Regional Freshwater Plan for the Wellington Region

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Resource Management Act 1991

Approval of the Regional Freshwater Plan

The Wellington Regional Council hereby certifies that it has approved the Regional Freshwater Plan for the Wellington Region by resolution on 4 November 1999.

The Regional Freshwater Plan will become operative on the

17 th day of December 1999.

The common seal of the)
Wellington Regional Council)
was affixed in the presence of)
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Stuart Macaskill)
Chairperson)
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Howard Stone)
General Manager)

Chairperson's Foreword

I am very pleased to present the **Regional Freshwater Plan**. The purpose of the Plan is to assist the Wellington Regional Council to manage water resources in a sustainable manner. It is one of a series of regional plans for the Wellington Region prepared by our Council under the Resource Management Act 1991.

Rivers, lakes, aquifers, and the fresh water that they contain, are essential for our well-being. We must have fresh water for our most basic needs - drinking and bathing, as well as for our industry and agriculture. We also use rivers and lakes for our recreation and for many people, rivers and lakes have unique spiritual and cultural values.

We often simply assume that our rivers and lakes will remain healthy and that there will always be enough clean water to meet our needs and aspirations. Because fresh water is so important to us, we cannot be complacent. We have to ensure that our actions do not damage our rivers, lakes, wetlands, and aquifers. A major goal of this Plan is to control the adverse effects of our activities on the fresh water environment.

Yet many of our activities, such as taking small amounts of gravel, have only very minor adverse effects on the environment. This Plan has been written to allow you to carry out those sorts of activities without needing a resource consent. As with all our regional plans, this Plan is as much about allowing people to do things as it is about controlling adverse effects on the environment.

Many groups and individuals have contributed to the preparation of this Plan. I would like to thank them all. The public process used for developing regional plans has helped shape this document so that it reflects community expectations to use natural resources while mitigating any adverse effects on the environment.

STUART MACASKILL
Chairperson

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1. Introduction

1.1 Title

This Plan shall be known as the "Regional Freshwater Plan for the Wellington Region".

1.2 Area covered

This Plan is operative throughout the Wellington Region on the landward side of the boundary of the coastal marine area. The landward boundary of the coastal marine area is the line of mean high water springs, except where that line crosses a river, in which case the boundary is the lesser of:

- one kilometre upstream from the mouth of the river; or
- the point upstream that is calculated by multiplying the width of the river mouth by 5.

The locations of river mouths in the Wellington Region are listed in Appendix 1. Appendix 1 also contains a description of the coastal marine area boundary and maps for the major rivers.

The area covered by the Wellington Regional Council is shown on Map SO 35951 (available at the Wellington Regional Council). It is termed the *Wellington Region* or the *Region* in the remainder of the Plan. For illustrative purposes, a map of the Region is shown in Figure 1 on the next page.

1.3 Scope of the Plan

The Plan addresses:

- the values identified in sections 6, 7, and 8 (Part II) of the Resource Management Act 1991 (the Act) which people and communities hold in relation to fresh water;
- the Council's function to avoid or mitigate natural hazards in relation to flooding, identified in section 30(1)(c)(iii) of the Act; and
- the central activities relating to fresh water identified in sections 13, 14 and 15 of the Act. With respect to section 15 of the Act, the rules in the Plan relate only to section 15(1)(a) of the Act. Discharges to land that may enter water (those restricted by section 15(1)(b) of the Act) are covered in the Regional Plan for Discharges to Land.

While the Plan addresses these separate sections of the Act, the provisions of the Plan should be read as a whole. Individual provisions should not be read in isolation.

1.4 Structure

The Plan is divided into twelve sections.

Section 1 is the Introduction and section 2 contains an identification and description of the freshwater issues of the Region. Section 3 is the Interpretation.

The general objectives and policies are in section 4. These policies provide guidance for the management of fresh water throughout the Region, as well as guidance for all resource consent assessment. These general provisions are separated into categories for:

- the values held by tangata whenua;
- natural values, such as natural character, natural features, habitats, and ecosystems;
- amenity values and access;
- flood mitigation; and
- use and development in water bodies and within river and lake beds.

Sections 5, 6 and 7 contain the objectives, policies and rules that address specific uses and development of water bodies and river and lake beds, namely:

- water quality and discharges to fresh water (section 5);
- water quantity and the taking, use, damming and diversion of fresh water, and the construction of any bore or well (section 6); and
- uses of the beds of rivers or lakes and development on the floodplain (section 7).

The non-statutory methods that the Council will use to implement its policies are in section 8. The principal reasons for the objectives, policies and methods in the Plan are given in section 9, and the environmental results that are anticipated from implementation of the Plan over a ten year time frame are described in section 10. The monitoring of the Plan which the Council intends to carry out and the circumstances under which the Plan will be reviewed are set out in section 11. Cross boundary issues, and the processes to address them are described in section 12.

1.5 Relationship with the Council's Annual Plan

Under the Local Government Act 1974, all local authorities must prepare an Annual Plan. The Annual Plan must outline the nature and scope of activities to be undertaken by the organisation over the financial year, along with the funds required to undertake these activities.

As the Regional Freshwater Plan must contain objectives, policies and methods to promote the sustainable management of fresh water, it follows that the Plan will influence the contents of the Council's Annual Plan and Budget.

Some of the "Other Methods" identified in the Regional Freshwater Plan will require the Council to do something. All activities proposed for the Council in this Plan will be subject to scrutiny through the Council's Annual Plan and budgetary process. It is this process which will determine the priorities and time frames, as well as the affordability, of the methods. These decisions will be made within a framework of economic reality. We cannot do everything at once. Many of the methods will need to be implemented progressively.

1.6 User Guide

At the time the Regional Freshwater Plan was made operative, an integrated *User Guide* was being prepared to help people use all the Council's regional plans, including the Regional Freshwater Plan. The *User Guide* is to provide information about how each plan applies to the use and development of natural and physical resources of Region. For example, the *User Guide* will give guidance about how to determine which rule or rules of which regional plan an activity will need to comply with. For more information about the *User Guide*, contact the Resource Policy Department at the Wellington office of the Council.

2. Issues

2.1 The relationship of tangata whenua with fresh water

2.1.1 **The use and development of water bodies and river and lake beds has the potential to adversely affect:**

- sites of special spiritual, historical or cultural value to tangata whenua, including mahinga kai and waahi tapu and areas where pure water is used for ritual purposes; and
- important values including the mana of iwi, hapu and whanau, and the ability of tangata whenua to provide manaakitanga (hospitality).

Tangata whenua want activities in water bodies and river and lake beds to be managed so that sites of special value to them are not lost and their values are not diminished. The mana of an iwi, hapu or whanau is linked with the ability to provide for guests. Should the tangata whenua be unable to do so, then their mana is diminished. It is therefore important that these values and concerns of the tangata whenua are considered in the present and future management of the Region's water bodies and river and lake beds.

2.1.2 **Tangata whenua in the Region want an involvement in the decision making process.**

Tangata whenua have indicated their desire to be involved in decision making processes regarding for the management of the Region's water bodies and river and lake beds. The Resource Management Act 1991 obliges the Council to take the principles of the Treaty of Waitangi into account in the management of the natural and physical resources of the Region.

These principles include:

- active protection of Maori rights and interests; and
- consultation; and
- each partner acting in good faith towards each other.

Taking the principles into account, where they are relevant to the freshwater resource, will help the management of water bodies and river and lake beds in a manner acceptable to the tangata whenua.

2.1.3 **Tangata whenua wish to have access to fresh water related waahi tapu and be able to use traditional freshwater resources such as mahinga kai. They also wish to be able to undertake environmental enhancement of culturally significant resources.**

The tangata whenua believe that traditional food sources such as tuna (eels), piharau or korokoro (lamprey), koura (freshwater crayfish), inanga (whitebait), and kakahi (freshwater mussels), are not as abundant as they once were. This has occurred for various reasons, such as pollution and habitat removal as a result of use and development of water bodies and river and lake beds.

In this issue, "access" could include access across land which is in private ownership. Access across land is only ever available with the permission of the landowner.

2.1.4 **The tangata whenua are concerned that the effects of use and development of water bodies and river and lake beds will affect the mauri of fresh water.**

For the tangata whenua, the mauri, or life essence, of water bodies will be affected by the following:

- discharges of point source contaminants, such as human sewage (in any form); or
- non-point discharges, such as agricultural run-off; or
- excessive abstraction of water; or
- diverting or mixing water from one water body into the catchment or water courses of another; or
- damming, or otherwise altering the natural flows and fluctuations of water bodies.

2.1.5 **Tangata whenua are concerned that their role as kaitiaki over water bodies and river and lake beds is not adequately recognised, and that there are few opportunities to manage water bodies and river and lake beds according to tikanga Maori.**

Tangata whenua consider that greater involvement by them in decision making will enable water bodies and river and lake beds to be managed in a manner which better takes their cultural values and beliefs into account. This includes, but is not restricted to, enabling tangata whenua to fulfil their role as kaitiaki over fresh water resources.

The definition of Tikanga Maori in this Plan is the same as that in the Act, and is reproduced in the Interpretation in section 3 of the Plan.

2.2 Natural and amenity values and access

2.2.1 **Subdivision, use and development of wetlands, lakes and rivers and their margins, has the potential to adversely affect their natural character.**

An individual water body has a variety of natural features that contribute to its unique natural character. The degree of natural character that a water body has depends on how much it has been modified by human activities. A high degree of natural character usually equates with little or no modification of a water body. Conversely, a low degree of natural character is usually associated with a highly modified water body.

The effects of use and development on natural character can vary depending on how much a water body has already been modified by human activities. Usually, these effects are greater on a relatively unmodified water body than on a water body that has already been modified. For example, a discharge of contaminants into an unmodified upper catchment river will, potentially, have a greater effect on water quality than the same discharge in the lower, more modified, reaches of the same river.

People and communities want to limit the adverse affects of human activities on the natural character of water bodies. Particular care needs to be taken to preserve the natural character of water bodies that are largely unmodified and have a high degree of natural character. Wetlands are also very important because drainage in the past has significantly reduced the numbers and the extent in the Region of this valuable freshwater resource. Less than 10 percent of the Region's original wetlands remain. There is concern that adverse effects on remaining wetlands that have retained a high degree of natural character should be avoided.

2.2.2 **Freshwater habitats and ecosystems (including plants and animals) are vulnerable to the effects of subdivision, use and development.**

People and communities, including tangata whenua, place a high value on the intrinsic values of healthy freshwater habitats and ecosystems. Also, many uses of fresh water, such as water supply, angling and food gathering (e.g., lamprey, eels, whitebait, and watercress), are dependent upon healthy habitats and ecosystems. Some uses of water bodies can have adverse effects on aquatic habitats and ecosystems. The numbers and diversity of species can also be reduced.

Adverse effects on habitats and ecosystems can occur as a result of changes to water quality. For example, discharges of nutrients in sewage effluent, dairy shed waste, or run-off from the land can increase the amount of periphyton in a river bed with subsequent undesirable changes to fresh water habitats because of:

- smothering of existing communities on the river bed; and
- interference with fish spawning; and

- greater fluctuations in pH and dissolved oxygen concentrations; and
- reduced penetration of light for the growth of aquatic plants.

Further issues relating to the effects of discharges are raised in section 2.5.

Alterations to the amount of water present in a water body can also adversely affect habitat and ecosystems. For example, taking water from a river affects its flow. A lower flow means there is less habitat available for aquatic ecosystems. Conversely, alterations to flow regimes or lake and wetland levels can benefit aquatic habitats, particularly if flow or water levels can be managed to enhance particular species that have specific flow or water level requirements. Further issues relating to the effects of taking, use, damming, and diverting water are raised in section 2.6.

Uses of the beds of rivers and lakes can also adversely affect freshwater habitats and aquatic ecosystems. For example, a structure can remove river or lake bed habitat and have effects on water quality, particularly while the structure is being built. Other activities such as altering a river's course or removing streamside vegetation can also adversely affect fresh water ecosystems. Conversely, structures and other activities in the beds of rivers and lakes can bring benefits to fresh water ecosystems, particularly if the habitat of desirable species is enhanced. Further issues relating to uses of the beds of rivers and lakes are raised in section 2.7.

2.2.3 **Subdivision, use, and development can adversely affect freshwater plants, fish and birds in the Region which are indigenous threatened species.**

There are indigenous fish in the Region which are either endangered, rare, or vulnerable, both nationally and regionally. These are the Brown Mudfish, recorded in wetlands of the Wairarapa, and the Giant Kokopu, Short-Jawed Kokopu, Banded Kokopu, and Koaro, recorded in some rivers of the Region. Another vulnerable aquatic species that is found in only one catchment in the Wellington Region is the Blue Duck. There are also aquatic plants in the Region which are considered rare.

The meanings of the terms "threatened ", "endangered", "rare", and "vulnerable" are given in section 3.

2.2.4 **Amenity values and recreational uses of fresh water considered important by the community may be adversely affected by the use and development of water bodies and river and lake beds.**

Water bodies in the Region can be important for a variety of amenity values and recreational uses. Some water bodies are regionally important for their recreational values.

A wide range of recreational activities occurs in rivers, lakes, and wetlands. These activities include full contact water sports such as swimming and river floats. There are also more limited contact sports such as canoeing, windsurfing and fishing, and activities that do not involve direct contact with water but benefit from the setting and opportunities which fresh water provides (e.g., walking, camping and picnicking). Amenity and recreational values also include the use of waka taua (war canoes) and waka ama (outrigger canoes).

2.2.5 **Public access to and along the beds of lakes and rivers may be unreasonably restricted by subdivision, use and development.**

Public access to and along rivers and lakes for recreational and leisure activities is considered desirable by people and communities, including tangata whenua. Access "to" river and lake beds refers to access across land outside the beds of rivers and lakes. Access "to" river and lake beds is not a matter which the Plan can control. Access "along" river and lake beds refers to passage within river and lake beds. Access "along" river and lake beds is subject to the control of the Plan.

Public access is often available along the beds of publicly owned rivers and lakes, usually depending on flow conditions. People expect this access to continue except when human life and safety is at risk or when there are other exceptional reasons. However, many river and lake beds are in private ownership, and access along them is only available with the permission of the landowner.

2.3 Flood mitigation

2.3.1 **Flooding is a natural hazard that people and communities need to avoid or mitigate but which can never be completely eliminated.**

Flooding is primarily a natural event that can put human life at risk. It can also endanger property, structures and works in river and lake beds. However, flood mitigation works can never completely eliminate the flood hazard.

Although flooding is a natural event, land use changes and modifications to water bodies may alter the frequency and extent of the occurrence of floods. These effects on flooding are considered in section 7.

2.3.2 **There are existing structural defences against flooding which need to be maintained and in some cases enhanced.**

The growth of urban areas and the development of rural land (e.g., for farming and horticulture) has necessitated structures and works in some places to mitigate the adverse effects of flooding on existing assets. Communities now rely upon existing flood mitigation works for a high degree of protection from floods.

2.3.3 **There is often inadequate knowledge of the risks associated with flooding.**

As a natural event which is largely dependent on rainfall, the frequency and extent of flooding can be extremely variable over time. For example, records show that many years can go by without any serious flooding, yet within the space of a few years, several serious floods can occur. Review of historical data on flooding has clearly shown that there has been an absence of extreme floods in the last forty years in the western part of the Region. This can lead to a false sense of security to floodplain dwellers. Although the best available information is used, there may be limitations to any assessment of risk due to the length of the data record or other factors. Furthermore, it will not usually be practicable to eliminate the risk of flooding entirely.

2.3.4 **People and communities in the Wellington Region are sometimes inadequately prepared for flooding which may occur with little or no warning.**

The existing standard of flood mitigation in the Region is generally high for major rivers. This means that for most communities flooding is an infrequent event. As a consequence people often have the expectation that flooding will not occur. This expectation can result in a lack of preparedness when flooding does occur. A lack of preparedness can be compounded by the rapidity with which flooding can occur. The Tararua and Rimutaka mountain ranges form the headwaters of most of the Region's major rivers. These steep mountains receive intense rainfall that can quickly lead to flooding in these rivers.

2.3.5 **The flood hazard in the Wellington Region can be increased as a result of other natural hazards such as erosion, earthquakes, landslips, and sedimentation, changing the course of rivers or river bed levels.**

Significant changes can occur in river beds as a result of other natural hazards and this can affect flooding. As a practical example, the Tararua and Rimutaka mountain ranges are inherently unstable in places. Slips frequently occur. Sediment and gravel washed from catchments in these ranges can cause accretion in river beds, leading to increased flood risks. Annual fluctuations in the levels of river beds can be large because of the high variability in sediment and gravel

movement in these catchments. It may therefore be important to manage gravel extraction from these rivers with sufficient flexibility to maintain river beds at levels that will not increase the flood risk.

2.3.6 **Non-structural options for flood mitigation have less potential to alter the natural character of a water body than structural flood mitigation options. However, in some cases, structural flood mitigation options may be more appropriate than non-structural options.**

"Non-structural options" include approaches to flood mitigation that do not involve building structures, such as building restrictions, increasing community preparedness, flood warning and forecasting systems and emergency planning. "Structural options" include mitigating the effects of flooding using structures such as stopbanks.

Mitigating the effects of flooding can involve a combination of both "non-structural options" and "structural options". When deciding on floodplain management options, communities will need to look at the balance they want between natural, unmodified river systems, and rivers that are modified. The existing investment and costs involved will also be important.

Note: *Issues arising from the effects of flood mitigation works on instream values are described in section 2.7 and addressed in section 7 of the Plan.*

2.4 Use and development

2.4.1 **The benefits to people and communities of the use and development of water bodies and river and lake beds should be recognised in decision making.**

The benefits of fresh water to people and communities include the value of water supplies. The maintenance of farm drains is beneficial because it ensures that the water tables of surrounding farmland are kept at appropriate levels. Use and development of fresh water can also bring economic benefits to people. While the Act requires the adverse effects of activities to be looked at, these need to be measured against the benefits that will occur.

2.4.2 **Some uses of fresh water may need to change because they are not sustainable.**

People want to be able to continue to use and develop fresh water to provide for their social, economic and cultural well-being and for their health and safety. In most instances the uses which people make of fresh water will continue unchanged because they are sustainable. However, some uses of fresh water may not be sustainable and could need to change. If the management of water under

this Plan differs in any respects to previous management, then provisions are needed in the Plan to allow users to make the transition.

2.4.3 **New users may wish to use or develop freshwater resources in locations where the demand for use is already greater than the resource can sustain.**

New users may wish to use fresh water at a location where the resource is already fully allocated and potentially under threat. Existing users may already have infrastructure in place for their use of the resource. Examples could be where a new water take is sought from a river which is already over allocated, or where a new discharge is proposed to a water body which already has water quality that is less that the community considers acceptable. In such instances there are potential conflicts between new and existing uses.

2.4.4 **People of the Wellington Region want to be involved in fair and transparent fresh water management processes.**

People in the community use fresh water in different ways. Some uses can have adverse effects on the resource to varying degrees. Other uses can be more passive and have little or no adverse effect. All users want clear and open decision making and the opportunity to be involved in freshwater management if they wish.

2.4.5 **People want consent procedures to be minimised for activities which use fresh water that do not have adverse effects or have only minor adverse effects.**

Some uses of water and river and lake beds have little or no adverse effects, either by themselves, or in combination with other activities. These activities can either be permitted in the Plan or controlled activities if some degree of control is appropriate.

2.4.6 **Resource consent applicants want guidance on the circumstances when conditions might be placed on resource consents to avoid, remedy or mitigate adverse effects, and on the nature of such conditions.**

Applicants for resource consents want guidance on the matters that they need to consider when preparing resource consent applications.

2.5 Water quality and discharges to fresh water

2.5.1 **Some people and communities want to continue to use water bodies as the receiving environment for some contaminants, although improvements may be needed for some discharges to promote sustainable management.**

Water is the preferred receiving environment in some areas for some wastes. Many of the permits for discharge to water issued in the Region are for agricultural discharges (e.g., dairy, piggery wastes) and most of these are in the Wairarapa. Other common discharges are for community sewage, industry and quarries. In some instances discharges to water are appropriate if suitable standards can be met because alternatives, such as land disposal, may not be technically feasible or may be economically prohibitive.

There is an expectation that discharging some contaminants into fresh water will continue to be appropriate. In some instances improved treatment may be needed to achieve water quality standards which the community finds acceptable and which safeguard the life-supporting capacity of aquatic ecosystems.

2.5.2 **Point source discharges into water bodies can cause deterioration in water quality if they are not adequately controlled.**

Concerns about point discharges often relate to sewage, stormwater (urban areas), and agricultural effluent. These can result in the following effects on water quality:

- increased sediment loads; and
- the presence of "floatables" (grease, fats, solids etc.); and
- offensive odours; and
- increased BOD_5 (associated with "sewage fungus"); and
- increased nutrient levels (sometimes leading to nuisance algae and weed growths); and
- decreased oxygen concentrations; and
- increased pathogenic contamination; and
- diminished cultural and spiritual values.

In addition to the above, industrial discharges may be a source of toxic substances and persistent chemicals.

Further comments are made in Issue 2.5.4 about the issue of stormwater pollution.

2.5.3 **In some areas of the Region the cumulative effects of non-point source pollution can have adverse effects on freshwater quality.**

Agricultural activities such as livestock grazing, topdressing, and spray irrigation of effluent or fertilisers are often cited as the origin of such non-point source contaminants as nitrates and dissolved reactive phosphorus. Urban areas can also contribute non-point source pollutants to water bodies, e.g., oil and heavy metals from road surfaces, although the latter are often discharged via stormwater drains to an outfall.

Discharges to land and discharges to air are addressed in the *Regional Plan for Discharges to Land* and the *Regional Air Quality Management Plan*, respectively. Regardless of the cause of non-point source pollution, reducing its adverse effects through measures such as riparian management will need a commitment from a broad section of the community.

2.5.4 **There is presently little information for the Wellington Region on the costs and benefits of mitigating the adverse effects of stormwater discharges.**

Issue 2.5.2 has already mentioned that point source stormwater discharges can have adverse effects on water quality.

There is presently little information on the effects of these discharges for specific water bodies and for the coastal marine area in the Wellington Region. These discharges would be difficult and expensive to control and/or treat. Traditionally, they are discharges that have not been addressed in New Zealand. The technology which is available and used in other parts of the world has generally not yet been adopted or applied to New Zealand conditions.

Therefore, there is a need to make progress on this issue but with care. Generally, more information is needed on the significance of any adverse effects and the benefits of remedial action in specific water bodies before the costs of such action could be imposed on people and communities.

Notwithstanding, there are measures, such as that identified in Method 8.4.8, that can be encouraged now to mitigate any adverse effects of stormwater discharges.

2.5.5 **There are some water bodies in the Region where water quality is consistently lower than people are willing to accept.**

Water quality in the upper reaches of rivers is generally high, often due to the influence of forested catchments. Water quality usually progressively declines in the lower reaches. A decrease in water quality can be due to a number of factors such as run-off from urban areas, farm run off, point source discharges, vegetation clearance and the accumulation of inputs from upstream. Water quality

may also be affected from time to time by natural causes, e.g., floods and droughts.

Some reduction in water quality is inevitable but there are water bodies in the Region which are degraded by human activities below acceptable levels. These water bodies will need to be improved if community needs and expectations are to be met now and in the future.

2.5.6 **Water bodies with existing high water quality are particularly susceptible to the adverse effects of discharges.**

High quality water is usually found in areas where the catchments are unmodified and the water bodies retain a high degree of natural character. Retention of these areas/water bodies in their current state has benefits to the environment and communities. Higher quality water generally retains greater amenity value and allows natural processes to continue unimpeded, as well as supporting a more diverse flora and fauna than degraded waters.

Where high quality water is used for water supply, the need for extensive (and possibly costly) treatment is reduced. If the quality of this water is allowed to decline, the community will bear the costs associated with increased levels of treatment. Additional impacts may also occur on cultural, spiritual, recreational, amenity and aesthetic values.

2.5.7 **Discharges to surface water and to groundwater aquifers can adversely affect groundwater quality.**

Groundwater quality in the Wellington Region is generally high. However, the natural concentrations of groundwater contaminants in some areas can make the water unsuitable for human consumption without prior treatment. Aquifers in parts of the Hutt Valley, Wairarapa and Kapiti Coast are used for drinking water and it is important that the quality of the water is not rendered unsuitable for this purpose. Other uses of groundwater include irrigation, stock water, and industrial processing.

Threats to groundwater can occur as a result of discharges to land and discharges directly into an aquifer. Most of these threats are addressed in the *Regional Plan for Discharges to Land*. The Regional Freshwater Plan only addresses the discharge of contaminants directly to an aquifer.

2.5.8 **The tangata whenua believe that discharges of contaminants into fresh water should be avoided.**

Fresh water is a taonga to the tangata whenua. The many cultural uses and values associated with it mean that any discharge into water, including sewage

in any form, and industrial waste or stormwater, adversely affects the mauri (life essence) of the resource. Water that is contaminated is considered unfit for human consumption. The tangata whenua therefore consider that discharges into the fresh water of the Region should be avoided.

2.6 Water quantity and the taking, use, damming or diversion of fresh water

2.6.1 **People and communities want to be able to take water from rivers, lakes, and aquifers for their economic, social and cultural well-being, and for their health and safety.**

People require water for many important uses such as public water supply, domestic use, irrigation, stock watering, and industrial uses. The Wellington Region generally has sufficient water to meet the expectation of the community that water should be readily available. However, in some areas, for example, the Kapiti Coast and parts of the Wairarapa, shortages can be expected to occur at some times of the year, such as during summer droughts. In other areas, such as the Wellington metropolitan area, there is a risk of water shortages if a significant drought occurs.

The periods when the demand for water is highest often occur when the availability of water is lowest (summer). This is due to low river flows or aquifer levels and hence low water availability. Often, water users find it difficult to reduce their consumption during dry periods. Unless water allocation and the flows in rivers or streams are carefully managed, there may be some degradation of the values of fresh water bodies or the inability of water users to meet their needs.

2.6.2 **The abstraction of surface water can have adverse effects on natural and/or amenity values, and values that are important to tangata whenua.**

Excessive abstraction of water from rivers and streams can cause adverse effects on tangata whenua, natural and amenity values such as:

- reduced habitat availability and diversity; and
- changes in the structure of the biological community (e.g., algal blooms); and
- increased water temperature; and
- decreased current velocity and/or water depth; and
- reduced capacity to assimilate contaminants resulting in decreased water quality; and
- the mauri of water bodies; and

- reduced tangata whenua food sources; and
- reduced opportunity for recreation.

Water resources in some rivers may presently be over-allocated. The Waikanae River, Mangaone Stream, Waitohu Stream, Wainuiomata River, Hutt River, Waingawa River and the Kopuaranga River are considered to be fully allocated and, in some cases over allocated. It is apparent that the total amount of water allocated from these rivers and streams cannot be increased to any great degree and, in some cases, needs to be reduced. There is sufficient information on these rivers to establish minimum flows. There are other rivers in the Region where demand for water is high but there is insufficient information to establish minimum flows. The need for additional information is discussed further in Issue 2.6.4.

The conflict between historical takes of water and recreational activities, such as canoeing and rafting, can be difficult to resolve for some rivers. For example, the Hutt River is vital for the public supply of water to the Wellington Metropolitan Area for people's health and safety. The Hutt River is also important for canoeists and rafters, particularly through the Kaitoke Gorge, below the water supply intake. The Hutt River is used for recreation by commercial operators and by other people. The Plan can establish a minimum desirable flow to safeguard the life supporting capacity of the river while meeting people's health and safety needs. However, setting a minimum flow for rafters and canoeists while satisfying public water supply needs is considerably more complex and difficult. An issue such as this is better addressed in detail through the resource consent process on an individual river by river basis. The resource consent process provides greater opportunity to examine in detail the needs of each user and the flexibility that may exist for the timing of use by individual users. Policy 4.2.15 already provides for particular regard to be had, in rivers of regional importance for recreation, to "the timing of use and development so that, where practicable, adverse affects on amenity values and recreational use are minimised".

2.6.3 **The excessive abstraction of groundwater can lead to lower groundwater quality, land subsidence, or adverse effects on nearby users.**

In the Wellington Region, groundwater is used for urban water supply, industrial use, supply to farmhouses, stock water and irrigation.

Information gathered by the Council suggests that groundwater resources in the Waitohu, Otaki, Hutt and Moroa groundwater zones are at or are approaching their maximum safe allocation. Conversely, other groundwater zones in the Region could withstand increases in abstraction rates. There are also some parts of the Wairarapa (such as the Tauanui/Turanganui and

Central Lower Valley Groundwater Zones), where further information is needed (considered further in Issue 2.6.4).

In the Hutt Valley, groundwater is an important source of water for municipal use. The Lower Hutt Groundwater Zone supplies approximately 25 percent of water used in the Wellington metropolitan area as well as a number of industrial uses. It is vital that the use of this source of water is managed so the amount available for abstraction does not diminish, and that there is no salt-water intrusion because of its overuse.

In areas where there are a number of groundwater users, interference between bores can be significant if they are too close together, or if pumping rates are so high that one user causes another user's bore to dry up. Another problem which groundwater extraction can cause is a reduction in river flows or water levels in a nearby lake or wetland. This can occur where groundwater is taken too close to a water body, or where there is excessive groundwater being taken in a catchment. In some soil types ground subsidence or changes to the soil condition can also occur.

2.6.4 **There is insufficient information to establish minimum flows in some rivers and safe yields in some aquifers.**

There are rivers and streams (e.g., Waipoua River) in the Region where a high demand for water can occur and where there is not enough information to adequately set core allocations and establish desirable minimum flows. However, there is adequate information on the Region's major surface water bodies to establish policies on river flows that will safeguard aquatic life in these rivers (included in Table 6.1).

Similarly, there are some areas in the Wairarapa where there is not yet enough information on groundwater to confidently establish safe yields. These areas include the East Taratahi and Matarawa Groundwater Zones. The potential for increased use of groundwater in the Wairarapa means this is a shortfall in information that will need to be addressed. However, there is enough information on groundwater for the Kapiti Coast, the Hutt Valley, and much of the Wairarapa to include policies on safe yields in these areas.

2.6.5 **Land use activities can adversely affect river flows and lake and wetland water levels.**

Urban expansion, land clearance and wetland drainage can reduce the base flows of rivers. Such activities reduce the ability of the land to soak up water during rainfall and release it slowly during dry periods. Conversely, these activities can also increase peak (flood) flows as water runs off the land quickly rather than soaking into the ground.

2.6.6 **Some diversions of water can have significant adverse effects on the ecology and low flow characteristics of rivers.**

The diversion of rivers and streams is a common occurrence. Many diversions are minor and are required as part of the construction of structures or works. These generally have only temporary effects that can be avoided, suitably remedied, or mitigated. However, some diversions, either within or outside the existing river bed, can alter or remove habitat or change river flow patterns.

2.6.7 **The diversion of water from lakes and wetlands has the potential to lower water levels and affect their healthy functioning.**

Activities that are intended to lower water tables, such as land drainage, can result in the movement of water from lake and wetlands. Such changes to the subsurface flow of water can reduce water levels and the amount of water in these water bodies, particularly when they are small. The effect of changes to water levels and the quantity of water in small lakes or wetland can significantly alter their physical and ecological processes.

2.6.8 **Dams and weirs can alter river flows and the hydraulic processes of rivers with potential consequences for ecological or amenity values.**

Minor dams, such as farm dams and small weirs often have only minor effects on water bodies. However, larger dams and weirs, or those that are inappropriately sited, can have significant effects. These larger structures can significantly reduce flows below their natural rates when water is stored behind them. At times when low flows are occurring naturally, such as during droughts, further flow reductions may threaten life in the river downstream. The release of water from dams resulting in rapid changes to flows and water levels can also disturb the ecological balance of a river.

Large dams can also have other effects on rivers. They can alter the pattern of sediment transport in a river system with effects on downstream habitat (such as altering the substrate composition) and can undermine river banks and flood mitigation works. The passage of fish that need to move upstream or downstream as part of their life cycle (e.g., trout, eels, and lamprey) can also be hindered. Public access along a river bed (and the river surface) can be hindered. Altered flow patterns can reduce the suitability of the river for activities such as canoeing. However, many of these potential effects, if they are likely to occur, can be remedied or mitigated.

Nevertheless, damming rivers can have a number of beneficial effects. Small farm dams for stock watering and the use of low weirs for sediment retention are examples of the beneficial effects of damming rivers or streams.

Larger dams can have social and economic benefits, such as the production of electricity. The extent of these benefits will be dependent on the demand for electricity and the nature and extent of the damming proposal. The body of water formed behind a dam can have amenity and recreational values (e.g., swimming) or ecological values (e.g., habitat for some aquatic species). The importance of these potential benefits will depend on the damming proposal, including:

- the range and frequency of water level fluctuations and river flow fluctuations; and
- the size of the dam; and
- the resulting landscape and aesthetic values.

2.6.9 **Obstructions to flows in rivers and streams can divert water outside the bed and result in adverse effects on the environment.**

Obstructions to river flows, such as a blocked culvert or the accumulation of debris, can divert water from its natural course, particularly during times of high flow. Such obstructions can occur where a structure located in the bed of a river is not maintained (e.g., a culvert) or is too small to carry the flow of water. The effect of flow restrictions can include erosion or flood damage.

2.6.10 **Tangata whenua are concerned that takes of water and diversions from rivers will adversely affect the mauri of water bodies.**

Tangata whenua have concerns about diverting water where it results in the mixing of waters from two different catchments. Waterways are important for both physical and spiritual nourishment. The lower reaches of a creek for example, would be designated **noa** (common) by activities such as bathing or swimming. The headwaters of the same creek may be used for **tapu** (sacred/spiritual) activities. Therefore, tangata whenua consider the mixing of waters from two distinct catchments potentially denigrates the mauri of both water bodies.

2.6.11 **Efficient use of water and water conservation measures can delay or avoid the need for alternative sources of water supply.**

In some parts of the Region, such as the Wellington metropolitan area, demand for water is putting stress on the supply of water. In the Wairarapa, water shortages can occur in some localised areas. The need for restrictions on water takes from the rivers, such as those identified in 2.6.2, is an indication of the extent of the problem.

On the Kapiti Coast, rapid growth has placed stress on water resources which has resulted in the need to find alternative sources despite water

conservation efforts by the Kapiti Coast District Council. Growth on the Kapiti Coast is predicted to continue. Maintaining water conservation efforts will help ensure the need for other additional alternative sources is reduced.

Water conservation and more efficient use of water can mean delaying or avoiding the need to find new sources of supply.

2.6.12 **The construction and ongoing operation of a bore/well has the potential to damage the physical structure of an aquifer and/or result in the contamination of groundwater**

A poorly constructed bore/well can result in leakage from an aquifer, or between aquifers, causing damage to the structural integrity of an aquifer. Poor or inappropriate bore/well construction techniques may cause damage to the physical structure of an aquifer or introduce contaminants into the aquifer system. Potential adverse effects include damage of confining layers allowing leakage and/or the entry of contaminants into the aquifer system, cross contamination between aquifers, and the introduction of contaminants during drilling operations. In addition, appropriate screen design or placement, well development, or abstraction methods/rates may adversely affect the hydraulic properties of an aquifer.

2.7 Use of the beds of rivers and lakes and development on the floodplain

2.7.1 **There is a need to provide for the continued use of existing structures, the development of new structures, and other activities within the beds of rivers and lakes that are beneficial to people, communities and the environment.**

Structures in river and lake beds may be required to help avoid or mitigate the adverse effects of flooding.

Some activities that disturb river beds, such as gravel extraction, provide economic benefits and, when properly located and managed, can assist in protecting communities against flooding. Activities such as planting in river beds and the deposition of material on river or lake beds can also be used to avoid or mitigate the adverse effects of flooding. Other activities such as removing aquatic weeds from farm drains and urban drains are needed to alleviate flooding and to provide for adequate drainage of farmland and urban areas.

Restoration of the natural character of wetlands, lakes and rivers and their margins is an activity with beneficial effects. Such activities may include planting in river and lake beds and moving material within these water bodies.

While this issue emphasises the benefits of some activities, these activities may also have adverse effects that are mentioned in some of the subsequent issues in this section.

Transport and other infrastructural services need to cross water bodies because of the important benefits they bring to people and communities.

2.7.2 **Structures within river or lake beds, or on the floodplain, can be adversely affected by erosion and flooding.**

Structures in river or lake beds, or on the floodplain, are subject to the effects of flooding and erosion. Damage can occur, for example, if gravel and debris build up against foundations and effectively increase the surface area of the structure. This can lead to excessive water pressure potentially weakening, or even collapsing, the structure. Similar effects can occur if the substrate is eroded from under, or around, the base of a structure. Correct siting and design can help to avoid these problems, but adequate maintenance is also required.

Structures which are not correctly designed, sited or maintained can in turn increase the risk of erosion and flood damage to communities, which is discussed further in the next issue.

2.7.3 **Building new structures or carrying out other activities within river and lake beds, and on the floodplain, can increase the risk of flooding and/or cause erosion in river and lake beds.**

Structures in river or lake beds, or on the floodplain, which are not correctly designed, sited or maintained can increase the risk of erosion and flood damage to communities.

Off-site effects that may occur include:

- increased frequency of flooding on adjacent and/or downstream properties; and
- loss of productive land through erosion; and
- build up of debris in places where it would not naturally occur (i.e., the structure may be diverting water-borne debris); and
- the backing up of water upstream of a structure.

Similarly, activities in river and lake beds involving disturbance, deposition, reclamation or planting, can increase erosion and flood risk. Activities in river and lake beds can reshape the bed, change hydraulic processes, and alter the distribution of material that makes up the bed. These changes in a river or lake can in turn cause erosion and instability of river banks or the shorelines of lakes.

Gravel extraction, which occurs widely across the Region, can significantly alter the risk of erosion or flooding. For example, if the rate of extraction is greater than the rate of supply of gravel, the level of the river bed can be lowered, resulting in a deeper channel and increasing the risk of bank erosion. Conversely, if gravel is allowed to accumulate, then the bed of the river can be raised, increasing the risk of flooding. Therefore, it is important to manage the extraction of gravel with river bank erosion and flood mitigation in mind.

New development on the floodplain has the potential to cause a diversion or retention of flood flows with consequent effects in other locations.

2.7.4 **Inappropriate use and development within the beds of rivers and on floodplains can adversely effect the structural integrity of existing flood mitigation works.**

The previous issue raises concerns about the effect which structures and activities can have on flooding. A related concern is the effect which use and development can have on existing flood mitigation works. It is important to ensure that flood mitigation works are able to perform their function adequately so that the damage caused by flooding is minimised.

