

The Proposed Auckland Unitary Plan (notified 30 September 2013)

4.13 Lakes, rivers, streams and wetland management

Introduction

While the RMA defines the term “river” as including streams, the Unitary Plan refers to both ‘rivers and streams’ as ‘stream’ is a more common way of describing the smaller watercourses that are characteristic of Auckland. Referring separately to streams clearly alerts landowners to the applicability of provisions to these smaller watercourses. The definition of ‘river or stream’ in the Unitary Plan includes permanent and intermittent reaches, but excludes ephemeral reaches.

1. Activity table

The following table specifies the activity status for activities in, on, under or over the bed of lakes, rivers and wetlands. The activity status of the associated diversion of water, depositing any substance, and incidental damming of water are also specified. Resource consent applications for activities listed below are required subject to s. 13 and 14 of the RMA. This activity table does not address the modification or removal of protected vegetation within water bodies or riparian margins.

[rp]

Activity	Lakes, rivers or streams including intermittent stream reaches and wetlands outside Natural Stream Management Areas, Natural Lake Management Areas, Urban Lake Management Areas, Significant Ecological Areas (SEAs) and Wetland Management Areas	Lakes, rivers or streams including intermittent stream reaches and wetlands within Natural Stream Management Areas, Natural Lake Management Areas, Urban Lake Management Areas, SEAs or Wetland Management Areas
Planting and the associated diversion of water		
Conservation planting	P	P
Planting of aquatic invasive plants	Pr	Pr
Depositing any substance (other than that associated with a structure authorised by another rule in this activity table)		
Depositing any substance for the purposes of habitat enhancement or scientific research	D	D
Depositing any substance excluding litter, refuse, other waste and/or contaminated material	D	NC
Depositing litter, refuse, waste and/or contaminated material	Pr	Pr
Disturbance and the associated sediment discharge		
Channel clearance within Natural Stream Management Areas, Natural Lake Management Areas, Urban Lake Management Areas, SEAs or Wetland Management Areas	NA	P
Channel clearance less than 100m	P	NC

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Channel clearance more than 100m	D	NC
Emergency works	P	P
Extraction of material less than 50 m ³ per year from the bed of a river or stream	P	NC
Plant pest removal	P	P
Mangrove removal (including seedlings)	P	D
Any disturbance that does not meet the relevant permitted activity controls or is not addressed by another rule in the Unitary Plan	D	NC
Diversion of a river or stream to a new course and any disturbance and associated sediment discharge		
Diversion of a river or stream to a new course	D	NC
Mineral extraction within a quarry zone	RD	RD
Existing structures and the associated bed disturbance or depositing any substance, diversion of water and incidental temporary damming of water		
Use of structures existing on 23/10/2001	P	P
Use of existing lawfully established structures	P	P
Maintenance and repair of existing structures	P	P
Replacement or extension of existing structures	P	D
Demolition or removal of existing structures	P	P
New structures and the associated bed disturbance or depositing any substance, diversion of water and incidental temporary damming of water		
Temporary structures	P	D
Bridges or pipe bridges	P	D
Cables, ducts, lines or pipelines on existing structures	P	P
Culverts or fords less than 30m in length when measured parallel to the direction of water flow	P	D
Erosion control structure less than 30m in length when measured parallel to the direction of water flow	P	D
Jetties, wharves, pontoons	D	D
Maimai	P	P
Sign, navigational aid, ski lane marker or buoy	P	P
Stormwater or wastewater outfall	P	D
Structure solely under the bed including drilling and tunnelling	P	P
Surface water intake structure	P	D
Swing or pile mooring	P	D
Weir	P	P
Reclamation and drainage including the associated structures, bed disturbance or depositing any substance, diversion of water and incidental temporary damming of water		
Removal or demolition of an existing reclamation or drained area	P	P
Removal or demolition of an existing reclamation or drained area that does not meet the permitted activity controls	D	D
Maintenance and repair or replacement of an existing reclamation or drained area	D	D

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Extension of an existing reclamation or drained area	NC	NC
New reclamation or drainage	NC	NC
Livestock Access		
Livestock access to a lake, river or stream, or wetland on intensively grazed production land for the periods specified in the permitted activity controls	P	P
Livestock access to a lake, river or stream, or wetland on intensively grazed production land not meeting the permitted activity controls	D	D

2. Permitted Activity Controls

2.1 General Controls

The following controls apply to all permitted activities in, on under or over the beds of lakes, rivers and wetlands:

