

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

IN THE MATTER OF the Resource Management Act 1991
(**the Act**)

AND of appeals under Clause 14 of Schedule 1
of the Act and in relation to the Proposed
Regional Plan for Northland

BETWEEN **TRANSPower NEW ZEALAND
LIMITED**

(ENV-2019-AKL-107)

**CEP SERVICES MATAUWHI
LIMITED**

(ENV-2019-AKL-111)

**FEDERATED FARMERS OF NEW
ZEALAND**

(ENV-2019-AKL-114)

HORTICULTURE NEW ZEALAND

(ENV-2019-AKL-116)

MINISTER OF CONSERVATION

(ENV-2019-AKL-122)

**ROYAL FOREST AND BIRD
PROTECTION SOCIETY OF NEW
ZEALAND INCORPORATED**

(ENV-2019-AKL-127)

Appellants

AND

**NORTHLAND REGIONAL
COUNCIL**

Respondent



Court: Environment Judge J A Smith, sitting alone pursuant to s 279 of the Act

Date of Order: 30 September 2021

Date of Issue: 30 September 2021

CONSENT ORDER

- A: Under s 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that the appeals are allowed in accordance with **Annexure A** to this Order.
- B: Topic 2 – Activities in beds of lakes and rivers is accordingly resolved in its entirety.
- C: Under s 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] This order relates to appeals against Northland Regional Council's (**the Council**) decision on the Proposed Regional Plan for Northland (**the Plan**), in respect of provisions on Topic 2 (Activities in beds of lakes and rivers).

[2] The Court has now read and considered the consent memorandum of the parties dated 21 September 2021, which proposes to resolve the appeals as they relate to:

- (a) Definitions:
 - (i) Constructed Wetland;
 - (ii) Induced Wetlands;

- (iii) National Grid;
 - (iv) Natural Wetland;
 - (v) Significant Wetland; and
 - (vi) Wetland Enhancement.
- (b) Policies:
- (i) D.4.22 Natural Wetlands – requirements; and
 - (ii) D.4.23 Wetland values.
- (c) Section C.2.1 Activities in the beds of lakes and rivers:
- (i) C.2.1.1 Introduction or planting of plants in rivers and lakes – permitted activity;
 - (ii) C.2.1.2 Excavation of material from rivers – permitted activity;
 - (iii) C.2.1.3 Maintenance of the free flow of water in rivers and mitigating bank erosion – permitted activity;
 - (iv) C.2.1.6 Fish passage structures – permitted activity;
 - (v) C.2.1.7 Demolition or removal of existing structures – permitted activity;
 - (vi) C.2.1.8 Construction and installation of structures – permitted activity;
 - (vii) C.2.1.10 Freshwater structures – controlled activity;
 - (viii) C.2.1.11 Activities in the beds of lakes and rivers – discretionary activity;
 - (ix) C.2.1.11A National Grid structures in a significant area – discretionary activity;

- (x) C.2.1.11B Regionally Significant Infrastructure structures outside the coastal environment and in a significant area – discretionary activity;
 - (xi) C.2.1.12 New flood defence – discretionary activity;
 - (xii) C.2.1.13 Structures in a significant area – non-complying activity; and
 - (xiii) C.2.1.14 New flood defence in significant areas – non-complying activity.
- (d) Section C.2.2 Activities affecting wetlands:
- (i) C.2.2.1 Natural wetland maintenance and enhancement – permitted activity;
 - (ii) C.2.2.2 Structures in wetlands – permitted activity;
 - (iii) C.2.2.3 Constructed wetland alteration – permitted activity;
 - (iv) C.2.2.4 Activities in natural and constructed wetlands – discretionary activity; and
 - (v) C.2.2.4A National Grid Activities in significant wetlands – discretionary activities.
- (e) Section C.2.3 General Conditions:
- (i) Condition 1 Sediment discharges;
 - (ii) Condition 3 Vehicles, vessels and equipment in water bodies;
 - (iii) Condition 5 Avoiding pest introduction;
 - (iv) New Condition 8A Natural wetlands;
 - (v) Condition 10 Indigenous vegetation disturbance or removal; and
 - (vi) Condition 21 Fish passage.

Other Relevant Matters

[3] The following persons gave notice of their intention to become parties to one or more of the appeals under s 274 of the Act:

- (a) Royal Forest and Bird Protection Society of New Zealand Incorporated (**Forest and Bird**);
- (b) CEP Services Matauwhi Limited (**CEP**);
- (c) The New Zealand Refining Company Limited;
- (d) Transpower New Zealand Limited (**Transpower**);
- (e) New Zealand Transport Agency;
- (f) Patuharakeke Te Iwi Trust Board;
- (g) Golden Bay Cement and Winstone Aggregates;
- (h) Federated Farmers of New Zealand (**Federated Farmers**);
- (i) Northland Fish and Game Council (**Fish and Game**);
- (j) Horticulture New Zealand; and
- (k) Northpower Limited.

[4] Most parties have signed the memorandum of 21 September 2021. The exceptions are Golden Bay Cement and Winstone Aggregates, divisions of Fletcher Concrete and Infrastructure Limited, who gave notice on 17 August 2020 that they were withdrawing their s 274 interest in the Proposed Plan appeals, and Fish and Game, who gave notice on 8 September 2020 that it was withdrawing its appeal and s 274 notices. The Court confirmed the withdrawal of Golden Bay Cement and Winstone Aggregates on 4 September 2020 and Fish and Game on 9 October 2020.

Agreement Reached

[5] Following Court-assisted mediation on 17 September 2019 and 21 November 2019, as well as informal discussions and meeting of a wetland working group, the parties have reached agreement on the resolution on the above provisions under appeal.

[6] A series of the policies and rules subject to appeal under Topic 2 retained the Council decisions version text following mediation and discussions, as those appellants agreed not to pursue their appeals on those matters. While no amendments were made to these provisions, they are recorded in the order as follows for completeness:

- (a) Policy D.4.23 Wetland Values;
- (b) Rules C.2.1.6 Fish passage structures, permitted activity, and C.2.1.7 Demolition or removal of existing structures, permitted activity;
- (c) C.2.1.8 Construction and installation of structures – permitted activity;
- (d) C.2.1.12 New flood defence – discretionary activity;
- (e) C.2.1.13 Structures in a significant area – non-complying activity;
- (f) C.2.1.14 New flood defence in significant areas – non-complying activity; and
- (g) C.2.2.2 Structures in wetlands – permitted activity.

[7] Regarding the matters that have been amended, a summary of the proposed changes and the parties' rationale for the changes is set out below.

Definitions

[8] Federated Farmers of New Zealand, Forest and Bird and Horticulture New Zealand appealed the definitions, requesting changes to the wetland definitions to clarify the relationships between different wetland definitions. The following changes were accordingly agreed between parties:

- (a) Regarding the Constructed Wetland definition, parties have agreed to amend the definition to remove unnecessary examples, and to clarify that wetlands created solely for ecological restoration are excluded from this wetland type;
- (b) For the Induced Wetland and Natural Wetland definitions, the parties agreed to include additional text to clarify the types of “wet land” and “wetland” that are not included in the respective definitions. Parties considered these changes appropriate as they remove potential ambiguity and improve the precision of the definitions;
- (c) With the Significant Wetland definition, parties agreed to use the term “meets” rather than “triggers” the significance area, to improve the clarity of the definition; and
- (d) Regarding the Wetland Enhancement definition, parties have agreed to remove the limitation to “natural wetlands”, by deleting “natural” and therefore broadening the scope of the definition to all wetlands. This accordingly enables the Plan provisions to provide more comprehensively for wetland enhancement.

[9] Parties have also noted that such amendments will consequentially change Appendix H.6 to the Plan, which combines the wetland definitions to illustrate how they interrelate.