2.7.5 **Locating structures and carrying out other activities in river and lake beds can have adverse effects on the natural and amenity values of a water body.**

The adverse effects of building and locating structures and carrying out other activities in river and lake beds are usually of two kinds. These are construction effects, which are usually temporary, and more permanent long-term effects such as the presence of a structure on a river or lake bed.

Construction effects can include:

- effects on benthic fauna and flora from the remobilisation of sediment; and
- effects on surrounding uses from construction works, dust, noise, and the transportation of fill.

More permanent effects of locating a structure or carrying out an activity in a river or lake bed are:

- the permanent loss of habitat; and
- a change in biological productivity; and
- changes in the flow regime through diversion or restriction of river flows; and
- effects on river profiles, sediment transport processes, and river morphology; and

- changes to amenity or heritage values; and
- changes in the benthic community; and
- barriers to fish passage/migration; and
- impacts on cultural and spiritual values; and
- changes to the safety of rivers for canoeists and rafters.

2.7.6 **Structures and their use may result in loss of, or restrictions to, public access through and along river or lake beds.**

There is some concern that public access may be restricted if structures are built in lake and river beds. However, restriction of access may be unavoidable at certain times of the year or in cases where the safety of people, or stock, may be at risk. At all times, where access to lake or river beds is only possible by entering private property, then the land owner must be consulted first.

2.7.7 **Reclamation of lakes and associated wetlands, or drainage of wetlands, can damage and, in some cases, remove aquatic habitat and reduce the diversity of species, and habitat available to support them, in the Region.**

Wetlands can act as buffers to lakes and other water bodies by filtering out sediment transported via overland flow and removing nutrients that are transported both by the surface and sub-surface movement of water. They can also slow down the movement of flood waters, collecting silt and other material which would otherwise be carried further downstream.

Wetlands also provide habitat for a diverse range of plants and animals, many of which would be unable to survive in a terrestrial environment.

Reclamation or drainage of lakes or wetlands would reduce the diversity of fresh water habitat in the Region. There are only a few lakes in the Region and less than 10 percent of the original wetland habitat remains.

The surface or subsurface diversion of water from a wetland or lake can have similar impacts to reclamation and is an issue raised in section 2.6.7.

2.7.8 **Planting or introducing exotic or indigenous plants in lake or river beds can have both positive and negative effects on the environment.**

Plants that grow within a water body can restrict the flow of water, and if too prolific, can cause an increase in flood frequency by blocking the river channel. However, they can also remove nutrients and some contaminants from the water and, by doing so, help to improve water quality.

Most native aquatic plants are vulnerable to invasion by introduced aquatic species such as the group of plants known collectively as "oxygen weed" (these are the plants which commonly create a nuisance in lakes and rivers receiving large inputs of nutrients). These introduced plants can have a number of adverse effects, including fluctuations in the level of dissolved oxygen (which can get so low that fish are unable to survive), mass strandings of rotting weed (which look and smell offensive and also deplete oxygen levels), and a decrease in the diversity of species and habitat.

Plants growing on the edges of the water (riparian vegetation), but still within the banks of lakes or rivers, can reduce the movement of sediment and nutrients from land to the water body. This happens in two ways: by trapping these substances as they move across the surface during rainfall and also by root systems intercepting nutrients and contaminants carried by sub-surface water. Plants also help to stabilise beds and banks and therefore reduce loss of soil by erosion.

However, in some situations, riparian plants can become a nuisance both in the river or lake bed and, in some cases, to adjacent land. For example, grey willow and crack willow can block river channels, causing increased flood intensity on adjacent properties. Many plants that have adverse effects on agricultural land (e.g., blackberry) or natural ecosystems (e.g., old man's beard) can thrive in river and lake beds and be spread by water, birds or wind. Adverse effects can include:

- smothering and/or displacement of crop, pasture, or native species; and
- alteration of the water table (some plants take up more, or use less, water than others); and
- toxicity to stock and humans.

3. Interpretation

In this Plan, unless the context otherwise requires:

Abstraction means the activity of taking water from a water body.

Act means the Resource Management Act 1991 including any subsequent amendments.

Safe yield means the maximum amount of water which can be safely abstracted from a given aquifer without affecting its sustainable yield.

Amenity value means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

[Aquifer means a geological formation through which water moves under natural conditions and is capable of yielding water at a sufficient rate to be a practical source of water.**]**

[Artificial watercourse does not include a river but has the same meaning as in the interpretation of "river" in the Act. For the purpose of Rules 9A and 9B, artificial watercourse includes an irrigation canal, water race, and farm drainage canal.**]**

Bank in relation to the bed of any river has the same meaning as in the interpretation of “bed” in the Act.

[Beach recontouring means disturbance of any river bed by the mechanical movement of sand, shingle, rock, gravel or other natural material, to realign that part of the bed that is **not** covered by water at the time of the disturbance, for the purpose of remedying or mitigating the adverse effects of flooding or erosion.**]**

Bed means:

(a) In relation to any river,—

(i) For the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the river cover at its annual fullest flow without overtopping its banks:

(ii) In all other cases, the space of land which the waters of the river cover at its fullest flow without overtopping its banks; and

(b) In relation to any lake, except a lake controlled by artificial means,—

(i) For the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the lake cover at its annual highest level without exceeding its margin:

(ii) In all other cases, the space of land which the waters of the lake cover at its highest level without exceeding its margin; and

(c) In relation to any lake controlled by artificial means, the space of land which the waters of the lake cover at its maximum permitted operating level; and

(d) In relation to the sea, the submarine areas covered by the internal waters and the territorial sea.

[Bed recontouring means disturbance of any river bed by the mechanical movement of sand, shingle, rock, gravel or other natural material, to realign that part of the bed that is covered by water at the time of the disturbance, for the purpose of remedying or mitigating the adverse effects of flooding or erosion.**]**

BOD_5 means the measurement of the dissolved oxygen used by micro-organisms in biochemical oxidation of organic matter over a 5 day period.

[Bore means any hole regardless of the method of formation that has been constructed to provide access to groundwater, or which intercepts groundwater in an aquifer, excluding geotechnical investigation bores other than in the Lower Hutt Groundwater Zone shown in Figure 9.3a of Appendix 9.**]**

[Bulk earthworks means the cut to fill, excavation, and blading required to regrade an area.**]**

Coastal marine area means the foreshore, seabed, and coastal water, and the air space above the water—

(a) Of which the seaward boundary is the outer limits of the territorial sea:

(b) Of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of—

(i) One kilometre upstream from the mouth of the river; or

(ii) The point upstream that is calculated by multiplying the width of the river mouth by 5.

Communities has the same meaning as in section 5 of the Act. It includes tangata whenua.

Contaminant includes any substance (including gases, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat—

(a) When discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or

(b) When discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged.

Controlled activity means an activity which—

(a) Is provided for, as a controlled activity, by a rule in a plan or proposed plan; and

(b) Complies with standards and terms specified in a plan or proposed plan for such activities; and

(c) Is assessed according to matters the consent authority has reserved control over in the plan or proposed plan; and

(d) Is allowed only if a resource consent is obtained in respect of that activity.

[Defence against water includes any dam, weir, bank, carriageway, or groyne, or reservoir, and any structure or appliance of whatsoever kind which has or may have the effect of stopping, diverting, controlling, restricting, or otherwise regulating the flow or spread or subsidence, in or out of a watercourse, of water including floodwater.**]**

Discretionary activity means an activity—

(a) Which is provided for, as a discretionary activity, by a rule in a plan or proposed plan; and

(b) Which is allowed only if a resource consent is obtained in respect of that activity; and

(c) Which may have standards and terms specified in a plan or proposed plan; and

(d) In respect of which the consent authority may restrict the exercise of its discretion to those matters specified in a plan or proposed plan for that activity.

Drain means (for Rule 39 only) a highly modified watercourse or river that is channelled to such an extent that it has the characteristics of a farm drainage canal.

Ecosystem means a dynamic complex of plant, animal and micro-organism communities and their non-living environment, interacting as a functional unit.

Endangered means, in relation to species, a plant or animal in danger of extinction and whose survival is unlikely if the causal factors continue.

Erosion means the process of wearing the land surface by running water, wind, ice or other agents, and the transport of material that results.

Flood mitigation works means any structure or work that is used for the purpose of mitigating the adverse effects of flooding. Flood mitigation works include (but are not limited to) any stopbank, bank protection structure, planting, training wall or groyne.

Flooding has the same meaning as in the interpretation of "natural hazard" in the Act. Reference to the flood hazard or flooding in the Plan includes erosion associated with river and lake beds, including their banks.

Flood debris means material deposited on the river or lake bed as a result wreckage or destruction resulting from flooding. Flood debris can include trees, slip debris, collapsed banks, and the remains of structures but does not include the normal fluvial build up of gravel.

Floodplain means the flat or gently sloping portion of a river valley that is or has the potential to be covered with flood water when the river overflows during flood events.

[Floodway, in relation to the Lower Ruamahanga River, the Waiohine River and the Hutt River, means land that is not in the bed of a river, which:

- is shown in figure 10.3 of Appendix 10 as the River Corridor for the Lower Ruamahanga River;
- is shown in figure 10.4 of Appendix 10 as the River Corridor for the Waiohine River; or
- is described in Appendix 10 as the River Corridor for the Hutt River.**]**

Ford means the location of any modification of the bed of a water body to establish a crossing by which any vehicle, livestock, or persons may traverse.

Fresh water means all water except coastal water and geothermal water.

Gabion means an erosion or flood mitigation structure that is a wire mesh basket filled with small rocks and extending more or less parallel to, and against, the river or stream bank.

[Geotechnical investigation bore means any hole constructed to provide information about soil, sediment, and rock, which is abandoned upon completion in accordance with New Zealand Standard NZS 4411:2001.**]**

Groundwater means water beneath the land surface contained in interconnected pores in the saturated zone.

Groyne means an erosion or flood mitigation structure that extends from the bank into the river bed and is designed and constructed to deflect the direction of the flow of water in a river or stream.

Habitat means the environment in which a particular species or group of species lives. It includes the physical and biotic characteristics that are relevant to the species concerned.

Habitat methods means methods for assessing the available hydraulic habitat for a target species at different flows. Levels of protection for a target species are identified by available habitat. The assumption is that a biological community will be sustained provided there is sufficient habitat

Hapu means a subtribe (see also iwi).

Hazardous substance means any substance:

(1) with one or more of the following intrinsic properties:

(a) explosiveness;

(b) flammability;

(c) a capacity to oxidise;

(d) corrosiveness;

(e) toxicity (both acute and chronic);

(f) ecotoxicity, with or without bioaccumulation;

(g) radioactivity;

(2) which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (1) of this definition.

Historic flow methods means methods for identifying flows based on historic flows. The assumption is that the existing biological community will continue to be maintained by flows that have been experienced in the past.

Indigenous in relation to species means plants and animals found naturally in New Zealand.

[Intermittently flowing means a river or stream that, in its natural state during an average year, stops flowing on at least one occasion during the year.**]**

Iwi means a tribe or people.

Kaitiaki means a person or agent of the tangata whenua of the particular rohe who exercises a duty of care for taonga resources.

Kaitiakitanga means the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Maori in relation to natural and physical resources; and includes the ethic of stewardship.

Lake means a body of fresh water that is entirely or nearly surrounded by land.

Mahinga kai means an area where Maori traditionally gathered food.

Mana means prestige, power, or authority.

Mana whenua means customary authority exercised by an iwi or hapu in an identified area.

Mauri is the life essence present in things as a result of their being imbued with that character.

[Minimum flow, in the context of Policy 6.2.1, of the Plan has the meanings set out in the explanation to the policy, which includes:

- For all but the Hutt River at Kaitoke, the Wainuiomata River at Manuka Track, the Orongorongo River at the Truss Bridge, and the Waikanae River (option B) at the Water Treatment Plant, the minimum flow is not intended as a minimum flow below which all abstractions of water should cease. It is a flow which the policy aims to achieve under most low flow conditions by allocating a core amount of water from the river which is reduced, according to stepdown allocations, as river flows recede.

- For the Hutt River at Kaitoke, the Wainuiomata River at Manuka Track, the Orongorongo River at the Truss Bridge, and the Waikanae River (option B) at the Water Treatment Plant, the minimum flow is intended as a minimum flow below which all abstractions of water should cease.**]**

Modified watercourse has the same meaning as in the interpretation of "river" in the Act.

Natural hazard means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment.

Natural value, in relation to fresh water, means those values associated with natural character, plants, animals, habitats (including trout habitat), and ecosystems.

Network utility operator means a person who:-

(a) Undertakes or proposes to undertake the distribution or transmission by pipeline of natural or manufactured gas, petroleum, or geothermal energy; or

(b) Operates or proposes to operate a network for the purpose of telecommunication or radiocommunication as defined in section 2(1) of the Telecommunications Act 1987; or

(c) Is an electricity operator or electricity distributor as defined in section 2 of the Electricity Act 1992 for the purpose of line function services as defined in that section; or

(d) Undertakes or proposes to undertake the distribution of water for supply (including irrigation); or

(e) Undertakes or proposes to undertake a drainage or sewerage system; or

(f) Constructs, operates, or proposes to construct or operate, a road or railway line; or

(g) Is an airport authority as defined by the Airport Authorities Act 1966 for the purposes of operating an airport as defined by that Act; or

(h) Is a provider of any approach control service within the meaning of the Civil Aviation Act 1990; or

(i) Undertakes or proposes to undertake a project or work prescribed as a network utility operation for the purposes of this definition by regulations made under this Act -

and the words “network utility operation” have a corresponding meaning.

Non-complying activity means an activity which—

(a) Is provided for, as a non-complying activity, by a rule in a plan or proposed plan; or

(b) Contravenes a rule in a plan or proposed plan—

and is allowed only if a resource consent is obtained in respect of the activity.

Non-point (source) discharges means diffuse discharges of contaminants to air, water and land which are not attributable to an individual site or activity.

Pa tuna means a traditional method by which the tangata whenua trapped and stored eels in a river or stream.

People and communities has the same meaning as in section 5 of the Act. It includes tangata whenua.

Permitted activity means an activity that is allowed by a plan without a resource consent if it complies in all respects with any conditions (including any conditions in relation to any matter described in section 108 or section 220) specified in the plan.

Periphyton means plants, usually algae, which grow on objects such as stones, logs and other plants.

Prohibited activity means an activity which a plan expressly prohibits and describes as an activity for which no resource consent shall be granted; and includes any activity prohibited by section 105(2)(b) of the Historic Places Act 1993 and any prospecting, exploring, or mining for Crown owned minerals in the internal waters (as defined in section 4 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977) of the Coromandel Peninsula, other than those prospecting, exploration, or mining activities set out in section 61(1A) of the Crown Minerals Act 1991

Rare, in relation to species, means species with small world populations that are not at present endangered or vulnerable but are at risk.

River means a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal).

[River Crossing means any structure for the purpose of crossing a river or stream such as a culvert, weir, ford, or bridge.**]**

Rock rip-rap structure means a structure that is built from large rocks extending more or less parallel to and against the river or stream bank to resist erosion.

Rohe means the traditional geographical area of influence of an iwi, hapu, or whanau.

Runanga is an elected council used by some hapu or iwi to represent them in their affairs.

Sewage means any substance containing liquid and/or solid human waste including faecal material before treatment, the liquid portion of sewage after treatment, and the solids (sludge or dried sludge) removed from sewage during treatment.

Stockyard means a yard used to contain stock for public sale or slaughter and specifically excludes yards for the temporary containment of an individual property's stock and the containment of an individual's stock during normal farming practices.

[Stopbank means a structure constructed on a floodplain, or alongside a river, designed to contain flood flows and prevent high river flows flooding onto adjacent land. Stopbanks are included within the meaning of "defence against water".**]**

[Stormwater means the water and contaminants from land or the external surface of any structure as a result of rainfall.**]***

Stream has the same meaning as in the interpretation of "river" in the Act.

Surface water means the water in rivers, lakes, and wetlands.

Tangata whenua, in relation to a particular area, means the iwi, or hapu, that holds mana whenua over that area.

Tikanga Maori, means Maori customary values and practices.

Taonga raranga means plants that produce material highly prized for use in weaving.

Tauranga waka means canoe landing sites.

Threatened means, in relation to species, endangered, rare, or vulnerable.

Vulnerable means, in relation to species, a plant or animal believed likely to move into the endangered category in the near future if the causal factors continue.

Waahi tapu means a sacred site. These are defined locally by the hapu and iwi, which are the kaitiaki for the waahi tapu.

Water means:

(a) water in all its physical forms whether flowing or not and whether over or under the ground:

(b) Includes fresh water, coastal water, and geothermal water:

(c) Does not include water in any form while in any pipe, tank, or cistern.

** The meaning of stormwater is subject to a reference to the Environment Court*

Water body means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.

Well means the same as "bore".

Wetland has a meaning that includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.

Whanau means an extended family.

In section 3:

The meanings of "artificial watercourse", "beach recontouring", "bed recontouring", "bulk earthworks", "defence against water", "floodway", "geotechnical investigation bore", "intermittently flowing", "minimum flow" and "stopbank" were inserted by decisions on Decisions on Plan change 1 to the Regional Freshwater Plan December 2002.

The meanings of "aquifer" and "bore", were substituted for the original meanings by decisions on Decisions on Plan change 1 to the Regional Freshwater Plan December 2002.

The meanings of "core allocation" and "surface water" were deleted by decisions on Decisions on Plan change 1 to the Regional Freshwater Plan December 2002.

The meaning of "stormwater" was inserted by decisions on Decisions on Plan change 1 to the Regional Freshwater Plan December 2002 December 2002. It is subject to a reference to the Environment Court.

4. General Objectives and Policies

Note: *When considering an application for a resource consent under any of the rules in sections 5, 6, or 7 of the Plan, the Council will have regard to any relevant objectives and policies in this section of the plan, as well as any relevant objectives and policies in sections 5, 6, or 7 of the Plan.*

4.1 Objectives

The relationship of tangata whenua with fresh water

4.1.1 The relationship of tangata whenua and their culture and traditions with fresh water, and with ancestral sites, waahi tapu and other taonga within the beds of rivers and lakes, is recognised and provided for.

4.1.2 The mauri of water bodies and river and lake beds is protected.

4.1.3 The principles of the Treaty of Waitangi are taken into account in the management of the Region's water bodies and river and lake beds.

Natural values

4.1.4 The natural character of wetlands, and lakes and rivers and their margins, is preserved and protected from inappropriate subdivision, use and development.

4.1.5 The life-supporting capacity of water and aquatic ecosystems is safeguarded from the adverse effects of any subdivision, use and development.

4.1.6 Significant indigenous aquatic vegetation and significant habitats of fresh water fauna in water bodies are protected.

Amenity values and access

4.1.7 The amenity and recreational values of wetlands, lakes, and rivers are maintained and, where appropriate, enhanced.

4.1.8 The quality of lawful public access to and along river and lake beds is maintained and, where appropriate, enhanced.

Flood mitigation

4.1.9 The risk of flooding to human life, health, and safety is at an acceptable level.

4.1.10 The adverse effects of flooding on natural values and physical resources, including people's property, are at an acceptable level.

Note: *An acceptable level of risk for the purpose of this objective is one that balances the benefits and costs of flood hazard reduction measures, taking into account non-monetary costs, community aspirations and the statutory responsibilities of relevant authorities. Public input is required to determine the level of acceptable risk.*

Use and development

4.1.11 People and communities are able to use and develop freshwater resources to provide for their social, economic, and cultural well being and for their health and safety.

4.1.12 The adverse effects of the use and development of freshwater resources are avoided, remedied, or mitigated.

4.1.13 Activities that enhance freshwater resources are promoted.

4.1.14 The needs of existing lawful resource users are recognised during the transition from the Transitional Regional Plan to the Regional Freshwater Plan.

4.1.15 Opportunities are provided for people and communities to be involved in decision making on significant freshwater resource management issues in the Wellington Region.

4.1.16 The administrative requirements of activities are minimised, particularly in those situations where the adverse effects are minor.

4.1.17 Conditions placed on resource consents are used as a means of avoiding, remedying or mitigating adverse effects.

4.2 Policies

The relationship of tangata whenua with freshwater

4.2.1 To manage sites of special value to the tangata whenua in water bodies and river and lake beds so that the cultural values of those sites are not adversely affected.

Explanation. *Sites of special value to the tangata whenua include sites that are of spiritual, cultural or historical significance to tangata whenua. Examples of such sites could include mahinga kai (and the habitats of harvested species), taonga raranga and waahi tapu.*

Method 8.1.1 indicates how the Council will implement this policy.

4.2.2 To encourage applicants to consult directly with affected tangata whenua when making an application for a resource consent which is for an activity within,

upstream, or immediately downstream of any identified site of special value to the tangata whenua. As part of this consultation the applicant should determine:

(1) Whether granting the resource consent could have any adverse effects on the special values of the site.

(2) How any potential adverse effects that might result from the activity could be avoided or remedied.

Explanation. *Although the location of sites of special value may be known, only tangata whenua are able to advise how the values ascribed to those sites might be adversely affected. Consultation is an essential part in any decision making that affects sites of special value.*

In this context, an "identified site" means any site managed according to Policy 4.2.1 which is identified as a result of implementing Method 8.1.1.

4.2.3 To not allow the use or development of water bodies and river and lake beds that would restrict the access of tangata whenua to any identified site of special value in a publicly owned river or lake bed, unless that access can specifically be provided for, or the loss can be adequately remedied or mitigated.

Explanation. *In this context, an "identified site" means any site managed according to Policy 4.2.1 which is identified as a result of implementing Method 8.1.1.*

4.2.4 To avoid, remedy, or mitigate the adverse effects of the use and development of water bodies and river and lake beds on the habitats of species traditionally harvested by the tangata whenua.

Explanation. *Water bodies and river and lake beds are traditional harvesting sites used by tangata whenua. Today, however, because of loss of habitat, species such as eels and lamprey have been reduced in numbers. It is now important that the use and development of land and fresh water do not further reduce numbers of these species.*

4.2.5 To have regard to the values and customary knowledge of the tangata whenua, where these have been identified by the tangata whenua, when assessing resource consent applications for the use and development of water bodies and river and lake beds.

Explanation. *Although tangata whenua may have concerns related to specific water bodies and river and lake beds, general cultural values and beliefs are applied to many water bodies and river and lake beds.*

4.2.6 To not restrict tangata whenua initiatives for the use or development of freshwater resources subject to the provisions of this Plan and the Act.

Explanation. *This policy recognises the right of tangata whenua to develop resources in accordance with the Treaty principles. Developments may be based around fresh water resources of significance to the tangata whenua, and must be consistent with provisions of this Plan and the Act.*

4.2.7 To encourage and support, where appropriate, tangata whenua participation in monitoring the effects of activities that may potentially adversely affect sites or values of importance to the tangata whenua.

Explanation. *Tangata whenua participation can extend beyond consultation or participation in plan preparation and resource consents to involvement in monitoring the effects of activities on water bodies according to tikanga Maori.*

4.2.8 To have regard to matters raised in an iwi or hapu management plan authorised by the tangata whenua of the Region when assessing resource consent applications.

Explanation. *This policy recognises that from time to time, the tangata whenua may prepare iwi management plans applicable to their particular rohe. An Iwi Management Plan may cover issues wider than the scope of the Act. With respect to the Regional Freshwater Plan, the Council can only have regard to the provisions of the Iwi Management Plan which are relevant to fresh water.*

Natural values

4.2.9 To have regard to the following characteristics of wetlands, and lakes and rivers and their margins, when considering the protection of their natural character from the adverse effects of subdivision, use, and development:

- ecosystems, habitats and species; and
- water quality; and
- the natural flow characteristics and hydraulic processes (such as sediment transport) of rivers or the pattern and range of water level fluctuations that occur naturally in wetlands or lakes; and
- the topography and physical composition of river or lake beds and the course of the river.

Explanation. *The natural character of wetlands, lakes and rivers and their margins in the Wellington Region is complex and may vary greatly in different locations. People perceive natural character differently. The characteristics listed in the clauses of this policy are key elements commonly perceived to contribute to the natural character of a water body.*

In relation to the first bullet point in this policy (ecosystems, habitats, and species), further criteria are provided in Policies 4.2.11 to 4.2.14 on matters that regard shall be had to when avoiding, remedying, or mitigating adverse effects.

In this context "To have regard to … when considering" relates to consideration during the preparation of, variation to, or change to, district and regional plans, or the consideration of any relevant resource consent application.

4.2.10 To avoid adverse effects on wetlands, and lakes and rivers and their margins, identified in Appendix 2 (Parts A and B), when considering the protection of their natural character from the adverse effects of subdivision, use, and development.

Explanation. *Wetlands, and lakes and rivers and their margins, are identified in Appendix 2 as having a high degree of natural character when assessed against the characteristics outlined in Policy 4.2.9.*

The preservation of natural character in this policy is achieved by avoiding adverse effects. In this policy "to avoid adverse effects" means that when "avoiding, remedying or mitigating adverse effects", as identified in subsection 5(2)(c) of the Act, the emphasis is to be placed on avoiding adverse effects. "To avoid adverse effects" means that only activities with effects that are no more than minor will be allowed in the water bodies identified. Further elaboration of the meaning of "minor" is contained in Policy 4.2.33. Activities can occur in the water bodies listed in Appendix 2 but the emphasis in this policy is on preserving the natural character of these water bodies.

In this context "To avoid … when considering" relates to consideration during the preparation of, variation to, or change to, district and regional plans, or the consideration of any relevant resource consent application.

The wetlands, rivers and lakes which are identified in Part A of Appendix 2 are to have their water quality managed in its natural state according to Policy 5.2.1. The wetlands, rivers and lakes that are identified in Part B of Appendix 2 are to have their water quality managed for aquatic ecosystem purposes according to Policy 5.2.6.

The characteristics of a water body that are commonly perceived to contribute to its natural character are identified in the previous policy.

4.2.11 To avoid, remedy or mitigate the adverse effects of the use and development of water bodies and river and lake beds on aquatic habitats and freshwater ecosystems by having regard to:

- the maintenance of biological and physical processes; and
- the maintenance of habitat for feeding, breeding and sheltering aquatic life; and
- the maintenance of the diversity of aquatic life; and
- the maintenance of the ability of fish to disperse and migrate; and

- the times which will least affect feeding, spawning, dispersal or migratory patterns of fish and other aquatic species; and
- the prevention of irreversible adverse effects.

Explanation. *This policy requires that regard be had to key elements of aquatic habitats and ecosystems when undertaking the use and development of water bodies.*

In this context "to avoid, remedy, or mitigate" relates to the consideration of an application under the Act for a discharge permit for a discharge to fresh water, a water permit, or a land use permit within the bed of a river or lake.

4.2.12 To promote the maintenance and enhancement of aquatic habitats and ecosystems when considering the adverse effects of the subdivision, use and development of land outside river and lake beds.

Explanation. *This policy recognises that territorial authorities and others have a responsibility for managing the effects of land use on water bodies.*

In this context, "to promote" does not include the Council making rules on land. It is more appropriate for territorial authorities to make such rules where they are needed. "To promote" includes the promotion of actions by other agencies and by people when there is potential for adverse effects on water quality.

Further explanation of processes that the Council will use to integrate the effects of land use with freshwater management, and the reasons why the processes identified have been adopted in this Plan, are given in Section 12.1.3.

4.2.13 To protect the nationally threatened indigenous aquatic plants identified in Part B of Appendix 3 and to protect nationally threatened freshwater fauna, in the water bodies identified in Part A of Appendix 3 by:

- managing water quality so that Polices 5.2.1 to 5.2.7, whichever is (are) relevant, is (are) satisfied; and
- managing the flows and levels of water bodies so that Policies 6.2.1, 6.2.2, 6.2.12, and 6.2.13, whichever is (are) relevant, is (are) satisfied; and
- maintaining migratory and dispersal pathways for fish; and
- avoiding adverse affects on habitats that are important to the life cycle and survival (including spawning areas) of fish and birds; and
- promoting landowner and user knowledge of nationally threatened species, the sites where they are present, and how they can be protected.

Explanation. *Part A of Appendix 3 identifies the catchments of water bodies where fish species that are threatened nationally have been recorded. Part B of Appendix 3 identifies aquatic or semi aquatic plant species that are threatened nationally.*

In this policy "avoiding adverse effects" after the fourth bullet point, means that when "avoiding, remedying, or mitigating adverse effects", as identified in subsection 5(2)(c) of the Act, the emphasis is to be placed on avoiding adverse effects. "Avoiding adverse effects", means that only activities with effects that are no more than minor " … on habitats that are important to the life cycle and survival ... " of the fish or bird species identified below will be allowed in the water bodies listed in Appendix 3. Activities can occur in these water bodies but the fish or bird species identified, and their habitats, are to be protected.

In this context "To protect" relates to the consideration of resource consent applications under the Act except in relation to the last point of the policy which refers to "promoting" actions by landowners and resource users outside the resource consent process.

The term "threatened" refers to species that are "endangered", "vulnerable", or "rare". The meaning of these terms is given in section 3. At the time the Plan was proposed the following aquatic species were identified by the Department of Conservation as having nationally threatened status:

- *birds - Blue Duck (Hymenolaimus malacorhynchos); and*
- *fish - Brown Mudfish (Neochanna apoda), Giant Kokopu (Galaxias argenteus), Short-Jawed Kokopu (Galaxias postvectis), Banded Kokopu (Galaxias fasciatus) and Koaro (Galaxias brevipinnis) (Part A, Appendix 3); and*
- *aquatic plants - those identified in Part B Appendix 3.*

Blue Duck are known in only one catchment in the Region. Their location is not identified in this Plan in the greater interest of ensuring survival of this species in the Region.

The records for fish species used in the Plan are taken from the National Freshwater Fisheries Database recorded when the Plan was notified. The National Institute of Water and Atmospheric Research manage the database.

Some of the plants identified are wetland species. Others occur in the beds of rivers not usually covered by water. The plants which occur on the dry parts of river beds can also occur on the floodplain.

4.2.14 To avoid, remedy or mitigate any adverse effects on important trout habitat in the Region, identified in Appendix 4, by:

- managing water quality so that Policy 5.2.3 is satisfied; and

- managing the flows and levels of water bodies so that Policies 6.2.1, 6.2.2, 6.2.12, and 6.2.13, whichever is (are) relevant, is (are) satisfied; and
- having particular regard to offsetting adverse effects on trout habitat; and
- having particular regard to maintaining the same, or similar, river bed configuration in the rivers identified.

Explanation. *This policy is to avoid, remedy, or mitigate adverse effects on the habitat of trout when undertaking any use and development in the water bodies identified in Appendix 4.*

In this context "offset" after the third bullet point includes taking action that will offset any adverse effects. This could include such action as restocking the fishery or enhancing habitat elsewhere so that there is no net loss to the fishery. Other ways of offsetting adverse effects are indicated in the second, third and fourth bullet points of Policy 4.2.36.

In this context "maintaining the same or similar river configuration" after the fourth bullet point does not mean preserving the shape of the river. It means maintaining the amount of pool, run, and riffle habitat over the entire length of the river identified in Appendix 4.

In this context "to avoid, remedy, or mitigate" relates to the consideration of an application under the Act for a discharge permit for a discharge to fresh water, a water permit, or a land use permit in the bed of a river or lake.

In other water bodies not identified in this policy, the Act requires adverse effects on trout habitat to be avoided, remedied, or mitigated.

Amenity values and access

4.2.15 To avoid, remedy, and mitigate any adverse effects of use and development on the water bodies identified in Appendix 5 as regionally important for their amenity and recreational values, by:

- managing water quality so that Policy 5.2.4 is satisfied; and
- managing the flows and levels of water bodies so that Policies 6.2.1, 6.2.2, 6.2.12, and 6.2.13, whichever is (are) relevant, is (are) satisfied; and
- having particular regard to offsetting adverse effects on amenity and recreational values; and
- having particular regard to the timing of use and development so that, where practicable, adverse affects on amenity values and recreational use are minimised.

Explanation. *This policy is to avoid, remedy, or mitigate adverse effects on regionally significant amenity values when undertaking any use and development in the water bodies identified in Appendix 5.*

In this context "offset" after the third bullet point means taking action that will offset any adverse effects such as enhancing amenity values and recreational values elsewhere. Other ways of offsetting adverse effects are indicated in the second, third, and fourth bullet points of Policy 4.2.36.

The fourth bullet point in this policy recognises that activities such as releasing water or taking water can be timed to have the least effect on amenity values or recreational uses of a river, such as for canoeing, within practical constraints.

In this context "to avoid, remedy, or mitigate" relates to the consideration of an application under the Act for a discharge permit for a discharge to fresh water, a water permit, or a land use permit in the bed of a river or lake.

In other water bodies not identified in this policy the Act requires adverse effects on amenity values to be avoided, remedied, or mitigated.

4.2.16 To ensure there is no reduction in the quality of lawful public access along the beds of lakes and rivers unless exceptional circumstances arise that make restrictions necessary, including to:

- protect any characteristic of any site or feature which gives a water body its special value or any conservation value; or
- provide for public health and safety; or
- provide for security on private property; or
- protect the rights of property owners, including the protection of crops and stock.

Explanation. *This policy is to ensure that the quality of lawful public access is maintained along river and lake beds unless restrictions are needed for exceptional circumstances, including the reasons identified in the policy.*

In this context "lawful" refers to river and lake beds in public ownership. Many river and lake beds are in private ownership and access along them is only available with the permission of the landowner.

In this context "to ensure" relates to the consideration of an application under the Act for a discharge permit for a discharge to fresh water, a water permit, or a land use permit in the bed of a river or lake.

4.2.17 To promote lawful public access to water bodies when the subdivision, use and development of land adjacent to water bodies is being considered, particularly those water bodies which:

- have a high degree of natural character (Policy 4.2.10), are important trout habitat in the Region (Policy 4.2.14), or are regionally significant for amenity values and recreational use (Policy 4.2.15); or
- are considered by the relevant territorial authority to be of benefit to the local community for their recreational, cultural, scenic, spiritual, or other amenity values.

Explanation. *This policy promotes public access to water bodies, particularly those which have high natural and amenity values. The Council has no mandate to regulate public access on land outside river and lake beds. "Promotion" of public access to water bodies will therefore involve the Council supporting opportunities for access through measures provided in District Plans such as esplanade reserves, esplanade strips and access strips. In "promoting" access to water bodies the Council will recognise restrictions to public access may be necessary in circumstances such as those identified in Policy 4.2.16.*

Flood mitigation

4.2.18 To promote the avoidance or mitigation of the potential adverse effects associated with flooding.

Explanation. *The Council will promote flood avoidance or mitigation by its own actions, and through activities by people and communities, in a way which provides for sustainable management.*

More specifically, the Council has an "operational" responsibility to minimise and prevent damage by floods under the Soil Conservation and Rivers Control Act 1941 which is separate from the Resource Management Act 1991. The Council is progressively developing Floodplain Management Plans for some rivers in the Region. Flood hazard assessments have been carried out, or are intended to be carried out, in some rivers of the Region. In addition, there are existing "River Management Schemes" in the Region which the Council maintains or helps territorial authorities to maintain.

Floodplain Management Plans and flood hazard assessments are described further in Section 12.1.4, including the locations where they have been, or are intended to be, completed.

4.2.19 To allow the maintenance of lawful flood mitigation works within river and lake beds and on floodplains.

Explanation. *"Lawful flood mitigation works" are those lawful works which were either present at the time this Plan was notified or have resource consent or are allowed as a permitted activity.*

In river and lake beds the Council will ensure that due regard is given to this policy, for example, when considering consent applications for land use consents in river and lake beds. On the floodplain this is a matter over which territorial authorities will exercise control for the reasons explained in Section 12.1.4.

4.2.20 To ensure that there is sufficient information about flood hazards to enable flooding in the Region to be mitigated to an acceptable level.

Explanation. *This policy is to ensure that there is sufficient information on the flood hazard to enable the adverse effects of flooding to be considered in the decision making process so that flooding can be mitigated to an acceptable level. "Sufficient information" includes data on the probability of floods, their magnitude and the locations where they will occur.*

4.2.21 To encourage community awareness about flood hazards by involving people in the processes that establish acceptable levels of flood mitigation.

Explanation. *This policy promotes community involvement and participation in the development of approaches to flood mitigation in the Region.*

4.2.22 To adopt a precautionary approach when planning for and making decisions about the potential adverse effects of flooding on people and communities where information is incomplete or limited.

Explanation. *This policy provides for the precautionary approach. In essence, this approach suggests that preventative or remedial action does not have to await the presentation of conclusive technical evidence of significant adverse effects. Rather, preventative or remedial action should be taken if evidence makes it plausible that significant adverse effects on the environment may occur. The precautionary approach has been accepted in New Zealand resource management and it is embodied in the New Zealand Coastal Policy Statement 1994 and the Regional Policy Statement.*

Use and development

4.2.23 To have regard to the benefits arising from any proposal for the use and development of a water body when assessing the proposal.

Explanation. *This policy provides for the social, economic, and cultural benefits to be taken into account when assessing a proposal for the use and development of fresh water.*

In this context "To have regard to" relates to any relevant application under the Act for a discharge permit for a discharge to fresh water, a water permit, or a land use permit in the bed of a river or lake.

4.2.24 To have regard to the effects on other established activities when considering any proposal for the use and development of water bodies.

Explanation. *This policy requires the effects of an activity on established activities in a water body to be considered.*

In this context "To have regard to" relates to any relevant application under the Act for a discharge permit for a discharge to fresh water, a water permit, or a land use permit in the bed of a river or lake.

4.2.25 To encourage users of fresh water to adopt an ethic of guardianship for future generations.

Explanation. *This policy promotes the notion that users of freshwater should consider the needs of future generations as well as their present needs when using water.*

4.2.26 To adopt a precautionary approach to the management of freshwater in the Wellington Region where information is incomplete or limited.

Explanation. *This policy provides for the precautionary approach. In essence, this approach suggests that preventative or remedial action does not have to await the presentation of conclusive scientific evidence of significant adverse effects. Rather, preventative or remedial action should be taken if evidence makes it plausible that significant adverse effects on the environment may occur. The precautionary approach has been accepted in New Zealand resource management and it is embodied in the New Zealand Coastal Policy Statement 1994 and the Regional Policy Statement.*

4.2.27 To encourage the restoration or rehabilitation of freshwater resources in the Region, including the establishment of wetlands, where appropriate.