1. The activity must not, after reasonable mixing, result in any of the following effects in receiving waters:
 - a. the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials
 - b. any conspicuous change in the colour or visual clarity
 - c. any emission of objectionable odour
 - d. the rendering of fresh water unsuitable for consumption by farm animals
 - e. any significant adverse effects on aquatic life
2. The activity must not result in an increase of existing flood levels up to and including the 1 per cent AEP flood plain on land or structures other than that owned or controlled by the person undertaking the activity
3. The activity must not result in erosion or land instability
4. Machinery must not sit directly on the wetted cross-section of the bed at the time of the work
5. Explosives must not be used in the bed
6. Mixing of construction materials and refuelling or maintenance of equipment must not occur within 10m of the bed and best site management practice must be used to avoid contaminant discharge
7. The activity must not destroy, damage or modify any scheduled historic heritage place or scheduled sites and places of significance to Mana Whenua

2.2 Conservation planting

1. The plant must be a non-invasive species in aquatic conditions.
2. The plant is must not be a pest in a pest management strategy prepared under the Biosecurity Act 1993 or declared as an unwanted organism by a chief technical officer constituted under the same act.

2.3 Disturbance and the associated sediment discharge

1. All disturbance activities
 - a. the activity must not:
 - i. divert any part of the lake, river or stream to a new course
 - ii. result in the infilling of the existing bed
 - iii. lead to the instability of the bank in the immediate vicinity

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- b. best practice erosion and sediment control measures must be implemented
 - c. any materials used must not be toxic to aquatic organisms
 - d. debris or other material must not be re-deposited in the bed of the lake, river or stream, or within the 1 per cent AEP floodplain
 - e. the bed must be restored to a profile that does not inhibit water flow or prevent fish passage upstream or downstream in water bodies that contain fish.
2. Channel clearance within Natural Stream Management Areas, Natural Lake Management Areas, Urban Lake Management Areas, SEAs or Wetland Management Areas
 - a. the channel clearance must only be undertaken for the following purposes:
 - i. to maintain recreational use
 - ii. plant pest removal
 - iii. to gain access to a lawful structure
 - iv. for restoration and enhancement of the natural values of the area.
 - b. the disturbance must be limited to the minimum area necessary to achieve a purpose listed in a. above.
 3. Channel clearance less than 100m
 - a. the continuous length of disturbance and volume of disturbed material includes any parts of the work that may extend beyond the downstream boundary of a river, into the CMA, and:
 - i. any bed disturbance must not exceed 100m in length
 - ii. the volume of material disturbed must not exceed 1500m³
 - iii. a time period of two months or more must elapse before an area can be disturbed within 100m of a previously disturbed area in the same lake or river or stream.

Note: Works within the CMA will be subject to the Coastal zone rules.

4. Emergency works
 - a. machinery must not sit directly on the wetted cross section of the bed at the time of the work, unless there is no practical alternative.
 - b. the area of disturbance must be limited to the immediate area of the hazard.
5. Extraction of material less than 50m³ per year from the bed of a river or stream
 - a. the extracted material must only be used only on the property immediately adjoining the extraction site and must not be exported or removed from that location.
 - b. there must be no sale of the extracted material.
6. Plant pest removal
 - a. the eradication or removal of the plant must comply with the provisions of the approved pest management plan.
 - b. prior to the activity starting the council must be advised of the start and completion dates of the works.
 - c. where monitoring is required as part of an approved pest management strategy, the council must be provided with a copy of the monitoring information collected.
7. Mangrove removal including seedlings
 - a. the area of the proposed activity must have been free of mangroves in 1996, except as allowed by

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clause b. below.

- b. in addition clause a. above, up to 200m² of immediately adjacent mangrove removal may be undertaken to enable the operation, maintenance, use and functioning of existing lawful structures, infrastructure or drainage systems .
- c. removed vegetation must be disposed of outside the river channel and any adjacent CMA.
- d. the removal does must not involve any discharge of chemical herbicides into the river other than as provided for in an approved pest management strategy.
- e. any visible disturbance to the substrate of the river bed must be remedied or re-contoured within seven days of completion of the works.
- f. removal must be done by hand or by hand-held tools.
- g. removal must not in areas where mangroves are serving to mitigate erosion.
- h. removal must not damage or disturb areas of salt marsh or seagrass.
- i. written advice must be given to the council at least 10 working days prior to the works (other than for the removal of 30m² or less of seedling by hand). The advice must include the location of the mangroves to be removed and sufficient evidence to demonstrate that the area was free of mangroves prior to 1996.