[10] During the mediation process, parties also agreed to include a National Grid definition, as a consequence of the agreed lake/river bed and wetland provisions which now use this term. Parties agree that inclusion of this new definition provides improved certainty over the extent of the assets captured by the term.

Policy D.4.22 – Natural wetlands – requirements

[11] Forest and Bird appealed this policy on the request that the first clause was subject to a “must” rather than “should” requirement. The amendment was subsequently agreed to, as it provides clearer direction to recognise important values and functions of wetlands. Moreover, parties agreed to amendments that removed

redundancy in the policy and adding a clearer explanation for requirements that must be met when avoiding, remedying, or mitigating adverse effects on important wetland functions and values, to ensure such effects are not significant.

Rule C.2.1.1 – Introduction of planting of plants in rivers and lakes – permitted activity

[12] Forest and Bird requested deletion of part of clause 4 of the rule, which refers to landowner or occupier management. They also sought an amendment to clause 8 of the rule to include reference to mapped outstanding freshwater bodies.

[13] The parties accordingly amended the text, agreeing that it reduces redundancy and provides for greater protection of the important values of outstanding freshwater bodies.

C.2.1.2 – Excavation of material from rivers – permitted activity

[14] The Minister of Conservation appealed this rule, seeking additional conditions. As a result of mediation and subsequent discussions, the parties agreed to include new conditions 11, 12 and 13, which provide that:

- (a) No machinery shall operate in an area of the riverbed covered by water unless for crossings to access and haul gravel;
- (b) All plant, machinery, equipment or material operating or used in a water body must be free of plant contaminants, seeds or vegetative material; and
- (c) The extraction is not more than 0.5m below the original height of the beach and must not extend to a lower level than 0.1m above the adjacent water level.

[15] Parties consider that these amendments are appropriate, because they ensure that adverse effects on native fauna and natural character from the excavation of material from rivers are prevented.

Rule C.2.1.3 – Maintenance of the free flow of water in rivers and mitigating bank erosion – permitted activity

[16] The Minister of Conservation appealed this rule, requesting that it be classified as a controlled activity and seeking additional conditions. As a result of mediation and subsequent discussions, the parties agreed to make minor amendments to the chapeau of the rule and to condition 6, which relates to deepening or widening of a channel as a result of the activity. The parties consider that the amendments are appropriate as they improve the clarity and usability of Rule C.2.1.3.

Rule C.2.1.10 – Freshwater Structures – controlled activity

[17] Fish and Game, CEP and Federated Farmers appealed this rule and requested amendments to acknowledge:

- (a) Stock exclusion requirements of rule C.8.1.2(5);
- (b) Not preventing trout passage; and
- (c) Improvements in consistency with matters of control terms used elsewhere in the plan.

[18] The parties agreed to amend the text to respectively:

- (a) Provide for activities associated with stock exclusion requirements as a controlled activity and in doing so recognise the benefits of stock exclusion;
- (b) Require that structure does not prevent indigenous fish or trout passage, which gives greater effect to s 7(h) of the Act; and
- (c) Provide greater consistency with matters of control terms used elsewhere in the Plan.

[19] The parties consider that these changes improve the clarity and usability of Rule C.2.1.10.

C.2.1.11 – Activities in the beds of lakes and rivers – discretionary activity

[20] Transpower requested a discretionary activity status for Regionally Significant Infrastructure in significant or outstanding sites, which would otherwise be non-complying.

[21] Following mediation and the agreed amendment to include new rules C.2.1.11A and C.2.1.11B, all parties agreed to retain the decisions version text of rule C.2.1.11. In response to Fish and Game’s appeal, the parties agreed to add an advice note highlighting advice sources for information on fish populations, which provides useful advice to application they may not know. The Regional Council, the Department of Conservation, and Fish and Game hold this information.

C.2.1.11A – National Grid structures in a significant area – discretionary and C.2.1.11B – Regionally Significant Infrastructure structures outside the coastal environment and in a significant area – discretionary activity

[22] Considering Transpower’s appeal on C.2.1.11 requesting discretionary activity status for Regionally Significant Infrastructure in significant or outstanding sites, all parties agreed in mediation to the implementation of new rules C.2.1.11A and C.2.1.11B, that respectively:

- (a) Recognise that the National Policy Statement on Electricity Transmission enables National Grid infrastructure and that it is appropriate to reflect this in the rules for activities in lakes and rivers; and
- (b) Similarly enables Regionally Significant Infrastructure structures, while reflecting the requirements to protect significant areas and the NZCPS coastal environment avoidance threshold.

[23] The parties consider that the proposed new rules are appropriate, because they have been carefully crafted to give effect to the National Policy Statement on Electricity Transmission, while ensuring that significant areas are protected from adverse effects.

Rule C.2.2.1 Natural wetland maintenance and enhancement – permitted activity

[24] Forest and Bird, Fish and Game and Federated Farmers appealed this rule, requesting that:

- (a) clarification is provided over which wetland types it applies to; and
- (b) swamp kauri extraction activities are excluded from this permitted activity (mainly in relation to activities that fall under rule C.2.2.3 Constructed wetland alteration – permitted activity).

[25] Parties agreed to amend the text to:

- (a) limit the rule to natural wetlands, in order to remove uncertainty and clarify the relationship with rule C.2.2.3 (Constructed wetland alteration – permitted activity), and to make related amendments; and
- (b) Recognise that kauri extraction from the wetlands is not wetland maintenance or enhancement.

Rule C.2.2.3 – Constructed wetland alteration – permitted activity

[26] Forest and Bird, Fish and Game and Federated Farmers requested clarification of the interplay between this rule and rule C.2.2.1 (Natural wetland maintenance and enhancement – permitted activity). The parties agreed to amend the rule, so the two rules distinguish clearly between the two separate types of wetland, such as natural wetland versus constructed wetland. In doing so, parties advise that this removes any disincentive to parties creating wetlands associated with restrictions on the management of constructed wetlands.

C.2.2.4 Activities in natural and constructed wetlands – discretionary activity and C.2.2.4A National Grid Activities in significant wetlands – discretionary activities

[27] Forest and Bird, Fish and Game and Federated Farmers sought clarification over which wetland types rule C.2.2.4 applies to. Transpower requested a discretionary

activity for Regionally Significant Infrastructure in significant wetlands, that would otherwise be non-complying under C.2.2.5. Parties accordingly agreed to amend the text to:

- (a) Limit the rule to wetlands meeting either the ‘Natural Wetland’ or ‘Constructed Wetland’ definition. This clarifies that activities involving ‘wet land’ or ‘wetland’ not meeting these definitions, are not captured by this rule; and
- (b) Recognise that the National Policy Statement on Electricity Transmission enables National Grid infrastructure and that it is appropriate to reflect this in the rules for activities in lakes and rivers.

Section C.2.3 – Condition 1 – Sediment discharges

[28] Forest and Bird sought a limit of 14 consecutive days for any conspicuous discharge. All parties agreed to this amendment as the amended condition provides greater certainty and removes an element of subjectivity from permitted activities involving conspicuous discharges.

Section C.2.3 – Condition 3 – Vehicles, vessels and equipment in water bodies

[29] Forest and Bird sought additional text to condition 3 clause a), requiring that machinery used in waterbodies must be clean and leak free both before and after entering a waterbody. All parties agreed to amend clause a) to require that machinery be clean and leak free prior to entering a waterbody.

Section C.2.3 – Condition 5 – Avoiding pest introduction

[30] Forest and Bird appealed this condition, seeking deletion of the text referring to “capable of germinating or reproducing pest species”. All parties agreed to the requested deletion, with additional amendments so that agreed text requires that machinery “must be free of pests, plant contaminants, seeds, and or vegetative material”.