Explanation. *This policy encourages the restoration and rehabilitation of fresh water generally. In particular, the creation of new wetlands is highly desirable. The Regional Policy Statement has specifically identified wetlands as features that could be enhanced in the Wellington Region.*

In this policy, the term "encourage" does not place any compulsion on either the Council or others to construct, restore or rehabilitate water bodies. Rather, the policy signals to resource users that activities such as the construction of artificial wetlands are an appropriate means of remedying or mitigating the adverse effects of use and development.

While "restoration and rehabilitation" is encouraged, it does not necessarily negate the need for a resource consent. For example, the creation of a wetland could have implications for a neighbour which might need to be taken account of as part of the formal resource consent process.

Where restoration or rehabilitation is used to remedy or mitigate, the adverse environmental effects of an activity, this policy should be read in conjunction with Policy 4.2.36.

4.2.28 To have regard to any relevant objectives and policies in section 4 of the Plan, when considering an application for a discharge permit to discharge to fresh water, a water permit, a land use consent to construct a bore/well, or a land use consent within a river or lake bed.

Explanation. *This policy provides for regard to be had to relevant policies in section 4 of the Plan when resource consents are considered.*

4.2.29 To recognise the needs of existing lawful users of fresh water by:

- allowing existing users to upgrade progressively their environmental performance where improvements are needed to meet the provisions of the Plan; and/or
- giving priority to existing users over new users at locations where the demand for the use of water is greater that the resource can sustain.

Explanation. *The first bullet point in this policy recognises that where existing use or development does not meet the provisions of this Plan, a programme that is not financially prohibitive for upgrading the use or development may be implemented through the consent process. This approach will promote sustainable management in a way that is fair to resource users. It will allow existing users to meet the requirements of the Plan progressively so that they do not suffer undue hardship.*

The second bullet point recognises that resource users are entitled to have some security of operation which recognises their existing investment so long as they are exercising their rights in accordance with any rule in the Plan or any resource consent

In this context "to recognise" relates to the consideration of an application for a discharge permit for a discharge to fresh water, a water permit, or a land use permit in the bed of a river or lake.

4.2.30 To work with other relevant agencies and tangata whenua in order to achieve the integrated management of fresh water.

Explanation. *This policy recognises the importance of working with other agencies with freshwater management responsibilities. Agencies with responsibilities which may affect fresh water include territorial authorities (responsible for land use and activities on the surface of water bodies), the Ministry of Fisheries (sustainable utilisation of eel fisheries), the Wellington Fish and Game Council (sports fisheries), the Department of Conservation (native fish and wildlife) and tangata whenua.*

4.2.31 To ensure that the process for making decisions relating to the management of fresh water is fair and transparent. In particular, to ensure that as far as practicable, all interested people and communities have the opportunity to be involved in freshwater resource management processes, including significant resource consents.

Explanation. *Implementation of this policy will include advising interested parties of the reasons for any decision and, where appropriate, providing positive feedback to users.*

4.2.32 To encourage the development of industry "Codes of Practice" and "Guidelines".

Explanation. *The Council will seek to encourage and be involved in the process of developing new industry "Codes of Practice" and "Guidelines", particularly where they may lead to the need for less regulation. Where relevant codes of practice are established, the Council may seek (through a plan change) to recognise those activities complying with such codes as permitted or controlled activities".*

4.2.33 To provide for those activities which have no more than minor adverse effects on the environment. As a guide, the adverse effects of activities are likely to be no more than minor if the following criteria are met:

(1) the activity does not require exclusive use of the river or lake bed, and does not preclude lawful public access to, and use of, the river or lake bed (subject to the circumstances listed in Policy 4.2.16 that make restrictions necessary); and

(2) any adverse effects on plants, animals or their habitats are confined to a small area or are temporary, and the area will naturally re-establish habitat values comparable with those prevailing before commencement of the activity; and

(3) there are no significant or prolonged decreases in water quality; and

(4) there are no off-site adverse effects; and

(5) river bank or lake shoreline stability is not adversely affected; and

(6) there are no adverse effects on mahinga kai, waahi tapu, or any other sites of special value to tangata whenua; and

(7) there are no adverse effects on the natural character of wetlands, and lakes and river and their margins.

Explanation. *This policy provides guidance for activities that have no more than minor adverse effects. It is not necessarily a comprehensive list of all possible effects. Activities with no more than minor effects should either be permitted by the Plan or granted resource consents. The policy does not preclude the need for these activities to comply with environmental controls.*

Clause 1 deals with public access through and along river and lake beds, and the use of the river or lake bed. For an activity to be deemed to have minor adverse effects in relation to this policy, the activity should not prevent public access to, or public use of, any publicly owned river or lake bed.

Clause 2 considers the effects of the activity on plants and animals or their habitats. Short-term adverse effects are those that will occur during and immediately following a particular activity, but which will not persist beyond this period. When the activity is completed, the affected area will naturally recolonise with plants or animals of a similar type to those colonising the area prior to the disturbance. The area will also maintain similar physical characteristics.

Clause 3 deals with adverse effects on water quality.

Clause 4 refers to off-site effects. Off site effects may result from discharges to water; damming, takes or diversion of water; or the use of river or lake beds. They occur at a distance (usually downstream) from the site of an activity. An example would be where a groundwater abstraction reduces the yields from other bores.

Clause 5 deals with adverse effects on river bank or lake shoreline stability. For example, if the activity changes the sediment budget of a river or lake, it may result in erosion.

Clause 6 considers adverse effects on characteristics of significance to tangata whenua. An example would be smothering of a traditional food gathering area.

Clause 7 refers to adverse effects on the natural character of water bodies.

In this context activities can be "provided for" through their inclusion as permitted or controlled activities in the Plan or through granting resource consent applications for discretionary or non-complying activities.

4.2.34 To avoid, remedy, or mitigate adverse effects which are associated with, or are a consequence of, an activity by placing conditions on resource consents, particularly where adverse effects are likely to occur on the following:

- characteristics of spiritual, historical or cultural significance to tangata whenua; or
- natural values; or
- amenity and recreational values; or
- lawful public access.

Explanation. *Policy 4.2.34 complements the provisions of section 108 of the Act by providing guidance on the circumstances where conditions may be imposed on resource consents.*

4.2.35 To have regard to the following matters when determining the nature and extent of any conditions to be placed on a resource consent:

- the significance of the adverse effects arising as a consequence of, or in association with, the proposed activity; and
- the extent to which the proposed activity contributes to the adverse effects; and
- the extent to which the adverse effects of the proposed activity can be, and have been, dealt with by other means; and
- any proposals by the applicant to avoid, remedy or mitigate adverse effects, and any agreements reached at pre-hearing meetings; and
- the monitoring proposed to be carried out by the applicant; and
- the extent to which the community as a whole benefits from the proposed activity and from any proposed conditions on a consent; and
- the financial cost of complying with any conditions on a consent; and
- the extent to which a condition placed on a consent will avoid, remedy or mitigate any adverse effects.

Explanation. *Policy 4.2.35 outlines the matters to be assessed when determining whether any conditions should be placed on a resource consent and the nature of any such condition. The particular circumstances and nature of each application will be taken into account.*

4.2.36 To avoid, remedy or mitigate adverse effects, conditions on a resource consent may relate to all or any of the following:

- project design and implementation, choice of materials, site improvements; or
- habitat restoration, rehabilitation, creation and improvement; or
- restocking and replanting of fauna or flora (with respect to replanting, preference will be given to the use of indigenous species, with a further preference for the use of local genetic stock); or
- works and services relating to the improvement, provisions, reinstatement, protection, restoration or enhancement of the matters listed in Policy 4.2.35; or
- the relationship between flow in a river and water quality (e.g. conditions attached to discharge permits can be flow related in respect of compliance with water quality guidelines).

Explanation. *Policy 4.2.36 outlines the matters that a condition on a consent may relate to.*

4.2.37 To encourage applicants for resource consents to:

- consult and discuss with parties who may be affected by the proposal prior to applying for a consent; and
- identify in the consent application how adverse effects may be avoided, remedied or mitigated.

Explanation. *Consultation can provide opportunities for consent applicants and affected parties to consider how adverse effects can be avoided, remedied or mitigated.*

4.2.38 To recognise that there are circumstances where placing conditions on resource consents may not be sufficient to adequately avoid, remedy or mitigate the adverse effects of a proposal; and that in such circumstances a consent application will be declined.

Explanation. *Policy 4.2.38 indicates that in some circumstances adverse effects will be of such significance that an application must be declined.*

5. Water Quality and Discharges to Fresh Water

5.1 Objectives

5.1.1 The quality of fresh water meets the range of uses and values for which it is required while the life supporting capacity of water and aquatic ecosystems is safeguarded.

5.1.2 The quality of fresh water has the potential to meet the reasonably foreseeable needs of future generations.

5.1.3 The quality of water is, as far as practicable, consistent with the values of the tangata whenua.

5.2 Policies

Receiving Water Quality

5.2.1 To manage water quality in its natural state in those water bodies identified in Part A of Appendix 2 (subject to Policy 5.2.10).

Explanation. *This policy sets out areas where water quality will be managed in its natural state. These water bodies, and their margins, are also identified in Policy 4.2.10 as having a high degree of natural character.*

This policy applies to the overall management of receiving waters. The relevant guidelines to consider when deciding whether a discharge is able to satisfy this policy are given in section A8.7 of Appendix 8.

Note that if a water body is identified for any other purpose in Policies 5.2.2 to 5.2.6, then the additional purpose(s) shall also apply to the water body.

The bracketed reference to Policy 5.2.10 recognises that discharge permits can be granted in the circumstances described in Policy 5.2.10.

5.2.2 To manage water quality in Lake Wairarapa in accordance with the National Water Conservation (Lake Wairarapa) Order 1989 (subject to Policy 5.2.10).

Explanation. *The Act requires that a regional plan shall not be inconsistent with any water conservation order. This policy recognises the Council's intention to manage the Lake in a way that is consistent with the Order. A copy of the National Water Conservation (Lake Wairarapa) Order 1989 is included in Appendix 11 of the Plan.*

Note that if a water body is identified for any other purpose in Policies 5.2.1 to 5.2.6, then the additional purpose(s) also apply to the water body.

The bracketed reference to Policy 5.2.10 recognises that discharge permits can be granted in the circumstances described in Policy 5.2.10.

5.2.3 To manage water quality for trout fishery and fish spawning purposes in those rivers, or parts of rivers, identified in Appendix 4 (subject to Policy 5.2.10).

Explanation. *This policy sets out areas where water quality will be managed for trout fishery, and fish spawning purposes. These water bodies are also identified in Policy 4.2.14 as important trout habitat in the Region.*

This policy applies to the overall management of receiving waters. The relevant guidelines to consider when deciding whether a discharge is able to satisfy this policy are given in sections A8.4 and A8.5 of Appendix 8.

Note that if a water body is identified for any other purpose in Policies 5.2.1 to 5.2.6, then the additional purpose(s) also apply to the water body.

The bracketed reference to Policy 5.2.10 recognises that discharge permits can be granted in the circumstances described in Policy 5.2.10.

5.2.4 To manage water quality for contact recreation purposes in those water bodies identified in Appendix 5 (subject to Policy 5.2.10), excluding Lake Waitawa (managed according to Policy 5.2.6) and Lake Wairarapa (managed according to Policies 5.2.2 and 5.2.6)

Explanation. *This policy sets out the areas where water quality will be managed for contact recreation purposes. These water bodies are also identified in Policy 4.2.15 as regionally important for their amenity and recreational values.*

Lakes Waitawa and Wairarapa are lowland lakes whose water quality is unlikely to achieve the guidelines for contact recreation even if there are significant improvements to the sources of contaminants. Nevertheless, these lakes are important for a variety of recreational activities. It is realistic and appropriate to manage these lakes for aquatic ecosystem purposes.

This policy applies to the overall management of receiving waters. The relevant guidelines to consider when deciding whether a discharge is able to satisfy this policy are given in section A8.3 of Appendix 8.

Note that if a water body is identified for any other purpose in Policies 5.2.1 to 5.2.6, then the additional purpose(s) also apply to the water body.

The bracketed reference to Policy 5.2.10 recognises that discharge permits can be granted in the circumstances described in Policy 5.2.10.

5.2.5 To manage water quality for water supply purposes in those water bodies, or parts of water bodies, identified in Appendix 6 (subject to Policy 5.2.10).

Explanation. *This policy sets out the areas where water quality will be managed for water supply purposes. These water bodies are identified in Appendix 6.*

The relevant guidelines to consider when deciding whether a discharge is able to satisfy this policy are given in section A8.6 of Appendix 8.

Note that if a water body is identified for any other purpose in policies 5.2.1 to 5.2.6, then the additional purpose(s) also apply to the water body.

The bracketed reference to Policy 5.2.10 recognises that discharge permits can be granted in the circumstances described in Policy 5.2.10.

5.2.6 Except for rivers and streams identified in Appendix 7, to manage the water quality of all surface water bodies in the Region for aquatic ecosystem purposes (subject to Policy 5.2.10).

Explanation. *This policy provides for all surface fresh water in water bodies of the Wellington Region to be managed so that water is of a suitable quality for aquatic ecosystem purposes. It includes all surface fresh water identified in Policies 5.2.1 to 5.2.5, above, and all surface fresh water not identified in these policies.*

This policy applies to the overall management of receiving waters. The relevant guidelines to consider when deciding whether a discharge is able to satisfy this policy are given in sections A8.1 and A8.2 of Appendix 8.

Note that if a water body is identified for any other purpose in Policies 5.2.1 to 5.2.5, then the additional purpose(s) also apply to the water body.

The bracketed reference to Policy 5.2.10 recognises that discharge permits can be granted in the circumstances described in Policy 5.2.10.

5.2.7 To manage all groundwater in the Wellington Region so that there are no net adverse affects on its quality as a result of discharges to surface water or groundwater (subject to Policy 5.2.10).

Explanation. *This policy is to manage groundwater so that there is no deterioration in its present quality. "No net adverse affects" in this context means that the existing quality of water in an aquifer will not be reduced to the extent that adverse effects occur, after reasonable mixing, as a result of any discharge. This policy refers only to discharges directly to surface water or an*

aquifer. Discharges to land are addressed in the Regional Plan for Discharges to Land.

The bracketed reference to Policy 5.2.10 recognises that discharge permits can be granted in the circumstances described in Policy 5.2.10.

5.2.8 To have regard to the relevant guidelines in Appendix 8 when deciding whether a discharge is able to satisfy Policies 5.2.1 to 5.2.7 (above) when considering applications for resource consents (subject to Policy 5.2.10).

Explanation. *This policy refers to Appendix 8, which contains the guidelines which need to be met for a discharge to satisfy Policies 5.2.1 to 5.2.7. The consent authority will use these guidelines to assist it in setting maximum limits of contaminants for individual discharges.*

It is important to note that the guidelines in Appendix 8 relate to the cumulative effects of all discharges to a particular water body. When assessing an application to discharge contaminants, the consent authority will consider whether the guidelines can be met given the effects of existing discharges.

The bracketed reference to Policy 5.2.10 recognises that discharge permits can be granted in the circumstances described in Policy 5.2.10.

5.2.9 To manage the quality of the fresh water of the rivers, or parts of rivers, identified in Appendix 7 so that water quality is enhanced to satisfy the purposes identified in the Appendix (subject to Policy 5.2.10).

Explanation. *There are water bodies in the Region that consistently have poor water quality according to the Regional Council's water quality monitoring programmes. These water bodies include those listed in Appendix 7. This policy seeks enhancement of the water bodies identified in this Appendix for contact recreation, aquatic ecosystem purposes, or trout fishery and fish spawning purposes.*

The relevant guidelines to consider when deciding whether a water body is suitable for contact recreation, aquatic ecosystem purposes or trout fishery and fish spawning purposes are given in sections A8.1; and either A8.2 or A8.3; or A8.4 and A8.5 of Appendix 8.

The bracketed reference to Policy 5.2.10 recognises that discharge permits can be granted in the circumstances described in Policy 5.2.10.

The water bodies listed in Appendix 7 are based on information held by the Council in December 1998 (the date of the Hearings on the Proposed Plan).

5.2.10 To allow the discharge of contaminants to fresh water which do not satisfy Policies 5.2.1 to 5.2. 9, whichever is (are) relevant, only where:

(1) the discharge is of a temporary nature; or

(2) the discharge is associated with necessary maintenance works; or

(3) exceptional circumstances justifying the granting of a permit; or

(4) the discharge:

- was present at the time the Plan was notified; and
- is not likely to cause a decrease in the existing quality of water at that site and the person responsible for the discharge has defined a programme of work for upgrading the discharge within a specified timeframe; or

(5) that in any event, it is consistent with the purpose of the Act to allow the discharge.

Explanation. *This policy outlines the guidelines under which the Council will grant a discharge permit that does not satisfy Policies 5.2.1 to 5.2.9. Clause (4) relates to the need to improve discharges to water bodies in the Region which are of poor water quality such as those identified in Policy 5.2. 9.*

Mixing Zones

5.2.11 To ensure that any zones allowed on a discharge permit for reasonable mixing of contaminants or water with the receiving water are determined by having regard to:

- the purpose for which the receiving water is being managed, and any effects of the discharge on that management purpose; and
- any tangata whenua values that may be affected; and
- the volume of water or concentration of contaminants being discharged, and the area of receiving water that could potentially be affected; and
- the physical, hydraulic and hydrological characteristics of the receiving water.

Explanation*. Both s107 and the Third Schedule of the Act direct that the effects of discharges are to be considered after reasonable mixing of the contaminants with the receiving water. The size of the zone allowed for reasonable mixing depends on the effects that non-compliance within the zone will have on the management of the receiving water as directed by Policies 5.2.1 to 5.2.6 of the Plan and by s 107 of the Act. For example, the size of a zone allowed for reasonable mixing of ammonia may depend on whether the zone causes a block to fish passage (because of its toxicity and potential for significant adverse effects on aquatic life). The size of the zone allowed for reasonable mixing of nutrients may depend on whether algal growths will attach to stones on the bed downstream of the discharge (undesirable*

biological growths are not allowed in waters managed for contact recreation, fish spawning, water supply, or aquatic ecosystems).

Discharges Containing Sewage

5.2.12 To allow a discharge containing sewage directly into fresh water without passing through land or an artificial wetland, (subject to 5.2.10), where:

- it better meets the purpose of the Act than disposal to land; and
- there has been consultation with the tangata whenua in accordance with tikanga Maori and due weight has been given to sections 6, 7, and 8 of the Act; and
- there has been consultation with the community generally.

Explanation. *This policy is designed to take into account the view of tangata whenua in the Wellington Region that human waste should not be discharged into fresh water, even if it is treated to a high degree.*

"Sewage" is interpreted in section 3.

A discharge of sewage to fresh water would better meet the purpose of the Act than a land discharge if the effects of the discharge to fresh water were significantly less than those of a land discharge. Adverse effects include effects on mauri and the values of both the tangata whenua and the community at large.

Discharges to Land

5.2.13 To encourage users to discharge to land as an alternative to surface water where:

- the provisions of the Regional Plan for Discharges to Land are satisfied; and
- discharging to land has less adverse environmental effects than discharging to water; and
- there are no significant cultural, environmental, technical, or financial constraints associated with discharging to land.

Explanation. *This policy recognises that, where it is a feasible option, the alternative of discharging to land rather than water will be encouraged by the Council. However, it is recognised that there are times when discharge to land rather than water is not preferable. These circumstances are recognised by the bullet points in the policy. The Council will not encourage discharges to land in such circumstances.*

"Cultural constraints" recognises that discharges to land may be inappropriate for cultural reasons, such as the presence of a waahi tapu site.

"Environmental constraints" recognise that discharges to land may still contaminate water bodies (through runoff to surface water or leaching to groundwater) or have other adverse effects on the environment. "Technical constraints" recognises there are circumstances where discharges to land will be difficult using current methods. "Financial constraints" refer to a person's or community's ability to fund the discharge to land compared with the costs of a discharge to surface water.

The policy encourages anyone wishing to discharge to surface water to examine the option of discharging to land and to consider why surface water is a more appropriate receiving environment.

Discharges of Stormwater

5.2.14 To encourage the treatment of stormwater discharges to reduce the adverse effects of such discharges on the receiving water body.

Explanation. *"Treatment" of stormwater may be relatively simple and include the use of grassy swales, sumps, or artificial wetlands. The policy is intended to assist with improving the quality of effluent from new stormwater discharges and prevent a reduction in the quality of the receiving water. "New" refers to discharges associated with developments constructed after the date this plan becomes operative.*

In the context of this policy "To encourage" refers to non-statutory means which the Council may take to promote the treatment of stormwater.

Non-point Source Discharges

5.2.15 To promote the reduction of the levels of contaminants entering water bodies, including groundwater, from non-point sources in the Wellington Region, particularly in water bodies where non-point sources of contamination contribute to making water quality unsuitable for the purposes that the water body is to be managed for in Policies 5.2.1 to 5.2.7.

Explanation. *The purpose of this policy is to promote mitigation of the adverse effects of run-off from agricultural and urban land. This run-off can contain fertiliser, faecal matter, agrochemical residues, petroleum by-products from motor vehicles, and other contaminants from urban areas. The policy also facilitates riparian management practices which allow for the improvement of water quality.*

In this context, "promote" does not include making rules on land. It includes the promotion of actions by other agencies and by people when there is potential for adverse effects on water quality or when actions are being taken to improve water quality (e.g., riparian vegetation planting).

Further explanation of processes which the Council will use to integrate the effects of land use with freshwater management and the reasons why the processes used have been adopted are given in section 12.1.3.

5.2.16 To minimise the adverse effects of accidental spills on water quality.

Explanation. *Accidental spills can result in contaminants being washed into stormwater drains where they may cause some of the effects described in section 107 of the Act, or breach the water quality standards for which the water body is being managed. Contaminants spilt on roads can be an immediate threat to public safety. The authorities responding to road crashes (the Police and the Fire Service) give a high priority to removing this threat as soon as is practically possible. This often means applying detergent and washing small amounts of contaminants, including oil, down the stormwater drains. The same response is not desirable or defensible when the need for clean-up is less urgent. The Council will implement this policy by providing information and conducting publicity campaigns, and through protocols developed in consultation with the Traffic Safety Branch of the Police, the Fire Service, Transit NZ, and the Territorial Authorities of the Region (see Method 8.4.9).*

5.3 Rules

Guide to the Regional Rules for discharges to freshwater

Rule 1	Permitted Activity	Discharges of water and minor contaminants
Rule 2	Permitted Activity	Stormwater discharges
Rule 3	Controlled Activity	Stormwater discharges
Rule 4	Controlled Activity	Discharges to groundwater which are contaminated only by heat
Rule 5	Discretionary Activity	All remaining discharges to fresh water
Rule 6	Non-complying Activity	Discharges to wetlands, lakes and rivers, with surface water to be managed in its natural state

Note: *When considering an application for a resource consent under the rules in this section of the Plan, the Council have regard to all relevant provisions in the Plan, not just those in this section. Section 4, in particular, contains objectives and policies relevant to resource consent applications.*

Permitted Activities

Rule 1 Discharges of water and minor contaminants

The discharge of contaminants, or water, into surface water**[**, other than the discharge of stormwater,**]** is a **Permitted Activity** provided the discharge complies with the conditions specified below.

Conditions

(1) the discharge is not to any wetland, lake or river being managed in its natural state (Appendix 2, part A); and

(2) the discharge shall not contain any contaminants other than **[**contaminants at concentrations specified in**]** conditions (3) to (7) below; and

(3) concentrations of free or combined residual chlorine in the discharge shall be no more than 0.5 g/m^3; and

(4) concentrations of suspended solids in the discharge shall be no more than 50 g/m^3; and

(5) concentrations of acid-soluble aluminium in the discharge shall be no more than 0.15g/m³; and

(6) concentrations of fluoride in the discharge shall be no more than 1.5 g/m^3; and

(7) the discharge temperature shall not differ from the ambient temperature of the receiving water by more than 5° Celsius; and

(8) the discharge does not cause erosion at the point of discharge; and

(9) the discharge does not alter the natural course of the river or stream.

In Rule 1, the words in square brackets were inserted by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002

Rule 2 Stormwater discharges

The discharge of stormwater into surface water is a **Permitted Activity** provided that the discharge complies with the conditions specified below.

Conditions

(1) The discharge does not contain drainage from a stockyard; and

(2) The discharge does not **[**originate from industrial or trade premises**]** where hazardous substances are stored or **[**used**]** unless:

(a) hazardous substances cannot enter the stormwater system; or

(b) there is an interceptor system in place to collect hazardous contaminants or divert contaminated stormwater to a trade waste system; and

(3) The person responsible for the discharge shall ensure that, after reasonable mixing, the stormwater discharge will not give rise to any of the following effects:

(a) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or

(b) any conspicuous change in the colour or visual clarity; or

(c) any emission of objectionable odour; or

(d) the rendering of fresh water unsuitable for consumption by farm animals; or

(e) any significant adverse effects on aquatic life; and

[(3a) The discharge does not originate from an area of bulk earthworks greater than 0.3 ha;

(3b) Concentrations of acid-soluble aluminium in the discharge shall be no more than 0.15g/m³;**]**

(4) The discharge does not cause erosion at the point of discharge; and

(5) The discharge does not alter the natural course of the river or stream.

Note: *Discharges that do not comply with this rule are discretionary activities in accordance with Rule 5, unless they are provided for by Rule 3.*

[*Note:* *Bulk earthworks means the cut to fill, excavation, and blading required to regrade an area.***]**

In condition (2) of Rule 2, the words in square brackets were substituted for the original wording by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

Conditions (3a) and (3b) of Rule 2 were inserted by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

The Note with Rule 2 in square brackets was inserted by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

Controlled Activities

Rule 3 Stormwater discharges

The discharge of stormwater into surface water that does not comply with conditions (1) or (2) of Rule 2 is a **Controlled Activity** provided that the discharge complies with the standards and terms below.

Standards

(1) The discharger shall ensure that, after reasonable mixing, the stormwater discharged will not give rise to any of the following effects:

  (a) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or

  (b) any conspicuous change in the colour or visual clarity; or

  (c) any emission of objectionable odour; or

  (d) the rendering of fresh water unsuitable for consumption by farm animals; or

  (e) any significant adverse effects on aquatic life.

(2) The discharge does not cause erosion at the point of discharge.

(3) The discharge does not alter the natural course of the river or stream.

Terms

(1) A charge set in accordance with section 36(2) of the Act, shall be paid to the Wellington Regional Council for carrying out its functions in relation to the administration, monitoring, and supervision of the activity, and for carrying out its functions under section 35 (duty to gather information, monitor and keep records) of the Act.

Control

The matters over which the Wellington Regional Council shall exercise its control are:

(1) the duration of the consent; and

(2) the taking and supplying of samples; and

(3) the carrying out of measurements, samples, analyses, surveys, investigations, or inspections; and

(4) the provision of information to the consent authority at specified times; and

(5) compliance with monitoring, sampling and analysis conditions; and

(6) the payment of administration charges; and

(7) the measures in place to avoid or mitigate the effects of the discharge.

Application for a resource consent for an activity described in Rule 3

An application for a resource consent for an activity described in Rule 3 shall be made in accordance with section 5.4.1.

Rule 4 Discharges to groundwater which are contaminated only by heat

The discharge of cooling water into groundwater is a **Controlled Activity**, provided that it complies with the standards and terms below.

Standards

(1) No contaminants, other than heat, have been added to the water between the time the water is abstracted and the time that it is discharged.

(2) The cooling water was taken from groundwater and shall be discharged into the aquifer from which it was abstracted.

Terms

(1) A charge, set in accordance with section 36(2) of the Act, shall be paid to the Wellington Regional Council for carrying out its functions in relation to the administration, monitoring, and supervision of the activity, and for carrying out its functions under section 35 (duty to gather information, monitor and keep records) of the Act.

Control

The matters over which the Wellington Regional Council shall exercise its control are:

(1) the duration of the consent; and

(2) the taking and supplying of samples; and

(3) the carrying out of measurements, samples, analyses, surveys, investigations, or inspections; and

(4) the provision of information to the consent authority at specified times; and

(5) compliance with monitoring, sampling and analysis conditions; and

(6) the payment of administration charges; and

(7) the pH, temperature, rate, and volume of the discharge.

Application for a resource consent for an activity described in Rule 4

An application for a resource consent for an activity described in Rule 4 shall be made in accordance with section 5.4.1.

Discretionary Activities

Rule 5 All remaining discharges to fresh water

The discharge of any contaminant or water into fresh water:

- that is not provided for in Rules 1, 2, 3, and 4; and
- which cannot meet the requirements of Rules 1, 2, 3, and 4; and
- which is not a non-complying activity in Rule 6;

is a **Discretionary Activity**.

Note: *The spray application of agrichemicals over water bodies or over river and lake beds is addressed in the Regional Air Quality Management Plan.*

Application for a Resource Consent for an activity described in Rule 5

An application for a resource consent for an activity described in Rule 5 shall be made in accordance with section 5.4.2.

Non-Complying Activities

Rule 6 Discharges to wetlands, lakes and rivers, with surface water to be managed in its natural state

The discharge of water or contaminants to those water bodies listed in Appendix 2, Part A, is a **Non-complying Activity**.

Application for a Resource Consent for an activity described in Rule 6

An application for a resource consent for an activity described in Rule 6 shall be made in accordance with section 5.4.2.

5.4 Making an application for a resource consent

5.4.1 Application for a resource consent for an activity described in Rules 3 or 4 (controlled activity)

All applications under Rule 3 or Rule 4 shall be made on the prescribed form and shall include the following information:

(1) a description of the discharge (including the pH, temperature, rate, and volume) and, for Rule 3, a description of the measures in place to ensure the discharge will not cause the effects described in standards (1) to (3); and

(2) a map, at an appropriate scale, showing the location of the proposed discharge; and

(3) a statement of all other resource consents or approvals that the applicant may require from any consent or approval authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents or approval; and

(4) proposals for audit and reporting to the Wellington Regional Council regarding environmental compliance; and

(5) an assessment of the actual and potential effects of the discharge on the environment. Such an assessment shall be:

- in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment; and
- prepared in accordance with the Fourth Schedule of the Act; and
- any other information necessary to understand the application.

Notification

An application for a resource consent:

- shall not be publicly notified; and
- shall be considered without the written approval of affected persons

except where the consent authority considers that there are special circumstances which justify notification or the obtaining of written approval of affected persons.

Additional Information

Section 92 of the Act may be invoked and additional information sought if the application and accompanying information do not adequately address the requirements listed above.

5.4.2 Application for a resource consent for an activity described in Rules 5 and 6 (discretionary or non-complying activity)

Unless otherwise stated in a rule, an application for a resource consent for an activity described in Rules 5 and 6, involving the discharge of a contaminant or water to fresh water shall be made on the prescribed form and shall, where relevant, include:

(1) a description of the activity, including the source, volume and rate of the discharge; and

(2) a map at an appropriate scale showing the location of the activity; and

(3) a description of the discharge structure; and

(4) a description of the nature of the discharge including, where appropriate, the following:

- temperature; and
- dissolved oxygen content; and
- suspended solids concentration; and
- pH; and
- the chemical content of the discharge including (but not limited to) heavy metals, toxic substances, nitrates, ammonia or dissolved reactive phosphorous; and
- the chemical oxygen demand of the discharge; and
- the BOD5 of the discharge; and
- the faecal coliform or enterococci concentration; and
- any deleterious micro-organisms; and
- any other substances which are likely to have an adverse environmental effect; and

(5) a statement of any possible changes to the nature, volume, or rate of the discharge that might result from failure of equipment or a similar event, and the contingency plans that have been developed to deal with such situations; and

(6) a description of maintenance requirements for equipment and structures used in the discharge; and

(7) a description of the dispersal characteristics of the water body, including the dilution effects of river currents and water volume, waves, and winds on horizontal transport and the vertical mixing of the contaminant; and

(8) a statement of any possible alternative methods of discharge, including discharge into any other receiving environment, and the reasons why the applicant has chosen their discharge option; and

(9) a statement detailing the consultation with any person or organisation that might be affected by the proposal, including, in particular, the tangata whenua; and

(10) a statement of all other resource consents or approvals that the applicant may require from any consent or approval authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents or approval; and

(11) an assessment of any actual or potential effects that the activity may have on the environment (note that this includes people and communities and therefore the values they hold) and the ways in which any adverse effects may be avoided, remedied, or mitigated. Such an assessment shall be:

- in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment; and
- prepared in accordance with the Fourth Schedule of the Act; and

(12) any other information that is necessary to understand the application.

Additional Information

Section 92 of the Act may be invoked and additional information sought if the application and accompanying information do not adequately address the requirements listed above.

Note: *If an outlet structure is necessary a further permit may be required (see section 7, Uses of the Beds of Rivers and Lakes, and Development on the Floodplain).*

6. Water Quantity and the Taking, Use, Damming or Diversion of Fresh Water

6.1 Objectives

6.1.1 People and communities are able to take, use, dam, or divert surface water, and take and use groundwater, while ensuring that the flows in rivers, and water levels in lakes and wetlands, are sufficient to maintain the natural and amenity values of water bodies.

6.1.2 People and communities are able to take and use groundwater while ensuring that the construction of bores and abstractions do not:

- exceed the safe yields of aquifers; or
- adversely affect the yields of nearby bores through interference, inefficient borehole construction, or excessive drawdown; or
- adversely affect water quality.

6.1.3 Water abstracted from rivers, streams, lakes and aquifers is used efficiently and water conservation is promoted.

6.1.4 The flows in rivers and water levels in lakes and wetlands are, as far as practicable, consistent with the values of the tangata whenua.

6.2 Policies

Minimum Flows, Safe Yields, and Water Allocation

6.2.1 To manage the allocation of water and flows in the parts of the rivers and streams shown in column 1 of Table 6.1 by:

(1) recognising the flows shown in column 3 as minimum flows that should be achieved in low flow conditions; and

(2) authorising, through resource consents, the taking of no more than the core allocation shown in column 4 (except where the requirements for supplementary allocation in clause (3) of this policy are satisfied); and

(3) authorising, through resource consents, the taking of a supplementary allocation when the flow exceeds that shown in column 5 (which is additional to the core allocation provided for in clause (2) of this policy); and

(4) authorising, through resource consents, the taking of no more than the first and second stepdown allocations shown in columns 6 and 7, respectively, when the river or stream is below the stepdown flows, also shown in columns 6 and 7 respectively.

Table 6.1 Minimum Flows and Water Allocation for Some Rivers in the Wellington Region

Column 1	**Column 2**	**Column 3** Policy 6.2.1(1)	**Column 4** Policy 6.2.1(2)	**Column 5** Policy 6.2.1(3)	**Column 6** Policy 6.2.1(4)		**Column 7** Policy 6.2.1(4)	
Part of the **river/ stream** within which allocations in columns 4, 5 6 & 7 apply	The **location of recorders** where flows in columns 3, 5, 6 & 7 are measured	**Minimum Flow** (litres/second)	**Core Allocation** (litres/second)	Flow required for **supplementary allocation** (litres/second)	Flow below which **first stepdown** allocation takes effect (litres/second)	**First stepdown** allocation (litres/second)	Flow below which **second stepdown** allocation takes effect (litres/second)	**Second stepdown** allocation (litres/second)
Waitohu Stream from the headwaters to the boundary of the coastal marine area	At the Kapiti Coast District Council Water Supply Intake	140	57	250	180	40	150	20
Otaki River from the headwaters to the boundary of the coastal marine area	At the Lower Gorge	2550	2120	5175	4375	1820	3975	1400
Mangaone Stream from the headwaters to the boundary of the coastal marine area	At the Ratanui Recorder Site	22	25	80	45	21	30	10
Waikanae River (Option A) from the headwaters to the boundary of the coastal marine area	At the Water Treatment Plant	750	290	2000	900	150	750	120
Waikanae River (Option B) from the headwaters to the boundary of the coastal marine area	At the Water Treatment Plant	750		750				

Column 1	**Column 2**	**Column 3** Policy 6.2.1(1)	**Column 4** Policy 6.2.1(2)	**Column 5** Policy 6.2.1(3)	**Column 6** Policy 6.2.1(4)		**Column 7** Policy 6.2.1(4)	
Part of the **river/ stream** within which allocations in columns 4, 5 6 & 7 apply	The **location of recorders** where flows in columns 3, 5, 6 & 7 are measured	**Minimum Flow** (litres/second)	**Core Allocation** (litres/second)	Flow required for **supplementary allocation** (litres/second)	Flow below which **first stepdown** allocation takes effect (litres/second)	**First stepdown** allocation (litres/second)	Flow below which **second stepdown** allocation takes effect (litres/second)	**Second stepdown** allocation (litres/second)
Hutt River between the Kaitoke water supply intake and the Confluence with the Pakarutahi River	At the Kaitoke Water Supply Intake	600		600				
Hutt River between the confluence with the Pakarutahi River and the boundary of the coastal marine area	At Birchville	1200	300	2000	1450	28	1400	250
Wainuiomata River between Manuka Track and the confluence with Georges Creek	At Manuka Track	100		100				
Wainuiomata River between the confluence with Georges Creek the boundary of the coastal marine area	At Leonard Wood Park	300	65	485	360	60	345	50
Orongorongo River from the headwaters to the boundary of the coastal marine area	At the Truss Bridge	100		100				

Column 1	**Column 2**	**Column 3** Policy 6.2.1(1)	**Column 4** Policy 6.2.1(2)	**Column 5** Policy 6.2.1(3)	**Column 6** Policy 6.2.1(4)		**Column 7** Policy 6.2.1(4)	
Part of the **river/ stream** within which allocations in columns 4, 5 6 & 7 apply	The **location of recorders** where flows in columns 3, 5, 6 & 7 are measured	**Minimum Flow** (litres/second)	**Core Allocation** (litres/second)	Flow required for **supplementary allocation** (litres/second)	Flow below which **first stepdown** allocation takes effect (litres/second)	**First stepdown** allocation (litres/second)	Flow below which **second stepdown** allocation takes effect (litres/second)	**Second stepdown** allocation (litres/second)
Ruamahanga River between the confluence with the Waiohine River and the boundary of the coastal marine area	At Waihenga	8500	1500	11000	9800	1300	9200	1000
Waiohine River from the headwaters to the confluence with the Ruamahanga River	At the Gorge	2300	740	4000	3040	50	0	0
Tauherenikau River from the headwaters to the confluence with the Ruamahanga River	At the Gorge	1100	405	2000	1350	350	1300	155
Waingawa River from the headwaters to the confluence with the Ruamahanga River	At Upper Kaituna	1100	1040	3500	1900	850	1700	725
Kopuaranga River from the headwaters to the confluence with the Ruamahanga River	At Palmers Bridge	270	125	600	270	0		

Column 1	**Column 2**	**Column 3** Policy 6.2.1(1)	**Column 4** Policy 6.2.1(2)	**Column 5** Policy 6.2.1(3)	**Column 6** Policy 6.2.1(4)		**Column 7** Policy 6.2.1(4)	
Part of the **river/ stream** within which allocations in columns 4, 5 6 & 7 apply	The **location of recorders** where flows in columns 3, 5, 6 & 7 are measured	**Minimum Flow** (litres/second)	**Core Allocation** (litres/second)	Flow required for **supplementary allocation** (litres/second)	Flow below which **first stepdown** allocation takes effect (litres/second)	**First stepdown** allocation (litres/second)	Flow below which **second stepdown** allocation takes effect (litres/second)	**Second stepdown** allocation (litres/second)
[Waipoua River from the headwaters to the confluence with the Ruamahanga River	At Mikimiki Bridge	250	90	1000	300	*]		
[Ruamahanga River from the headwaters to the confluence with the Waiohine River	At Wardells Bridge	2400	800	5000	2700	*]		

[* stepdown allocations for the Waipoua River and for the Ruamahanga River from the headwaters to the confluence with the Waiohine River will be decided at the time resource consent applications are made. Guidance on stepdown allocation for different water uses is given in the internal technical publications prepared for each watercourse.]