2.4 Existing structures and the associated bed disturbance or depositing any substance, diversion of water and incidental temporary damming of water

1. General
 - a. during the activity bed disturbance upstream or downstream of the structure must not exceed 10m either side, excluding the length of the structure.
 - b. best practice erosion and sediment control measures must be used to minimise any discharge of sediment, including sediment impounded behind an existing structure.
 - c. debris or other material must not be re-deposited elsewhere in the bed of the lake, river or stream, or within the 1 per cent AEP flood plain
 - d. the activity must not:
 - i. cause more than minor bed erosion, scouring or undercutting immediately upstream or downstream
 - ii. compromise the structural integrity of the structure.
2. Use of structures existing on 23/10/2001
 - a. The structure must:
 - i. not prevent the passage of fish upstream and downstream in water bodies that contain fish
 - ii. not cause more than minor bed erosion, scouring or undercutting immediately upstream or downstream
 - iii. be maintained in a structurally sound condition at all times.
3. Use of existing lawfully established structures and maintenance and repair of existing structures
 - a. the structure must:
 - i. not prevent the passage of fish upstream and downstream in water bodies that contain fish, except that temporary restrictions to fish passage may occur to enable construction work to be carried out.
 - ii. not cause more than minor bed erosion, scouring or undercutting immediately upstream or downstream

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- iii. be maintained in a structurally sound condition at all times.
 - b. maintenance and construction material or ancillary structures must be removed from the bed following completion of the activity
 - c. the activity must not change the area occupied by the structure.
4. Replacement or extension of existing structures
- a. structure length:
 - i. the total length of any extended structure must not exceed 30m measured parallel to the direction of water flow. This includes the length of any existing structure and the proposed extension but excludes erosion or scour management works
 - ii. any required erosion or scour management works must not exceed 5m in length, either side of the extended structure. Such works protruding into the bed do not require a separate consent as they must be authorised under this rule.
 - b. maintenance and construction material or ancillary structures must be removed from the bed following completion of the activity.
 - c. other than provided for by another rule, the activity must not increase the height or storage capacity of any existing dam
 - d. fish passage requirements:
 - i. the structure must not prevent the passage of fish upstream and downstream in water bodies that contain fish
 - ii. temporary restrictions to fish passage may occur to enable construction work to be carried out.
 - e. for modification of a dam or weir:
 - i. the modification must not commence until as much of the impounded sediment as is practicable has been removed from behind the structure
 - ii. best practice endeavours must be used to minimise the discharge of sediment impounded by the structure
 - f. for modification of a mooring:
 - i. the mooring anchor or pile is not relocated on the bed
 - ii. the length of the mooring chain is not extended by more than 25 per cent.
5. Demolition or removal of existing structures
- a. the structure must be removed from the bed as far as practicable
 - b. any remaining sections must not be a hazard to public access, navigation or health and safety
 - c. the bed must be restored to a profile that does not inhibit water flow or prevent the passage of fish upstream and downstream in water bodies that contain fish.
 - d. for removal of a dam or weir:
 - i. the modification must not commence until as much of the impounded sediment as is practicable has been removed from behind the structure
 - ii. best practice endeavours must be used to minimise the discharge of sediment impounded by the structure.

2.5 New structures and the associated bed disturbance or depositing any substance, diversion of water and incidental temporary damming of water

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1. General
 - a. structure length:
 - i. the total length of any extended structure must not exceed 30m measured parallel to the direction of water flow. This includes the length of any existing structure and the proposed extension but excludes erosion or scour management works
 - ii. any required erosion or scour management works must not exceed 5m in length, either side of the extended structure. Such works protruding into the bed do not require a separate consent as they must be authorised under this rule.
 - iii. a new structure must not be erected or placed in individual lengths of 30 metres or less where this would progressively encase or otherwise modify the bed of a river or stream
 - b. during construction bed disturbance upstream or downstream of the structure must not exceed 10m either side, excluding the length of the structure.
 - c. the structure must not prevent the passage of fish upstream and downstream in water bodies that contain fish, except that temporary restrictions to fish passage may occur to enable construction work to be carried out.
 - d. the structure must not cause more than minor bed erosion, scouring or undercutting immediately upstream or downstream
 - e. maintenance and construction material or ancillary structures must be removed from the bed following completion of the activity.
 - f. other than provided for by another rule, the activity must not increase the height or storage capacity of any existing dam.
 - g. the 1 per cent AEP flood shall be accommodated by the structure and/or by an overland flow path without increasing flood levels up stream or downstream of the structure.
 - h. Calculation of flow rates will be made using the Auckland Council Technical Publication 108: Guideline for stormwater runoff modelling in the Auckland Region, April 2009.
2. Temporary structures
 - a. the temporary structure must be in place no longer than 14 days within any 6 month period
 - b. the temporary structure must accommodate a 5 per cent AEP flood event (this condition overrides general permitted activity control 2)
 - c. the temporary structure must occupy the minimum area necessary for its purpose
 - d. for a temporary bridge, temporary piles may be located in the bed
3. Bridges or pipe bridges
 - a. piles must not be located in, on or under the bed of the lake, river, stream or wetland.
4. Culverts
 - a. Culverts must be sized to accommodate at least flow rates generated by a 10 per cent AEP storm event.
 - b. Culverts must be constructed of inert materials with a design life of at least 50 years.
5. Maimai
 - a. the floor area must not exceed 10m²
 - b. the structure must be founded on piles that protrude above the normal water level.
6. Sign, navigational aid, ski land marker or buoy
 - a. structures in navigable watercourses must not prevent navigation of vessels