Section C.2.3 – Condition 8A – Natural Wetlands

[31] Forest and Bird sought an additional condition to provide controls on “threatened” and “at risk” birds roosting and nesting habitat. To provide clear and reasonable condition requirements, all parties agreed to a new condition to prevent disturbance of roosting and nesting areas of give of the most threatened bird species associated with wetland habitats in Northland. The amended text reads:

There is no disturbance of roosting and nesting areas of fernbird, New Zealand dabchick, banded rail, brown teal, or Australasian bittern.

Section C.2.3 – Condition 10 – Indigenous vegetation disturbance or removal

[32] Forest and Bird sought the addition of ‘clearance’ to the list of activities controlled by this condition. All parties agreed this suggestion was reasonable and appropriate.

Section C.2.3 – Condition 21 – Fish Passage

[33] The Minister of Conservation sought a reduction in the 14-day period that temporary flow diversion was permitted to not provide for fish passage. In mediation and following informal discussions, agreement was reached that:

- (a) For majority of permitted activities, it is reasonable for the temporary exemption from providing fish passage to be limited to 48 hours; and
- (b) In recognition that culvert installation is likely to be the most common activity where meeting the 48-hour limit is least reasonable, a specific exemption was agreed for this activity outside of the peak migration times for most native freshwater fish (August to December).

[34] For further clarity, an additional note was also agreed that provides reference to “the requirements of the Freshwater Fisheries Regulations 1983, administered by the Department of Conservation”.

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

[35] In their joint memorandum, parties also discussed the relationship between the Topic 2 provisions and the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (**NES-F**).

[36] Section 44A of the Act provides that where there is conflict or duplication between rules in a plan or proposed plan and a National Environmental Standard (**NES**), the Council is required to amend the proposed plan to remove the conflict or duplication without using the process in Schedule 1, and as soon as possible.¹ A conflict arises where a rule is more stringent or more lenient than an NES, and the NES does not expressly say that it can be.²

[37] The Topic 2 provisions are impacted by the NES-F as they include a number of rules that relate to activities within or in proximity to natural wetlands. Many of the Topic 2 provisions conflict with the NES-F, as they relate to vegetation clearance or the take, use damming or diversion of water.

[38] The Council has undertaken an analysis of the Plan for the conflict and duplication with the NES-F. The analysis concluded that the following provisions potentially conflict with the NES-F:

- (a) The definition of “natural wetland”;
- (b) Rule C.2.2.1 Natural wetland maintenance and enhancement – permitted activity;
- (c) Rule C.2.2.2 Structures in wetlands – permitted activity;
- (d) Rule C.2.2.4 Activities in natural and constructed wetlands – discretionary activity; and
- (e) Rule C.2.3 General conditions.

¹ Resource Management Act 1991, section 44A(5).

² Resource Management Act 1991, section 44A(2).

[39] The parties acknowledge the Court's comments in its decision on Topics and 3 of the Plan, which states that the obligation to remove conflict is imposed on the Council rather than on the Court, but that "it would be unrealistic of this Court to include Plan provisions which would immediately need to be changed by the Council without using the Schedule 1 process".³

[40] The parties considered the amendments (as opposed to the existing rules) sought in their joint memorandum and accompanying draft consent order in light of the NES-F. The parties consider that the amendments sought by consent to resolve the appeal points do not create conflict with the NES-F does not increase any existing conflict with the Plan. In other words, although there is conflict between the existing rules and the NES-F, the conflict will already need to be addressed by the Council under s 44A of the Act.

Consideration

[41] In making this order the Court has read and considered the appeals and the memorandum of the parties dated 21 September 2021.

[42] The Court makes this order under s 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to s 297. I understand for present purposes that:

- (a) All parties to the proceedings have executed the memorandum, with the exception of those who have withdrawn from the proceedings, requesting this order; and
- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.

[43] When considering a package of alterations such as those presented in this case, we must look at the totality and the interests represented. I am satisfied that the

³ *Minister of Conservation v Northland Regional Council* [2021] NZEnvC 001 at [48].

agreement reached is one that represents the various interests of the parties. It is clear the parties have considered other reasonably practicable options and assessed costs and benefits.

[44] The final provisions represent a compromise of the various positions of the parties. I am unable to assess, in the absence of a hearing, whether the position of any one party has greater merit. I am, however, able to confirm that the provisions attached are better than those they replace, given:

- (a) The wide range of interests involved;
- (b) The clarification of meanings and provisions; and
- (c) The wholistic approach taken to the issues.

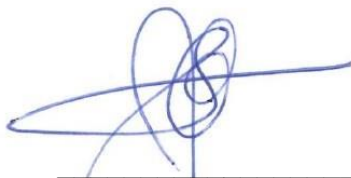
[45] Accordingly, I conclude that these provisions achieve the purpose of the Act and the objectives in the Plan. Overall, I consider the sustainable management purpose and the other relevant requirements of the Act are broadly met.

Orders

[46] Therefore, the Court orders, by consent, that the Northland Regional Plan is amended in accordance with **Annexure A**. The appeal points in relation to these provisions are otherwise dismissed.

[47] Topic 2 – Activities in beds of lakes and rivers is accordingly resolved in its entirety.

[48] There is no order as to costs.



Judge J A Smith
Environment Judge



Annexure A – Amendments to the Proposed Plan

B Definitions | Whakamāramatanga

<p><i>Constructed wetland</i></p>	<p>A wetland developed deliberately by artificial means or constructed on a site where:</p> <ol style="list-style-type: none"> 1) a wetland has not occurred naturally previously, or 2) a wetland has been previously constructed legally. <p>This does not include induced wetland, reverted wetland or wetland created <u>solely for ecological restoration for conservation purposes</u>.</p> <p>Artificial water storage facilities; detention dams; reservoirs for firefighting, irrigation, domestic or community water supply; engineered soil conservation structures including sediment traps; and roadside drainage channels are also not constructed wetlands or natural wetlands.</p> <p>Notes:</p> <ol style="list-style-type: none"> 1) A constructed wetland may contain emergent indigenous vegetation such as mangroves, rushes and sedges. 2) Examples of wetlands created for conservation purposes include those created as a requirement of a resource consent, land management agreement registered under the Land Transfer Act 1952 (or 2017) or protected private land (under Reserves Act 1977, Queen Elizabeth the Second National Trust Act, or Conservation Act 1987) 3) "Constructed wetland" is the same as "man-made wetland" in the Regional Policy Statement. 4) The Regional Council's wetland mapping indicates the extents of known wetlands – these can be found on the Regional Council's website. 5) The relationship between the various types of wetlands is shown in H.6 Wetland definitions relationships.
<p><i>Induced wetlands</i></p>	<p>Wetlands that have formed naturally where wetlands did not previously exist, as a result of human activities, such as construction of roads and railways bunds. Does not include a constructed wetland nor any type of wet, damp or boggy ground that might incidentally occur as a result of land compaction, nor any ditch, drain, silt-trap, pit, bund, stockwater dam, or treatment pond associated with agricultural, pastoral or horticultural activities.</p> <p>Notes:</p> <ol style="list-style-type: none"> 1) Induced wetlands are a type of natural wetland. 2) The relationship between the various types of wetlands is shown in H.6 Wetland definitions relationships
<p><u><i>National Grid</i></u></p>	<p><u>The assets used or owned by Transpower New Zealand Limited.</u></p>
<p><i>Natural wetland</i></p>	<p>Any wetland including an induced wetland and a reverted wetland, regardless of whether it is dominated by indigenous vegetation, but does not include:</p> <ol style="list-style-type: none"> 1) a constructed wetland, or 2) wet pasture, damp gully heads, or