In Table 6.1, the rows for the Waipoua River and the Ruamahanga River and the note in square brackets with the Table were inserted by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

Explanation. *The provisions of this policy are to provide for flows and water allocation for rivers and streams of the Region where:*

- *there is potential for water shortages to occur at times; and*
- *there is sufficient information to set flows and allocate water with reasonable confidence.*

The rivers/streams managed by the policy are identified in column 1 of Table 6.1. Column 1 shows the part of the rivers/streams within which the core allocation (column 4), supplementary allocation (column 5), and stepdown allocations (columns 6 and 7) apply. Column 2 of the Table establishes reference points for the management of minimum flows and water allocation over the parts of the rivers/streams identified in column 1. These reference points equate with the locations of flow measurements at the time the Plan was notified. The minimum flow (column 3), the flow for supplementary allocation (column 5), and the flow for first and second stepdown allocations (columns 6 and 7) "at" a location refers to the actual flow measured in the river at the location.

The flow figures tabulated in Table 6.1 are derived from the available information held by the Council on 25 January 1997 (the date of public notification of the Plan). The flow "at" a location takes into account the loss of surface water to groundwater and recharge of the river by groundwater, where such information is available, for the part of the river being managed.

The following points refer to clauses in the policy:

(1) The minimum flows identified in Column 3 of Table 6.1 indicate flows that the policy aims to achieve under low flow conditions. For all but the Hutt River at Kaitoke, the Wainuiomata River at Manuka Track, the Orongorongo River at the Truss Bridge, and the Waikanae River (option B) at the Water Treatment Plant, the minimum flow is not intended as a minimum flow below which all abstractions of water should cease. It is a flow which the policy aims to achieve under most low flow conditions by allocating a core amount of water from the river (column 4) which is reduced, according to the first and second stepdown allocations (columns 6 and 7), as river flows recede.

For the Hutt River at Kaitoke, the Wainuiomata River at Manuka Track, the Orongorongo River at the Truss Bridge, and the Waikanae River (option B) at the Water Treatment Plant, the minimum flow is intended as a minimum flow below which all abstractions of water should cease. The reason for treating these rivers differently from the rest is explained below in the last paragraph of the explanation of clause (2) of the policy.

Two options (Option A and Option B) are given in Table 6.1 for the Waikanae River. When resource consent applications are made for

community water supply, the applicant can advise the consent authority on which of the two options the consent authority should have regard to when considering the application.

While Policy 6.2.1 generally applies to the taking of water, regard should be had to clause 1 of the Policy, in particular, when applications are made for resource consents to use, dam, or divert water.

The minimum flow is a guide that provides an indication of flows in the river or stream that will.

- *safeguard the life-supporting capacity of ecosystems; and*
- *meet the needs of future generations; and*
- *provide for adequate water quality.*

Under most circumstances, the flows in the river or stream should not fall below the minimum flow. However, in low flow conditions, rivers may occasionally drop below the minimum flows even if no water is abstracted.

The minimum flow is not necessarily intended to provide for all recreational uses of a river or stream. Natural fluctuations (at times of low flows) also restrict some of these uses. Some recreational uses (e.g., swimming) may be accommodated but others (e.g., canoeing or rafting) will not always be provided for over a section of river at these flows. Further comment on this issue has been made in section 2.6.2 of the Plan.

The minimum flow has been arrived at by a number of means. For larger rivers in the western part of the Region (the Otaki, Waikanae, Hutt at Kaitoke, Wainuiomata at Leonard Wood Park, and Hutt at Birchville) the minimum flow is based on habitat methods. The flow for Wainuiomata at Manuka Track is based on the flow needed to ensure the minimum flow at Leonard Wood Park can be achieved. For smaller rivers in the western part of the Region (the Waitohu, Mangaone, and Orongorongo,) the minimum flow is based on maintaining 60% of the 1 in 20 year low flow. Some of these smaller rivers are subject to drying up under natural low flow conditions but the frequency and duration of dry periods is increased by water use. The minimum flow in the Plan represents an enhancement of flows present at the time the Plan was notified.

For some larger rivers in the eastern (Wairarapa) part of the Region (Tauherenikau, Waiohine, Waingawa, Kopuaranga), the minimum flow is based on water allocation plans prepared prior to the Act being passed into law by Parliament. Minimum flows for the first three of these rivers are based around historical methods using the one in five year low flow.

The minimum for the Kopuaranga River is based on achieving a 150mm depth in the river at its confluence with the Ruamahanga River, for the migration of trout. The minimum flow for the Ruamahanga at Waihenga, is based on water quality requirements. The flows for all these rivers in the Wairarapa are greater than habitat methods would provide because significant losses to groundwater can occur in the beds of these rivers.

[*The minimum flows for the Waipoua and Upper Ruamahanga Rivers have been arrived at as part of water allocation plans for these rivers that were prepared between 1996 and 2001. The minimum flows, core allocations, and stepdown allocations specified in these water allocation plans and Table 6.1 were derived using a variety of methods including:*

- *Evaluating instream assessment methods including WAIORA and IFIM.*
- *Assessing current water allocations.*
- *Evaluating baseline water quantity and water quality data.*

*The water allocation plans also give guidance in relation to a variety of water resource issues, hence they are matters that should be referred to when applicants are applying for resource consents, or Council staff are assessing resource consent applications.***]**

As well as using habitat or historical methods as a basis for arriving at the minimum flow, other relevant matters have been considered such as losses to groundwater (where that information is available) and the views of interested people during consultation in the preparation of the Plan.

(2) Clause 2 of the policy sets the quantity of water that is available to be taken from the river or stream in all but low flow conditions. It is the amount of water which will generally be allocated from a river or stream when the flow is above the flow given in column 6 (when the amount of water is below the flow in column 6, the first stepdown allocation takes effect)

The core allocation is not the maximum amount that can be allocated from a river or stream. When the flow in the river or stream is high, the supplementary allocation described in clause 3 of this policy will apply. Supplementary allocations are intended to allow users to "harvest" water at higher flows.

For the upper reaches of the major water supply rivers for the Wellington metropolitan area (the Hutt, Orongorongo and Wainuiomata Rivers) and for the Waikanae River (option B) on the Kapiti Coast, there are no core or stepdown allocations. This means that the water supply authority (which is the only major abstractor in those areas) has less

security of supply than the users of other rivers in Table 6.1 at times of low flow. However, the water supply authority already has, or is anticipating, alternative sources for its water. In return for the reduction in security of supply, clause 3 of this policy allows the allocation of all the water above the minimum flow in the Hutt, Orongorongo, Wainuiomata, and Waikanae (option B) Rivers. In the Wellington Metropolitan area, this approach allows the water supply authority to take more water from these rivers at higher flows that can then be stored and used in periods of lower flows.

(3) Clause (3) of the policy is designed to provide flexibility when allocating water according to clause (1). Supplementary allocations will allow users to take advantage of the water available at higher flows and will encourage water harvesting and storage of water.

A permit to abstract "supplementary" water will include a condition to the effect that the abstraction will cease when the flow in the river drops below the flow shown in column 5 of Table 6.1. Therefore, supplementary allocations differ from the core allocation in that the security of supply is lower. The Council also retains the discretion to place a maximum limit on the supplementary allocation allowed or to allocate only a proportion of the water available.

(4) Clause 4 of the policy is to ensure that abstractions are reduced when river flows fall below the flows shown in columns 6 and 7 of Table 6.1. When rivers reach these flows, the core allocation is suspended and replaced with the stepdown allocations shown in columns 6 and 7 of Table 6.1 without the need to issue a Water Shortage Direction under section 329 of the Act. If the river continues to fall below the flows referred to in columns 6 and 7 of Table 6.1, then the Council will consider issuing a Water Shortage Direction. Until such time as a Water Shortage Direction is issued, the amount of water identified by the stepdown allocation is available for use, unless otherwise restricted by a resource consent.

The allocations referred to in this clause of the policy will be implemented through conditions on resource consents. These conditions will be tailored to the needs of individual users. For some major takes, users may need to adopt contingency plans in the event of a significant drought.

In clause 1 of the explanation to Policy 6.2.1, the words in square brackets were inserted by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

6.2.2 To manage the flows in rivers and streams not identified in Policy 6.2.1 by having regard to:

- the significance of natural, amenity, and tangata whenua values; and
- the scale/magnitude of any adverse effects on natural, amenity and tangata whenua values; and
- the reversibility of any adverse effects on natural, amenity and tangata whenua values.

***Explanation**. While Policy 6.2.1 provides a comprehensive approach to managing river flows where there is sufficient information to do so, Policy 6.2.2 provides key criteria for consideration when assessing consent applications to take water from other rivers of the Region, including rivers where:*

- *there is potential for water shortages to occur at times; and*

- *there is insufficient information to set flows and allocate water with reasonable confidence according to the approach taken in Policy 6.2.1.*

Method 8.5.5 identifies rivers that are potentially over allocated at times of low flows. These rivers are a priority in the Region for developing approaches to flows and water allocation such as those used in Table 6.1.

As a general guide, estimating the desirable minimum flow for these rivers can be based on historic flow methods. For a single large new take in a river with a mean annual low flow of greater than 1 cubic metre per second, estimating the desirable minimum flow based on habitat methods may be warranted. For an interpretation of "historic methods" and "habitat methods" see section 3.

6.2.3 To manage the aquifers in each groundwater zone in Tables 6.2-6.5 (below) using the safe yield shown and to maintain discretion over the allocation of aquifers not identified in the Tables.

Table 6.2 Aquifer Allocation Limits - Kapiti Coast

Groundwater Zone	Aquifer Depth (metres)	Safe Yield (m^3/day)
Waitohu	2-10	8,020
	20-30	4,390
	50-60	5,150
Otaki	4-11	18,250
	19-35	12,470
Coastal	5-30	6,630
	35-56	4,740
	100-107	4,740
	164-172	2,840
Hautere	10-30	7,380
	40-70	5,430
	90-150	5,430
Waikanae (Sand Aquifer)	0-45	14,450
Waikanae (Gravel Aquifer)	10-17	4,200
	> 40	10,700
Raumati/Paekakariki	0-6	5,980
	> 6	7,090

Table 6.3 Aquifer Allocation Limits - Wainuiomata

Groundwater Zone	Aquifer Depth (metres)	Safe Yield (m^3/day)
Black Creek	31-34	1,400
	55-59	1,400
Wainuiomata Stream	8-12	950
Wainuiomata River	5-20	8,300

Table 6.4 Aquifer Allocation Limits - the Hutt Valley

Groundwater Zone	Aquifer Depth (metres)	Safe Yield (m^3/day)
Lower Hutt (Taita Alluvium/Waiwhetu) Aquifer	5-80	90,000
Moera Aquifer	100-120	4,000
Upper Hutt	0-50	48,500
	65-90	25,100
Mangaroa (Whitemans Valley)	0-15	9,400
Mangaroa (Lower Mangaroa)	0-30	41,200
Akatarawa	5-20	9,800
Pakuratahi	0-20	16,300

Table 6.5 Aquifer Allocation Limits - the Wairarapa

Groundwater Zone	Aquifer Depth (metres)	Safe Yield (m^3/day)
Fernridge	0-15	4,100
Upper Plain (2 aquifers)	0-15, 35-50	46,600
Upper Opaki	0-10+	12,300
Opaki (3 aquifers)	0-17, 12-28, 48-52	6,300
Masterton	0 -35+	8,800
	15-30	6,300
West Taratahi	0-25+	14,500
East Taratahi	10-15	38,400
	30-35	4,700
Fernhill	0-25	12,900

Groundwater Zone	Aquifer Depth (metres)	Safe Yield (m^3/day)
Parkvale	10-15	12,300
	15-30, 35-50	11,200
Rathkeale	0-6+	12,300
Te Ore Ore (3 aquifers)	0-14, 0-50+, 40-50	29,000
Middle Ruamahanga	0-12	20,000
	15-30	6,000
Riverside	0-15	10,700
Tawaha	0-30	30,100
Huangarua	0-10	5,500
	15-30	1,370
Matarawa	0-15+	27,400
Mangatarere	0-15	20,800
Hodders (2 aquifers)	0-10, 0-12+	11,000
Carterton (2 aquifers)	0-12, 15-30	10,700
Greytown	0-15	54,800
Ahikouka	0-10	9,000
Tauherenikau	0-15	54,800
South Featherston (2 aquifers)	0-12, 60-70	14,500
Battersea (3 aquifers)	0-20, 30-40, 90-100	14,500
Moroa	0-10	1,800
Woodside (2 aquifers)	0-35+, 50-60	43,800
Lower Valley	Turanganui 1	3,000
	Tauanui 1	2,200
	Whangaehu 1	1,400
	Kahutara 1	2,400
	Aquifer 2	37,000
	Aquifer 3	21,100
Martinborough Terraces	10-25, 30-55	21,400
Pironoa Terraces	15-25	49,600

Explanation. *Groundwater zones are shown in Appendix 9.*

Policy 6.2.3 provides the safe yields of aquifers that will ensure environmental effects are minimised. These safe yields will guide the Council when it is issuing consents that allocate water from these aquifers. The safe yields shown in Tables 6.2 to 6.5 are derived from the available information held by the Council on 25 January 1997 (the date of public notification of the Proposed Plan.

The "daily safe yields" in the tables are based on the estimated sustainable yield of the aquifer system which are calculated from annual water balance information. The "daily safe yields" are, therefore, conservative estimates based on the precautionary approach.

Greater daily or instantaneous take than provided by the "daily safe yields" may be allowed by a water permit if the applicant can demonstrate that the sustainable yield of the aquifer is not compromised in any way, other users of the resource are not unduly affected, and there are no significant affects on surface water. Such use of an aquifer will only be allowed where there is sufficient information available to describe the behaviour of the aquifer system to confidently predict the potential effects of the proposed abstraction

If an applicant wants to take water from an aquifer at greater than the daily allocation limit then takes based on annual allocation figures will be measured from 1 July to 30 June in the following year.

Satisfying the safe yield identified in the tables does not necessarily ensure that all the water sought in an application for a water permit can be taken. Other matters such as the potential effects on other users and potential adverse affects on surface water must also be taken into account.

Different parts of an aquifer often have variable yield capabilities. For this reason all bores will need to be pump tested to provide detailed "at site" information on the sustainable abstraction rate and to ensure that adverse effects on existing users or on surface waters are identified.

The aquifer depth shown in the tables should be regarded as a guide. Depths have not been measured at all locations in these aquifers. For any given groundwater zone, the upper and lower limits can be variable.

6.2.4 To ensure that land use permits to construct a bore/well avoid:

- damage to the structural integrity of an aquifer; or
- contamination of an aquifer from external sources.

Explanation. *A bore/well must be constructed and operated in such a manner as to avoid the adverse environmental effects identified in the policy.*

6.2.5 To give priority over other users to the abstraction of water for the public health water needs of people including:

- the use of water by any statutory authority which has a duty for public water supply under any Act of Parliament or regulation; or
- the use of water for reticulation into a public water supply network;

when:

- water takes exceed the core allocation shown in Table 6.1; or
- water takes exceed the safe yields shown in Tables 6.2, 6.3, 6.4, and 6.5; or
- a water shortage direction is issued under section 329 of the Act.

Explanation. *This policy recognises the need to prioritise when considering resource consents to take water from the water bodies identified, or when issuing a water shortage direction under section 329 of the Act. The Act, in section 14, already gives priority for water to be taken for fire fighting purposes and an individual's reasonable domestic needs or the reasonable needs of an individual's animals for drinking water. This policy gives priority to the abstraction of water by public authorities for public water supply over other takes of water.*

The priority afforded by this policy does not necessarily mean that all the water available will be allocated to public water supply when water shortages occur. Regard will also be had to Policy 4.2.29 (new users), Policy 6.2.18 (water conservation), and any other relevant provisions of the Plan.

6.2.6 To allocate water for irrigation purposes, subject to Policies 6.2.1 to 6.2.5, up to a maximum rate of 350 m^3/hectare/week (equivalent to 35 mm of rainfall per week) unless the applicant can demonstrate that a higher rate is efficient and necessary.

Explanation. *The figure has been derived on the basis of advice from the Ministry of Agriculture on evapotranspiration rates. The work done by the Ministry of Agriculture suggests that evapotranspiration rates are approximately 300 m^3/ha/week. An additional 50 m^3/ha/week has been added to take account of local variations and flow losses within the irrigation system.*

In this context "to allocate" relates to a water permit application to take water.

6.2.7 To encourage users to take groundwater as an alternative to surface water resources where:

- the groundwater is of sufficient quality and quantity for the prospective use; and

- there are no significant environmental, technical, or financial constraints associated with abstracting groundwater.

Explanation. *"Environmental constraints" refers to adverse effects on river or stream flows, wetland water levels or land subsidence. "Technical constraints" refers to those situations where the groundwater would be difficult to abstract using current methods. "Financial constraints" refers to a person's or community's ability to fund the abstraction of groundwater compared with the costs of abstracting surface water.*

The purpose of this policy is to protect the quantity of surface water by encouraging the use of groundwater. In contrast to groundwater, surface water often has high ecological, recreational, and amenity values and this policy will help to protect those values.

The policy encourages anyone wishing to take surface water to examine the option of taking groundwater and to note why surface water is a more appropriate water supply.

6.2.8 To ensure that water permits to take groundwater:

- consider excessive reductions in the yields of nearby bores (including excessive interference drawdowns); and
- avoid significant adverse effects on surface water bodies.

Explanation. *The provisions referred to in this policy may be specific to each individual abstraction as they relate to aquifer characteristics, abstraction methods, and other abstractions in the same area.*

In most cases the consent authority will require pump tests to be undertaken and may put conditions on any subsequent water permit as a result of these tests.

In the context of this policy, avoiding "significant adverse effects" in relation to surface water bodies, includes having regard to Policies 6.2.1 and 6.2.2.

6.2.9 Where appropriate, to encourage and support "user committees" to assist in managing the taking and use of fresh water.

Explanation. *"User committees" can be extremely effective at managing abstractions, particularly in times of low flow. They allow resource users to decide how best to "share" any restrictions. However, user committees may not be applicable in all situations. In addition, the establishment of a user committee is likely to increase the administrative charges on consents (to cover the costs of running the committee) and these costs would need to be weighed against the benefits of the committee.*

Transferable Water Permits

6.2.10 To allow water permits to be transferred where there will be net benefits to the community and where there will be no additional adverse effects caused by the change in the location of a water take.

Explanation. *The phrase "no additional adverse effects caused by the change in the location of a water take" is intended to ensure that transfers of water permits are not detrimental to the environment. The consent authority will assess all applications to transfer water permits to ensure that they comply with this policy.*

Water Races

6.2.11 To have due regard to the relevant provisions of this Plan, such as Policies 6.2.1 to 6.2.3, when considering water permits for the take of water for water races.

Explanation. *This policy recognises that the continued use of water races in the Region will be considered at the time applications are made for permits to take water. The Act requires that any applications to take water for water races should be made prior to 2001, otherwise these takes must be discontinued.*

Water Levels in Lakes and Wetlands

6.2.12 To manage water levels in Lake Wairarapa using the minimum water levels for the time periods specified in Table 6.6 below; and

- as soon as practicable, to lower the lake level when the lake level is over 10.3 metres; and
- as far as practicable, to maintain the outflow of water from Lake Wairarapa until the seasonal minimum is reached.

Table 6.6 Lake Wairarapa Minimum Levels

Time Period	Water level (chart datum)
1 December to 29 February	10.15 metres
1 March to 31 May	10 metres
1 June to 30 September	9.95 metres
1 October to 30 November	10 metres

Explanation. *This policy will establish a water level management regime for Lake Wairarapa that is consistent with the National Water Conservation (Lake Wairarapa) Order 1989. The policy provides water levels which will give effect to the Order.*

The provisions of this policy for Lake Wairarapa were included in the Lake Wairarapa Wetlands Management Guidelines 1991. These guidelines were developed by the Lake Wairarapa Co-ordinating committee following the Order. The management committee comprised all the key statutory authorities involved in, or affected by, the management of the lake, including iwi, recreational users, landowners, commercial fishers and environmental groups. Since they were issued the guidelines have been used as the basis for managing water levels in Lake Wairarapa to achieve sustainable management.

The policy relates to Lake Wairarapa only. For all other lakes and wetlands in the Region the Council will be guided by Policy 6.2.13 below and the other relevant provisions of this Plan.

6.2.13 To manage the water levels in lakes and wetlands, excluding Lake Wairarapa, by having regard to:

- the significance of natural, amenity, and tangata whenua values; and
- the scale/magnitude of any adverse effects on natural, amenity and tangata whenua values; and
- the reversibility of any adverse effects on natural, amenity and tangata whenua values.

Explanation. *This policy provides the key criteria for consideration when assessing water permit consent applications with potential effects on the water levels of lakes and wetlands, except for Lake Wairarapa which is addressed in Policy 6.2.12.*

With regard to wetlands, Policy 14 in Chapter 5 of the Regional Policy Statement is particularly relevant. It states:

> *"To protect the healthy functioning of wetlands and their biological communities from the inappropriate effects of land and water use …*
>
> *In assessing the effects of the appropriateness of land and water use, to have regard to the following characteristics of any wetland:*
>
> 1. *The degree of modification from a natural state;*
> 2. *The degree of significance of areas of indigenous vegetation and/or habitats of indigenous fauna;*
> 3. *The degree of representative importance;*
> 4. *The biological uniqueness and/or diversity of species communities or habitats;*
> 5. *The amenity values of the wetland (including cultural, recreational, and aesthetic values); and*

6. *The degree to which the wetland provides for the continued functioning of ecological and physical processes."*

Policy 6.2.13 is relevant when considering the diversion of water from a lake or wetland which may occur as a result of activities outside the lake or wetland, such as land drainage.

Damming and Diversion

6.2.14 To provide for minor or temporary diversions of water in any river, lake or wetland, where they are associated with authorised works and/or the exercise of a resource consent.

***Explanation**. In some cases the construction of structures such as bridges or the undertaking of works such as gravel extraction require temporary and minor diversions of water. While these diversions may have adverse effects in the short-term, the long-term adverse effects are generally minimal.*

6.2.15 To allow the damming or diversion of water in any river, lake, or wetland, provided:

(1) adverse effects are avoided, remedied or mitigated; and

(2) significant adverse affects, which cannot be adequately offset, are avoided on:

- the values held by tangata whenua; and
- natural or amenity values; and
- water quality and flows below the dam or diversion; and
- water levels in any lake or wetland; and
- biological and physical processes; and
- fish passage; and
- sediment transport processes; and
- the quality of lawful public access along a river or lake bed; and
- the flood hazard; and
- river or lake bed or bank stability.

***Explanation**. When damming or diverting a river, lake, or wetland, regard must be had to avoiding, remedying, or mitigating adverse effects.*

This policy lists characteristics of water bodies that should not be significantly affected by the damming or diversion of rivers, lakes and wetlands.

In the context of this policy, deciding on what are "significant adverse effects" is in part a value judgement which will be determined by the decision makers

on resource consents, i.e., Regional Councillors or Hearing Commissioners. When deciding whether an adverse effect is significant or not decision makers will have regard to:

- *the significance of any values or characteristics identified; and*
- *the scale/magnitude of any adverse effects on the values or characteristics identified; and*
- *any other relevant provisions in the Plan.*

6.2.16 To ensure that, for any proposal to divert water between catchments, there has been consultation with the tangata whenua in accordance with tikanga Maori.

Explanation. *This policy recognises that diverting water between catchments can have a detrimental effect on the mauri of the water bodies.*

In this context "catchment" refers to the catchment area above the coastal marine boundary.

Land Use

6.2.17 To promote land uses that do not have adverse effects on river flows, water levels in lakes and wetlands, or on groundwater yields.

Explanation. *The purpose of this policy is to avoid remedy or mitigate any potential effects of land use on the quantity of water in water bodies. For example, clearing land can increase run-off during flood events but reduce low flows in rivers at times of drought. The water levels of lakes, wetlands and groundwater can also be affected.*

In this context, "promote" does not include making rules on land. It includes the promotion of actions by other agencies and by people when there is potential for adverse effects on water quantity.

Further explanation of processes which the Council will use to integrate the effects of land use with freshwater management and the reasons why the processes used have been adopted are given in section 12.1.3.

Water Conservation

6.2.18 To have regard to the following when considering an application for a resource consent to take water:

(1) the amount of water required is reasonable, considering the intended use of the water; and

(2) the need for accurate measurement of the take from any river listed in Table 6.1 or Method 8.5.5; and

(3) for any applicant taking water for public supply, the extent of any:

- demand management programmes; or
- drought management plans.

Explanation. *This policy is to ensure water conservation and efficient use of water are considered as part of an application to take water in the circumstances identified.*

"Demand management programmes" includes measures such as hosing restrictions and dual flushing toilets, and consumption monitoring measures such as water metering and leak detection, all of which are beneficial for conserving the use of water. "Drought management plans" provide contingencies for the management of water supply during times of drought.

6.2.19 To encourage water conservation, particularly in water short areas.

Explanation. *This policy will involve the Council in non-regulatory approaches towards encouraging water use practices which minimise losses of water and use less water.*

6.3 Rules

Guide to Regional Rules for taking, using, damming or diverting freshwater

Rule 7	Permitted Activity	Minor abstractions
Rule 8	Permitted Activity	Damming and diversion of water by existing structures
Rule 9	Permitted Activity	Minor diversion of water from an intermittently flowing stream
Rule 9A	Permitted Activity	Diversion of water from an artificial watercourse or drain
Rule 9B	Permitted Activity	Diversion of groundwater
Rule 15	Discretionary Activity	Bore construction
Rule 16	Discretionary Activity	Taking, use, damming or diversion of water, or the transfer to another site of any water permit to take or use water
Rule 17	Non-complying Activity	Damming water in rivers with a high degree of natural character
Rule 18	Non-complying Activity	Diverting water from wetlands with a high degree of natural character
Rule 19	Non-complying Activity	Taking more than 32.85 million cubic metres per year water from the Lower Hutt Groundwater Zone
Rule 20	Standard	Minimum operating level for the Lower Hutt Groundwater Zone
Rule 21	Standard	Minimum operating level for the Moroa Groundwater Zone

Note: *When considering an application for a resource consent under the rules in this section on the Plan, the Council will have regard to all relevant provisions in the Plan, not just those in this section. Section 4, in particular, contains objectives and policies relevant to resource consent applications.*

Permitted Activities

Rule 7 Minor abstractions

The taking or use of less than 20,000 litres per day of fresh water (including fresh water from any aquifer), other than the taking of water from the Lower Hutt Groundwater Zone, is a **Permitted Activity**, provided that it complies with the conditions specified below.

Conditions

(1) The water shall be taken at a rate of no more than 2.5 litres per second.

(2) In the case of groundwater, there are no adverse effects on the take from adjacent bores.

(3) There shall be no more than one abstraction point serving the land described in a particular certificate of title.

(4) Fish, including small fish, are prevented from entering the reticulation system.

Note: *For these permitted activities, a consent for any new intake structure or bore may be required (see Rule and 15 and the rules in section 7, Uses of the Beds of Rivers and Lakes, and Development on the Floodplain).*

In the note with Rule 8, words were deleted by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

Rule 8 Damming and diversion of water by existing structures

The damming and diversion of water by a structure that was existing and lawful on 25 January 1997 (the date the Proposed Plan was publicly notified)**[**, excluding the Lake Wairarapa Barrage Gates,**]** is a **Permitted Activity**.

In Rule 8, the words in square brackets were inserted by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

Rule 9 Minor diversion of water from an intermittently flowing stream

The diversion of less that 1.5 m³/sec of fresh water from any intermittently flowing river or stream including any associated:

- disturbance of the river bed; or
- deposition on the stream bed; or
- erection or placement of a structure, which;

(1) has a catchment area above the diversion of not more than:

- 200 ha in any catchment in the Region on the eastern side of the Ruamahanga River; or

- 50 ha in any catchment in the Region on the western side of the Ruamahanga River; and

(2) is located more than 50 metres from a property boundary; and

(3) does not reduce the ability of the stream to convey flood flows or debris carried by floods

is a **Permitted Activity,** provided that it complies with the conditions specified below.

Conditions

(1) No contaminants (including but not limited to oil, petrol, diesel, paint, or solvent) shall be released to water from equipment being used for the construction of the diversion and no refuelling of equipment shall take place on any area of stream bed.

(2) All material used to construct the diversion but which is not part of any diversion structure shall be removed from the river or stream bed and disposed of in an appropriate manner.

(3) All reasonable steps shall be taken to minimise the release of sediment to water during construction.

(4) The diversion shall be maintained so that there is no accumulation of debris.

[Rule 9A Diversion of water from an artificial watercourse or drain

The diversion of water from an artificial watercourse or drain, including any associated disturbance of the drain bed or deposition on the drain bed during construction of the diversion; is a permitted activity, provided that it complies with the conditions specified below:

(1) All material used to construct the diversion but which is not part of any diversion structure shall be removed from the artificial watercourse or drain and disposed of in an appropriate manner.

(2) All reasonable steps shall be taken to minimise the release of sediment to water during construction.

(3) There shall be no adverse effects on the availability of water supply for upstream or downstream water users other than for a temporary period during construction of no more than 24 hours.

(4) There shall be no flooding of land, including neighbouring land, on properties upstream or downstream of the diversion.

(5) The ability of the artificial watercourse or drain to convey flood flows shall not be reduced.

(6) There shall be no lowering of water levels in any river, lake, or wetland.

(7) Fish passage shall not be impeded other than for a temporary period during construction of no more than 24 hours.

Note: *For the purpose of this rule, "drain" means a highly modified watercourse or river that is channelled to such an extent that it has the characteristics of a farm drainage canal (see section 3 of the Plan).*

Note: *For the purpose of this rule, artificial watercourse includes an irrigation canal, water race, and farm drainage canal. (see section 3 of the Plan).***]**

Rule 9A and the notes with Rule 9A were inserted by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

[Rule 9B Diversion of groundwater

The diversion of groundwater is a permitted activity, provided that it complies with the conditions specified below:

(1) There shall be no adverse effects on water supply other than for a temporary period during construction of no more than 24 hours.

(2) There shall be no flooding of land on any neighbouring property.

(3) There shall be no lowering of water levels in any river, lake, or wetland.

(4) There shall be no lowering of groundwater levels on any neighbouring property.**]**

Rule 9B was inserted by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

Rules 10, 11,12, 13 and 14 were deleted by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

Rule 15 [Bore construction

The construction of any bore is a **Discretionary Activity.]**

In Rule 15, the words in square brackets were substituted for the original wording by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

Application for a resource consent for an activity described in Rule 15

An application for a resource consent for an activity described in Rule 15 shall be made in accordance with section 6.4.2.

Rule 16 Taking, use, damming or diversion of water, or the transfer to another site of any water permit to take or use water

The taking, use, damming, or diversion of any fresh water, or the transfer to another site of any water permit to take or use water:

- that is not specifically provided for in any other rules in this Plan; and
- which cannot meet the requirements of those rules; and
- that, for takes of water from the Lower Hutt Groundwater Zone (Taita Alluvium/Waiwhetu aquifers), would not cause the maximum rate of takes authorised by resource consents to exceed 32.85 million cubic metres per year; and
- which is not a non-complying activity in Rules 17, 18 or 19

is a **Discretionary Activity**.

Application for a resource consent for an activity described in Rule 16

An application for a resource consent for an activity described in Rule 16 shall be made in accordance with section 6.4.2.

Non Complying Activities

Rule 17 Damming water in rivers with a high degree of natural character

The damming of those rivers that are specified in Policy 4.2.10 is a **Non complying Activity.**

Application for a resource consent for an activity described in Rule 17

An application for a resource consent for an activity described in Rule 17 shall be made in accordance with section 6.4.2.

Rule 18 Diverting water from wetlands with a high degree of natural character

The diversion of water from those wetlands that are specified in Policy 4.2.10 is a **Non-complying Activity.**

Application for a resource consent for an activity described in Rule 18

An application for a resource consent for an activity described in Rule 18 shall be made in accordance with section 6.4.2.

Rule 19 Taking more than 32.85 million cubic metres per year water from the Lower Hutt Groundwater Zone

The taking of fresh water from the Lower Hutt Groundwater Zone (Taita Alluvium/Waiwhetu aquifers) that would cause the maximum rate of takes authorised by resource consents to exceed 32.85 million cubic metres per year is a **Non-complying Activity**.

Application for a resource consent for an activity described in Rule 19

An application for a resource consent for an activity described in Rule 19 shall be made in accordance with section 6.4.2.

Environmental Standards

Rule 20 Minimum operating level for the Lower Hutt Groundwater Zone

The abstraction of groundwater from the Lower Hutt Groundwater Zone (Taita Alluvium/Waiwhetu aquifers) shall cease when the 24 hour mean groundwater level of the aquifer at McEwan Park falls below 1.4 metres above mean sea level.

Rule 21 Minimum operating level for the Moroa Groundwater Zone

The abstraction of groundwater from the Moroa shallow aquifer shall cease when the groundwater level in recorder well 5G/48 falls to 1.6 metres.

6.4 Making an application for a resource consent

6.4.1 Application for a resource consent for an activity described in Rule 12

All applications for an activity described in Rule 12 shall be made on the prescribed form and shall include the following:

(1) a map at an appropriate scale showing the location of the proposed activity; and

(2) information detailing the size of the bore to be drilled including the depth that the bore is intended to reach; and

(3) a description of any pump or other tests which will be undertaken; and

(4) a description of well-head protection measures which will be put in place; and

(5) information detailing the intended future use of the bore including intended future abstraction rates; and

(6) an assessment of any actual or potential effects that the activity may have on surface and groundwater quality, the aquifer, or on over/or underlying aquifers, including the ways in which any adverse effects may be mitigated. Such an assessment shall be

- in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment; and
- prepared in accordance with the Fourth Schedule of the Act; and

(7) any other information necessary to understand the application.

Notification

An application for a resource consent:

- shall not be publicly notified; and
- shall be considered without the written approval of affected persons;

except where the consent authority considers that there are exceptional circumstances which justify notification or the obtaining of written approval of affected persons.

Additional Information

Section 92 of the Act may be invoked and additional information sought if the application and accompanying information do not adequately address the requirements listed above.

Note: *A land use consent to construct a bore does not confer any right to take water. In order to take more than 20,000 litres per day a water permit is also required pursuant to Rule 16.*

6.4.2 **Application for a resource consent for an activity described in Rules 13, 14, 15, 16, 17, 18 or 19.**

An application for a resource consent for an activity described in Rules 13, 14, 15, 16, 17, 18 or 19 to take, use, dam, or divert water or to construct a bore shall be made on the prescribed form, and shall, where relevant, include:

(1) a map at an appropriate scale showing the location of the proposed activity, and any alternative locations; and

(2) an assessment of any actual or potential effects that the activity may have on the environment (note that this includes people and communities and therefore the values they hold) and the ways in which any adverse effects may be mitigated. Such an assessment shall be:

- in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment; and
- prepared in accordance with the Fourth Schedule of the Act;

(3) a statement detailing the consultation with any person or organisation that might be affected by the proposal, including tangata whenua; and

(4) a statement of all other resource consents or approvals that the applicant may require from any consent or approval authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents or approvals; and

(5) information on the rate and quantity of water sought, and the times of the day, week, and year at which it will be sought; and

(6) information on the use to which the water is to be put (e.g., irrigation, public water supply) and the quality of water required; and

(7) a description of how water use can be reduced to satisfy Policy 6.2.1 (if there are reduced river flows) or in the event of Section 329 of the Act being invoked; and

(8) if the abstraction relates to surface water, a statement detailing why groundwater is not an appropriate water source; and

(9) if the abstraction is of groundwater, information detailing the depth from which the abstraction will be made; and

(10) if the abstraction is of groundwater, a description and the results of any pump or other tests which have been undertaken; and

(11) if the abstraction is for irrigation, the area of land to be irrigated; and

(12) if the application is to drill a bore information on the size of the bore and a description of the drilling operation; and

(13) any other information necessary to understand the application.

Additional Information

Section 92 of the Act may be invoked and additional information sought if the application and accompanying information do not adequately address the requirements listed above.

7. Use of the Beds of Rivers and Lakes and Development on the Floodplain

7.1 Objectives

7.1.1 Appropriate uses of the beds of rivers and lakes are allowed while avoiding, remedying, or mitigating any adverse effects.

7.1.2 The risk of flooding or erosion is not increased by locating structures or carrying out activities in the beds of rivers and lakes or on the floodplain.

7.1.3 Activities do not cause damage to, or destruction of, existing lawful flood mitigation works.

7.1.4 The uses of river and lake beds are, as far as practicable, consistent with the values of the tangata whenua.

7.2 Policies

Appropriate Uses within River and Lake Beds

7.2.1 To allow the following uses within river and lake beds:

- structures or activities for flood mitigation or erosion protection purposes;
- structures for transportation and network utility purposes; or
- structures for activities which need to be located in, on, under, or over the beds of rivers and lakes; or
- structures for cultural harvest (e.g., pa tuna); or
- the maintenance of any lawful structure; or
- the removal of aquatic weeds from farm drains and urban drains for drainage purposes; or
- the extraction of sand, gravel, or rock; or
- the diversion of water associated with activities that are otherwise authorised; or
- the enhancement of the natural character of any wetland, lake or river and its margins;

provided that any adverse effects are avoided, remedied or mitigated and that the significant adverse effects identified in Policy 7.2.2 are avoided.