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7. Structures solely under the bed of a lake, river or wetland
 - a. the structure must be installed without disturbing the bed.
8. Swing or pile mooring
 - a. structures in navigable watercourses must not prevent navigation of vessels
9. Weirs
 - a. at all times when there is natural flow upstream of the weir an equivalent flow must be maintained downstream of the weir.
 - b. the damming of water must not result in the loss, degradation or permanent flooding of any wetland

Note: The damming of water behind a weir is covered by the Auckland-wide - Taking, using, damming, diversion of water and drilling rules.

2.6 Reclamation and drainage including the associated structures, bed disturbance or depositing any substance, diversion of water and incidental temporary damming of water

1. Removal or demolition of existing reclamation or drained area
 - a. the council must be notified of the proposed removal or demolition of the reclamation or drained area prior to work starting.
 - b. the reclamation or drained area must be removed from the bed as far as practicable
 - c. any remaining sections must not be a hazard to public access, navigation or health and safety
 - d. the bed must be restored to a profile that does not inhibit water flow or prevent the passage of fish upstream and downstream in water bodies that contain fish.

2.7 Livestock access

1. On intensively grazed production land, livestock must be excluded from:
 - a. the full extent of any lakes, rivers, streams and wetlands, excluding any intermittent stream reaches, by [date 5 years post-notification of the Unitary Plan]
 - b. the full extent of any river or stream by [date 10 years post-notification of the Unitary Plan].
2. Livestock exclusion must be effective and exclusion methods may include a permanent fence or temporary hot-wire, dense vegetation and natural barriers that prevent livestock from gaining access to the waterway.

Note: For livestock access in the CMA refer to [clause 2.9 Livestock access in the CMA in the General Coastal Marine zone rules](#).

3. Assessment - Restricted discretionary activities

3.1 Matters of Discretion

The council will restrict its discretion to the matters below for the restricted discretionary activities listed.

1. Mineral extraction within a quarry zone
 - a. The need for the disturbance or structure in the context of the proposal quarry operation.
 - b. Whether suitable alternatives can be implemented.
 - c. The values of the lake, river or stream or wetland, including the requirement for a hydrological, hydraulic and ecological assessment.
 - d. The completion of an SEV and the nature and scale of any off-setting mitigation proposed.
 - e. The construction methodology, including erosion and sediment controls.

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- f. Potential downstream effects of sediment discharge.
- g. The relevance and provision of fish passage.
- h. Potential upstream or downstream flooding effects.
- i. Potential effects on any scheduled historic heritage place or scheduled sites and places of significance to Mana Whenua.

3.2 Assessment criteria

The council will consider the relevant assessment criteria below for restricted discretionary activities listed above.

1. Mineral extraction within a quarry zone
 - a. whether the potential adverse effects of the activity have been adequately assessed and any alternative methods have been considered.
 - b. the extent to which the proposal can adequately avoid, remedy or mitigate potential hydrological, hydraulic and ecological effects.
 - c. how any effects that cannot be avoided, remedied or mitigated within the works footprint can be adequately off-set by alternative mitigation
 - d. whether the proposal has adequately quantified any off-setting mitigation proposed.
 - e. whether the ongoing provision of fish passage is necessary and how that may be provided.
 - f. whether the proposal avoids adverse effects on any scheduled historic heritage place or scheduled sites and places of significance to Mana Whenua, or otherwise addresses such effects.

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