	<p>3) areas where water temporarily ponds after rain, or</p> <p>4) pasture containing patches of rushes, <u>or</u></p> <p>5) <u>artificial water storage facilities; detention dams; reservoirs for firefighting, irrigation, domestic or community water supply; engineered soil conservation structures including sediment traps; and roadside drainage channels.</u></p> <p>Notes:</p> <p>1) <i>The Regional Council's wetland mapping indicates the extents of known wetlands – these can be found on the Regional Council's website.</i></p> <p>2) <i>The relationship between the various types of wetlands is shown in Appendix H.6 Wetland definitions relationships.</i></p>
<p><i>Significant wetland</i></p>	<p>A natural wetland that <u>meets</u> triggers the significance criteria in the Regional Policy Statement, Appendix 5 –“Areas of significant indigenous vegetation and significant habitats of indigenous fauna in terrestrial, freshwater and marine environments”. This includes natural wetlands comprising indigenous vegetation exceeding any of the following area thresholds:</p> <p>1) saltmarsh greater than 0.5 hectare in area, or</p> <p>2) lake margins and river beds with shallow water less than two metres deep and greater than 0.5 hectare in area, or</p> <p>3) swamp greater than 0.4 hectare in area, or</p> <p>4) bog greater than 0.2 hectare in area, or</p> <p>5) wet heathland (including gumland and ironstone heathland) greater than 0.2 hectare in area, or</p> <p>6) marsh, fen, ephemeral wetland or seepage greater than 0.05 hectares in area.</p> <p>Notes:</p> <p>1) <i>If there is any doubt over wetland extent use: Clarkson, B. R., 2013. A vegetation tool for wetland delineation in New Zealand. Prepared by Landcare Research for Meridian Energy Limited.</i></p> <p>2) <i>The Regional Council's wetland mapping indicates the extents of known wetlands – these can be found on the Regional Council's website. The purpose of this mapping is to help locate and identify different wetland types. The maps do not form part of this Plan.</i></p> <p>3) <i>The relationship between the various types of wetlands is shown in Appendix H.6 Wetland definitions relationships.</i></p>
<p><i>Wetland enhancement</i></p>	<p>Action likely to increase the area or function of a natural wetland where there is either:</p> <p>1) a net gain of ecological values, or</p> <p>2) no net loss in ecological values and benefits to either water quality or hydrological flows.</p>

D Policies | Ngā kaupapa

D.4 Land and water

D.4.22 Natural wetlands – requirements

Activities affecting a [natural wetland](#):

- 1) ~~should~~ must maintain the following important functions and values of [wetlands](#), ~~including~~:
 - a) water purification and nutrient attenuation, and
 - b) contribution to maintaining stream flows during dry periods, and
 - c) peak stream flow reduction, and
 - d) providing habitat for indigenous flora and fauna, including ecological connectivity to surrounding habitat, and
 - e) recreation, amenity and natural character values, and
- 2) ~~must~~ avoid, remedy, or mitigate adverse effects on important [wetland](#) functions and values so they are not significant, or
- 3) must provide biodiversity off-setting or environmental biodiversity compensation, so that residual adverse effects on the important functions and values of [wetlands](#) are no more than minor.

D.4.23 Wetland – values

When considering resource consents for activities in [wetlands](#), recognise:

- 1) the benefits of [wetland](#) creation and restoration, and the enhancement of [wetland](#) functions, and
- 2) that the values of [induced wetlands](#) or [reverted wetlands](#) are likely to relate to:
 - a) the length of time the [wetland](#) has been in existence (ecological values are generally lower in newly established [wetlands](#)), and
 - b) whether long-term viability of the [wetland](#) relies on maintenance works to maintain suitable hydrological conditions ([wetlands](#) that do not require maintenance are of greater value), and
- 3) that the consent duration should be for as long as active restoration or enhancement works are required.

C.2.1 Activities in the beds of lakes and rivers

C.2.1.1 Introduction or planting of plants in rivers and lakes – permitted activity

The introduction or planting of any plant in a continually or [intermittently flowing river](#) or lake is a permitted activity, provided:

- 1) the activity does not involve the introduction or planting of:
 - a) a [pest organism](#), or
 - b) an exotic aquatic plant except watercress (*Rorippa nasturtium-aquaticum*), or
 - c) black alder (*Alnus glutinosa*), or
 - d) the following willow species or hybrids involving:
 - i. crack willow (*Salix fragilis*), or
 - ii. grey willow (*Salix caprea*), or
 - iii. weeping willow (*Salix babylonica*),~~or~~ and
- 2) the bed of the water body is not disturbed to a depth or extent greater than that required to undertake the activity, and
- 3) any [indigenous vegetation](#) damage, destruction, disturbance or removal is limited to the minimum extent necessary, and
- 4) the planted species ~~are managed by the land owner or occupier to ensure that they~~ do not create an obstruction to the free flow of water or spread to other properties, and
- 5) there is no more than minor bed or bank erosion, scouring or undercutting immediately upstream or downstream as a result of the planting, and
- 6) the activity must not [dam](#) or divert water in a way that causes flooding or ponding on any [other property](#), and
- 7) the planting does not affect the functional integrity of a drainage district or flood control scheme, or impede access required for maintenance purposes, and
- 8) the activity does not involve planting exotic trees in a mapped Outstanding Natural Character Area or an [outstanding freshwater body](#) (refer [I Maps | Ngā mahere matawhenua](#)), and
- 9) the activity is not in a mapped Site or Area of Significance to tangata whenua (refer [I Maps | Ngā mahere matawhenua](#)).

For the avoidance of doubt this rule covers the following RMA activities:

- Introduction or planting of any plant in, on, or under the bed of a river or lake and any incidental disturbance of the bed of a river or lake (s13(1)).
- Diversion of water incidental to the activity (s14(2)).

C.2.1.2 Excavation of material from rivers – permitted activity

The excavation of sand, gravel or rock from a river for private use is a permitted activity, provided:

- 1) the total volume excavated from a river does not exceed 100 cubic metres in any 12-month period, and
- 2) the Regional Council's Compliance Manager is notified (in writing or by email) of the date of the commencement of any works, at least 10 working days prior to the work starting, and
- 3) there is no refuelling of equipment on any area of the riverbed, and
- 4) on completion of the activity, the riverbed is graded to natural contours (generally avoiding dips, humps and hollows) so that there are no barriers to water movement in the channel, and
- 5) the material is excavated from an area of the riverbed not covered by water at the time of the extraction, and
- 6) there is no stockpiling of excavated gravel on the riverbed, and
- 7) there is no more than minor bed or bank erosion, scouring or undercutting immediately upstream or downstream as a result of the activity, and
- 8) the activity is not in a mapped Site or Area of Significance to tangāta whenua (refer [I Maps | Ngā mahere matawhenua](#)), and
- 9) the activity does not impede existing legal public access to the river, and
- 10) the activity does not take place in an [outstanding freshwater body](#).
- 11) no machinery shall operate in an area of the river bed covered by water, unless for crossings to access and haul gravel. For this purpose, river crossing should be limited to one crossing point at each extraction site, and
- 12) all plant, machinery, equipment or material operating or used in a water body, must be free of plant contaminants, seeds or vegetative material, and
- 13) the extraction:
 - i. is not more than 0.5m below the original height of the beach, and
 - ii. must not extend to a level lower than 0.1m above the adjacent water level.

For the avoidance of doubt this rule covers the following RMA activities:

- Excavating the bed of a river (s13(1)).
- Discharge of sediment or water into water incidental to the activity (s15(1)).