Explanation. *Policy 7.2.1 lists criteria for appropriate uses within the beds of rivers and lakes. "Uses" refers to those activities identified in subsections 13(1)(a), 3(1)(b), 13(1)(c), 13(1)(d) and 13(1)(e) of the Act. Structures or activities that do not meet the criteria listed in the policy are inappropriate. For example, any structure associated with a use that does not have to be located in or on the bed of a river or lake is considered inappropriate.*

While a particular use of a river or lake bed may meet the criteria listed in the policy, it may need to comply with environmental controls, and is subject to Policy 7.2.2.

7.2.2 To not allow the use of river and lake beds for structures or activities that have significant adverse effects on:

- the values held by tangata whenua; and/or
- natural or amenity values; and/or
- lawful public access along a river or lake bed; and/or
- the flood hazard; and/or
- river or lake bed or bank stability; and/or
- water quality; and/or
- water quantity and hydraulic processes (such as river flows and sediment transport); and/or
- the safety of canoeists or rafters.

Explanation. *This policy lists characteristics of rivers and lakes that should not be significantly affected by uses of river and lake beds which are identified as "appropriate" in the previous policy. "Uses" has the same meaning as in Policy 7.2.1.*

When a new use of any river or lake bed is considered, due regard must be had to avoiding, remedying, or mitigating adverse effects on these characteristics.

In the context of this policy deciding on what are "significant adverse effects" is in part a value judgement which will be determined by the decision makers on resource consents, i.e., Regional Councillors or Hearing Commissioners. When deciding whether an adverse effect is significant or not, decision makers will have regard to:

- *the significance of any values identified; and*
- *the scale/magnitude of any adverse effects on the values identified; and*
- *the reversibility of any adverse effects on the values identified; and*
- *any other relevant provisions in the Plan.*

Flood and Erosion Mitigation in River and Lake Beds and on the Floodplain

7.2.3 To not allow new uses within the beds of rivers and lakes, and subdivision, use and development on the floodplain where the potential effect of flooding significantly increases the risk to human life, health, and safety; or

where the actual or potential effect of flooding has significant adverse effects on:

- private or community property; and
- flood mitigation structures and works; and
- natural values.

Explanation. *This policy applies to all new uses of river and lake beds and all new subdivision, use and development within floodplains. In river and lake beds the Regional Council will ensure that due regard is given to this policy, for example, when considering consent applications for land use consents in river and lake beds. On the floodplain this is a matter over which territorial authorities will exercise control for the reasons explained in section 12.1.4.*

7.2.4 To not allow the development of *ad hoc* flood or erosion mitigation structures within river beds or on floodplains with Floodplain Management Plans or River Management Schemes; and

To discourage the development of *ad hoc* flood or erosion mitigation structures in other rivers, unless all feasible alternatives have been evaluated and found to be impracticable or have greater adverse effects on the environment.

Explanation. *This policy recognises that in river beds or on floodplains with a Floodplain Management Plan or a River Management Scheme there will be a planned approach to flood and erosion mitigation. Ad hoc structures that are not compatible with these schemes or plans should not be allowed.*

"Ad hoc" structures do not include structures that form an integral part of any Floodplain Management Plan or River Management Scheme. Nor do "ad hoc" structures include vegetative planting, such as willow clumps or willow cabling, which are not considered to be "structures".

In other circumstances, ad hoc structures should be discouraged unless any alternatives have been thoroughly considered.

"Ad hoc" flood or erosion protection structures are structures that have been developed on an individual property basis to protect individual sections from flooding or erosion. While the property owner may see such structures as desirable, they may cause unforeseen impacts on properties downstream. The intention of this policy is to ensure that the development of structures is planned so that their adverse effects are avoided wherever possible.

"Feasible alternatives" can include "do nothing", and the relocation of developments under threat.

If structures are to be allowed following an investigation of alternatives they should be groynes, rock rip-rap, gabions or other "hard" flood mitigation or erosion protection structures.

"Floodplain Management Plans" are described in section 12.1.4.

In river and lake beds the Council will ensure that due regard is given to this policy (for example, when considering consent applications for land use consents in river and lake beds). On floodplains, this is a matter over which territorial authorities should exercise control for the reasons explained in section 12.1.4.

7.2.5 To not allow new industrial, residential, or commercial development within the river corridors of the Otaki, Waikanae and Hutt Rivers or the floodways of the lower Ruamahanga and Waiohine Rivers, with the exception that network utility operations are excluded from this policy.

Explanation. *This policy relates to the river corridors or floodways of those rivers identified in Appendix 10. For the purposes of Appendix 10 "river corridors" and "floodways" are shown as "river corridors". The policy is intended to mitigate adverse effects that may arise from a major flood in the Otaki, Waikanae, lower Ruamahanga, Waiohine or Hutt Rivers.*

The phrase "industrial, residential, or commercial development" is intended to include all types of urban and suburban development. It is not intended to include the development of land for agricultural or horticultural use or for passive recreation. As identified in the policy, network utility operations are excluded. The exclusion is because these activities may sometimes need to occur. The exclusion of network utility operations from the policy does not necessarily mean that they will be allowed to occur. The exclusion from the policy means that they will be assessed against the other policies of the Plan, such as 7.2.1 and 7.2.3.

This policy is a matter over which territorial authorities will exercise control for the reasons explained in section 12.1.4.

When the decisions on submissions were made on the Plan, the corridor for the Hutt River was being determined as part of the process for preparing the Floodplain Management Plan for the Hutt River. An interim definition of the Hutt River corridor is in Appendix 10. When the extent of the corridor has been decided, it can be included in Appendix 10 by way of a Plan Change.

7.2.6 To have regard to any relevant Floodplain Management Plan and the information provided in any relevant flood hazard assessment, or in connection with any River Management Scheme, when considering subdivision, use, or development within any river bed or floodplain.

Explanation. *This policy recognises that Floodplain Management Plans, flood hazard assessments and River Management Schemes are relevant information when considering subdivision, use, or development.*

"Floodplain Management Plans" and "flood hazard assessments" are described in section 12.1.4, including the locations where they have been, or are intended to be, carried out.

In river and lake beds the Council will ensure that due regard is given to this policy (for example, when considering consent applications for land use consents in river and lake beds). On floodplains this is a matter over which territorial authorities should exercise control for reasons given in section 12.1.4.

7.2.7 To avoid any adverse effects on the structural integrity and effectiveness of lawful flood mitigation structures and works in river beds and on floodplains from the adverse effects of subdivision, use, and development.

Explanation. *This policy is intended to ensure that subdivision, use and development within river beds and on floodplains does not undermine the effectiveness of flood mitigation structures and works. While they do not provide complete protection from the adverse effects of flooding, flood mitigation structures and works significantly reduce potential flood damage.*

In this policy "flood mitigation structures and works" includes (but is not limited to) any stopbank, bank protection structure, planting, training wall or groyne.

"Floodplain Management Plans" are described in section 12.1.4, including the locations where they have been, or are intended to be, carried out.

In river and lake beds the Council will ensure that due regard is given to this policy (for example, when considering consent applications for land use consents in river and lake beds). On floodplains this is a matter over which territorial authorities should exercise control for the reasons explained in section 12.1.4.

[7.2.7A To provide people that have defences against water located on their land, which are controlled by the Wellington Regional Council, with:

- information about the legal status of defences against water and peoples' obligations under the Soil Conservation and Rivers Control Act 1941; and
- land use guidelines for activities that have the potential to destroy or damage defences against water.

Explanation. *This policy identifies some non-regulatory actions that the Wellington Regional Council will take to help ensure that flood protection structures and works and other defences against water are protected. The approach of the Plan to the avoidance and mitigation of floods is outlined in section 12.1.4. It is largely non-regulatory, for the reasons that are outlined in 12.1.4.*

The policy links the Wellington Regional Council's Resource Management Act 1991 responsibilities and its operational role for flood protection under the Soil Conservation and Rivers Control Act 1941. The Soil Conservation and Rivers Control Act 1941, not the Resource Management Act 1991, is the primary legislation by which the Wellington Regional Council carries out its operational responsibilities for flood protection.

Section 154 of the Soil Conservation and Rivers Control Act 1941 enables the Wellington Regional Council to take legal action against people wilfully destroying or damaging any defence against water. It is this legislation that the Wellington Regional Council will rely on, in the first instance, in the event that people destroy or damage defences. The policy is to help ensure that such situations do not arise by providing advice on how to avoid them.

Section 154 of the Soil Conservation and Rivers Control Act 1941 is given in Appendix 12 of the Plan, for information. The definition of "defence against water" is given in Section 3. It is the same as the definition in the Soil Conservation and Rivers Control Act 1941.

Method 8.6.7 of the Plan will implement the first and second bullet points in the policy.]

Policy 7.2.7A was inserted by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

7.2.8 To allow re-contouring of the beds of rivers provided:

- the activity is necessary to avoid or mitigate the effects of flood hazard; and
- the assessment of a resource consent application to carry out the activity is subject to Part II of the Act.

Explanation. *This policy provides direction for the assessment of applications to re-contour river beds for the purpose of flood avoidance or mitigation.*

Other policies in the plan, such as Policies 4.2.14, 4.2.34, 7.2.6, and 7.2.11 provide direction for activities relating to flood hazard management and managing effects on trout habitat. The consent authority must have regard to these other policies when a resource consent application is considered.

This policy recognises the importance of bed re-contouring as a flood management tool. The assessment of applications is subject to Part II of the Act, so that the consent authority ensures that any adverse effects of the activity on the environment are voided, remedied or mitigated. The assessment must also recognise and provide for matters of national importance; have particular regard to matters in section 7; and take into account the principles of the Treaty of Waitangi.

Structures in River and Lake Beds

7.2.9 To encourage the removal of any structure which:

- is derelict; or
- poses a threat to the safety of people; or
- is not in active use and is not likely to be used in the future

unless its removal is not practicable or will create more adverse effects on the environment than its non-removal.

Explanation. *This policy recognises that it is desirable to remove structures from the beds of rivers and lakes in the situations described. An example of where the removal of structures may not be practicable would be when the structure is buried. Removal of some structures may result in habitat loss or disturbance, release of sediments, or other adverse effects that might be significant. This may warrant retaining the structure.*

In the context of this policy "To encourage" refers to non-statutory means which the Council may take to promote the removal of structures in river and lake beds.

7.2.10 To ensure that all structures in or on the beds of rivers and lakes which are visible are adequately maintained so that:

- the structure is safe; and
- any adverse effects on the visual amenity of the area are minimised.

Explanation. *This policy recognises the need to maintain structures in the beds of rivers and lakes. "Structures that are visible" includes all structures except those which are wholly buried in the river or lake bed.*

Disturbance of River and Lake Beds (including "River Beaches", Farm Drain Maintenance and Gravel Extraction)

7.2.11 To ensure that the use of any river or lake bed which is not covered by water does not disturb nesting birds or any of the nationally threatened plant species identified in Part B of Appendix 3.

Explanation. *This policy recognises that disturbance of the river bed above the water is an appropriate activity according to Policy 7.2.1 provided there are no significant adverse effects (Policy 7.2.2). The policy applies specifically to works on the "beaches" of river beds that are not covered by water. Generally, the adverse effects of beach recontouring are minor as sediments are not released into the water column. However, beach recontouring can have adverse effects on habitats and species such as birds that nest on river beaches.*

7.2.12 To ensure that the disturbance of any river or lake bed associated with the removal of vegetation:

- does not exacerbate bank erosion or the flood hazard; and/or
- maintains the drainage of farmland; and/or
- is required to be carried out either as a permitted activity or an activity for which a resource consent has been granted.

Explanation. *This policy recognises that disturbance of a river or lake bed can occur as a result of removing vegetation. Removal of vegetation causing disturbance of river and lake beds is sometimes needed to avoid or mitigate flooding and/or for the purpose of maintaining drains.*

The bed of any artificial watercourse, such as a water supply race or a farm drain canal, is excluded from this policy because the Act excludes artificial watercourses from the interpretation of "river".

However, the bed of any modified watercourse, which includes any river or stream diverted from its original course, and may include a river or stream diverted through farmland or urban areas, is subject to the provisions of the Plan.

7.2.13 To ensure that the removal of sand, gravel, or rock, from any lake or river bed is located and carried out in such a way that flood or erosion hazards are reduced or there is, at least, no increase to these hazards.

Explanation. *This policy recognises that the removal of sand, gravel, or rock from a river bed is an appropriate activity according to Policy 7.2.1 provided there are no significant adverse effects (Policy 7.2.2).*

The policy also places an emphasis on ensuring gravel resources are harvested rather than mined. The removal of material from any river or lake bed can only be sustained if natural processes replace that material. The removal of material from a river bed at a rate faster than it is deposited can cause erosion or undermining of river beds and flood mitigation works. The rate at which material is deposited naturally in river beds varies from one river to another and does not necessarily remain constant within a river.

Planting in River and Lake Beds

7.2.14 To ensure that the deliberate introduction of plants to a river or lake bed for flood mitigation, erosion protection, habitat restoration, or for mitigating non-point source discharges of contaminants, will not result in the displacement of desirable species which are already present.

Explanation. *"Desirable species" includes:*

- *any native or introduced non-invasive plant species which is providing flood or erosion control; and*
- *any species traditionally used as food or for other purposes by the tangata whenua; and*
- *any native or introduced plant or animal species which contribute to the natural character of the river or lake.*

"Desirable species" excludes any weeds or pests listed in a Regional Pest Management Strategy.

Reclamation or Drainage of River or Lake Beds

7.2.15 To ensure that the reclamation or drainage of any river or lake bed is only carried out when:

- there are no practicable alternatives which do not involve reclamation or drainage; and
- the reclamation or drainage provides significant benefits to the community; and
- the reclamation or drainage is consistent with Policy 4.2.10.

Explanation. *This policy recognises that reclamation of a wetland, river bed, or lake bed (or part of the bed) causes some adverse effects. As a minimum the reclamation results in the destruction of that part of the river, lake, or wetland which is reclaimed.*

"Practicable alternatives" are those which could realistically be used for the proposed purpose, taking into account technical or financial implications. Examples of alternatives include the use of bridges, floating structures, or jetties.

7.3 Rules

Guide to the Regional Rules for activities in the beds of lakes and rivers

Rule 22	Permitted Activity	Maintenance, repair, replacement, extensions, additions and alterations to structures (excluding extensions of linear rock protection and over head cables)
Rule 23	Permitted Activity	Extensions of existing linear rock protection
Rule 24	Permitted Activity	Placement of vegetative bank protection structures
Rule 25	Permitted Activity	Culverts, weirs, fords and small bridges in intermittently flowing streams
Rule 26	Permitted Activity	Small dams
Rule 27	Permitted Activity	Sediment retention weirs in intermittently flowing streams
Rule 28	Permitted Activity	Laying pipes, ducts, and cables across intermittently flowing streams
Rule 29	Permitted Activity	Staff gauges
Rule 30	Permitted Activity	Fences
Rule 31	Permitted Activity	Small bridges
Rule 32	Permitted Activity	Overhead cables
Rule 33	Permitted Activity	Removal or demolition of structures
Rule 34	Permitted Activity	Activities in or on structures
Rule 35	Permitted Activity	Entry or passage
Rule 36	Permitted Activity	Clearance of flood debris from rivers and lakes
Rule 37	Permitted Activity	“Beach” recontouring
Rule 38	Permitted Activity	Minor sand and gravel extraction
Rule 39	Permitted Activity	Maintenance of drains
Rule 40	Permitted Activity	Removal of vegetation
Rule 41	Permitted Activity	Planting
Rule 42	Permitted Activity	Urgent works

Rule 43	Controlled Activity	Maintenance, repair, replacement, extensions, additions and alterations to structures
Rule 44	Controlled Activity	Removal or demolition of structures
Rule 45	Controlled Activity	Cables
Rule 46	Controlled Activity	Pipelines
Rule 47	Controlled Activity	Culverts, weirs, fords, and bridges in rivers and streams
Rule 48	Controlled Activity	Placement of impermeable erosion protection structures
Rule 48A	Restricted Discretionary Activity	Uses of land within the Waiohine Floodway, the Lower Ruamahanga River Floodway, and the Hutt River Floodway
Rule 49	Discretionary Activity	All remaining uses of river and lake beds
Rule 49A	Discretionary Activity	Vehicles on Stopbanks
Rule 50	Non-complying Activity	Reclamation of the beds of lakes or rivers, excluding Lake Wairarapa
Rule 51	Prohibited Activity	Reclamation of the bed of Lake Wairarapa

Note: *When considering an application for a resource consent under the rules in this section on the Plan, the Council will have regard to all relevant provisions in the Plan, not just those in this section. Section 4, in particular, is likely to contain objectives and policies relevant to a resource consent application.*

Permitted Activities

Rule 22 Maintenance, repair, replacement, extensions, additions and alterations to structures (excluding extensions of linear rock protection and over head cables)

The maintenance, repair, replacement, extension, addition to, or alteration of any existing lawful structure or any part of an existing lawful structure (excluding extensions of linear rock protection (Rule 23) and excluding the erection, use, maintenance, alteration, replacement, or addition of over-head cables (Rule 32)) that is fixed in, on, under, or over the bed of any river or lake, including any associated:

- disturbance of river or lake bed; or
- deposition on the river or lake bed; or
- temporary diversion of water; which

(1) is contained within the form of the existing structure; or

(2) adds no more than whichever is the lesser of;

- 5% to the plan or cross-sectional area of the structure; or
- 1 metre in horizontal projection and 1 metre in vertical projection;

measured from the structure as it was on 25 January 1997 (the date the Proposed Plan was publicly notified); and

(3) disturbs sand, shingle, gravel, or other natural river or lake bed material over an area less than 2 square metres per lineal metre of structure measured along the length or breadth of the structure;

is a **Permitted Activity** provided it complies with the conditions specified below.

Conditions

(1) No contaminants (including but not limited to oil, petrol, diesel, paint, or solvent) shall be released to water from equipment being used for the operation, and no refuelling of equipment shall take place on any area of river or lake bed.

(2) All material removed or demolished from the structure (or any part of the structure), and any excess material from the construction operation, shall be removed from the river or lake bed and disposed of in an appropriate manner.

(3) Fish passage shall be maintained during any construction activities and all works shall be undertaken in a manner that will provide for fish passage.

(4) In any part of the river or lake bed covered by water in any water body identified in Policy 4.2.14 (Appendix 4 - Water bodies with important trout habitat), the activity shall not take place between 31 May and 31 August.

(5) All reasonable steps shall be taken to minimise the release of sediment to water during construction.

(6) Car bodies or demolition rubble shall not be used as a structural material.

(7) Water is only diverted for the period that is necessary to carry out the works.

Rule 23 Extensions of existing linear rock protection

The placement of rock rip-rap along the river bank which extends an existing lawful continuous rock rip-rap structure that is fixed in, on, or under the bed of any river, including any associated:

- disturbance of river or lake bed; or
- deposition on the river or lake bed; or
- diversion associated with the extension; or
- temporary diversion of water; which

(1) extends no more than 1 metre from the existing river bank; and

(2) adds no more than whichever is the lesser of;

- 25% of the length of the existing rock rip-rap structure; or
- 30 metres

measured from the structure existing at 25 January 1997 (the date the Proposed Plan was publicly notified); and

(3) disturbs sand, shingle, gravel, or other natural river or lake bed material over an area less than 2 square metres per lineal metre of structure measured along the length of the extension to the structure

is a **Permitted Activity** provided it complies with the conditions specified below.

Conditions

(1) The rip-rap material shall be placed so that it forms a continuous interlocking pattern.

(2) The extension to the structure shall not cause any bank erosion and change to water levels.

(3) The rip rap is to be constructed of rock that is of sufficient size and grading to be erosion resistant, and that is also weather resistant, non-friable, insoluble, and so placed to ensure durability and stability of the structure.

(4) Fish passage shall be maintained during any construction activities and all works shall be undertaken in a manner that will provide for fish passage.

(5) In any part of the river or lake bed covered by water in any water body identified in Policy 4.2.14 (Appendix 4 - Water bodies with important trout habitat), the activity shall not take place between 31 May and 31 August.

(6) No contaminants (including but not limited to oil, petrol, diesel, paint, or solvent) shall be released to water from equipment being used for the operation, and no refuelling of equipment shall take place on any area of river or lake bed.

(7) Any excess material from the construction operation, shall be removed from the river or lake bed and disposed of in an appropriate manner.

(8) All reasonable steps shall be taken to minimise the release of sediment to water during construction.

Rule 24 Placement of vegetative bank protection structures

The placement of any cabled willow or willow clump for river bank erosion protection that is fixed in, on, or under the bed of any river including any associated;

- disturbance of any lake or river bed; or
- deposition on the river or lake bed; or
- temporary diversion of water; which

(1) is not in a river, or part of a river, identified by Policy 4.2.10 (Appendix 2 - water bodies with a high degree of natural character); and

(2) extends into the available river bed width from the bank no more than whichever is the lesser of:

- 10% of the width of the water body; or
- 5 metres; and

(3) does not use crack willow, *Salix fragili*s, or grey willow, *Salix cinerea,* except on the margins of rivers where they are already predominant;

is a **Permitted Activity** provided it complies with the conditions specified below.

Conditions

(1) Fish passage shall be maintained during any construction activities and all works shall be undertaken in a manner that will provide for fish passage.

(2) In any part of the river or lake bed covered by water in any water body identified in Policy 4.2.14 (Appendix 4 - Water bodies with important trout habitat), the activity shall not take place between 31 May and 31 August.

(3) The placement of willow clumps or cabled willows shall not cause any bank erosion beyond the site or change to water levels.

(4) No contaminants (including but not limited to oil, petrol, diesel, paint, or solvent) shall be released to water from equipment being used for the operation, and no refuelling of equipment shall take place on any area of river or lake bed.

(5) Any excess material from the activity shall be removed from the river or lake bed and disposed of in an appropriate manner.

(6) All reasonable steps shall be taken to minimise the release of sediment to water during the activity.

(7) Water is diverted only for the period necessary to carry out the activity.

Rule 25 [River Crossings] in intermittently flowing streams

The placement and use[, including any associated;

- disturbance of any river bed; or
- deposition on the river bed; or
- temporary diversion;]

of any river crossing [of a width necessary for the crossing, excluding any river crossing that dams a river,] that is fixed in, on, under, or over the bed of any intermittently flowing river or stream which;

(1) has a catchment area above the crossing of not more than:
    - 200 ha in any catchment in the Region on the eastern side of the Ruamahanga River; or
    - 50 ha in any catchment in the Region on the western side of the Ruamahanga River; and

(2) does not alter the natural course of the stream, including any diversion of water from the natural course during floods; and

(3) does not reduce the ability of the river to convey flood flows

(4) meets any requirements under the Freshwater Fisheries Regulations 1983 and the Building Act 1991;

is a **Permitted Activity** provided it complies with the conditions specified below.

Conditions

(1) No contaminants (including but not limited to oil, petrol, diesel, paint, or solvent) shall be released to water from equipment being used for the construction of the river crossing and no refuelling of equipment shall take place on any area of river or lake bed.

(2) All material used during construction, but which is not part of the river crossing shall be removed from the river or stream bed and disposed of in an appropriate manner.

(3) All reasonable steps shall be taken to minimise the release of sediment to water during construction.

(4) The river crossing shall be maintained so that there is no accumulation of debris.

In Rule 25, the words in square brackets were substituted for the original wording by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

Rule 26 Small dams

The placement and use[, including any associated;

- disturbance of any river bed; or
- deposition on the river bed; or
- temporary diversion;]

of any dam that is fixed in, on, or under the bed of any intermittently flowing river or stream which;

(1) impounds not more than 10,000 m^3 of water; and

(2) has a catchment area of not more than 20 ha; and

(3) does not alter the natural course of the stream, including any diversion of water from the natural course during floods; and

(4) is located more than 50 metres from a property boundary; and

(5) meets any requirements under the Freshwater Fisheries Regulations 1983 and the Building Act 1991;

is a **Permitted Activity** provided it complies with the conditions specified below.

Conditions

(1) The water at the base of the dam wall on the upstream side of the dam shall be no greater than 3 metres deep.

(2) No contaminants (including but not limited to oil, petrol, diesel, paint, or solvent) shall be released to water from equipment being used for the construction of the dam, and no refuelling of equipment shall take place on any area of river or lake bed.

(3) All material used during construction of the dam but not part of the dam shall be removed from the river, or lake bed formed by the dam, and disposed of in an appropriate manner.

(4) All reasonable steps shall be taken to minimise the release of sediment to water during construction.

(5) A spillway or overflow pipe, which prevents the dam from overtopping, connects or discharges to the downstream watercourse.

In Rule 26, the words in square brackets were inserted by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

Rule 27 Sediment retention weirs in intermittently flowing streams

The placement and use[, including any associated;

- disturbance of any river bed; or

- deposition on the river bed; or
- temporary diversion;**]**

of any weir that is fixed in, on, or under the bed of any intermittently flowing river or stream which;

(1) is in any catchment on the eastern side of the Ruamahanga River; and

(2) impounds not more than 100 m^3 of water; and

(3) has a catchment area of not more than 200 ha; and

(4) does not alter the natural course of the stream, including any diversion of water from the natural course during floods; and

(5) meets any requirements under the Freshwater Fisheries Regulations 1983 and the Building Act 1991

is a **Permitted Activity** provided it complies with the conditions specified below.

Conditions

(1) The height of the weir from the upstream base to the crest of the weir shall be no more than 0.5 metres.

(2) No contaminants (including but not limited to oil, petrol, diesel, paint, or solvent) shall be released to water from equipment being used for the construction of the dam, and no refuelling of equipment shall take place on any area of river or lake bed.

(3) All material used during construction of the weir but not part of the weir shall be removed from the river bed and disposed of in an appropriate manner.

(4) All reasonable steps shall be taken to minimise the release of sediment to water during construction.

In Rule 27, the words in square brackets were inserted by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

Rule 28 Laying pipes, ducts, and cables across intermittently flowing streams

The placement and use**[,**including any associated;

- disturbance of any river bed; or
- deposition on the river bed; or
- temporary diversion;**]**

of any:

(1) pipe for carrying water; or

(2) cable or duct; or

(3) pipe for carrying natural gas less than 2000 kPa in pressure;

in, under, or over the bed of any intermittently flowing river or stream, which;

(a) has an external diameter of no greater than 400 mm; and

(b) does not alter or interfere with the natural course or flow of the river or stream, including any diversion of water from its natural course during floods;

is a **Permitted Activity** provided it complies with the conditions specified below.

Conditions

(1) No contaminants (including but not limited to oil, petrol, diesel, paint, or solvent) shall be released to water from equipment being used for the construction of the river crossing, and no refuelling of equipment shall take place on any area of the river or stream bed.

(2) The pipe shall be laid across the river or stream bed, not along the bed.

(3) All material used during construction, but which is not part of the river crossing shall be removed from the river or stream bed and disposed of in an appropriate manner.

(4) All reasonable steps shall be taken to minimise the release of sediment to water during construction.

(5) The pipe shall be maintained so that there is no accumulation of debris in the river or stream.

In Rule 28, the words in square brackets were inserted by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

Rule 29 Staff gauges

The construction, laying, or erection**[,** including any associated;

- deposition on any river or lake bed; or
- temporary diversion;**]**

of any staff gauge, in, on, under, or over any river or lake bed which disturbs an area covering less than 10 square metres of river or lake bed is a **Permitted Activity**, provided it complies with the conditions specified below.

Conditions

(1) No contaminants (including but not limited to oil, petrol, diesel, paint, or solvent) shall be released to water from equipment being used for the operation, and no refuelling of equipment shall take place on any area of river or lake bed.

(2) Any excess material from the construction operation, shall be removed from the river or lake bed and disposed of in an appropriate manner.

(3) In any part of the river or lake bed covered by water in any water body identified in Policy 4.2.14 (Appendix 4 - Water bodies with important trout habitat), the activity shall not take place between 31 May and 31 August.

(4) All reasonable steps shall be taken to minimise the release of sediment to water during construction.

In Rule 29 the words in square brackets were inserted by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

Rule 30 Fences

The erection and maintenance**[**, including any associated;

- disturbance of any lake or river bed; or
- deposition on the river or lake bed; or
- temporary diversion;**]**

of any fence in, on or over a river or lake bed is a **Permitted Activity** provided the activity complies with the conditions specified below.

Conditions

(1) The fence does not reduce the ability of the river or lake to convey flood flows.

(2) The fence does not alter the natural course of the river, including any diversion of water from the natural course during floods.

(3) The fence is maintained free of any flood debris.

(4) No work shall be carried out in or under the area of river or lake bed covered by water.

(5) All material used during construction, but which is not part of the river crossing, shall be removed from the river or stream bed and disposed of in an appropriate manner.

In Rule 30 the words in square brackets were inserted by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

Rule 31 Small bridges

The erection and maintenance of any bridge over a river bed, is a **Permitted Activity** provided the activity complies with the conditions specified below.

Conditions

(1) The bridge is no more than 6 metres in total length.

(2) The bridge does not reduce the ability of the river to convey flood flows.

(3) The bridge does not alter the natural course of the river, including any diversion of water from the natural course during floods.

(4) The bridge is maintained free of any flood debris.

(5) No part of the structure occurs in, on, or under the area of river bed covered by water.

(6) All material used during construction, but which is not part of the bridge, is removed from the river bed and disposed of in an appropriate manner.

Rule 32 Overhead cables

The erection use, maintenance, alteration, replacement, or addition of any overhead cable over the bed of any river or lake which does not involve the disturbance or damage of any river or lake bed is a **Permitted Activity** provided it complies with the conditions specified below.

Conditions

(1) In Lake Wairarapa, the cable shall comply with the minimum vertical clearance shown in Table 7.1 (below).

Table 7.1 Clearance for Overhead Cables Above Lake Wairarapa

Voltage of Cable	Minimum Height Above High Lake Level (metres)
0 to 11,000	7.00
Between 11,000 and 110,000	7.75
Over 110,000	9.00

(2) In all other rivers and lakes, the cable shall comply with the minimum vertical clearance shown in Table 7.2 (below).

Table 7.2 Clearance for Overhead Cables Above Water Bodies (except Lake Wairarapa)

Voltage of Cable	Minimum Height Above High Lake or River Level (metres)
0 to 650	5.00
650 to 11,000	5.5
Between 11,000 and 110,000	6.5
Over 110,000	7.5

Note: *The Civil Aviation Authority should be advised of any aerial cables that may be a hazard to aircraft.*

Note: *Activities subject to this rule are not subject to the provisions of Rule 22.*

Rule 33 Removal or demolition of structures

The removal or demolition of any structure or any part of a structure that is fixed in, on, under, or over any river or lake bed, including any associated;

- disturbance of river or lake bed; or
- deposition on any river or lake bed; or
- temporary diversion of water, which:

(1) disturbs less than 10 cubic metres of sand, shingle, gravel, or other natural river or lake bed material; and

(2) results in the complete removal of the structure from the river or lake bed or complete removal of that part of the structure in the river or lake bed; and

(3) is not the removal or demolition of a structure for the purposes of the replacement of a structure permitted by Rule 22;

[(4) will not result in the diversion of water from any wetland.**]**

is a **Permitted Activity** provided it complies with the conditions specified below.

Conditions

(1) No contaminants (including but not limited to oil, petrol, diesel, paint, or solvent) shall be released to water from equipment being used for the operation, and no refuelling of equipment shall take place on any area of river or lake bed.

(2) There is no use of explosives.

(3) All material removed or demolished from the structure (or any part of the structure) shall be removed from the river or lake bed and disposed of in an appropriate manner.

(4) All reasonable steps shall be taken to minimise the release of sediment to water during construction.

(5) In any part of the river or lake bed covered by water in any water body identified in Policy 4.2.14 (Appendix 4 - Water bodies with important trout habitat), the activity shall not take place between 31 May and 31 August.

(6) Water is only diverted for the period necessary to carry out the work.

In Rule 33, clause (4) was inserted by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

Rule 34 Activities in or on structures

The use of any structure or any part of a structure fixed in, on, under, or over any river or lake bed, which:

(1) is not specifically provided for in a rule in this Plan; and

(2) was lawfully occurring on 25 January 1997 (the date the Proposed Plan was publicly notified); or

(3) is occurring on a new structure for which a land use consent has been granted;

is a **Permitted Activity**.

Rule 35 Entry or passage

The entry or passage across the bed of any river or lake that is not covered by any use of the river or lake bed specified in Rules 22 to 48 **and** does not breach any condition or standard is a **Permitted Activity.**

[*Note:* *Entry or passage across the bed of any river or lake is permitted by Rule 35 but the rule does not permit other uses of river or lake beds that are identified in Section 13 of the Act. Other uses of river and lake beds such as disturbance, deposition, and reclamation require resource consents unless they are permitted by a rule in the Plan.***]**

The Note with Rule 35 was inserted by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

Rule 36 Clearance of flood debris from rivers and lakes

The disturbance of any river or lake bed associated with clearing flood debris that poses a flood or erosion hazard or for the purposes of protecting structures, is a **Permitted Activity**, provided it complies with the conditions specified below.

Conditions

(1) Public access shall not be restricted to an extent or for a period greater than necessary to complete the clearance.

(2) All reasonable steps shall be taken to minimise the release of sediment to water during the activity.

(3) No contaminants (including but not limited to oil, petrol, diesel, paint, or solvent) shall be released to water from equipment being used for the operation, and no refuelling of equipment shall take place on any area of river or lake bed.

(4) Any debris cleared shall be removed from the river or lake bed and any material excavated from the river and lake bed shall not be mounded up so that it forms a barrier to water movement.

(5) All equipment and materials used for the clearance operation shall be removed from the river or lake bed on completion of the operation.

Rule 37 "Beach" recontouring

The disturbance and recontouring of any part of the bed of any river that is not covered by water (i.e., beach recontouring) to remedy or mitigate the adverse effects of flooding or erosion is a **Permitted Activity**, provided that the activity complies with the conditions below.

Conditions

(1) The river or lake bed shall not be disturbed to a depth or an extent greater than that required to reduce the flood or erosion hazard to an acceptable level.

(2) The material shall not be mounded up so that it forms a barrier to water movement.

(3) No contaminants (including but not limited to oil, petrol, diesel, paint, or solvent) shall be released onto the bed from equipment being used for the operation, and no refuelling of equipment shall take place on any area of river or lake bed.

(4) There shall be no machinery within the area of river bed covered by water while the operation is in progress.

(5) There shall be no disturbance to nesting Banded Dotterels (*Charadrius bicinctus*), Black Fronted Dotterels (*Charadrius melanops*), Black Billed Gulls (*Larus bulleri*), Pied Stilts (*Himantopus leucocephalus*),or Variable Oystercatchers (*Haematopus unicolor*), South Island Pied Oystercatcher

(*Haematopus ostralegus*), Caspian Terns (*Sterna caspia*), White-Fronted Terns (*Sterna striata*), and Spur-Winged Plover (*Vanellus miles*).

Rule 38 Minor sand and gravel extraction

The extraction from a river bed, greater than five metres in width, of sand, shingle, gravel, or rock of less than:

- 15 cubic metres per year for an individual's reasonable domestic needs; or
- 50 cubic metres per year for the reasonable on property needs of a landowner on whose property the river bed lies;

is a **Permitted Activity** provided it complies with the conditions specified below.

Conditions

(1) The sand, shingle, gravel, or rock shall be extracted from an area of the river bed not covered by water at the time of extraction.

(2) No vegetation is disturbed or damaged.

(3) The area from which the material is extracted shall not be excavated to a depth of greater than half a metre.

(4) The area from which the material is extracted shall be smoothed over after use so that there are no mounds, depressions, steep cut banks, or edges left on the river or lake bed.

(5) No contaminants (including but not limited to oil, petrol, diesel, paint, or solvent) shall be released onto the bed from equipment being used for the operation, and no refuelling of equipment shall take place on any area of river or lake bed.

(6) There shall be no machinery within the area of river bed covered by water while the activity is in progress.

Rule 39 Maintenance of drains

The removal of vegetation and any associated sediment from any drain**[,** including any associated disturbance of the drain bed,**]** for the purpose of maintaining the original grade or cross section of the channel is a **Permitted Activity** provided it complies with the conditions specified below.

Conditions

(1) No contaminants (including but not limited to oil, petrol, diesel, paint, or solvent) shall be released to water from equipment being used for the operation.

(2) All reasonable steps shall be taken to minimise the release of sediment to water during the activity.

Note: *For the purpose of this rule, "drain" means a highly modified watercourse or river that is channelled to such an extent that it has the characteristics of a farm drainage canal (see section 3 of the Plan).*

Note: *The spray application of agrichemicals over water bodies or over river and lake beds is addressed in the Regional Air Quality Management Plan.*

In Rule 39, the words in square brackets were inserted by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

Rule 40 Removal of vegetation

The trimming and removal of vegetation[, including any associated;

- disturbance of any lake or river bed; or
- deposition on the river or lake bed; or
- temporary diversion;]

from the bed of any river or lake:

- to avoid or mitigate the adverse effects of flooding or erosion, or
- for the purpose of protecting structures;

which is not in a river or lake bed identified in Policy 4.2.10 (Appendix 2 - water bodies with a high degree of natural character) is a **Permitted Activity** provided it complies with the conditions listed below.

Conditions

(1) No contaminants (including but not limited to oil, petrol, diesel, paint, or solvent) shall be released to the river bed from equipment being used for the operation, and no refuelling of equipment shall take place on any area of river or lake bed.

(2) All reasonable steps shall be taken to minimise the release of sediment to water during the activity.

(3) In any part of the river or lake bed covered by water in any water body identified in Policy 4.2.14 (Appendix 4 - Water bodies with important trout habitat), the activity shall not take place between 31 May and 31 August.

(4) There shall be no disturbance to nesting Banded Dotterels (*Charadrius bicinctus*), Black Fronted Dotterels (*Charadrius melanops*), Black Billed Gulls (*Larus bulleri*), Pied Stilts (*Himantopus leucocephalus*), or Variable Oystercatchers (*Haematopus unicolor*) South Island Pied Oystercatcher (*Haematopus ostralegus*), Caspian Terns (*Sterna caspia*), White-Fronted Terns (*Sterna striata*), and Spur-Winged Plover (*Vanellus miles*).

