) 477 9076 Department of Conservation Otago office (03) 474 6929

Need more information?

Follow this symbol on our website:



Check out these other guide sheets.

- 2. Sediment
- 6. Bridges and culverts
- 8. What is a river?
- 9. Resource consents for in-stream works.

You can email us on:
waterqualityrules@orc.govt.nz

Phone us on

0800 474 082

The information in this pamphlet is intended to provide guidance only and is not a substitute for obtaining professional advice.

Refer to the Otago Regional Plan: Water for Otago for full details of the water quality rules.

Do these rules apply to artificial farm drains?

Not usually. Drains are not considered rivers (see note below), therefore the bed disturbance rules don't apply. However, you will need to follow several other rules.

Any water leaving open or tile drains and entering waterways, coastal water, or irrigation races, must not result in a conspicuous change in colour or clarity, or a noticeable increase in local sedimentation.

From 2020, landholders must ensure that nutrients and *E. coli* leaving their drains meet the Water Plan Schedule 16 contaminant thresholds. It pays to keep this in mind when maintaining drains - for example, you may wish to leave the last stretch of vegetation intact to help filter nutrients and bacteria before they reach a waterway.

Note: *Waterways that you consider to be drains, may in fact be legally classed as a river. This means the bed disturbance rules would apply. If you are unsure, check the ORC guide - What is a River.*



When cleaning out flowing drains and irrigation races, measures must be put in place to control any sediment that may flow into downstream waterways.



Clean out drains and races when there is no water flowing to avoid sediment flow into downstream waterways.



Donald Stuart Creek, which is a small tributary in the Manuherikia catchment is home to many species including upland bullies (native) and trout.

Photo courtesy of Fish and Game Otago.

PROTECT WATERWAY SPECIES WHILE WORKING

Crayfish, eels, trout, and native fish like the giant kokopu may be living in your drains and streams. Small tributaries often have the greatest number of fish living in them, and have more diversity than larger streams.

Regardless of the type of work in waterways it is important to reduce the impacts on fish and other creatures as much as possible.

Contact DoC (03 474 6929) to find out what might be living in your waterways and drains.