C.2.1.3 Maintenance of the free flow of water in rivers and mitigating bank erosion – permitted activity

The disturbance of the bed of a river for the purpose of ~~maintaining~~ removing the accumulated material and vegetation to maintain the free flow of water or mitigating bank erosion, and any associated diversion of water, are permitted activities, provided:

- 1) the Regional Council's [Compliance Manager](#) is notified (in writing or by email) of the date of the commencement of any works, at least five working days prior to the work starting, and
- 2) the activities do not exacerbate flood hazard risk on any [other property](#), and
- 3) the activities do not impede existing legal public access to the river, and
- 4) any removal of material or vegetation is limited to that required to maintain the free flow of water or mitigate bank erosion, and

- 5) no refuelling or maintenance of equipment takes place on any area of the bed of a river, and
- 6) the activities do not result in deepening of the channel by more than 5 percent or widening of the channel by more than 20 percent, so long as any widening or deepening is not beyond the original cross-section and gradient of the channel, and
- 7) any diversion of water, or realignment of the bed of the river is restricted to within the **bank full edge** of the riverbed, and
- 8) there is no damage to, or restriction of the use of, **authorised structures** as a result of the activity, and
- 9) **good management practice** erosion and sediment control measures, equivalent to those set out in the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (Auckland Council Guideline Document GD2016/005), are implemented, including where practicable temporary diversion of normal channel flow around the activity site, to minimise any discharge of sediment, and
- 10) no material or vegetation removed from the bed is allowed to re-enter, or is placed in a position where it could re-enter, a water body

For the avoidance of doubt this rule covers the following RMA activities:

- Disturbing the bed of a river to maintain the free flow of water in a river or to mitigate bank erosion, and any incidental deposition of a substance in, on, or under the bed (s13(1)).
- Diversion of water around the activity site and any incidental damming or taking of water (14(2)).
- Discharge of sediment or water into water incidental to the activity (s15(1)).

C.2.1.6 Fish passage structures – permitted activity

The erection, reconstruction, placement, alteration, or extension of a fish passage **structure** (including the placement of rocks) in, on, under or over the bed of a lake or river, any associated temporary damming, taking or diversion of water around the activity site, and any associated bed disturbance or deposition of a substance in, on, or under the bed, are permitted activities, provided:

- 1) the sole purpose of the **structure** is to provide fish passage, and
- 2) before the start of works, the person doing the activities obtains written advice from the Regional Council or the Department of Conservation that there are no known populations of indigenous fish upstream that would be vulnerable if fish passage is provided, and
- 3) the activities comply with all relevant conditions of **C.2.3 General conditions**.

For the avoidance of doubt this rule covers the following RMA activities:

- Erection, reconstruction, placement, alteration or extension of a fish passage **structure** in, on, under, or over the bed of a lake or river (s13(1)).
- Disturbance of the bed of a lake or river or deposition of a substance in, on, or under the bed (s13(1)).
- Damming, taking or diversion of water around the activity site during the erection, reconstruction, placement, alteration, or extension of the fish passage **structure** (14(2)).
- Discharge of sediment or water into water incidental to the activity (s15(1)).

C.2.1.7 Demolition or removal of existing structures – permitted activity

The removal or demolition of an existing [structure](#) in, on, under, or over the bed of a lake or river, and any associated bed disturbance, are permitted activities, provided:

- 1) the bed is restored to a profile that does not inhibit water flow or prevent the upstream and downstream passage of fish, and
- 2) remaining parts of the [structure](#) are not a hazard to public access, navigation or health and safety, and
- 3) prior to demolition, impounded sediment is removed from behind the [structure](#), as far as is reasonably practicable, and
- 4) the activities comply with all relevant conditions of [C.2.3 General conditions](#), and
- 5) where the activities will result in improved fish passage, before the start of works, the person doing the activity obtains written advice from the Regional Council or the Department of Conservation that there are no known populations of indigenous fish upstream, that would be vulnerable if the obstacle to fish passage is removed.

For the avoidance of doubt this rule covers the following RMA activities:

- Removal or demolition of a [structure](#) in, on, under, or over the bed of a lake or river, and any associated bed disturbance (s13(1)).
- Damming, taking or diversion of water incidental to the activity (14(2)).
- Discharge of sediment or water into water incidental to the activity (s15(1)).

C.2.1.8 Construction and installation of structures – permitted activity

The erection, reconstruction, placement, alteration, or extension of a [structure](#) in, on, under or over the bed of a lake or river, any associated temporary damming, taking or diversion of water around the activity site, and any associated bed disturbance or deposition of a substance in, on, or under the bed, are permitted activities, provided:

- 1) the activities, including any temporary damming and diversions around work sites, comply with all relevant conditions of [C.2.3 General conditions](#), and
- 2) the activities are not associated with the launching, retrieval, [mooring](#), maintenance or repair of [vessels](#), and
- 3) for culvert crossings:
 - a) the contributing catchment is less than 300 hectares, and
 - b) the culvert length under the crossing parallel to river flow must not exceed 25 metres when necessary for a road or railway line, otherwise it must not exceed 10 metres, and
 - c) the culvert is designed such that flow velocity will not impede fish passage during normal flow conditions, and
 - d) culvert approaches and fill placed on the river or lake bed must be free of organic matter, and
 - e) the total height of the crossing crest must be:

- i. no more than 3.5 metres above the invert level of the culvert inlet, and
 - ii. within the manufacturer's maximum height specifications for the culvert, and
 - iii. below the river bank level unless it is necessary for a road, and
 - f) the culvert must be either open bottomed or installed so that the base is set a minimum of 25 percent and a maximum of 50 percent of the culvert diameter below the stream bed, and
 - g) on request by the Regional Council, records of [structure](#) design and flow calculations must be made available within 10 working days of the request, and
 - h) the culvert is not in a [significant wetland](#), an [outstanding freshwater body](#) or mapped (refer [I Maps | Ngā mahere matawhenua](#)):
 - i. Outstanding Natural Character Area, or
 - ii. Outstanding Natural Feature, or
 - iii. Site or Area of Significance to tangata whenua, and
- 4) For single span bridges:
 - a) piles are not located in, on or under the bed of a water body, and
 - b) the bridge, its abutments and foundations, are located so as to not decrease the bed width by more than 10 percent, and
 - c) the bridge abutments and foundations are constructed parallel to the river, and
 - d) on request by the Regional Council, records of [structure](#) design and flow calculations must be provided within 10 working days of the request, and
 - e) the bridge is not in a [significant wetland](#), an [outstanding freshwater body](#) or mapped (refer [I Maps | Ngā mahere matawhenua](#)):
 - i. Outstanding Natural Character Area, or
 - ii. Outstanding Natural Feature, or
 - iii. Site or Area of Significance to tangata whenua, and
- 5) For ford crossings:
 - a) the width of the ford crossing parallel to river flow does not exceed 10 metres, and
 - b) the activity must not result in discontinuity in the flow of water under any flow conditions, and
 - c) the ford is not in a [significant wetland](#), an [outstanding freshwater body](#) or mapped (refer [I Maps | Ngā mahere matawhenua](#)):
 - i. Outstanding Natural Character Area, or
 - ii. Outstanding Natural Feature, or
 - iii. Site or Area of Significance to tangata whenua, and
- 6) For maimai / game bird shooting shelter [structures](#):
 - a) the [structure](#) does not exceed 10 square metres, and
- 7) for cables, electricity and telecommunication lines and pipelines:
 - a) the cable, line or pipeline, including site related [structures](#) that enable the cable, line or pipeline to function, does not cause diversion or blockage of any river, and

- b) the activities do not disturb a [significant wetland](#), an [outstanding freshwater body](#), or the bed of a continually or [intermittently flowing river](#) or lake in a mapped (refer [I Maps | Ngā mahere matawhenua](#)):
 - i. Outstanding Natural Character Area, or
 - ii. Outstanding Natural Feature, or
 - iii. Site or Area of Significance to tangata whenua, and
- c) for any [wastewater](#) pipeline to be erected or placed on, in, over, or under the bed of a continually or [intermittently flowing river](#) or lake, the person doing the activities must notify the Regional Council's Compliance Manager (in writing or by email) at least 10 working days before the start of works in the bed of the water body. The notification must include:
 - i. the name, address, and phone number of the person responsible for the works, and
 - ii. the location of the structure, and
 - iii. the waste products to be piped.