(5) Public access shall not be restricted more than is necessary to complete the removal of vegetation.

(6) No machinery shall be left overnight in an area of river or lake bed covered by water.

(7) All equipment and materials used for the removal of vegetation shall be removed from the river or lake bed on completion of the operation.

Note: *The spray application of agrichemicals over water bodies or over river and lake beds is addressed in the Regional Air Quality Management Plan.*

In Rule 40, the words in square brackets were inserted by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

Rule 41 Planting

The deliberate introduction or planting of any plant except:

- crack willow (Salix fragilis); and grey willow (Salix cinerea); other than on the margins of rivers where they are already predominant; or
- any introduced, submersed aquatic plant; or
- any species listed in the Regional Pest Plant Management Strategy;

[including any associated;

- disturbance of any lake or river bed; or
- deposition on the river or lake bed; or
- temporary diversion;]

in the bed of any river or lake to remedy or mitigate the adverse effects of flooding, erosion, or non-point source discharges of contaminants, or to restore habitat, is a **Permitted Activity**, provided it complies with the conditions below.

Conditions

(1) No contaminants (including but not limited to oil, petrol, diesel, paint, or solvent) shall be released to the river bed from equipment being used for the operation, and no refuelling of equipment shall take place on any area of river or lake bed.

(2) All reasonable steps shall be taken to minimise the release of sediment to water during the activity.

(3) In any part of the river or lake bed covered by water in any water body identified in Policy 4.2.14 (Appendix 4 - Water bodies with important trout habitat), the activity shall not take place between 31 May and 31 August.

(4) There shall be no disturbance to nesting Banded Dotterels (*Charadrius bicinctus*), Black Fronted Dotterels (*Charadrius melanops*), Black Billed Gulls (*Larus bulleri*), Pied Stilts (*Himantopus leucocephalus*), or Variable Oystercatchers (*Haematopus unicolor*) South Island Pied Oystercatcher (*Haematopus ostralegus*), Caspian Terns (*Sterna caspia*), White-Fronted Terns (*Sterna striata*), and Spur-Winged Plover (*Vanellus miles*).

(5) Public access shall not be restricted more than is necessary to complete the planting.

(6) No machinery shall be left overnight in an area of river or lake bed covered by water.

(7) All equipment and materials used for the removal of vegetation shall be removed from the river or lake bed on completion of the operation.

In Rule 40, the words in square brackets were inserted by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

Rule 42 Urgent works

The repair of any bank protection works and the recontouring of the bed of any river or stream including any associated disturbance of the bed or any deposition on the bed by a local authority or network utility operator, which:

(1) is necessary to protect existing permanent dwellings, existing network utility structures, or existing flood mitigation structures from an imminent threat of erosion; and

(2) is undertaken and completed within 10 working days of a natural hazard event which results in erosion causing an imminent threat to any existing permanent dwelling, existing network utility structure, or existing flood mitigation structure

is a **Permitted Activity** provided it complies with the conditions specified below.

Conditions

(1) The river or lake bed is not disturbed any more than is necessary to carry out the works.

(2) The works are restricted to the minimum area necessary to protect the structure.

(3) Public access is not restricted to an extent, or for a period, greater than that necessary to complete the works.

(4) No contaminants (including but not limited to oil, petrol, diesel, paint, or solvent) shall be released to water from equipment being used for the operation, and no refuelling of equipment shall take place on any area of river or lake bed.

(5) All reasonable steps shall be taken to minimise the release of sediment to water during the activity.

(6) Any repairs to bank protection works use similar material to the work being protected, excluding vehicle bodies or demolition material.

(7) Either the Manager, Consents Management, Wellington, or the Manager, Planning and Resources, Wairarapa, is notified prior to the work being undertaken.

Note: *An imminent threat is judged to exist when existing permanent dwellings, existing network utility structures, or existing flood mitigation measures are likely to be adversely affected within a period of 10 working days.*

Controlled Activities

Rule 43 Maintenance, repair, replacement, extensions, additions and alterations to structures

The maintenance, repair, replacement, extension, addition to, or alteration of any existing lawful structure or any part of an existing lawful structure that is fixed in, on, under, or over the bed of any river or lake, including any associated:

- disturbance of river or lake bed; or
- deposition on the river or lake bed; or
- temporary diversion of water:

(1) which is not allowed as a permitted activity by Rule 22; and

(2) which adds no more than whichever is the lesser of:

- 5% to the plan or cross-sectional area of the structure; or
- two metres in horizontal projection and one metre in vertical projection;

measured from the structure as it was on 25 January 1997 (the date the Proposed Plan was publicly notified); and

(3) disturbs sand, shingle, gravel, or other natural river or lake bed material over an area less than four square metres per lineal metre of structure measured along the length or breadth of the structure, with a maximum disturbance of 200 square metres for any structure;

is a **Controlled Activity**, provided that it complies with the standards and terms specified below.

Standards

(1) No contaminants (including but not limited to oil, petrol, diesel, paint, or solvent) shall be released to water from equipment being used for the operation, or from any part of the structure which may have been used for the storage or conveyance of hazardous substances, and no refuelling of equipment shall take place on any area of river or lake bed.

(2) All material removed or demolished from the structure (or any part of the structure), and any excess material from the construction operation, shall be removed from the river or lake bed and disposed of in an appropriate manner.

(3) In any part of the river or lake bed covered by water in any water body identified in Policy 4.2.14 (Appendix 4 – Water bodies with important trout habitat) the activity shall not take place between 31 May and 31 August.

(4) Car bodies or demolition rubble shall not be used as a structural material.

(5) Water is only diverted for the period that is necessary to carry out the works.

(6) All reasonable steps shall be taken to minimise the release of sediment to water.

Terms

(1) The consent holder shall notify the either the Manager, Consents Management, Wellington, or the Manager, Planning and Resources, Wairarapa, at least two working days before any work commences.

(2) A charge, set in accordance with section 36(2) of the Act, shall be paid to the Wellington Regional Council for carrying out its functions in relation to the administration, monitoring and supervision of the activity, and for carrying out its functions under section 35 (duty to gather information, monitor and keep records) of the Act.

Control

The matters over which the Wellington Regional Council shall exercise its control are:

(1) the duration of the consent; and

(2) the taking and supplying of samples; and

(3) the carrying out of measurements, samples, analyses, surveys, investigations, or inspections; and

(4) the provision of information to the consent authority at specified times; and

(5) compliance with monitoring, sampling and analysis conditions at the consent holder's expense; and

(6) the payment of administration charges; and

(7) any measures to avoid, remedy or mitigate adverse effects on habitats and species; and

(8) any measures to avoid, remedy, or mitigate adverse effects on flood or erosion hazards; and

(9) the extent and nature of the disturbance to, or deposition on, any river or lake bed**[**; and

(10) the maintenance of structures.**]**

In Rule 43, clause (10) of the matters over which control shall be exercised was inserted by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

Application for resource consent for an activity described in Rule 43

An application for a resource consent for an activity described in Rule 43 shall be made in accordance with section 7.4.1

Rule 44 Removal or demolition of structures

The removal or demolition of any structure or any part of a structure that is fixed in, on, under, or over any river or lake bed, including any associated disturbance of, or deposition on, any river or lake bed, which:

(1) is not a permitted activity; and

(2) disturbs less than 20 cubic metres of sand, shingle, gravel, or other natural river or lake bed material;

is a **Controlled Activity**, provided that it complies with the standards and terms specified below.

Standards

(1) No contaminants (including but not limited to oil, petrol, diesel, paint, or solvent) shall be released to water from equipment being used for the operation, and no refuelling of equipment shall take place on any area of river or lake bed.

(2) There shall be no use of explosives.

(3) All material removed or demolished from the structure (or any part of the structure) shall be removed from the river or lake bed and disposed of in an appropriate manner.

(4) In any part of the river or lake bed covered by water in any water body identified in Policy 4.2.14 (Appendix 4 – Water bodies with important trout habitat), the activity shall not take place between 31 May and 31 August.

Terms

(1) The consent holder shall notify either the Manager, Consents Management, Wellington, or the Manager, Planning and Resources, Wairarapa, at least two working days before any work commences.

(2) A charge, set in accordance with section 36(2) of the Act, shall be paid to the Wellington Regional Council for carrying out its functions in relation to the administration, monitoring, and supervision of the activity, and for carrying out its functions under section 35 (duty to gather information, monitor and keep records) of the Act.

Control

The matters over which the Wellington Regional Council shall exercise its control are:

(1) the duration of the consent; and

(2) the taking and supplying of samples; and

(3) the carrying out of measurements, samples, analyses, surveys, investigations, or inspections; and

(4) the provision of information to the consent authority at specified times; and

(5) compliance with monitoring, sampling and analysis conditions at the consent holder's expense; and

(6) the payment of administration charges; and

(7) any measures necessary to avoid, remedy, or mitigate any adverse effects caused by the disturbance to, or deposition on, any river or lake bed; and

(8) the extent and nature of any part of the structure which is to remain in the river or lake bed.

Application for resource consent for an activity described in Rule 44

An application for a resource consent for an activity described in Rule 44 shall be made in accordance with section 7.4.1.

Rule 45 Cables

The construction, laying, or erection of any cable, in, on, under, or over any river or lake bed which:

(1) is not a permitted activity; and

(2) disturbs less than 20 cubic metres of sand, shingle, gravel, or other natural river or lake bed material;

is a **Controlled Activity**, provided that it complies with the standards and terms specified below.

Standards

(1) No contaminants (including but not limited to oil, petrol, diesel, paint, or solvent) shall be released to water from equipment being used for the operation, and no refuelling of equipment shall take place on any area of river or lake bed.

(2) Any excess material from the construction operation, shall be removed from the river or lake bed and disposed of in an appropriate manner.

(3) In any part of the river or lake bed covered by water in any water body identified in Policy 4.2.14 (Appendix 4 – Water bodies with important trout habitat), the activity shall not take place between 31 May and 31 August.

Terms

(1) The consent holder shall notify either the Manager, Consents Management, Wellington, or the Manager, Planning and Resources, Wairarapa, at least two working days before any work commences.

(2) A charge, set in accordance with section 36(2) of the Act, shall be paid to the Wellington Regional Council for carrying out its functions in relation to the administration, monitoring, and supervision of the activity, and for carrying out its functions under section 35 (duty to gather information, monitor and keep records) of the Act.

Control

The matters over which the Wellington Regional Council shall exercise its control are:

(1) the duration of the consent; and

(2) the taking and supplying of samples; and

(3) the carrying out of measurements, samples, analyses, surveys, investigations, or inspections; and

(4) the provision of information to the consent authority at specified times; and

(5) compliance with monitoring, sampling and analysis conditions at the consent holder's expense; and

(6) the payment of administration charges; and

(7) any measures necessary to avoid, remedy, or mitigate any adverse effects caused by the disturbance to, or deposition on, any river or lake bed; and

(8) any measures to avoid, remedy, or mitigate any adverse effects on habitats and species;**[** and

(9) the maintenance of structures.**]**

In Rule 45, clause (9) of the matters over which control shall be exercised was inserted by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

Application for resource consent for an activity described in Rule 45

An application for a resource consent for an activity described in Rule 45 shall be made in accordance with section 7.4.1.

Rule 46 Pipelines

The placement of any pipeline or duct in or under any river or lake bed, which:

(1) is not a permitted activity; and

(2) disturbs less than 20 cubic metres of sand, shingle, gravel, or other natural river or lake bed material;

is a **Controlled Activity**, provided that it complies with the standards and terms specified below.

Standards

(1) No contaminants (including but not limited to oil, petrol, diesel, paint, or solvent) shall be released to water from equipment being used for the operation, and no refuelling of equipment shall take place on any area of river or lake bed.

(2) Any excess material from the construction operation, shall be removed from the river or lake bed and disposed of in an appropriate manner.

(3) In any part of the river or lake bed covered by water in any water body identified in Policy 4.2.14 (Appendix 4 – Water bodies with important trout habitat), the activity shall not take place between 31 May and 31 August.

Terms

(1) The consent holder shall notify either the Manager, Consents Management, Wellington, or the Manager, Planning and Resources, Wairarapa, at least two working days before any work commences.

(2) A charge, set in accordance with section 36(2) of the Act, shall be paid to the Wellington Regional Council for carrying out its functions in relation to the administration, monitoring, and supervision of the activity, and for carrying out its functions under section 35 (duty to gather information, monitor and keep records) of the Act.

Control

The matters over which the Wellington Regional Council shall exercise its control are:

(1) the duration of the consent; and

(2) the taking and supplying of samples; and

(3) the carrying out of measurements, samples, analyses, surveys, investigations, or inspections; and

(4) the provision of information to the consent authority at specified times; and

(5) compliance with monitoring, sampling and analysis conditions at the consent holder's expense; and

(6) the payment of administration charges; and

(7) any measures necessary to avoid, remedy, or mitigate any adverse effects caused by the disturbance to, or deposition on, any river or lake bed; and

(8) any measures necessary to avoid, remedy, or mitigate any adverse effects on habitats and species

(9) the minimum depth beneath the bed of the river below which the pipe is buried[; and

(10) the maintenance of structures.]

In Rule 46, clause (10) of the matters over which control shall be exercised was inserted by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

Application for resource consent for an activity described in Rule 46

An application for a resource consent for an activity described in Rule 46 shall be made in accordance with section 7.4.1.

Rule 47 River Crossings

The placement and use of any river crossing [of a width necessary for the crossing, excluding any river crossing that dams a river,] which is not a permitted activity, including any associated:

- disturbance of river bed; or
- deposition on the river bed; or
- diversion of water:

(1) which is in, on, or under any river bed except the beds (but excluding their tributaries unless otherwise stated) of:

- Abbots Creek;
- Atiwhakatu Stream;
- Awhea River;
- Catchpool Stream;
- Cross Creek;
- Dry River;
- Huangarua River;
- Hutt River and the following tributaries: the Pakuratahi, the Mangaroa, the Akatarawa, and the Whakatikei Rivers;
- Kaipatangata Stream;
- Kaiwhata Stream;
- Kiriwhakapapa Stream;
- Kopuaranga River;
- Makahakaha River;

- Mangaone Stream;
- Mangatarere Stream;
- Mataikona River;
- Mikimiki Stream;
- Opouawe River;
- Otaki River;
- Owhanga Stream;
- Pahaoa River;
- Pigeon Bush Stream;
- Porirua Stream;
- Ruamahanga River;
- Tauherenikau River;
- Waikanae River;
- Waimanu Stream;
- Waimeha Stream;
- Waingawa River;
- Wainuiomata River;
- Waiohine River;
- Waipoua River;
- Waitohu Stream;
- Waiwhetu Stream;
- Whangaehu River ;
- Whangaehu Valley Road);
- Whareama River;
- Taueru River;
- Tauanui River;
- Turanganui River; and

(2) which disturbs less than 20 cubic metres of sand, shingle, gravel, or other natural river or lake bed material; and

(3) which does not include the reclamation, infilling and deposition of fill in the river or stream for landfilling purposes or for disposing of excess construction material

is a **Controlled Activity**, provided that it complies with the standards and terms specified below.

Standards

(1) No contaminants (including but not limited to oil, petrol, diesel, paint, or solvent) shall be released to water from equipment being used for the operation, and no refuelling of equipment shall take place on any area of river or lake bed.

(2) Any excess material from the construction operation, shall be removed from the river or lake bed and disposed of in an appropriate manner.

(3) In any part of the river or lake bed covered by water in any water body identified in Policy 4.2.14 (Appendix 4 – Water bodies with important trout habitat), the activity shall not take place between 31 May and 31 August.

(4) Fish passage shall not be impeded once the culvert is operational.

Terms

(1) The consent holder shall notify either the Manager, Consents Management, Wellington, or the Manager, Planning and Resources, Wairarapa, at least two working days before any work commences.

(2) A charge, set in accordance with section 36(2) of the Act, shall be paid to the Wellington Regional Council for carrying out its functions in relation to the administration, monitoring, and supervision of the activity, and for carrying out its functions under section 35 (duty to gather information, monitor and keep records) of the Act.

Control

The matters over which the Wellington Regional Council shall exercise its control are:

(1) the duration of the consent; and

(2) the taking and supplying of samples; and

(3) the carrying out of measurements, samples, analyses, surveys, investigations, or inspections; and

(4) the provision of information to the consent authority at specified times; and

(5) compliance with monitoring, sampling and analysis conditions at the consent holder's expense; and

(6) the payment of administration charges; and

(7) any measures necessary to avoid, remedy, or mitigate any adverse effects caused by the:

- disturbance to any river or lake bed; and
- deposition on any river or lake bed; and
- diversion of water; and

(8) maintenance of the structure; and

(9) the diameter and length of the culvert; and

(10) any measures necessary to avoid, remedy, or mitigate any adverse effects during the construction of the structure; and

(11) any measures required to avoid, remedy, or mitigate any adverse effects on flood or erosion hazard.

In Rule 47, the words in square brackets were substituted for the original wording by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

Application for resource consent for an activity described in Rule 47

An application for a resource consent for an activity described in Rule 47 shall be made in accordance with section 7.4.1.

Rule 48 Placement of impermeable erosion protection structures

The placement of any impermeable rock groyne, rock rip rap, or gabion, which is an integral part of any Floodplain Management Plan or River Control Scheme that is fixed in, on, or under, the bed of any river or stream, including any associated:

- disturbance of river bed; or
- deposition on the river bed; or
- diversion of water;

(1) which is not in a water body, identified by policy 4.2.10 (Appendix 2 – Water bodies with a high degree of natural character); and

(2) which extends into the available river bed width from the bank no more than whichever is the lesser of:

- 10% of the width of the water body; or
- 10 metres;

is a **Controlled Activity** provided that it complies with the standards and terms specified below.

Standards

(1) No contaminants (including but not limited to oil, petrol, diesel, paint, or solvent) shall be released to water from equipment being used for the operation, and no refuelling of equipment shall take place on any area of river or lake bed.

(2) Any excess material from the construction operation shall be removed from the river bed and disposed of in appropriate manner.

(3) In any part of the river or lake bed covered by water in any water body identified in Policy 4.2.14 (Appendix 4 – Water bodies with important trout habitat), the activity shall not take place between 31 May and 31 August.

Terms

(1) The consent holder shall notify either the Manager, Consents Management, Wellington, or the Manager, Planning and Resources, Wairarapa, at least two working days before any work commences.

(2) A charge, set in accordance with section 36(2) of the Act, shall be paid to the Wellington Regional Council for carrying out its functions in relation to the administration, monitoring, and supervision of the activity, and for carrying out its functions under section 35 (duty to gather information, monitor and keep records) of the Act.

Control

The matters over which the Wellington Regional Council shall exercise its control are:

(1) the duration of the consent; and

(2) the taking and supplying of samples; and

(3) the carrying out of measurements, samples, analyses, surveys, investigations, or inspections; and

(4) the provision of information to the consent authority at specified times; and

(5) compliance with monitoring, sampling and analysis conditions at the consent holder's expense; and

(6) the payment of administration charges; and

(7) any measures to avoid, remedy or mitigate adverse effects on habitats and species; and

(8) any measures to avoid, remedy, or mitigate adverse effects on flood or erosion hazards; and

(9) the extent and nature of the disturbance to, or deposition on, any river or lake bed; and

(10) The extent and nature of any diversion of water**[**; and

(11) the maintenance of structures.**]**

In Rule 48, clause (11) of the matters over which control shall be exercised was inserted by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

Application for resource consent for an activity described in Rule 48

An application for a resource consent for an activity described in Rule 48 shall be made in accordance with section 7.4.1.

[Restricted Discretionary Activities]

[Rule 48A Uses of land within the Waiohine River Floodway, the Lower Ruamahanga River Floodway, and the Hutt River Floodway

The use of land in a floodway, other than a use:

- that is consistent with the purpose of flood protection that the floodway was designed for, or
- *that is for the maintenance or repair of an existing structure, which does not extend, or add to, the external dimensions of any structure; or*
- *that was lawfully established by a resource consent prior to 9 February 2002 (the date Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002 was notified);* within:

(1) the Waiohine River Floodway and the Lower Ruamahanga River Floodway, which;

(a) Erects, places, or extends any structure that obstructs the flow of water, other than a wire fence not exceeding 1.2 metres in height;
(b) Deposits any substance that obstructs the flow of water; or
(c) Plants any trees or shrubs that, in combination with other plantings of trees or shrubs, are likely to obstruct the flow of water when the trees or shrubs grow to maturity;

(2) the Hutt River Floodway, which:

(a) Erects, places, or extends any structure that obstructs the flow of water;
(b) Deposits more than 20 cubic metres of any substance;

is a **restricted discretionary activity**.

Discretion

The matters over which the Wellington Regional Council shall exercise its discretion are:

(1) The effects of the proposed activity on the structural integrity of any defence against water;
(2) The effects on flood flows;
(3) The duration of the consent;

(4) The carrying out of measurements, samples, analysis, survey, and investigations;
(5) The provision of information to the Council at specified times.

Note: *The definition of floodway is given in Section 3 of the Plan.*]

Rule 48A and the note with the Rule were inserted by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002. This rule is subject a reference to the Environment Court.

Discretionary Activities

Rule 49 All remaining uses of river and lake beds

The use, of any river or lake bed;

- which is not specifically provided for in Rules 22 to 48; and
- which cannot meet the requirements of Rules 22 to 48; and
- which is not a non-complying or prohibited activity in Rules 50 and 51

is a **Discretionary Activity**.

Application for a resource consent for an activity described in Rule 49

An application for a resource consent for an activity described in Rule 49 shall be made in accordance with section 7.4.2.

[Rule 49A Vehicles on Stopbanks

The use of any stopbank, or part of a stopbank, in Appendix 13 (stopbanks taken from Wellington Regional Council River Management Scheme Assett Registers) for the passage of any motorised vehicle or machinery of greater than 9 tonnes along a stopbank is a **discretionary** activity, other than one or both of the following:

(1) The stopbank, or part of the stopbank, is a road that is part of a public roading network maintained and operated by a local authority or a network utility operator; or
(2) The use is by a local authority or network utility operator for the purpose of maintaining, repairing, extending or adding to the stopbank, or for any other flood management purpose, or for the purpose of maintaining or repairing network utility infrastructure.

***Note**: Rule 49A refers to vehicles or machinery that pass along a stopbank, not across it. If crossing a stopbank involves travelling along it for any distance, then Rule 49A applies. Rule 49A does not apply when crossing a stopbank without going along it*]

Rule 49A and the note with the Rule were inserted by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002. This rule is subject a reference to the Environment Court.

Non-complying Activities

Rule 50 Reclamation of the beds of lakes or rivers, excluding Lake Wairarapa

The reclamation of the bed, or any part of the bed, of any lake or river that is included in Policy 4.2.10, excluding Lake Wairarapa which is subject to Rule 51, is a **Non-complying Activity.**

Application for a resource consent for an activity described in Rule 50

An application for a resource consent for an activity described in Rule 50 shall be made in accordance with section 7.4.2.

Prohibited Activities

Rule 51 Reclamation of the bed of Lake Wairarapa

Reclamation of the bed of Lake Wairarapa is a **Prohibited Activity**.

7.4 Making an application for a resource consent

7.4.1 Application for a resource consent for an activity described in Rules 43, 44, 45, 46, 47 or 48.

An application for a resource consent for an activity described in Rules 43, 44, 45, 46, 47 or 48 shall be made on the prescribed form, and shall include the following:

(1) a description of the activity, including:

- (a) the methods to be used; and
- (b) for the addition or alteration of a structure (Rule 43), a plan of the addition or alteration; and
- (c) for the placement of a cable or pipeline (Rules 45 and 46):
  - (i) the method for laying the cable or pipeline and materials to be used;
  - (ii) the type of cable or pipeline and the material a pipeline will convey;
  - (iii) the maintenance programme for the cable or pipeline
  - (iv) the length of the cable or pipeline in the river or lake bed and its diameter; and
- (d) for the placement and use of a river crossing (Rule 47):
  - (i) the construction methods and materials to be used;
  - (ii) the type and nature for the culvert;
  - (iii) the maintenance programme of the structure;
  - (iv) the length and internal diameter of the culvert;
  - (v) inlet and outlet protection structures;
  - (vi) depth of filling; and
  - (vii) the secondary flow path; and

(2) the plan of any structure; and

(3) a description and map showing the location of any structure; and

(4) a statement of the period of time in which work associated with the activity shall be completed; and

(5) a statement of all other resource consents or approvals that the applicant may require from any consent or approval authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents; and

(6) for the placement and use of a river crossing (Rule 47), information on the catchment type, flood flows, and stream channel; and

(7) an assessment of any actual or potential effects:

(a) that the disturbance of, or deposition on, the river or lake bed may have on the environment; and

(b) that the activity may have on habitats or species; and

(c) that the activity may have on flood or erosion hazards,

and the ways in which any adverse effects may be avoided, remedied, or mitigated. Such an assessment shall be:

(d) in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment; and

(e) prepared in accordance with the Fourth Schedule of the Act; and

(9) a description of flora and fauna at the site; and

(10) for the placement of impermeable erosion protection structures (Rule 48), the length and width of the structure, and the total amount of rock material to be used in the structure; and

(11) any other information that is necessary to understand the application.

Notification

An application for a resource consent:

- shall not be publicly notified; and
- shall be considered without the written approval of affected persons;

except where the consent authority considers that there are special circumstances which justify notification or the obtaining of written approval from affected persons.

Additional information

Section 92 of the Act may be invoked and additional information sought if the application and accompanying information do not adequately address the requirements listed above.

7.4.2 Application for a resource consent for an activity described in Rules 49 or 50

An application for a land use consent for an activity described in Rules 49 or 50 involving either;

- a structure; and

- planting, destruction, damage, or disturbance of any river or lake bed; and/or
- the reclamation or drainage of any lake or wetland;

within a river or lake bed shall be made on the prescribed form, and shall, where relevant, include:

(1) For a structure, a description of the structure, including the construction methods and materials to be used; and/or for any other activity, a description of the activity, including the methods to be used; and

(2) A map at an appropriate scale showing the location of the structure and/or the location of any activity; and

(3) For a structure, a plan or plans of the structure; and

(4) For a structure, a technical description of the structure (including a description of the final external appearance of the structure); and

(5) For a structure, a statement of the proposed use of the structure and why it must be located in the river or lake bed; and/or

for any other activity, a statement of the reason for the proposed activity, and the consequences of not undertaking the activity; and

(6) If the activity involves the reclamation or drainage of any river bed, lake bed, or wetland, (or any part thereof) a description of any available alternative to what the applicant seeks to do, and the applicant's reasons for making the proposed choice; and

(7) A statement of the period of time required to complete the work associated with the activity; and

(8) A statement of the proposed maintenance programme; and

(9) For a structure, a statement of how the structure will be removed if it is no longer required, or the reasons why such removal is not warranted; and

(10) A description of the use or disposal of any material that is removed from the river or lake bed; and

(11) A description of public use of the site; and

(12) A description of the river or lake bed at the site, including fauna and flora, sediment type, flood hazard, and, for any structure, suitability as a foundation; and

(13) A description of the measures taken to remedy or mitigate the adverse effects of flooding and erosion;

(14) A statement detailing the consultation with any person or organisation that might be affected by the proposal, including, in particular, tangata whenua; and

(15) A statement of all other resource consents or approvals that the applicant may require from any consent or approval authority in respect of the

activity to which the application relates, and whether or not the applicant has applied for such consents; and

(16) An assessment of any actual or potential effects that the proposed use of the river or lake bed may have on the environment (note that this includes people and communities and therefore the values they hold) and the ways in which any adverse effects may be mitigated. Such an assessment shall be:

- in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment; and
- prepared in accordance with the Fourth Schedule of the Act; and

(17) For a structure, a description of any provision for public access, to and past, the structure; and

(18) Any other information that is necessary to understand the application.

Additional Information

Section 92 of the Act may be invoked and additional information sought if the application and accompanying information do not adequately address the requirements listed above.

8. Methods (other than Rules)

8.1 The relationship of tangata whenua with freshwater

The Wellington Regional Council will:

8.1.1 Investigate, with tangata whenua, methods of identifying, recording, and protecting sites of special value to the tangata whenua to give effect to Policy 4.2.1. Where appropriate, the Council will:

- help establish appropriate protocols for managing such information, including the use of silent files, the development of a waahi tapu inventory, and iwi planning documents; and
- consider the inclusion of a table of sites of special value to the tangata whenua in this Plan by way of a Plan change.

8.1.2 Provide opportunities for tangata whenua to participate in the resource consent process of the Council by:

(1) giving relevant tangata whenua notice, through iwi authorities (and hapu, where necessary), of all notified consent applications to the Council that are for resource consents required under the Plan; and

(2) informing tangata whenua, where appropriate, through iwi authorities (and hapu, where necessary), of non-notified consent applications to the Council that are for resource consents required under the Plan; and

(3) encouraging consent applicants to consult with relevant tangata whenua about consent applications that will affect the rohe of the tangata whenua; and

(4) appointing tangata whenua representatives as hearing commissioners or to hearing committees where appropriate, and holding pre-hearing meetings and or hearings on marae at the request of the tangata whenua and with the agreement of the applicant; and

(5) helping provide for tikanga Maori in the consent hearing process by:

(a) the provision of interpretation services for the presentation of te reo Maori provided that reasonable notice is given of the intention to present submissions in Maori; and

(b) exclusion of the public from hearings and restricting the public release of evidence, in accordance with section 42 of the Resource Management Act, when this is necessary to avoid offence to tikanga Maori and the disclosure of the location of waahi tapu.

8.1.3 Liaise with tangata whenua over water resource issues in the Region, including water quality and quantity, and the use of river and lake beds.

8.2 Natural and amenity values and access

The Wellington Regional Council will:

8.2.1 Work with territorial authorities to develop appropriate land use provisions in district plans in order to avoid, remedy, or mitigate the adverse effects of land use on natural and amenity values, and on access.

8.2.2 Advocate for the maintenance and enhancement of natural and amenity values and access to water bodies through the resource consent process to ensure that land use consents issued by territorial authorities are not inconsistent with the objectives and policies in Plan.

8.2.3 Work with the Wellington Fish and Game Council, the Department of Conservation, territorial authorities, and tangata whenua over any alterations that may be necessary to Appendices 2, 3 and 4, as a result of new information which may come to hand.

8.2.4 Assist the Department of Conservation with their efforts to promote landowners' and river bed users' knowledge of nationally threatened plants listed in Part B of Appendix 2, their locations, and how they can be protected.

8.2.5 Co-ordinate and develop a regional strategy for wetlands with the involvement of landowners, interest groups, tangata whenua, and territorial authorities, which could include the following approaches:

- encouraging the creation of support groups to focus on wetland management issues and share information at the local level; and
- making technical information and advice available to landowners including the preparation of user friendly information on the Act and wetland management; and
- promoting awareness about the values of wetlands and the importance of protecting wetlands through such avenues as field days, visiting landowners, schools, and a newsletter to landowners.

8.2.6 Work with territorial authorities to develop appropriate provisions in district plans which acknowledge landowner issues and the significance of wetlands to the Region.

8.2.7 Encourage co-operation from other organisations and agencies to aid in the preparation of information about regionally significant freshwater fish species. Such information will include species' location, life cycle and habitat requirements, and management.

8.3 Flood mitigation

The Wellington Regional Council will:

8.3.1 Prepare Floodplain Management Plans for the Otaki, Waikanae, and Hutt Rivers to help avoid or mitigate the adverse effects arising from the flood hazard.

8.3.2 Carry out flood hazard assessments for all major floodplains in the Region and the Waiwhetu Stream, the Wainuiomata River, Pinehaven Stream, the Mangaone Stream, the Mangaroa River and the Waitohu Stream. Flood hazard assessments have already been completed for the Hutt, Waikanae, Otaki, Porirua, and Waingawa floodplains.

8.3.3 Complete River Management Scheme Reviews for the Waiohine River, the upper Ruamahanga River, the Waipoua River, the Lower Wairarapa Valley, and the Mangaterere River.

8.3.4 Maintain and enhance flood mitigation assets in river beds of the Region.

8.3.5 Work with territorial authorities to ensure Policy 4.2.19, which allows the maintenance of existing lawful flood mitigation works on floodplain, is recognised in district plans.

8.3.6 Work with territorial authorities to ensure flood hazard information is made available to them and is included in district plans.

8.3.7 Together with territorial authorities, provide information to assist members of the community to avoid, remedy, or mitigate the adverse effects arising from the flood hazard.

8.3.8 Together with territorial authorities, promote flood warning and community preparedness programmes for communities located on floodplains.

8.4 Water quality and discharges to fresh water

The Wellington Regional Council will:

8.4.1 Use its regular information publications to update the public about the quality of water in the rivers, lakes, aquifers, and wetlands in the Region.

8.4.2 Work with territorial authorities to develop appropriate land use provisions in district plans in order to minimise adverse effects on freshwater quality.

8.4.3 Advocate the maintenance or enhancement of water quality through the resource consent process so that consents issued by territorial authorities do not adversely affect water quality.

8.4.4 Facilitate the reporting of pollution incidents and unauthorised discharges through the promotion of a Pollution Hotline.

8.4.5 Develop a resource kit to provide information on the causes, effects, signs and symptoms of poor water quality and ways of avoiding or remedying such problems.

8.4.6 Work with territorial authorities to collect quantitative data on any effects which urban stormwater discharges have on fresh water resources, particularly in the Makoura Stream, Waiwhetu Stream, and Porirua Stream.

8.4.7 Work with territorial authorities to identify practical means to mitigate any adverse effects of existing stormwater discharges on water quality.

8.4.8 Promote the use of alternative methods, where they are appropriate, for the treatment and/or disposal of stormwater from new subdivisions such as:

- the use of water permeable surfaces in new developments to reduce the volume of stormwater leaving a site (e.g., grass swales); and
- the use of soak pits for the disposal of stormwater on site, where the soil type is suitable for this purpose; and
- the collection (and on-site storage) of stormwater from roofs for re-use (e.g., watering gardens); and
- the use of constructed wetlands.

8.4.9 Provide information and conduct publicity campaigns to raise awareness about the adverse effects of disposing of contaminants into stormwater drains and promote alternative means of disposal of liquid contaminants. Protocols will be developed, in consultation with the Traffic Safety Branch of the Police, the Fire Service, Transit NZ and the Territorial Authorities of the Region, about practical ways to reduce contamination of water caused by road crashes and spills on roads.

8.4.10 Organise a forum/workshop on riparian management in the Region, involving all interested people, tangata whenua and organisations, with the aim of identifying issues of regional importance and priority areas which would benefit from improved riparian management.

8.4.11 Provide technical support and advice to landowners wishing to implement riparian management on their properties, and assist landowners in developing plans for individual properties.

8.4.12 Prepare a booklet, in consultation with the agricultural community, detailing the benefits and costs of different riparian management techniques available for mitigating/avoiding the adverse effects of surface run-off of sediment and contaminants; enhancing in-stream habitat for fish and other aquatic organisms, and reducing river bank erosion.

8.4.13 Investigate other means for providing riparian zones in severely degraded areas, or other methods. This could include use of Task Force Green, or Conservation Corps programmes.

8.4.14 Implement appropriate riparian management practices in areas under the management or ownership of the Council which are adjacent to water bodies.

8.5 Water quantity and the taking, use, damming and diversion of freshwater

The Wellington Regional Council will:

8.5.1 Use its regular information publications to inform the public of:

- the minimum flows of rivers and streams; and
- the portion of the core allocation remaining available for allocation in each river or stream shown in Table 6.1; and
- the proportion of the safe yield which has been allocated for each aquifer.

8.5.2 Work with territorial authorities to develop appropriate land use provisions in district plans in order to minimise adverse effects of land use on aquifer yields, river low flows, and lake and wetland water levels.

8.5.3 Advocate for the maintenance of water quantity in water bodies through the resource consent process to ensure that land use consents issued by territorial authorities do not adversely effect aquifer yields, river low flows, or lake or wetland levels.

8.5.4 Gather further hydrological, biological, ecological and water quality information as may be necessary to ensure that the objectives and policies of the Plan are achieved in relation to the water takes and flows presented in Tables 6.1 to 6.5.

8.5.5 Where practicable, obtain more information to establish desirable minimum flows and approaches to water allocation such as those used in Policy 6.2.1 for the following water bodies where there is potential for water shortages to occur:

- Donalds Creek;
- Kells Stream;
- Mangatarere Stream and catchment;
- Moroa/Battersea/Otakura Stream system;
- Papawai Stream;
- Parkvale/Booths Creek system;

- Poterau Stream;
- Taunui River;
- Taueru River;
- Kuripuni Stream;
- Boar Bush Stream;
- Taits Creek;
- Huangarua River;
- Makoura Stream;
- Ruamahanga River at Wardells;
- Ruamahanga River at Mount Bruce;
- Turanganui River; and
- Waipoua River.

[*8.5.5A Promote the development of WAIORA and use WAIORA when it is an appropriate tool to help review or establish minimum flows and water allocation for rivers in Table 6.1 and Method 8.5.5, including review of minimum flows and water allocation as new versions of WAIORA become available.***]**

Method 8.5.5A was inserted by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

8.5.6 Use its regular publications to inform users about the benefits of water conservation and the most effective water conservation techniques.

8.5.7 Promote with other agencies water conservation and efficient use of water through public education and awareness programmes.

8.5.8 Promote and undertake research into methods that may lead to better water conservation and efficient use, for example, determining the best irrigation methods for areas with different land uses and soil types.

8.5.9 Encourage water audits by major water users and suppliers to identify areas of wastage and opportunities to conserve or use water more efficiently.

8.5.10 Investigate the use of transferable water permits as a technique for more efficiently allocating water between competing users by:

(1) Seeking to ensure that, over the next five years, the Council's knowledge of water resources identified as under pressure is adequate, including:

(a) knowledge of users and uses;

(b) knowledge of the extent and nature of any adverse effects of water abstractions (including adverse effects relating to the location of the abstraction) on those water bodies; and

(c) appropriate databases, monitoring, enforcement and management systems are in place.

(2) Reviewing fresh water resources in the Region that are under pressure, or that are likely to be under pressure, before December 2004 (within five years of this Plan becoming operative).

(3) Choosing up to five water bodies that are identified as being under pressure as part of the review, including as an input to this choice a general invitation for groups of water abstractors to nominate their water resource for investigation if they so wish.

(4) Assessing, for at least two of these water bodies, whether it is worthwhile to develop proposed rules to permit transfers under section 136(2)(b)(i) of the Act for inclusion in the Regional Freshwater Plan and assessing whether it is worthwhile to develop other methods of facilitating transferability of water permits.

8.5.11 Investigate the feasibility of employing "user committees" to assist in minimising the effects of any water restrictions on consent holders.

8.6 Use of the beds of rivers and lakes and development on the floodplain

The Wellington Regional Council will:

8.6.1 Produce and distribute a pamphlet detailing the best practicable options for the installation and siting of culverts in rural areas and identify where landowners can seek further advice.

8.6.2 Promote the inclusion of provisions in district plans that make the subdivision, use and development of land on the floodplain, including the river corridor, inappropriate where:

- the effect of flooding increases risk to human life, health, and safety; or
- the effect of flooding has significant adverse effects on private or community property, flood flows, or flood mitigation structures and works.

8.6.3 Promote the inclusion of provisions in district plans to protect the structural integrity and effectiveness of lawful flood mitigation structures and works on floodplains from the effects of subdivision, use, and development.

8.6.4 Encourage the use of indigenous trees and flaxes for river bank stability purposes, where it is practical to do so, and encourage plantings of indigenous species within river corridors for flood mitigation purposes.

8.6.5 Encourage fencing outside the beds of rivers and lakes where it is a practical option for mitigating the effects of stock grazing on rivers.

8.6.6 Work with the Department of Conservation to identify the rivers and reaches of rivers used for nesting by indigenous birds and the times of year this occurs.

[8.6.7 Prepare and distribute information to landowners that will promote an understanding of how the Wellington Regional Council manages community flood protection assets and the part that landowners play in the management of those assets, including:

- information about where legal responsibilities lie; and
- guidelines for land uses that will help ensure defences against water, including structures such as stopbanks, and trees, shrubs or plants, are not damaged or destroyed.**]**

Method 8.6.7 was inserted by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

9. Principal Reasons for Adopting Objectives, Policies, and Methods

9.1 The relationship of tangata whenua with freshwater

9.1.1 Objectives and Policies

The tangata whenua share a number of common concerns with the wider regional community, such as keeping water quality as high as possible and avoiding unnecessary discharges into water bodies. However, the values of the tangata whenua are rooted in a unique world view. The provisions in this section of the Plan are designed to help accommodate this world view when managing the Region's fresh water resources. The provisions of this section have also helped with the development of provisions in other sections of the Plan that have a particular bearing on the tangata whenua. The section also helps ensure consistency with the Regional Policy Statement and sections 6(e), 7(a) and 8 of the Act.

Central to the traditional uses and values of the tangata whenua is the notion of *mauri*, or life force. Without *mauri*, which all animate and inanimate objects possess, life and general well being are impossible. Objectives 4.1.1 to 4.1.3 and Policies 4.2.1 to 4.2.8 all contribute to the protection and maintenance of the *mauri* of the Region's water bodies and river and lake beds.

Policies are adopted to provide for the protection of sites of special value to the tangata whenua. These policies include encouraging applicants for resource consents to consult with tangata whenua and to help tangata whenua have continued access to their sites of special value which are in river and lake beds on publicly owned land.

Policies are also included which identify matters of particular interest to the tangata whenua that should be taken into account during decision making. These matters include protecting the habitats of species traditionally harvested by tangata whenua and not restricting the ability of tangata whenua to develop resources for economic or other gain subject to the sustainable management provisions of the Plan.

9.1.2 Methods

The principal reasons for Methods 8.1.1 to 8.1.3 of the Plan are to find ways of identifying and managing sites of special value to tangata whenua and to provide for the involvement of tangata whenua in management of the Region's freshwater resources.

Methods are included for the Council to work with tangata whenua on investigating sites of special value. Methods are also adopted so that tangata whenua will have opportunities to participate in the resource consent process.

9.2 Natural and amenity values and access

9.2.1 Objectives and Policies

The principal reasons for adopting Objectives 4.1.4 to 4.1.8 and Policies 4.2.9 to 4.2.17 of the Plan are to provide for the natural, amenity and recreational values of fresh water in the Region.

The objectives and policies on the natural character of wetlands, lakes and rivers and their margins, are adopted to preserve their natural character and protect their natural character from inappropriate subdivision, use, and development. In modified water bodies, natural character can be protected, provided appropriate regard is had to important characteristics that contribute to their natural character. For water bodies with a high degree of natural character, avoiding adverse effects on them will preserve their natural character.

The objectives and policies on habitats and ecosystems are adopted because of their importance for the management of freshwater resources in the Wellington Region. These policies are to maintain biological diversity and aquatic life generally. Policies are also adopted that recognise the significance of threatened indigenous plant and fish species, and their associated habitats. Protection of these species and their habitats is provided for by requiring adverse effects on them are avoided. Trout is also an important fish species in the Region. Particular regard is given to its habitat by identifying important areas that are to be managed in a way that will maintain the fishery.

Policies on amenity and recreational values are included because of the importance of these values to people and communities in the Region. People enjoy recreational pursuits involving water and derive satisfaction from its aesthetic and scenic qualities. There are a number of water bodies that are identified as regionally important for their amenity values and recreational uses. A higher degree of protection of amenity values is provided for these water bodies than others which are not regionally important.

The policies on access are included because of the importance of this issue to people in the Region. People want to be able to obtain access to and along river and lake beds to enjoy the amenity values of water bodies.

9.2.2 Methods

The principal reason for Methods 8.2.1 to 8.2.7 of the Plan is to ensure that the management of natural, amenity and recreational values of the fresh water resource is achieved in an integrated way with the involvement of other interested

agencies, tangata whenua, and people. The methods on wetlands recognise the need for the Council to facilitate region wide efforts by landowners and the wider community for the future protection of wetlands.

9.3 Flood mitigation

9.3.1 Objectives and Policies

The principal reasons for Objectives 4.1.9 and 4.1.10, and Policies 4.2.18 to 4.2.22, of the Plan are to minimise the likelihood of loss of life, injuries, or damage to property in the event of a major flood. Flooding of larger rivers in the Region is a matter of regional significance. This is reflected in the operational role of the Council to mitigate or remedy the adverse effects of a major flood.

Policy 4.2.18 indicates the Council's intention to promote flood avoidance or mitigation. This approach is consistent with the Council's role under the Soil Conservation and Rivers Control Act. The Council's role under that Act provides opportunities for implementation.

Policy 4.2.19 is adopted because of the need to maintain existing flood mitigation structures and works that already protect the community. In most cases the cost of removing or significantly altering existing flood mitigation works will far outweigh the benefits.

Policies also ensure that information about flooding continues to be updated and analysed so that the best possible decision can be made regarding flood mitigation. Information about the flood hazard and acceptable risk may not always be adequate. In these instances, decisions about flood hazard should be made using a precautionary approach.

There is also a policy to ensure that people and communities are involved in decisions about flood mitigation. This involvement is necessary for two principal reasons. First, to help with community awareness and understanding of flood hazards and their threat. Second, to help ensure that an appropriate balance is struck between "structural" and "non-structural" options for flood mitigation.

9.3.2 Methods

There are two principal reasons for Methods 8.3.1 to 8.3.8 of the Plan. The first is to identify how the Council will implement its operational responsibilities for flood mitigation. The second reason is to ensure that the community, including territorial authorities, is fully aware of any flood risk and can act accordingly.

The methods require the Council to provide information about the potential risk from flooding and to promote avoiding or mitigating the flood hazard. The provision of information and advocacy are considered the most appropriate means available to raise awareness of flooding issues.

9.4 Use and development

Objectives 4.1.11 to 4.1.17 and Policies 4.2.23 to 4.2.38 have been adopted to ensure there is sufficient guidance in the Plan on general matters relating to the use and development of fresh water. These provisions generally recognise that use and development of fresh water is important for the social, economic and cultural well being of the Region.

Guidance is provided for assessing new proposals for use and development. When considering new activities that use and develop fresh water, it is important to recognise potential conflicts with existing legitimate uses. The objectives and policies provide for the resolution of such conflict.

The Council acknowledges that it has a key role to play in the management of natural and physical resources associated with fresh water. In order to provide for effective integrated management of fresh water the Council must communicate in a constructive and practical manner, and liaise with other water and land management agencies.

The Council also recognises that the best way to ensure that resources are managed in a sustainable manner is to have well informed resource users with a strong guardianship ethic. It must also ensure that all individuals, groups, agencies, and tangata whenua with an interest have confidence in the way in which decisions are made, and a degree of "ownership" of those decisions. In order to build this confidence and ownership the Council will attempt to involve stakeholders in an open process that treats all parties fairly and properly represents community values and aspirations.

The development of codes of practice and guidelines by industry, with the encouragement and assistance of the Council, can lead to less need for regulation and will promote the sustainable management of freshwater resources.

The principal reason for adopting the provisions relating to conditions on resource consents is to offer guidance to applicants and consent authorities. These policies will ensure that, in appropriate circumstances, conditions are placed on resource consents in order to avoid, remedy, or mitigate adverse effects. The policies outline what needs to be considered when determining the nature and extent of any conditions and the circumstances in which conditions may be applied. The policies also aim to encourage applicants to identify how adverse effects can be avoided, remedied, or mitigated in consent applications and through consultation. It is important to note that the provisions also recognise that in some circumstances conditions will not adequately avoid, remedy, or mitigate adverse effects and consent applications will be declined.

9.5 Water quality and discharges to freshwater

9.5.1 Objectives and Policies

The principal reasons for the Objectives 5.1.1 to 5.1.3 and Policies 5.2.1 to 5.2.16 are to allow discharges to occur which are appropriate while maintaining and enhancing water quality in the Region. The Council's "Environmental Attitudes Project" showed that water quality was the single most important environmental issue in the Region. The Act itself places considerable emphasis on maintaining and enhancing water quality.

Policies identify the purposes for which a number of water bodies are used. Water is to be managed for these purposes. Where water bodies have high natural or amenity values that are identified in section 4 (such as a high degree of natural character, important trout habitat, regionally significant important values), the policies will guide management so that discharges do not reduce these values. Improvements are sought in water bodies that are identified in Appendix 7 as having water quality that is poor. The water bodies not specifically identified are to be managed for aquatic ecosystem purposes. The policies in the Plan relating to groundwater are so that direct discharges to an aquifer do not degrade the quality of groundwater.

The most appropriate means for managing many activities that involve the discharge of contaminants to fresh water is through the resource consent process. Where a discharge needs a resource consent, the objectives and policies provide guidance for the decision making process. The guidance provided by these policies is quite detailed and will provide a level of certainty for prospective applicants, as well as a basis for decision making by resource consent authorities. The consent process is flexible enough to ensure that efficient and effective solutions can be found to the unique circumstances and requirements of each resource consent application.

9.5.2 Methods (including Regional Rules)

Many discharges to water require a resource consent. This reflects the strong provisions in the Act for the protection of water quality. By making these discharges discretionary activities (or, in the case of discharges to water bodies managed in their natural state, a non-complying activity), the consent authority can address the potential adverse effects of each discharge on an individual basis. Adverse effects can then be avoided, remedied, or mitigated in the most appropriate manner. Where any adverse effect cannot be avoided, remedied, or mitigated, the consent authority retains the power not to grant a resource consent.

The discharge of water, which is contaminated only by heat into groundwater, is a controlled activity. While water contaminated only by heat is unlikely to have any significant adverse effects on the receiving groundwater, it is appropriate that a monitoring programme be instigated. As a controlled activity, consent authorities

can provide for such a programme. A controlled activity also has significant benefits for prospective resource consent applicants as a resource consent must be granted, provided that all the standards and terms are met.

Discharges of water and minor contaminants have been allowed as permitted activities subject to appropriate conditions. The principal reason for this is that these discharges have only minor effects on water quality. It is unreasonable to expect discharges of this nature to require a resource consent.

There are a large number of stormwater discharges to fresh water in the Region. Some stormwater discharges have the potential to adversely affect water bodies. It would be impractical to require resource consents for stormwater discharges at this time. Retrofitting of stormwater treatment systems for existing stormwater discharges may be prohibitively expensive and beyond the resources of territorial authorities. Most stormwater discharges have been allowed to continue as a permitted activity. The focus of the Plan for mitigating the potential effects of stormwater discharges is in the "Other Methods" section, namely 8.4.6 to 8.4.9. The "Other Methods" outline work that the Council will do to investigate stormwater discharges and the significance of any adverse effects. "Other Methods" are also proposed for mitigating any potential adverse effects of stormwater. Methods for reducing the volume and increasing the quality of new stormwater discharges are promoted so that the impacts of these discharges are mitigated and do not contribute to a decline in the quality of any receiving waters.

It is inappropriate to regulate non-point source pollution through rules in this Plan. To do so would be to impose inequitable costs and land use restrictions on landowners. Non-point source discharges are addressed in the "Other Methods" of the Plan in section 8.4. The methods adopted in the plan are intended to encourage and support community and landowner initiatives to improve land management practices.

9.6 Water quantity and the taking, use, damming and diversion of freshwater

9.6.1 Objectives and Policies

The principal reasons for the objectives in section 6.1 and policies in section 6.2 about taking water are to allow people to use fresh water while maintaining sufficient water to:

- safeguard the life supporting capacity of water and aquatic ecosystems;
- provide for amenity values, including recreation; and
- protect the structural integrity and water quality of groundwater aquifers.

Policies on minimum flows and water allocation in rivers provide guidance for consent authorities as to the desirable minimum flows which should be maintained in rivers and streams. For larger rivers and streams, the desirable minimum flow is based on habitat methods (for example, the Instream Flow Incremental Methodology (IFIM)). For smaller streams, habitat methods are impractical and the minimum flow assessment is instead based on historical methods such as a percentage of a low flow figure. In some cases the figure for the desirable minimum flow has been adjusted to take account of losses to groundwater.

Guidance on the allocation of water from some rivers which are under pressure and aquifers is also given. There are policies that describe the amount of water which can be safely allocated from these rivers, streams or aquifers. These policies will assist the consent authority to make decisions on resource consent applications to take and use water.

The approach to managing flows and water allocation in the Hutt, Orongorongo and Wainuiomata Rivers is different to other rivers. For these rivers, the upper reaches are managed primarily for water supply purposes while the middle and lower reaches of the Hutt and Wainuiomata Rivers have recreational and fish habitat values. To take account of these differences the upper reaches are managed in a different manner to the lower parts of the rivers. In the upper reaches a desirable minimum flow is specified but the core allocation is set at zero. This means that the water supply authority has no security of supply during summer low flows. In return for a reduction in security of supply and in recognition that the major value of these reaches is for water supply a higher supplementary allocation has been set. This regime allows the water supply authority to take more water at higher flows and store it for use during low flow periods without compromising environmental values.

In the middle and lower reaches of the Hutt and Wainuiomata Rivers the water allocation regime is the same as for other rivers in the Region, and takes account of the fisheries, ecological, recreational and amenity values of those rivers. Flow records show that if the minimum flow in the upper reaches of these rivers is retained then the minimum flow in the middle reaches should always exceed that shown in Table 6.1.

Policies on river flows and minimum flows set out the restrictions which water permit holders can expect in periods of low river flows. These restrictions are required to protect the natural and amenity values of the rivers and streams. These policies will form the basis of any conditions on a water permit. The principal reason for these policies is to provide certainty for users and the consent authority about the measures required during significant low flow periods and to avoid, as far as possible, the need to issue water shortage directions (see section 329 of the Act).

In general, the objectives and policies require the consent authority to take responsibility to ensure that the river, lake, wetlands, or aquifers does not sustain damage through excessive abstraction by ensuring that resource consents comply with the desirable minimum flows, and core allocations and allocation limits. Resource users, in turn, will take responsibility for ensuring that they comply with the provisions of their resource consents.

The principal reason for including objectives and policies on damming and diversion of water is to ensure that all the effects of a diversion are taken into account including effects on downstream river flows.

There are also objectives and policies to assist the Council with ensuring water is used efficiently and the conservation of water is not wasted.

The principal reasons for other objectives and policies in the Plan are to:

- facilitate those abstractions with only very minor effects on the environment;
- avoid unnecessary bureaucracy; and
- provide certainty to resource users about how water will be allocated; and
- deal effectively and efficiently with any issues arising from inter-user conflict.

9.6.2 Methods (including Regional Rules)

If this Plan did not contain any rules, all abstractions of fresh water (except those taken for an individual's reasonable domestic needs, the reasonable needs of an individual's animals for drinking water, and for fire fighting purposes) would require a resource consent. Thus, a rule is included to facilitate minor takes and uses of fresh water which have few, if any, environmental effects. The rule allows minor takes as permitted activities.

The controlled activities are included for two purposes. First, the Council will be able to set conditions on the consent that will ensure environmental values are retained and nearby users are not adversely affected. Secondly, a controlled activity is generally non-notified and so costs to both the users and the consent authority will be minimised.

Most significant abstractions of water are discretionary activities. Discretionary activity status allows the consent authority to assess each application to take or use water against the requirements of the Act and the objectives and policies in this Plan. Based on that assessment, the consent authority can either grant a consent or decline an application on its merits. This situation is consistent with the presumption in the Act that takes or uses of fresh water will generally require resource consents.

Rules have also been included which set allocation limits for Lower Hutt Groundwater Zone and minimum water levels for the Waiwhetu and Moroa aquifers.

The rules also require all existing consents to be reviewed. Some of these areas are presently over allocated. The principal reason for these rules is to allow all the existing consents to be "called in" and reassessed.

The other methods in section 8.5 are based around investigating alternative resource management techniques such as transferable water permits and providing information and advocating good practice to users, territorial authorities, and the community.

Territorial authorities have an important role in managing water resources. They are generally responsible for the control of the effects of land use activities (although the Regional Council has the primary responsibility for controlling the use of land for, among other things, the purpose of the maintenance of the quality and quantity of water in rivers, lakes or aquifers). It would be sensible from an administrative perspective to incorporate all aspects of land use, including those relating to water quantity, in one plan. Accordingly, in the first instance, there is a policy which suggests that advocating to territorial authorities, through the process of district plan preparation and in the consideration of individual resource consents, is the most appropriate means for the Regional Council to address the effects of land use on water quantity.

9.7 Use of the beds of rivers and lakes and development on the floodplain

9.7.1 Objectives and Policies

The principal reasons for Objectives 7.1.1 to 7.1.4 and Policies 7.2.1 to 7.2.15 of the Plan are to ensure that uses of river and lake beds and activities on the floodplain which do not have significant adverse effects on the flood hazard can be carried out provided that any adverse effects on the environment are avoided, remedied, or mitigated.

The objectives and policies recognise that river and lake beds are sensitive environments and care must be taken over their use. Certainty is provided about the matters that will be addressed in the resource consent process. This will reduce the costs for both users and the consent authority.

Policies on appropriate uses of river and lake beds are adopted to identify which uses will be allowed and the adverse affects that will not be allowed to occur.

Policies on flood and erosion mitigation recognise that structures and activities in river and lake beds and on the floodplain can adversely effect the flood hazard.

These policies are adopted to provide direction for the Council and territorial authorities when considering proposals for development. Policies are included to promote a planned approach to flood mitigation, particularly in the major rivers in the Region with floodplain management plans or where there are river management schemes. *Ad hoc* structures should only occur where there are no alternatives. On the Hutt, Otaki, lower Ruamahanga, Waiohine and Waikanae Rivers, there should be no development within the river corridors identified in Appendix 10. Policies recognise that existing flood mitigation structures are an asset that should be protected against the adverse effects of subdivision, use and development.

[Policy 7.2.7A is included in the Plan to provide information on non-regulatory ways the Wellington Regional Council will carry out operational responsibilities for looking after defences against water under the Soil Conservation and Rivers Control Act 1941.**]**

Policy 7.2.9 is necessary to allow people to provide for their health and safety, and their social and economic well being. The Council recognises that the effects of the activity cannot be entirely avoided unless the consent is declined. To achieve the purpose of the Act, this policy requires people undertaking this activity to establish that bed re-countouring is necessary, and that Part II of the Act is satisfied.

Policies relating to structures are adopted to encourage the removal or structures and to ensure the maintenance of structures.

Policies on disturbing river and lake beds are adopted to ensure that specific criteria are met when disturbing river beds above the water level, removing plants from river and lake beds, and extracting gravel from river beds. River gravel is regarded by the aggregate industry as a high quality resource for which there is a significant demand. The policies relating to gravel extraction are designed to ensure that it is *harvested* rather than *mined*. Generally, gravel should be extracted at a rate no greater than the rate of supply. However, the Plan allows an exception where gravel extraction and bed lowering is required for flood mitigation purposes. In this case, the community will accrue significant benefits (in the form of reduced exposure to any flood hazard).

A policy on planting is included to provide criteria for when planting in river and lake beds is allowed.

The policy on reclamation and drainage is included to minimise the amount of lake bed, river bed and wetlands which are reclaimed or drained. The policy complements policies in sections 4.2 and 6.2 of the Plan on wetlands.

In section 9.7.1, the paragraph in square brackets was inserted by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

9.7.2 **Methods (including regional rules)**

The principal reason for the rules which permit uses of river and lake beds is to allow those uses which have only minor effects on the environment. These activities include the maintenance or removal of structures, the construction of small dams, river crossings in intermittently flowing streams, sediment retention weirs in intermittently flowing streams the maintenance of farm drains, the removal of vegetation, planting vegetation, and the clearing of debris from rivers.

The presumption of the Act is that use of a river or lake bed must be validated either by a regional rule (permitted activity) or a resource consent (see section 13 of the Act). If these minor activities were not included as permitted activities, both the Council and those who wish to carry out the activities would face the costs relating to applying for a resource consent without any significant benefits.

The controlled activities include major maintenance or significant addition or alteration to existing structures, the removal or demolition of large or difficult structures, river crossings such as weirs, fords or culverts in some permanently flowing rivers and streams, pipeline crossings, and minor river works which are part of flood management plans or schemes. The rules specifying controlled activities will reduce costs compared to the "do nothing" option. A resource consent for a controlled activity can be obtained relatively quickly and inexpensively, thus reducing the costs to resource users. Controlled activity status also allows the Council to address and manage any adverse effects arising from the activities, while giving resource users certainty that they will gain a consent if they can meet the specified conditions.

[A restricted discretionary activity rule requiring consents for some land uses in the floodways of the Waiohine, Ruamahanga, and Hutt Rivers is included in the Plan. It was included at the time that the Transitional Regional Plan was withdrawn. The rule is to ensure that activities in these important floodways do not compromise their ability to contain floods. Section 12.1.4 of the plan identifies that territorial authorities have primary responsibility for land use activities relating to natural hazards. At the time the Transitional Regional Plan was withdrawn, the rule was needed because the rules in the relevant district plans, by themselves, would not necessarily achieve regional objectives and policies relating to flooding.]

Significant new uses of river and lake beds are discretionary activities. This provides some certainty to resource users while allowing the consent authority to retain the ability to decline applications for inappropriate use and development. The discretionary activity status also provides the consent authority with the flexibility to avoid, remedy, or mitigate adverse effects in the most appropriate manner. Reclamation of some regionally significant wetlands is a non-complying activity. This status reflects the strong desire by the community to protect

important wetlands. This ethic is reflected not only in the rule but also in the strong provisions in the Regional Policy Statement.

The reclamation or drainage of Lake Wairarapa is a prohibited activity, which reflects its status as a nationally important wetland. It also provides consistency with the Water Conservation Order on the Lake.

The principal reason for other methods in sections 8.6.1 to 8.6.6 is to ensure that the community, including territorial authorities, fully considers any flood risk associated with subdivision use and development on the floodplain. The methods require the Council to provide information about the potential risk from flooding and to advocate minimising the flood risk.

In section 9.7.2, the paragrah in square brackets was inserted by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

10. Environmental Results Anticipated

Users of the freshwater resource consider that the management of fresh water in the Wellington Region is fair because:

(1) Conflicts between resource users are minimised.

(2) Water is allocated in an equitable way in water bodies where the demand for water exceeds supply.

(3) Improvements are achieved equitably by all users in water bodies that have poor water quality.

10.2 People and communities are able to use fresh water, and the beds of rivers and lakes to provide for their social, economic, and cultural well being and for their health and safety because:

(1) The water quality of rivers in the Region that are used extensively for recreation is satisfactory for contact recreation purposes.

(2) Water quality in catchments presently used for water supply is maintained.

(3) Uses of river and lake beds which have significant benefits to the community (including flood mitigation, erosion protection, network utility, and transportation structures) are allowed to proceed.

(4) Structures and works in river and lake beds are safe and maintained in good operating condition.

(5) Abandoned, unsafe, or unused structures or works are removed from river or lake beds.

(6) Activities with no adverse effects or minor adverse effects, are allowed to proceed as permitted activities or consents for these activities proceed without the need for public notification.

(7) Aggregate is extracted at a rate that is either:

- consistent with the natural rate of supply, or
- provides significant community benefits by way of natural hazard reduction.

(8) Structures and works do not reduce the quality of recreational opportunities which fresh water offers, or the quality of access through and along the bed of any river or lake;

10.3 The relationship of Maori and their culture and traditions with fresh water is recognised and provided for because:

(1) The tangata whenua have opportunities to participate in managing the fresh water resources of the Region.

(2) The values of the tangata whenua are taken into account in the management of the Region's water bodies.

(3) Management of the Region's water bodies takes the principles of the Treaty of Waitangi into account.

10.4 The natural and amenity values of wetlands, lakes and rivers and their margins are maintained or enhanced because:

(1) The natural character of water bodies listed in Appendix 2 is preserved and the natural character of other water bodies is protected from subdivision, use and development.

(2) The quality of wetlands in the Region is maintained.

(3) The recreational values of water bodies identified in Appendix 5 are not diminished.

(4) Species of aquatic plants and animals which have threatened species status nationally, and their aquatic habitats, are protected.

(5) There is no net loss in the area or quality of the habitat of trout unless adverse effects are satisfactorily offset;

(6) Surface water quality in the Region is at least maintained as a result of:

- point source discharges are meeting the criteria in Appendix 8
- riparian and other management techniques mitigating the adverse effects of non-point source discharges;
- sufficient water in water bodies to assimilate contaminants that enter the river, stream, or lake; and
- any adverse effects as a result of any uses of river and lake beds being temporary.

(7) The water quality of the water bodies listed in Appendix 7 is enhanced as a result of:

- a reduction in contaminants entering from point source discharges;
- riparian and other management techniques which minimise the adverse effects of non-point source discharges;
- there is sufficient water in water bodies to assimilate contaminants that enter the river, stream, or lake; and
- any adverse effects as a result of any uses of river and lake beds is temporary.

(8) The water quality of rivers is maintained at low river flows.

(9) The rate of surface water abstraction is such that it does not cause any significant damage to the habitats, species, and amenity values, including recreational opportunities, of water bodies;

(10) There is no long-term reduction in river low flows or increase in flood flows as a result of land use.

(11) Uses of river and lake beds do not have significant adverse effects on ecosystems, habitats and species in water bodies.

(12) River and lake bed plantings enhance the natural character of the Region, provide protection from the adverse effects of erosion and flooding, and mitigate non-point source pollution.

10.5 The quantity and quality of groundwater in the Region is at least maintained because:

(1) The structural integrity of aquifers is not damaged (e.g., as a result of land subsidence).

(2) There is no long-term reduction in aquifer yields as a result of:

- over allocation of the resource; or
- inappropriate land use.

(3) The rate of groundwater abstraction does not cause salt water intrusion or increased nitrate levels.

10.6 The adverse effects of flooding from the major rivers in the Region are mitigated to acceptable levels because:

(1) There is no future development within river corridors of the Hutt, Otaki or Waikanae Rivers which is likely to increase the adverse effects associated with flooding.

(2) Loss of life, injuries, and damage to property from flooding is minimised.

11. Monitoring and Review

This section deals with the procedures to be used to:

- review the matters contained within this Plan; and
- monitor the effectiveness of the Plan as a means of achieving its objectives and policies.

These procedures need to be viewed in the context of the requirements of sections 35 and 79 of the Resource Management Act 1991. Section 35 places a duty on the Council to monitor the effectiveness of this Plan. Section 79 requires that this Plan is reviewed after a maximum period of 10 years from the date it becomes operative.

11.1 Procedures to monitor the effectiveness of the Plan

Subject to the provisions of its Annual Plan, the Council will monitor changes to the following aspects of the environment using techniques identified in section 11.2.

(1) The nature and extent of use of fresh water and fresh water bodies within the Region.

(2) The values of fresh water and freshwater bodies within the Region including aesthetic, landscape, recreational, historical, spiritual, cultural, and scientific values.

(3) The natural and physical resources associated with fresh water.

(4) Ecosystem characteristics, including existing physical disturbance of freshwater habitats, essential natural environment processes, plants, and animals.

(5) Any risk to human life, property, or other aspects of the environment from natural hazards (particularly flooding and erosion).

The results from the monitoring will be evaluated to determine:

(1) If any changes to matters in 1-5 above are attributable to the objectives and policies of this Plan or omissions from this Plan and whether there have been unintended consequences as a result of the implementation of the Plan.

(2) Whether the original assessment of benefits and costs of principal alternative means of dealing with issues carried out in accordance with section 32 of the Act, including likely implementation and compliance costs, is still applicable.

This will also involve an evaluation of the distribution of benefits and costs resulting from the Plan.

(3) The extent to which substantiated concerns, priorities and aspirations of people and communities have been addressed by the objectives, policies, rules, and other methods in this Plan.

11.2 Monitoring techniques

The following monitoring techniques will be used as appropriate in individual circumstances:

(1) Ongoing surveys of attitudes to the environment held by central government, other resource management agencies, business people, farmers, tangata whenua, community groups, outdoor recreation clubs, visitors to fresh water bodies in the Region, and Council staff.

(2) Environmental water quality and quantity surveys.

(3) Analysis of feedback, compliments, and complaints received through the news media, meetings, correspondence, and other means from resource users, the public, and other interested or affected parties.

(4) Conditions on resource consents to require self-monitoring of activities relating to fresh water and freshwater bodies.

(5) Compliance audit checks of all self-monitoring carried out by resource consent holders.

(6) Ongoing dialogue with all tangata whenua in the Region, and seek feedback from tangata whenua of the Plan's effectiveness in taking into account the principles of the Treaty of Waitangi in the management of the Region's water bodies and river and lake beds.

11.3 Procedures to review the Regional Freshwater Plan

The Council will undertake a complete review of this Plan within ten years of it becoming operative. In the interim period, the information gained from the monitoring described in section 11.2 will be used in an "on-going" and "as required" basis to determine if any action is required.

Should the Plan monitoring procedures (described in section 11.2) determine that there are issues that may need to be addressed prior to the ten yearly review, the Council may use one or more of the methods below to implement any required actions:

(1) Continue monitoring or undertake a specific investigation to confirm causes and effects;

(2) Advocate action by other resource management agencies (this may be important if the effects are caused by an activity beyond the control of the Council);

(3) Increase public awareness, and thereby indirectly advocate a course of action by others;

(4) Issue abatement notices or seek enforcement orders if the effects are related to an activity in breach of the Act or this Plan;

(5) Review conditions on resource consents, where this has been provided for in the consent, or is allowed by the Act;

(6) Implement changes to this Plan, the Regional Policy Statement, or other regional plans;

(7) Prepare a further regional plan; and/or

(8) Advocate a change to a district plan.

12. Cross Boundary Issues

To promote the sustainable management of fresh water in the Wellington Region and to achieve the objectives of this Plan, it is necessary to establish processes to resolve cross boundary issues.

Cross boundary issues can arise in the following situations:

- issues which cross territorial authority and regional council responsibilities;
- issues between the Wellington Regional Council and the adjoining Manawatu-Wanganui Regional Council (horizons.mw).

The processes included in this Plan which will be used to address these issues are outlined below.

12.1 Issues between the Wellington Regional Council and territorial authorities

Many activities that take place on land can have an effect on fresh water. Section 31(b) of the Act gives territorial authorities a responsibility for controlling the effects of the use of land. Section 30(1)(c) of the Act gives regional councils responsibility for controlling the use of land for a number of purposes, including the maintenance and enhancement of water quality, the maintenance of water quantity and the avoidance or mitigation of natural hazards. Therefore both territorial authorities and regional councils have responsibilities for land use relating to water.

Processes that the Council will use to integrate land use effects on fresh water have the following key components:

- This Plan outlines issues, objectives, policies, and methods relating to land use but any rules that are necessary should be included in district plans or the Regional Soil Plan;
- This Plan does not preclude territorial authorities from including provisions (objectives, policies, rules, and other methods) in their district plans which address land use effects on fresh water. Indeed, such an approach is promoted, provided that it is not inconsistent with this Plan.
- The Council will promote consistency between this Plan, district plans and any resource consents that are issued by territorial authorities.

Further detail is provided in the subsections below on processes for dealing with land use effects on water quality and quantity, flood mitigation, and wetlands. These are the most significant cross boundary issues for freshwater management in the Region.

12.1.1 Land Use Controls in River and Lake Beds

Territorial authorities and regional councils both have a mandate for management of river and lake beds. Territorial authorities can include provisions in their district plans which relates to the actual or potential effects of the use of land. The Act interprets land as being any land covered by water. Regional councils also have specific functions relating to the use of land which include:

- the maintenance and enhancement of the quality of water in water bodies;
- the maintenance of the quantity of water in water bodies;
- the avoidance or mitigation of natural hazards; and
- the introduction or planting of any plant in, on, or under, any bed of a river or lake for the purposes described in the bullet points above.

The Plan addresses the matters in the bullet points above in relation to river and lake beds. Any other matters which may need to be addressed for the management of river and lake beds excluding noise (which is commented on in 12.1.2 below) would need to be addressed by territorial authorities.

12.1.2 Noise

Regional councils and territorial authorities have potentially overlapping responsibilities for noise under the Act. The responsibilities of territorial authorities identified in the Second Schedule of the Act include any emission of noise from land and structures. The responsibilities of regional councils in relation to noise include any emission of noise arising from activities which the regional council has control over, including activities in river and lake beds (land) and associated structures.

Noise is not an issue that has been identified in the Plan as a matter of concern to people. There is an explicit responsibility in the Act that noise should not exceed a reasonable level. The duty to avoid unreasonable noise falls on every individual and is regardless of any requirement placed through plans or resource consents. That there is such an explicit responsibility reflects the extent to which the creation of unreasonable noise is seen as an adverse effect on the environment. Should excessive noise occur as a result of an activity for any reason in the bed of any river or lake, the Council will rely on section 17(3) of the Act to require the noise to cease or for mitigation to occur.

12.1.3 Land Use Effects on Water Quality and Quantity

Land use effects on water quality and quantity are raised in Issues 2.5.3, 2.5.4 and 2.6.5. The approach of the Council is to avoid, remedy, or mitigate the adverse effects of land use activities by promoting actions by other agencies and by people to maintain and enhance water quality and to maintain water quantity.

In this context, "promote" does not include making rules on land. This approach towards the effects of land use on fresh water is consistent with the Regional Policy Statement which seeks in the first instance, to avoid or reduce the effects of land use by co-operating with territorial authorities and using the instruments available to these authorities.

12.1.4 Flood Mitigation and the Effects of Land Use

The effects of flooding and land uses that affect flood mitigation are raised and addressed in the issues and provisions of sections 2.3 and 2.7. The approach of the Council is to avoid, remedy, or mitigate the adverse effects of land use activities on flooding by promoting actions by other agencies and by people.

In this context, "promote" does not include making rules on land. This approach towards the effects of land use on flood mitigation is consistent with the Regional Policy Statement that says on page 205:

> *... the Regional Council has the primary responsibility for the control of the use of land for the avoidance or mitigation of natural hazards. For land other than land in the coastal marine area and the beds of lakes and rivers, the Regional Council will carry out this responsibility through this Regional Policy Statement and through the development of objectives and policies in regional plans. It will not write regional rules for this purpose, unless any relevant regional objective or policy is not able to be achieved through rules in district plans*

A regulatory approach by the Council towards controlling the effects of land use on flooding would therefore be inconsistent with the Regional Policy Statement, at least until such time as City and District Councils in the Region establish how they will address flooding in their District Plans.

[Controls on land uses relating to the adverse effects of flooding were contained in the Transitional Regional Plan. These controls were withdrawn after all of the Wellington Regional Council's regional plans became operative. At the time of withdrawal of the Transitional Regional Plan, the ability of rules in district plans to achieve regional objectives and policies relating to flooding was assessed together with other relevant legislation (for example, the Soil Conservation and Rivers Control Act 1941). As a result, a rule for controlling land use for the avoidance or mitigation of flooding in specified river corridors is included in the Plan. This rule is consistent with the approach of the Regional Policy Statement.]

The Council is progressively developing floodplain management plans for flood prone rivers in the Region. These are non-statutory plans that are being prepared in consultation with the community. They will establish goals and objectives for the rivers they seek to manage and provide protection from floods. At the same

time they will provide the framework for guiding land use and development on the floodplain. Floodplain management plans will be prepared for the Otaki, Waikanae and Hutt Rivers in the life of this Plan. There are also existing Council River Management Schemes for flood mitigation, which serve the same purpose until such time as Floodplain Management Plans are prepared.

Flood hazard assessment is an assessment of the nature, likelihood and extent of flooding, and the associated dangers that may result. Flood hazard assessment is an essential part of the initial phase of work towards a floodplain management plan. Flood hazard assessments have already been completed for the Waikanae, Otaki, Porirua and Waingawa floodplains. In the lifetime of this Plan (10 years) they will be carried out for the Waiwhetu Stream, the Wainuiomata River, the Pinehaven Stream, the Mangaone Stream, the Mangaroa River and the Waitohu Stream.

Floodplain management plans or existing schemes and strategies will be used as the basis for the Council's approach to floodplain management.

In section 12.1.4, the paragrah in square brackets was inserted by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

12.1.5 Land Use Effects on Wetlands

Land use effects on wetlands are raised in Issues 2.1.1, 2.6.5, and 2.7.7 and addressed in Policies 6.2.13, 6.2.14 and 7.2.15. When a wetland is included within the bed of a river or lake, the Council has a responsibility for controlling land use activities in the wetland (addressed in section 7) as well as managing water levels and the quantity of water in the wetland (addressed in section 6).

When a wetland is outside the bed of a river or lake the Council retains responsibility for controlling the quantity and level of water in a wetland. However, outside river and lake beds, the territorial authority has a responsibility for controlling the effects of land use. Activities on the margins of wetlands can have significant adverse effects on the wetland. In such circumstances the Council will promote an approach to land use which is consistent with its other policies on wetlands in this Plan.

In this context, "promote" does not include making rules on land. Rather, it includes the promotion of actions by other agencies and by people in a way that is consistent with the policies of this Plan.