For the avoidance of doubt this rule covers the following RMA activities:

- Erection, placement, reconstruction, alteration, or extension of a [structure](#) in, on, under, or over the bed of a lake or river, and any associated bed disturbance or deposition of a substance in, on, or under the bed (s13(1)).
- Damming, taking or diversion of water around the activity site during the erection, placement, reconstruction, alteration, or extension of a [structure](#) (14(2)).
- Discharge sediment or water into water incidental to the activity (s15(1)).

C.2.1.10 Freshwater structures – controlled activity

The erection, reconstruction, placement, alteration, or extension of a [structure](#) in, on, under, or over the bed of a lake or river, any associated temporary damming, taking or diversion of water around the activity site, and any associated bed disturbance or deposition of a substance in, on, or under the bed, that is not permitted by Rule [C.2.1.8 Construction and installation of structures – permitted activity](#) are controlled activities, provided:

- 1) the activities are not in a [significant wetland](#), an [outstanding freshwater body](#) or a mapped (refer [I Maps | Ngā mahere matawhenua](#)):
 - a) Outstanding Natural Character Area, or
 - b) Outstanding Natural Feature, or
 - c) Site or Area of Significance to tangata whenua, unless necessary for the purpose of meeting rule C.8.1.2 (5), and
- 2) the length of a culvert does not exceed 25 metres unless it passes under a local authority road, and
- 3) the [structure](#) does not prevent indigenous fish or trout passage, and
- 4) the activities do not impede existing legal public access to the river.

Matters of control:

- 1) Effects on:
 1. hydrological values, and natural character values.

2. Effects on [authorised structures](#) and activities.
3. Fish passage and
4. ~~effects on~~ aquatic ecosystems health and indigenous biodiversity.
5. Structural integrity.
6. ~~Effects on~~ [mahinga kai](#) and access to [mahinga kai](#).
7. Effects on the characteristics and qualities of outstanding natural landscapes

For the avoidance of doubt this rule covers the following RMA activities:

- Erection, reconstruction, placement, alteration, or extension of a [structure](#) in, on, under, or over the bed of a lake or river and any associated bed disturbance or deposition of a substance in, on or under the bed (s13(1)).
- Damming, taking or diversion of water around the activity site during the erection, reconstruction, placement, alteration, or extension of a [structure](#) (14(2)).
- Discharge of sediment or water into water incidental to the activity (s15(1)).

C.2.1.11 Activities in the beds of lakes and rivers – discretionary activity

The following activities that are not the subject of any other rule in this Plan are discretionary activities:

- 1) use, erect, reconstruct, place, alter, extend, remove, or demolish any [structure](#) or part of any structure in, on, under, or over the bed of a lake or river, or
- 2) disturb the bed of a lake or river, or
- 3) introduce or plant any plant or any part of any plant (whether exotic or indigenous) in, on, or under the bed of a lake or river, or
- 4) deposit any substance in, on, or under the bed of a lake or river, or
- 5) reclaim or drain the bed of a lake or river.

For the avoidance of doubt this rule covers the following RMA activities:

- Use, erection, reconstruction, placement, alteration, or extension of a [structure](#) in, on, under, or over the bed of a lake or river, or introduce or plant any plant or any part of a plant in, on, or under the bed, or reclaim or drain the bed, and any associated bed disturbance or deposition of a substance in, on, or under the bed (s13(1)).
- Damming, taking or diversion of water around the activity site during the erection, reconstruction, placement, alteration, or extension of a structure and any incidental ongoing damming or diversion of water around the [structure](#) (14(2)).
- Discharge of sediment or water into water incidental to the activity (s15(1)).

Note:

Advice on the fish populations can be obtained from the Regional Council, the Department of Conservation, or the Northland Fish and Game Council.

C.2.1.11A National Grid structures in a significant area – discretionary activity

The use, erection, reconstruction, placement, alteration, or extension of a [National Grid structure](#) in, on, under or over the bed of a lake or river, that is part of a [significant wetland](#) or an [outstanding freshwater body](#), or mapped (refer [I Maps | Ngā mahere matawhenua](#)):

- 1) [Outstanding Natural Character Area](#), or
- 2) [Outstanding Natural Feature](#), or
- 3) [Site or Area of Significance to tangata whenua](#),

and any associated temporary damming, taking or diversion of water around the activity site, and any associated bed disturbance or deposition of a substance in, on, or under the bed, that is not a permitted, controlled or restricted discretionary activity in section C.2.1 of this Plan, are discretionary activities.

For the avoidance of doubt this rule covers the following RMA activities:

- Use, erection, reconstruction, placement, alteration, or extension of a [structure](#) in, on, under, or over the bed of a lake or river, or introduce or plant any plant or any part of a plant in, on, or under the bed, or reclaim or drain the bed, and any associated bed disturbance or deposition of a substance in, on, or under the bed (s13(1)).
- Damming, taking or diversion of water around the activity site during the erection, reconstruction, placement, alteration, or extension of a structure and any incidental ongoing damming or diversion of water around the [structure](#) (14(2)).
- Discharge of sediment or water into water incidental to the activity (s15(1)).

C.2.1.11B Regionally Significant Infrastructure structures outside the coastal environment and in a significant area – discretionary activity

The use, erection, reconstruction, placement, alteration, or extension of a [structure](#) forming part of [regionally significant infrastructure](#), that is located in, on, under or over the bed of a lake or river, that is part of a [significant wetland](#) or an [outstanding freshwater body](#), or mapped (refer [I Maps | Ngā mahere matawhenua](#)):

- 1) [Outstanding Natural Feature](#), or
- 2) [Site or Area of Significance to tangata whenua](#),

but is located outside the coastal environment, and any associated temporary damming, taking or diversion of water around the activity site, and any associated bed disturbance or deposition of a substance in, on, or under the bed, that is not a permitted, controlled or restricted discretionary activity in section C.2.1 of this Plan, are discretionary activities.

For the avoidance of doubt this rule covers the following RMA activities outside the coastal environment:

- Use, erection, reconstruction, placement, alteration, or extension of a [structure](#) in, on, under, or over the bed of a lake or river, or introduce or plant any plant or any part of a plant in, on, or under the bed, or reclaim or drain the bed, and any associated bed disturbance or deposition of a substance in, on, or under the bed (s13(1)).

- Damming, taking or diversion of water around the activity site during the erection, reconstruction, placement, alteration, or extension of a structure and any incidental ongoing damming or diversion of water around the [structure](#) (14(2)).
- Discharge of sediment or water into water incidental to the activity (s15(1)).

C.2.1.12 New flood defence – discretionary activity

The:

- 1) use, erection or placement of a new [flood defence structure](#) in, on, under, or over the bed of a lake or river, or
- 2) deposition of a [flood defence](#) in, on, or under the bed of a lake or river, or
- 3) alteration or extension of an existing [flood defence](#), and
- 4) any associated disturbance of the bed, reclamation or drainage of the bed or damming or diversion of water,

are discretionary activities, provided they are not in an [outstanding freshwater body](#) or mapped (refer [I Maps | Ngā mahere matawhenua](#)):

- 5) Outstanding Natural Feature, or
- 6) Outstanding Natural Character Area, or
- 7) Site or Area of Significance to tangata whenua.

For the avoidance of doubt this rule covers the following RMA activities:

- Use, erection, reconstruction, placement, alteration, or extension of a [flood defence](#) outside the bed of a lake or river (s9(2)).
- Use, erection, reconstruction, placement, alteration, or extension of a [flood defence](#) in, on, under, or over the bed of a lake or river or the deposition of a [flood defence](#) in, on, or under the bed, and any associated disturbance of the bed or reclamation or drainage of the bed (s13(1)).
- Damming, taking or diversion water around the activity site during the erection, reconstruction, placement, alteration, or extension of a [flood defence](#) or ongoing damming or diversion of water around the [flood defence](#) (s14(2)).
- Discharge of sediment or water into water incidental to the activity (s15(1)).

C.2.1.13 Structures in a significant area – non-complying activity

The use, erection, reconstruction, placement, alteration, or extension of a [structure](#) in, on, under or over the bed of a lake or river, that is part of a [significant wetland](#) or an [outstanding freshwater body](#), or mapped (refer [I Maps | Ngā mahere matawhenua](#)):

- 1) Outstanding Natural Character Area, or
- 2) Outstanding Natural Feature, or
- 3) Site or Area of Significance to tangata whenua,

that is not the subject of any other rule in this Plan, any associated temporary damming, taking or diversion of water around the activity site, and any associated bed disturbance or deposition of a substance in, on, or under the bed, [C.2.1 Activities](#) are non-complying activities.

For the avoidance of doubt this rule covers the following RMA activities:

- Use, erection, reconstruction, placement, alteration, or extension of a [structure](#) in, on, under or over the bed of a lake or river and any associated disturbance of the bed or deposition of a substance in, on or under the bed (s13(1)).
- Damming, taking or diversion of water around the activity site during the erection, reconstruction, placement, alteration, or extension of a [flood defence](#), or ongoing damming or diversion of water around the [flood defence](#) (s14(2)).
- Discharge of sediment or water into water incidental to the activity (s15(1)).

C.2.1.14 New flood defence in significant areas – non-complying activity

The:

- 1) use, erection or placement of a new [flood defence structure](#) in, on, under, or over the bed of a lake or river, or
- 2) deposition of a [flood defence](#) in, on, or under the bed of a lake or river, or
- 3) alteration or extension to an existing [flood defence](#), and
- 4) any associated disturbance of the bed, reclamation or drainage of the bed, or damming or diversion of water,

in a mapped (refer [I Maps | Ngā mahere matawhenua](#)):

- 5) [Outstanding Freshwater Body](#), or
- 6) [Outstanding Natural Feature](#), or
- 7) [Outstanding Natural Character Area](#), or
- 8) [Site or Area of Significance to tangata whenua](#),

are non-complying activities.

For the avoidance of doubt this rule covers the following RMA activities:

- Construction and use of a [flood defence](#) outside of the bed of a lake or river (s9(2)).
- Use, erection, reconstruction, placement, alteration, or extension of a [flood defence](#) in, on, under, or over the bed of a lake or river or the deposition of a [flood defence](#) in, on, or under the bed, and any associated disturbance of the bed or reclamation or drainage of the bed (s13(1)).
- Damming, taking or diversion of water around the activity site during the erection, reconstruction, placement, alteration, or extension of a [flood defence](#), or ongoing damming or diversion of water around the [flood defence](#) (s14(2)).
- Discharge of sediment or water into water incidental to activity (s15(1)).

C.2.2 Activities affecting wetlands

C.2.2.1 Natural wetland maintenance and enhancement – permitted activity

The damage, destruction, disturbance, or removal of vegetation in a natural wetland or deliberate introduction of a plant in a natural wetland for the purpose of wetland maintenance or wetland enhancement are permitted activities, provided:

- 1) the damage, destruction, disturbance, or removal of plants is limited to exotic plants or pest species, and
- 2) any introduced plant is not a pest species, and
- x) the activity is not for the purposes of extracting kauri from the wetland, and
- 3) the activities comply with all relevant conditions of C.2.3 General conditions, and
- 4) if the activities are in a significant wetland:
 - a) planting must be limited to indigenous species that are endemic to the area, and
 - b) the Regional Council's Compliance Manager must be notified (in writing or by email) at least 10 working days prior to works commencing, with the timing and extent of the activities and contact details of the person responsible.

For the avoidance of doubt this rule covers the following RMA activities:

- Damage, destruction or disturbance of a natural wetland that is not part of a bed of a lake or river or in the coastal marine area, removal of a plant in a natural wetland that is not part of a bed of a lake or river or in the coastal marine area, and introduction of a plant in a natural wetland outside of the bed of a lake or river or in the coastal marine area (s9(2)).
- Damage, destruction, disturbance, or removal of a plant in a natural wetland that is part of a bed of a lake or river, and introduction of a plant in a natural wetland that is part of the bed of a lake or river (s13(2)).
- Disturbance of the bed of a lake or river incidental to the activity (s13(1)).
- Discharge of sediment into water incidental to the activity (s15(1)).

C.2.2.2 Structures in wetlands – permitted activity

In a wetland:

- 1) the use, erection, reconstruction, placement, alteration, extension, demolition or removal of any fence, wetland interpretive signage, bird-watching hide, maimai or game bird shooting shelter, or boardwalk structure, and
- 2) the use and maintenance (a form of alteration) of a structure forming part of regionally significant infrastructure or core local infrastructure,

are permitted activities, provided:

- 3) in a significant wetland:
 - a) any bird-watching hide, maimai, or game bird shooting structures do not exceed 10 square metres in area, and

- b) boardwalk structures are no wider than 1.8 metres and cumulatively are no longer than 40 metres per wetland, and
- c) any damage, destruction, disturbance or removal of a plant or any part of a plant necessary for the use and maintenance of core local or regionally significant infrastructure is limited to an area less than 200m², and
- d) any other structure does not exceed five square metres in area, and
- e) the Regional Council's Compliance Manager is notified (in writing or by email) at least 10 working days prior to works commencing, with the timing and extent of the activities and contact details of the person responsible, and

the activities comply with all relevant conditions of [C.2.3 General conditions](#).

For the avoidance of doubt this rule covers the following RMA activities:

- Use, erection, reconstruction, placement, alteration, extension, removal, or demolition of a fence, wetland interpretive signage, bird-watching hide, maimai or game bird shooting shelter, or boardwalk structure in a wetland that is not part of the bed of a lake or river or in the coastal marine area (s9(2)).
- Use or maintenance (a form of alteration) of a structure forming part of regionally significant infrastructure or core local infrastructure in a wetland that is not part of the bed of a lake or river or in the coastal marine area (s9(2)).
- Use, erection, reconstruction, placement, alteration, extension, removal, or demolition of a fence, wetland interpretive signage, bird-watching hide, maimai or game bird shooting shelter, or boardwalk structure in a wetland that is part of the bed of a lake or river or in the coastal marine area, and any incidental disturbance of the bed or deposition of a substance in, on or under the bed (s13(1)).
- Use or maintenance (a form of alteration) of a structure forming part of regionally significant infrastructure or core local infrastructure in a wetland that is part of the bed of a lake or river, and any incidental disturbance of the bed or deposition of a substance in, on or under the bed (s13(1)).
- Discharge of sediment into water incidental to the activity (s15(1)).

C.2.2.3 Constructed wetland alteration – permitted activity

The damage, destruction, disturbance, or removal of vegetation, deliberate introduction of a plant or disturbance of the bed of a constructed wetland, and the use, erection, reconstruction, placement, alteration, extension, removal or demolition of a structure in a constructed wetland or to form a constructed wetland, are permitted activities provided:

- 1) the activities comply with all relevant conditions of [C.2.3 General conditions](#), and
- 2) do not cause flooding or ponding on any other property, and
- 3) if the wetland is reduced in size by more than 500 square metres, the Regional Council's Compliance Manager is notified (in writing or by email) at least 10 working days before the start of works with the timing, location and extent of the activities.

For the avoidance of doubt this rule covers the following RMA activities:

- Use, erection, reconstruction, placement, alteration, extension, removal or demolition of a structure, in a constructed wetland that is not part of the bed of a lake or river or in the coastal marine area, or to form a constructed wetland that is not part of the bed of a lake or river of the coastal marine area (s9(2)).

- Disturbance of the bed of a **wetland** that is not part of the bed of a lake or river of the coastal marine area (s9(2)).
- Discharge of sediment into water incidental to the activity (s15(1)).

C.2.2.4 Activities in natural and constructed wetlands – discretionary activity

In natural or constructed wetlands any:

- 1) damage, destruction, disturbance, or removal of a plant in a **wetland** or deliberate introduction of a plant in a **wetland** for **wetland maintenance** or **wetland enhancement**, or
- 2) use, erection, reconstruction, placement, alteration, extension, removal, or demolition of any **structure** in a **wetland**, or
- 3) disturbance of the bed of a **constructed wetland** and construction or installation of a **structure** in a **constructed wetland**,

that is not the subject of any other rule in this Plan are discretionary activities, provided the activities are not undertaken in a **significant wetland**.

For the avoidance of doubt this rule covers the following RMA activities:

Activities relating to plants:

- Damage, destruction, disturbance, or removal of a plant in a **wetland** that is not part of a bed of a lake, and introduction of a plant in a **wetland** outside the bed of a lake or river (s9(2)).
- The introduction of any exotic or introduced plant to a **wetland** that is part of the coastal marine area (s12(1)).
- Damage, destruction, disturbance, or removal of a plant in a **wetland** that is part of the coastal marine area (s12(3)).
- Damage, destruction, disturbance, or removal of a plant in a **wetland** that is part of a bed of a lake or river, and introduction of a plant in a **wetland** that is part of the bed of a lake or river (s13(2)).

Activities relating to **structures**:

- Use, erection, reconstruction, placement, alteration, extension, removal, or demolition of a **structure** in a **wetland** that is not part of the bed of a lake or river (s9(2)).
- Erection, placement, alteration or extension of a **structure** in, on, under or over any foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with a **structure** in a **wetland** in the coastal marine area (s12(2)).
- Use of a **structure** in a **wetland** in the coastal marine area (s12(3)).
- Use, erection, reconstruction, placement, alteration, extension, removal, or demolition of a **structure** in a **wetland** that is part of the bed of a lake or river, (s13(1)).

Activities relating to disturbance:

- Disturbance of the bed of a **wetland** that is not part of the bed of a lake or river of the coastal marine area (s9(2)).
- Disturbance of the foreshore that is part of a **wetland** (s12(1)).

- Disturbance of the bed or deposition of a substance in, on, or under the bed (s13(1)).
- Discharge of sediment into water incidental to the activity (s15(1)).

C.2.2.4A National Grid Activities in significant wetlands – discretionary activities

The:

- 1) damage, destruction, disturbance, or removal of vegetation in a significant wetland or deliberate introduction of a plant in a significant wetland for wetland maintenance or wetland enhancement, or
- 2) use, erection, reconstruction, placement, alteration, extension, removal, or demolition of any structure in a significant wetland,

for the National Grid, provided the National Grid has an operational or functional need to be located in the wetland and that is not a permitted, controlled or restricted discretionary activity in section C.2.2 of this Plan, is a discretionary activity.

For the avoidance of doubt this rule covers the following RMA activities:

Activities relating to plants:

- Damage, destruction, disturbance, or removal of a plant in a wetland that is not part of a bed of a lake, and introduction of a plant in a wetland outside the bed of a lake or river (s9(2)).
- The introduction of any exotic or introduced plant to a wetland that is part of the coastal marine area (s12(1)).
- Damage, destruction, disturbance, or removal of a plant in a wetland that is part of the coastal marine area (s12(3)).
- Damage, destruction, disturbance, or removal of a plant in a wetland that is part of a bed of a lake or river, and introduction a plant in a wetland that is part of the bed of a lake or river (s13(2)).

Activities relating to structures:

- Use, erection, reconstruction, placement, alteration, extension, removal, or demolition of a structure in a wetland that is not part of the bed of a lake or river (s9(2)).
- Erection, placement, alteration or extension of a structure in, on, under or over any foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with a structure in a wetland in the coastal marine area (s12(2)).
- Use of a structure in a wetland in the coastal marine area (s12(3)).
- Use, erection, reconstruction, placement, alteration, extension, removal, or demolition of a structure in a wetland that is part of the bed of a lake or river, (s13(1)).

Activities relating to disturbance:

- Disturbance of the bed of a wetland that is not part of the bed of a lake or river of the coastal marine area (s9(2)).
- Disturbance of the foreshore that is part of a wetland (s12(1)).

- Disturbance of the bed or deposition of a substance in, on, or under the bed (s13(1)).
- Discharge of sediment into water incidental to the activity (s15(1)).

C.2.3 General conditions

Sediment discharges

- 1) Discharge of contaminants must comply with the following conditions:
 - a) the activities must release no contaminants into water, other than sediment or organic matter, and
 - b) bed disturbance must not occur for more than five consecutive days, and
 - c) beyond the **zone of reasonable mixing**, the discharge must not give rise to any conspicuous change in the colour or visual clarity, and
 - d) any conspicuous change in the colour or visual clarity within the **zone of reasonable mixing** must not occur for longer than 12 hours per day for no more than 14 consecutive days.

Vehicles, vessels and equipment in water bodies

- 3) All vehicles, **vessels** and equipment must be kept out of flowing or standing water bodies, except where it is necessary for the purpose of the activity, and then:
 - a) machinery must be clean and leak free prior to entering the bed of the waterbody, and
 - b) the extent and duration of any disturbance is minimised.

Avoiding pest introduction

- 5) All plant, machinery, equipment or material operating or used in a water body, must be free of pests, plant contaminants, seeds, and ~~or~~ vegetative material. ~~which is capable of germinating or reproducing pest species.~~

Natural wetlands

- 8A) There is no disturbance of roosting and nesting areas of fernbird, New Zealand dabchick, banded rail, brown teal, or Australasian bittern;

Indigenous vegetation disturbance or removal

- 10) Any **indigenous vegetation** damage, destruction, disturbance, clearance or removal is limited to the minimum extent necessary to give effect to the permitted activities.

Fresh water structures

Fish passage

- 21) The upstream and downstream passage of fish in continually or **intermittently flowing rivers** must be provided for and be effective under a wide range of flow conditions and, excluding soft bottom rivers, river bed material must be maintained throughout the full length of any culvert, ford and bridge **structures**, except:
 - a) where the statutory fisheries manager provides written advice confirming that providing for passage of fish would have an adverse effect on the fish population upstream of the structure, or

- b) during temporary flow diversion around work sites, as referred to in condition 25, but for no more than a total of 48 hours, or in the case of culvert installation under C.2.1.8 in the months of January to July (inclusive) for no more than 7 consecutive days, permitted temporary activities such as works to enable structure repair and replacement, or
- c) when otherwise provided for by an existing design and authorisation,

Note:

Advice on the potential pest fish populations located downstream of the structure can be obtained from the Regional Council, the Department of Conservation, or the Northland Fish and Game Council.

Any person or persons constructing a structure likely to impede fish passage (including culverts, fords, dams or diversion structures) will need to be aware of and comply with

the requirements of the Freshwater Fisheries Regulations 1983, adm