12.2 Issues between the Wellington Regional Council and adjoining regions

Regional council boundaries are generally based on catchments. Hence, there are unlikely to be many issues within the Wellington Region which directly affect the Manawatu-Wanganui Region. However, it is important that there is regular

communication between both councils because there will be some properties that straddle the regional boundaries.

12.3 Processes to address cross boundary issues

Where appropriate, the Wellington Regional Council will:

- work with territorial authorities and the Manawatu-Wanganui Regional Council (horizons.mw);
- seek a consistent approach between plans dealing with the control of activities where such activities span boundaries or the effects of activities span boundaries;
- advocate for the inclusion of appropriate objectives and policies in other resource management plans to ensure consistency between the provisions of this Plan and those plans prepared by other local authorities;
- use joint hearings in those situations where resource consents are required from both the Wellington Regional Council and a territorial authority for any activity which spans the jurisdiction of both authorities; and
- use joint hearings in those situations where resource consents are required from the Wellington Regional Council and the Manawatu-Wanganui Regional Council should any activity span the regional boundary.

Appendices

Management Scheme Asset Registers 1941

Appendix 1

River Mouths

River mouths have been set in accordance with section 2 of the Resource Management Act 1991. The locations of river mouths and coastal marine area boundaries are shown in the figures attached to this Appendix. Grid references are given for NZMS 260 maps.

River	River Mouth (NZMS 260 Grid References)	Coastal Marine Area Boundary
Orongorongo River *Figures 1.1*	R28 689 747	The seaward side of the Coast Road Bridge at NZMS 260 R28 690 748
Wainuiomata River *Figure 1.2*	R28 671 756	A line extending off the Coast Road as it runs approximately parallel to the coast at NZMS 260 R28 676 755
Hutt River *Figure 1.3*	R27 691 944	The seaward edge of the Waione Street (Estuary) Bridge at NZMS 260 R27 693 953
Makara Stream *Figure 1.4*	R27 537 972	A line off the edge of Estuary Street (previously known as Cook St) across the stream at NZMS 260 R27 538 971
Pauatahanui Stream *Figure 1.5*	R27 708 0+6	The landward edge of Pauatahanui Inlet Wildlife Management Reserve at NZMS 260 R27 708 095
Horokiri Stream Figure 1.6	R26 702 107	The seaward side of Pauatahanui Road Bridge at NZMS 260 R26 702 107
Kakaho Stream *Figure 1.7*	R26 691 114	The seaward side of Pauatahanui Road Bridge at NZMS 260 R26 691 115

River	River Mouth (NZMS 260 Grid References)	Coastal Marine Area Boundary
Porirua Stream *Figure 1.8*	R27 647 068	The seaward edge of the new (not marked on the map) Porirua Ramp Bridge at NZMS 260 R27 647 067
Pahaoa River *Figure 1.9*	T28 375 755	A right angle from the point at which the road begins to follow the river upstream at NZMS 260 T28 377 759
Kaiwhata River *Figure 1.10*	T27 603 972	The peak of the first major bend where an unnamed stream (not marked on the map) enters the river at NZMS 260 T27 603 972
Motuwaireka Stream *Figure 1.11*	T27 681 091	The seaward edge of the Orui Bridge at NZMS 260 T27 680 092
Whareama River *Figure 1.12*	U26 711 169	Continuation of the fence line which approaches the river at NZMS 260 U26 706 172
Mataikona River *Figure 1.13*	U25 854 425	The seaward edge of the Owhanga swing bridge at NZMS 260 U25 854 427
Okau Stream *Figure 1.14*	U26 833 352	The seaward edge of the Mataikona Road Bridge at NZMS 260 U26 833 353
Whakataki River *Figure 1.15*	U26 816 326	The seaward edge of the Masterton Castlepoint Road Bridge at NZMS 260 U26 816 326
Ngakauau Stream *Figure 1.16*	U26 784 263	Where the road crosses the stream at NZMS 260 U26 784 263

River	River Mouth (NZMS 260 Grid References)	Coastal Marine Area Boundary
Oterei River *Figure 1.17*	S28 252 662	The seaward edge of the Te Awaiti Road Bridge at NZMS 260 S28 252 664
Opouawe River *Figure 1.18*	S28 122 577	An extension from White Rock Road where it runs roughly parallel with the coast at NZMS 260 S28 122 577
Awhea River *Figure 1.19*	S28 200 639	An extension from Te Awaiti Road where it runs roughly perpendicular to the river at NZMS 260 S28 198 641
Taupo Stream *Figure 1.20*	R26 668 117	The seaward side of the Steyne Avenue Bridge at NZMS 260 R26 668 117
Waitohu Stream *Figure 1.21*	R25 893 505	A line running at 90 degrees from the end of Moana Street across the stream at NZMS 260 R25 893 505
Otaki River *Figure 1.22*	R25 875 476	A line extending south from the road on the true right bank at NZMS 260 R25 880 475
Waimeha Stream *Figure 1.23*	R26 811 366	The seaward edge of the Field Way Road Bridge at NZMS 260 R26 811 366
Waikanae River *Figure 1.24*	R26 791 352	A line extending from the eastern side of the road east of the dune lakes at NZMS 262 R26 794 349
Lake Onoke/Ruamahanga River *Figure 1.25*	R28 880 786	The point at which the Ruamahanga River enters Lake Onoke at NZMS 260 R28 890 796

For the remaining rivers in the Region, the mouth is deemed to be a straight line representing the continuation of the line of Mean High Water Springs on each side of the river at the river outlet.

Appendix 2

Wetlands, Lakes and Rivers and their Margins, with a High Degree of Natural Character

Policy 4.2.10 provides direction for the management of the natural character of the water bodies and their margins listed in this Appendix.

The locations of catchments with rivers and lakes that have a high degree of natural character are shown in the maps attached to this Appendix as figures (wetlands are not included in the figures). The purpose of the following maps is to assist users of the Plan by generally locating the catchments within which water bodies occurs. The maps are not intended for land use purposes. They are for the management of water bodies within particular catchments. The boundaries of the maps are indicative only and are not legally binding. Grid references are given for NZMS 260 maps.

Part A: Surface Water to be Managed in its Natural State

Policy 5.2.1 provides direction on water quality for the management purposes of the water bodies listed in this Appendix.

Rivers

All water bodies and river beds within the catchment of the Waiohine River upstream from the cableway at S26 117 185, as generally shown in figure 2.1.

All water bodies and river beds within the catchment of the Otaki River upstream of the Suspension Bridge at S26 958 402, as generally shown in figure 2.2.

All water bodies and river beds within the catchment of the Wainuiomata River upstream of the former Morton Dam site at R27 771 918, as generally shown in figure 2.3.

All water bodies and river beds within the catchment of the Orongorongo River upstream of the Truss Bridge at R28 689 747, as generally shown in figure 2.4.

All river and lake beds and water bodies upstream of Park Boundaries marked on NZMS 260 series maps that have their sources in, and flow in:

- the Haurangi State Forest Park, as generally shown in figure 2.5;
- the Rimutaka Forest, as generally shown in figure 2.6; and
- the Tararua Forest Park; as generally shown in figure 2.7.

Wetlands

Muapoko Swamp Forest at and around R26 807 323

Part B: Surface Water to the Managed for Aquatic Ecosystem Purposes

Policy 5.2.6 provides guidance on water quality for all water bodies not listed in Appendix 7. This includes water bodies that are being managed for other purposes in accordance with Policies 5.2.2 to 5.2.5.

Rivers and Lakes

Lake Wairarapa, as generally shown in figure 2.8.

All water bodies and river beds within the catchment of the Hutt River above the Wellington water supply intake weir at S26 941 150, as generally shown in figure 2.9.

Lake Kohangatera and the Gollans Swamp at around R27 661 802, and all waterbodies within the catchment above the junction of Gollans Stream and Butterfly Creek, and Lake Kohangapiripiri and its swamp at around R27 654 810, as generally shown in figure 2.10.

All water bodies and river beds within the catchment of the Hurupi Stream upstream of the road bridge at S28 955 717, as generally shown in figure 2.11.

All water bodies and river beds within the catchment of the Putangirua Stream upstream of the road bridge at S28 956 706, as generally shown in figure 2.12.

All water bodies and river beds within the catchment of the Kakaho stream upstream of the coastal marine area boundary at R26 691 115, as generally shown in figure 2.13.

All water bodies and river beds within the catchment of the Horokiri Stream and the Ration Stream upstream of the respective coastal marine boundaries at R26 702 107 and R26 707 103, as generally shown in Figure 2.14.

All water bodies and river beds within the catchment of the Pauatahanui Stream upstream of the coastal marine area boundary at NZMS R27 708 095, as generally shown in figure 2.15.

All water bodies and river beds within the catchment of the Catchpool Stream upstream from the confluence with the Wainuiomata River at R27 714 826, as generally shown in figure 2.16.

All water bodies and river beds within the catchment of the Waipapa Stream, upstream of the coastal marine area boundary at NZMS R27 541 818, as generally shown in figure 2.17.

Wetlands

- Bartons Lagoon at and around S27 042 018
- Tauherenikau Delta at and around S27 050 007
- Donalds/Haywoods Wetland at and around S27 978 038
- Ruamahanga Floodway Wetland at and around S27 010 935
- Mathews Lagoon at and around S27 995 915
- Boggy Pond at and around S27 995 915
- Carter's Bush, Waikoukou Stream at and around S26 285 125
- Pukio Oxbow at and around S27 055 992
- Omega Bogs and Tarms at and around S26 040 218
- Maungahuka Tarm at and around S26 065 301
- Orui Wetland at and around T27 685 093
- Kourarau Dam at and around T27 370 093
- Te Harakeke Swamp at and around R26 827 377
- Railway Lakes at and around R26 762 243
- MacKays Crossing Swamp at and around R26 767 241
- Taupo Swamp Complex at and around R26 675 135

Appendix 3

Water Bodies with Nationally Threatened Indigenous Fish Recorded in the Catchment and Nationally Threatened Indigenous Aquatic Plants

Refer to Policy 4.2.13

The locations of catchments with rivers, lakes and wetlands where nationally threatened fish species are recorded are shown in the maps attached to this Appendix as figures. The purpose of the following maps is to assist users of the Plan by **generally** locating the water bodies and their catchments. The maps are not intended for land use purposes. They are for the management of water bodies within particular catchments. The boundaries of the maps are indicative only and are not legally binding.

Grid references are given for NZMS 260 maps.

The records of fish species for this Appendix are taken from *The National Freshwater Fisheries Database* managed by the National Institute of Water and Atmospheric Research.

Part A: Water Bodies with Nationally Threatened Indigenous Fish Recorded in the catchment

The Waikanae River, above the coastal marine area boundary at R26 794 349, and the following rivers in the Waikanae River catchment above their confluences with the Waikanae River, as generally shown in Figure 3.1:

- the Muapoko Stream;
- the Mangakotukutuku Stream;
- the Ngatiawa River;
- the Reikorangi Stream;
- the unnamed tributary at R26 898 344;
- the unnamed tributary at R26 896 336; and
- the unnamed tributary at R26 896 345.

(Species recorded are: Shortjawed Kokopu and Koaro)

The Otaki River, above the coastal marine area boundary at R25 880 475, and the following rivers in the Otaki River catchment above their confluences with the Otaki River, as generally shown in figure 3.2:

- the Pukehinau Stream;
- the Waiotauru River; and
- the Waimanu Stream;

(Species recorded are: Shortjawed Kokopu, Giant Kokopu, Banded Kokopu, and Koaro)

The Korokoro Stream and its tributaries upstream of the coastal marine area boundary at R27 658 963, as generally shown in figure 3.3. (Species recorded are: Giant Kokopu)

The Horokiri Stream and the Ration Stream and their tributaries upstream of the respective coastal marine boundaries at R26 702 107 and R26 707 103, as generally shown in Figure 3.4. (Species recorded are: Shortjawed Kokopu, Giant Kokopu, and Banded Kokopu)

The Pauatahanui Stream and its tributaries upstream of the coastal marine area boundary at R27 708 095, as generally shown in figure 3.5. (Species recorded are: Giant Kokopu and Banded Kokopu)

The Kakaho Stream and its tributaries upstream of the coastal marine area boundary at R26 691 115, as generally shown in figure 3.6. (Species recorded are: Banded Kokopu)

Duck Creek and its tributaries upstream of the coastal marine area boundary at R26 095 696, as generally shown in figure 3.7. (Species recorded are: Shortjawed Kokopu, Giant Kokopu, and Banded Kokopu)

The Taupo Stream and its tributaries upstream of the coastal marine area boundary at R26 668 117, as generally shown in figure 3.8. (Species recorded are: Giant Kokopu and Banded Kokopu)

The Wairaka Stream and its tributaries upstream of the coastal marine area boundary at R26 181 689, as generally shown in figure 3.9. (Species recorded are: Shortjawed Kokopu and Banded Kokopu)

The Waitohu Stream and its tributaries upstream of the coastal marine area boundary at R25 893 505, as generally shown in figure 3.10. (Species recorded are: Brown Mudfish)

The Whareroa Stream and its tributaries upstream of the coastal marine area boundary at R26 757 260, as generally shown in figure 3.11. (Species recorded are: Koaro, Giant Kokopu, and Banded Kokopu)

The Wainui Stream and its tributaries upstream of the coastal marine area boundary at R26 750 241, as generally shown in figure 3.12. (Species recorded are: Giant Kokopu)

The Wharemauku and its tributaries upstream of the coastal marine area boundary at R26 757 259, as generally shown in figure 3.13. (Species recorded are: Banded Kokopu)

The Mangaone Stream and its tributaries upstream of the coastal marine area boundary at R25/S25 858 443, as generally shown in figure 3.14. (Species recorded are: Shortjawed Kokopu, Koaro, and Banded Kokopu)

Lake Wairarapa, at and around R28 980 975 and the following tributaries in its catchment, as generally shown in figure 3.15:

- the Tauherenikau River;
- Cross Creek;
- Brockettes Stream;
- Burlings Stream;
- the Wairongomai River; and
- the Manganui River.

(Species recorded are: Koaro, Shortjawed Kokopu, Giant Kokopu, Brown Mudfish and Banded Kokopu)

Lake Pounui at and around R27 875 798 and its tributaries, as generally shown in figure 3.16. (Species recorded are: Brown Mudfish, Giant Kokopu and Banded Kokopu)

The Mukamukaiti Stream and its tributaries upstream of the coastal marine area boundary at R28 760 771, as generally shown in figure 3.17. (Species recorded are: Shortjawed Kokopu, Koaro and Banded Kokopu)

The Hurupi Stream and its tributaries upstream of the coastal marine area boundary at S28 952 716, as generally shown in figure 3.18. (Species recorded are: Shortjawed Kokopu)

The Putangirua Stream and its tributaries upstream of the coastal marine area boundary at S28 955 706, as generally shown in figure 3.19. (Species recorded are: Koaro)

The Waingawa River and its tributaries upstream of the confluence with the Ruamahanga River at T26 342 188, as generally shown in figure 3.20. (Species recorded are: Brown Mudfish.)

The Gollans Stream and its tributaries upstream of, and including, the Kohangatera Lagoon at R27 661 802 as generally shown in figure 3.21. (Species recorded are: Giant Kokopu and Banded Kokopu.)

Camerons Creek and its tributaries upstream of, and including, Lake Kohangapiripiri at R27 654 810 as generally shown in figure 3.21. (Species recorded are: Giant Kokopu.)

Part B: Nationally Threatened Aquatic or Semi-Aquatic Indigenous Plant Species

Dicotyledons

Coprosma violacea
Coprosma wallii
Crassula hunua
Crassula peduncularis
Crassula ruamahanga
Ileostylus micranthus
Korthalsella salicornioides
Leptinella dioica spp monoica
Mazus novaezeelandiae
Muehlenbecia astonii
Myosurus minimus
Muriophyllum robustum
Olearia hectori
Pittosporum obcordatum
Teucridium parvifolia
Urtica linearifolia
Utricularia australis

Ferns and fern allies

Anogramma leptophylla
Ophioglossum petiolatum

Mosses, liverworts and lichens

Fissidens berteroi

Monocotyledons

Amphibromus fluitans
Calochilus paludosus
Isolepis basilaris
Juncus holoschoenus
Pterostylis micromega

Appendix 4

Water Bodies with Important Trout Habitat (including spawning areas) - Water Quality to be Managed for Fishery and Fish Spawning Purposes

Policy 4.2.14 provides direction for the management of habitat identified in this Appendix. **Policy 5.2.3** provides direction for the management of water quality in the water bodies listed in this Appendix.

Grid references are given for NZMS 260 maps. The locations of rivers are shown on the attached map (Figure 4).

The primary source of information for the water bodies listed in Appendix 4 is based on records provided by the Wellington Fish and Game Council which are held on File X/10/7/2 at the Wellington Regional Council.

1. The Otaki River from S26 050 406 to S25 910 462.
2. The Waikanae River from R26 899 353 to R26 807 347.
3. The Maungakotukutuku Stream from R26 794 219 to the confluence with the Waikanae River at R26 845 316.
4. The Wainuiomata River between Wainuiomata Lower Dam at R27 768 912 and the Golf Course at R27 721 873.
5. The Catchpool Stream upstream of the Coast Road bridge at R27 697 819.
6. The Hutt River from R26 899 118 to R27 700 985.
7. The Akatarawa River from R26 877 229 to its confluence with the Hutt River at R26 862 108.
8. The Akatarawa West River from R26 853 177 to its confluence with the Akatarawa River at R26 873 138.
9. Frances Stream from S26 901 207 to its confluence with the Akatarawa River at R26 882 183.
10. Deadwood Stream from R26 877 213 to its confluence with the Akatarawa River at R26 886 200.
11. The Mangaroa River from the Golf Course at R27 815 992 to its confluence with the Hutt River at R26 886 104.
12. Cooleys Stream upstream of its confluence with the Mangaroa River at R27 880051.
13. Collets Stream from R27 883 073 to its confluence with the Mangaroa River at R27 881 083.

14. Narrow Neck Stream from R27 848 083 to its confluence with the Mangaroa River at R27 842 018.
15. The Pakuratahi River from R27 880 975 downstream to the Rimutaka incline at R26 950 119
16. Farm Creek from S26 955 133 to its confluence with the Pakuratahi River at S26 946 133.
17. The Rimutaka Stream upstream of its confluence with the Pakuratahi River at S26 955 124.
18. The Whakatiki River from the gorge at R 820 086 to its confluence with the Hutt River at R27 822 083.
19. The middle and upper Whakatiki River from R27 819 152 downstream to the gorge at R27 811 099.
20. The Wainui Stream from R26 781 143 to its confluence with the Whakatiki River at R26 807 114.
21. Flightys Creek from R26 780 128 to its confluence with the Whakatiki River at R26 791 124.
22. Moonshine Stream from R26 795 088 to its confluence with the Hutt River at R26 809 053.
23. Birchville Stream from R27 846 119 to its confluence with the Hutt River at R27 858 104.
24. The Waiohine River from S27 105 335 to 205 085.
25. The Mangatarere River from S26 158 240 to its confluence with the Waiohine River at S26 199 131.
26. Beef Creek above its confluence with Waiohine at S26 199 135.
27. The Waingawa River above its confluence with the Ruamahanga River at T26 342 188.
28. The Atiwhakatu River above its confluence with the Waingawa River at S26 233 316.
29. The Kaipatangata Stream from the water supply dam downstream at S26 150 211 to its confluence with the Mangatarere River at S26 196 154.
30. The Waipoua River above its confluence with the Ruamahanga River at T26 351 241.
31. The Wakamoekau Creek above its confluence with the Waipoua River at T26 306 304.
32. The Te Mara Stream upstream of its confluence with the Waipoua River at S25 300 411.
33. The Mikimiki Stream upstream of its confluence with the Waipoua River at T26 307 370.

34. The Kiriwhakapapa Stream above its confluence with the Waipoua River at T26 305 395.

35. The Kopauranga River from the Mauriceville settlement at T26 364 305 to its confluence with the Ruamahanga River at T26 368 312.

36. The Tauweru River from the Tauweru settlement at T26 456 231 to its confluence with the Ruamahanga River at T26 313 121.

37. The Ruakokoputuna River upstream of its confluence with the Huangarua River at S27 173 871.

38. The Huangarua River downstream of its confluence with the Ruakokoputuna River at S27 173 871 to its confluence with the Ruamahanga River at S27 164 980.

39. The Tupurupuru Stream downstream of its confluence with the Waingongoro Stream at T26 355 123 to its confluence with the Tauweru River at T26 342 131.

40. The Wairongomai Stream upstream of its confluence with Lake Wairarapa at S27 924 920.

41. Cross Creek upstream of its confluence with Lake Wairarapa at S27 999 013.

42. Otakura Stream upstream of its confluence with Lake Wairarapa at S27 042 993.

43. The Tauherenikau River above its confluence with Lake Wairarapa at S27 043 005.

Appendix 5

Water Bodies with Regionally Important Amenity and Recreational Values - Water Quality to be Managed for Contact Recreation Purposes

The primary source of information for the water bodies listed in Appendix 5 is an unpublished WRC report which is held on File X/10/7/2 at the Wellington Regional Council.

The water bodies listed in this Appendix are to be managed in accordance with Policies 4.2.15 and 5.2.4. **Policy 4.2.15** provides general guidance on the management of the waterbodies. **Policy 5.2.4** provides specific guidance for water quality, which is "To manage water quality for contact recreation purposes in those water bodies identified in Appendix 5 (subject to Policy 5.2.10), excluding Lake Waitawa (managed according to Policy 5.2.6) and Lake Wairarapa (managed according to Policies 5.2.2 and 5.2.6)".

See also Policy 4.2.15

The locations of rivers and lakes are shown on the attached map (Figure 5).

Grid references are given for NZMS 260 maps.

- Lake Waitawa (Forest Lakes) at and around S25 935 513 for kayaking, sailing and windsurfing. (Policy 5.2.4 excludes water quality from management for contact recreation purposes)
- The Otaki River:
- above Otaki Forks at S26 984 352 for rafting, kayaking, and tubing;
- Otaki Gorge from S26 984 352 to S25 952 412 for rafting, kayaking, tubing, and angling;
- the Otaki Gorge at S25 952 412 to the Otaki River mouth at R25 875 476 for kayaking and angling.
- The Waikanae River: State Highway 1 at R26 838 340 to the river mouth at R26 792 352 for swimming and angling.
- The Hutt River:
- Kaitoke at S26 943 144 to Te Marua at R26 900 118 for rafting, kayaking, canoeing, tubing, swimming and angling;

- Te Marua at R26 900 118 to Silverstream at R27 777 049 for canoeing, kayaking, swimming and angling;
- Silverstream at R27 777 049 to Melling at R27 099 985 for kayaking, power boating, swimming and angling.
- Melling at R27 699 985 to the river mouth at R27 692 947 for angling.
- The Pakuratahi River between S26 943 144 and S26 948 129 for swimming and angling.
- The Akatarawa River between R26 889 201 and R26 863 109 for kayaking and swimming.
- The Wainuiomata River from the Coast Road bridge at R27 737 907 to the river mouth at R28 669 755 for angling.
- The Waingawa River:
- above the road end at S26 204 329 for rafting and tubing;
- below the road end at S26 204 329 to the Ruamahanga confluence at T26 342 187 for kayaking, rafting and angling.
- The Waiohine River:
- Waiohine Gorge between S26 109 206 and S26 119 178 for rafting, tubing, kayaking and angling;
- Waiohine Gorge at S26 119 178 to the Ruamahanga confluence at S27 205 089 for rafting, kayaking, canoeing and angling;
- Lake Wairarapa and associated wetlands at and around S27 990 970 for duck shooting and power boating. (Policy 5.2.4 excludes water quality from management for contact recreation purposes)
- The Ruamahanga River:
- Upper Ruamahanga River to State Highway 2 at T25 301 461 for tubing;
- State Highway 2 at T25 301 461 to the confluence with the Waingawa River at T26 342 187 for angling;
- from the confluence with the Waingawa River at T26 342 187 to Tuhitarata at S27 999 886 for canoeing, kayaking and angling;
- Tuhitarata at S27 999 886 to Lake Onoke at R28 890 790 for canoeing, kayaking, power boating and angling;
- The Kopuaranga River above T26 369 312 for angling.
- The Waipoua River above T26 352 241 for angling.

Appendix 6

Water Bodies with Water Quality to be Managed for Water Supply Purposes

Refer to Policy 5.2.5

The locations of catchments with rivers used for water supply purposes are shown in the maps attached to this Appendix as figures. The purpose of the following maps is to assist users of the Plan by **generally** locating the catchments within which water bodies occur. The maps are not intended for land use purposes. They are for the management of water bodies within particular catchments. The boundaries of the maps are indicative only and are not legally binding.

Grid references are given for NZMS 260 maps.

The Wainui Stream (Smiths Creek) upstream of the Kapiti Coast District Council intake at R26 761 227, as generally shown in figure 6.1.

The Waikanae River upstream of the Waikanae Water Treatment Plant at R26 845 333, as generally shown in figure 6.2.

The Waitohu Stream and its tributaries upstream of the Kapiti Coast District Council intake at S25 966 467, as generally shown in figure 6.3.

The Wainuiomata River and its tributaries upstream of the Morton Dam at R27 771 918, as generally shown in figure 6.4.

The Hutt River and its tributaries upstream of the Kaitoke intake at S26 941 150, as generally shown in figure 6.5.

The Orongorongo River and its tributaries upstream of R27 802 879, as generally shown in figure 6.6.

Boar Creek upstream of S27 049 090, as generally shown in figure 6.7.

Taits Creek upstream of S26 076 138, as generally shown in figure 6.8.

The Huangarua River upstream of S27 195 935, as generally shown in figure 6.9.

The Waingawa River upstream of S26 228 322, as generally shown in figure 6.10.

The Kaipatangata River upstream of S26 151 213, as generally shown in figure 6.11.

Appendix 7

Water Bodies with Water Quality Identified as Needing Enhancement

Refer to Policy 5.2.9

The locations of rivers are shown on the attached map.

The primary sources of information for the water bodies listed in Appendix 7 are:

Berry Alison (1994) *Wairarapa Rivers Water Quality Monitoring Programme Annual Report.* Technical Report No. 94/14, Wellington Regional Council, Wairarapa Division.

Berry Alison (1994/95) *Baseline Water Quality of Rivers and Streams in the Wellington Region - 1994/1995* Publication No. WRC/CI-T-95/50. Consents and Investigation Department, Wellington Regional Council.

Cameron D J, Sando M J *Baseline Water Quality of Rivers and Streams in the Wellington Region 1988/89.* Technical Report 90-1, Water Resources Department, Wellington Regional Council.

Cameron D J (1993) *Baseline Water Quality of Rivers and Streams in the Wellington Region - 1992/1993.* Publication WRC/CI/T-93/34, Wellington Regional Council, Wellington.

Cameron D J (1994) *Baseline Water Quality of Rivers and Streams in the Wellington Region - 1993/1994.* Publication WRC/CI-I-94/24, Wellington Regional Council, Wellington.

Morton Alison (1994) *Wairarapa Rivers Water Quality Monitoring Programme.* Technical Report No.95/10, Wellington Regional Council, Wairarapa Division.

1. For Aquatic Ecosystems Purposes

- The Mazengarb Drain from its confluence with the Waikanae River at R26 795 345 upstream to R26 801 325.
- Tikotu Stream from the coastal marine area boundary at R26 768 331 upstream to R26 785 329.
- Ngarara Stream and its tributaries from the coastal marine area boundary at R26 811 364 upstream to R26 838 360 and R26 831 358.
- Lower Mangaone Stream from the coastal marine area boundary at R25 858 443 upstream to R25 400 425.

- Waiwhetu Stream from the coastal marine area boundary at R27 694 948 upstream to R27 746 986
- Wainuiomata River from the coastal marine area boundary at R28 676 755 upstream to R27 734 959.
- Ngauranga Stream and its tributary from the coastal marine area boundary at R27 620 937 upstream to R27 619 984 and R27 607 942.
- The Makoura Stream (both above and below the oxidation pond discharge) from T26 354 197 upstream to T26 353 226.
- The Mangaterere River (both above and below the oxidation pond discharge) from S26 199 131 to S26 234 214.
- The Makara Stream upstream of the coastal marine boundary at R27 538 971

2. For Contact Recreation Purposes

- The lower Waiohine River from S27 205 086 to S26 117 185.
- The mid and lower Ruamahanga River from T26 355 334 to R28 890 796.

3. For Fishery and Fish Spawning Purposes

- The Wainuiomata River from the coastal marine area boundary at R28 676 755 upstream to R27 734 959.

Appendix 8

Water Quality Guidelines

Introduction

This appendix provides guidelines for resource consents and monitoring.

The water quality guidelines are expressed in terms of the receiving water rather than the discharge. Thus, conditions on a resource consent must take account of the effects of, for instance, mixing and existing discharges. This is specified in the guidelines with the phrases "After reasonable mixing" and "the contaminant, either by itself or in combination with other contaminants". The latter phrase is to ensure that the cumulative effect of all discharges to the water body is considered.

These guidelines use the predominantly narrative standards given in the Act. Relevant numerical criteria are not included because they should not be separated from the documents of which they are a part. That is, they should not be taken out of context. The documents which should be used to guide numerical criteria for receiving waters in these guidelines are:

- the ANZECC Australian water quality guidelines (ANZECC, 1992);
- the Ministry for the Environment water quality guidelines (Ministry for the Environment, 1992, and Ministry for the Environment, 1994);
- the Department of Health guidelines for recreation and shellfish gathering (McBride et al., 1992);
- the Ministry of Agriculture and Fisheries technical paper on the influence of agriculture (Smith et al. 1993);
- other relevant guidelines.

Guidelines

A8.1 The following guidelines reflect the minimum water quality standards established in sections 70 and 107 of the Act.

After reasonable mixing, the contaminant, either by itself or in combination with other contaminants, is not likely to cause any of the following effects:

(1) The production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials.

(2) Any conspicuous change in the colour or visual clarity.

(3) Any emission of objectionable odour.

(4) The rendering of freshwater unsuitable for consumption by farm animals.

(5) Any significant adverse effects on aquatic life.

A8.2 The following guidelines reflect the water quality standards in the Third Schedule of the Act regarding water managed for aquatic ecosystem purposes.

After reasonable mixing, the contaminant, either by itself or in combination with other contaminants, is not likely to cause any of the following effects:

(1) All those effects in 8.1.

(2) The natural temperature of the water shall not be changed by more than 3° Celsius.

(3) The following shall not be allowed if they have an adverse effect on aquatic life:

(a) Any pH change:

(b) Any increase in the deposition of matter on the bed of the water body or coastal water:

(c) Any discharge of a contaminant into the water.

(4) The concentration of dissolved oxygen to fall below 80% of saturation concentration.

(5) There shall be no undesirable biological growths as a result of any discharge of a contaminant into the water.

A8.3 The following guidelines reflect the water quality standards in the Third Schedule of the Act regarding water managed for aquatic ecosystem and contact recreation purposes.

After reasonable mixing, the contaminant, either by itself or in combination with other contaminants, is not likely to cause any of the following effects:

(1) All those effects in A8.1.

(2) All those effects in A8.2.

(3) The visual clarity of the water to be so low as to be unsuitable for bathing.

(4) The water to be rendered unsuitable for bathing by the presence of contaminants.

(5) The presence of undesirable biological growths as a result of any discharge of a contaminant into the water.

A8.4 The following guidelines reflect the water quality standards in the Third Schedule of the Act regarding water managed for aquatic ecosystem and fishery purposes.

After reasonable mixing, the contaminant, either by itself or in combination with other contaminants, is not likely to cause any of the following effects:

(1) All those effects in A8.1.

(2) All those effects in A8.2.

(3) The natural temperature of the water -

- To be changed by more than 3^{o} Celsius; and
- To exceed 25^{o} Celsius.

(4) The concentration of dissolved oxygen to fall below 80% of saturation concentration.

(5) Fish to be rendered unsuitable for human consumption by the presence of contaminants.

A8.5 The following guidelines reflect the water quality standards in the Third Schedule of the Act regarding water managed for aquatic ecosystem and fish spawning purposes.

After reasonable mixing, the contaminant, either by itself or in combination with other contaminants, is not likely to cause any of the following effects:

(1) All those effects in A8.1.

(2) All those effects in A8.2.

(3) The natural temperature of the water to be changed by more than 3^{o} Celsius. The temperature of the water to adversely affect the spawning of specified fish species (either Brown Trout, *Salmo trutta*, or Inanga, *Galaxias maculatus*) during the spawning season.

(4) The concentration of dissolved oxygen to fall below 80% of saturation concentration.

A8.6 The following guidelines reflect the water quality standards in the Third Schedule of the Act regarding water managed for aquatic ecosystems and water supply purposes.

After reasonable mixing, the contaminant, either by itself or in combination with other contaminants, is not likely to cause any of the following effects:

(1) All those effects in A8.1.

(2) All those effects in A8.2.

(3) The pH of surface waters to be outside the range of 6.0 - 9.0 units.

(4) The concentration of dissolved oxygen in surface waters to be below 5 g/m^3.

(5) The water is rendered unsuitable for treatment (equivalent to coagulation, filtration, and disinfection) for human consumption by the presence of contaminants.

(6) The water is tainted or contaminated so as to make it unpalatable or unsuitable for consumption by humans after treatment (equivalent to coagulation, filtration, and disinfection), or unsuitable for irrigation.

A8.7 The following guideline reflects the water quality standard in the Third Schedule of the Act regarding water which is managed in its natural state.

After reasonable mixing, the contaminant, either by itself or in combination with other contaminants, is not likely to cause the following effect:

(1) The natural quality of the water to be altered.

References

Australian and New Zealand Environment and Conservation Council (1992) *Australian Water Quality Guidelines for Fresh and Marine Waters* ANZECC, Canberra.

McBride G B, Cooper A B and Till D G (1992) *Provisional Microbiological Water Quality Guidelines for Recreational and Shellfish - Gathering Waters in New Zealand* Public Health Services, Department of Health, Wellington.

Ministry for the Environment (1992) *Guidelines for the Control of Undesirable Biological Growths in Water* Water Quality Guidelines No. 1, Ministry for the Environment, Wellington.

Ministry for the Environment (1994) *Guidelines for the Management of Water Colour and Clarity* Water Quality Guidelines No. 2, Ministry for the Environment, Wellington.

Smith, C. M., Wilcock, R. J., Vant, W. N., Smith, D. G. and Cooper, A. B. (1993) *Towards Sustainable Agriculture: Freshwater Quality in New Zealand and the Influence of Agriculture* Ministry of Agriculture and Fisheries Policy Technical Paper 93/10.

Appendix 9

Groundwater Zones

The primary source of information for the groundwater zones identified in Appendix 9 are:

- Butcher G M (1995) *Safe Yield Estimates for Identified Aquifers in the Wairarapa Valley* Report prepared for the Wellington Regional Council;
- Butcher G M (1996) *Ground Water Resources of the Lower Wairarapa Valley* Report prepared for the Wellington Regional Council;
- Hydrological Services Group (1994) *Hydrology of the Kapiti Coast* Publication WRC/CI-T/G-94/13, Wellington Regional Council, Wellington;
- Hydrological Services Group (1995) *Hydrology of the Hutt Catchment*, Volume 1 - Surface Water, Volume 2 - Ground water Publication WRC/CI-T-95/38, Wellington Regional Council, Wellington;
- Professional Ground Water and Environmental Services (1996) *Ground Water Resources of the Parkvale/Waihakeke Area, Carterton* Report prepared for Wairarapa Division and the Wellington Regional Council;
- Royds Garden Limited (1992) *Kapiti Coast District Water Resource Study* (3 Volumes) Wellington Regional Council, Wellington;
- Royds Garden Limited (1993) *Kapiti Coast Area Water Management Report* Publication WRC/PP-G-93/64 Wellington Regional Council, Wellington;
- Wellington Regional Council (1992) *Draft Regional Plan for the Moroa Shallow Aquifer* Wellington Regional Council, Wairarapa Division;
- Wellington Regional Council (1993) *Wainuiomata Water Resource Statement* Publication WRC/PP-T-93/15, Wellington Regional Council, Wellington;
- Wellington Regional Council (1995) *Hydrology of the Orongorongo Catchment* Publication WRC/CI-T-95/162, Wellington Regional Council, Wellington; and
- Wellington Regional Council (1995) *Hydrology of the Hutt Catchment* Publication No. WRC/CI-T-95/38, Wellington Regional Council, Wellington.

The location of groundwater zones are shown on the maps attached to this Appendix.

Figure 9.1 Kapiti Coast groundwater zones

Figure 9.2 Wainuiomata catchment groundwater zones

Figure 9.3 Hutt catchment groundwater zones

Figure 9.3a Lower Hutt catchment groundwater zone

Figure 9.4 Wairarapa groundwater zones

Appendix 10

River Corridors

Refer to Policy 9.3.5

River corridors for the Waikanae, Otaki, Hutt, Lower Ruamahanga and Waiohine Rivers are shown on the maps attached to this Appendix.

Figure 10.1 Otaki River

Figure 10.2 Waikanae River

Figure 10.3 Lower Ruamahanga River

Figure 10.4 Waiohine River

Hutt River:

[At the time Plan Change 1 was made to the Regional Freshwater Plan, there were ongoing discussions between the Wellington Regional Council, and the Hutt City and Upper Hutt City Councils, about implementation of the recently completed "non statutory" Hutt River Floodplain Management Plan. The Hutt River Floodplain Management Plan includes a map of the Hutt River Corridor.

It is not appropriate to include this map of the Hutt River Corridor while discussions continue on how the Hutt River Floodplain Management Plan might be taken up in district plans.

For the purposes of the Regional Freshwater Plan, the river corridor for the Hutt River is:

(1) the river bed; and

(2) the land area between any river bed and the stop bank adjacent to the river bed; and

(3) in the following places, where there is no stopbank adjacent to the river bed;

(a) from Melling Bridge to Moonshine Bridge, the land area between the river bed and State Highway 2 (but not including State Highway 2), other than any residential activity area

identified in the Proposed District Plan for Hutt City or the Operative District Plan for Hutt City; and

(b) from Pomare Bridge to the Silverstream Road Bridge, the land area between the river bed and the Eastern Hutt Road (but not including the Eastern Hutt Road); and

(c) from the Silverstream Road Bridge to the Stopbank at Trentham Memorial Park, a 200 metre wide area of land adjacent to the river.**]**

In Appendix 10, the words in square brackets were substituted for the original wording by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

Appendix 11

National Water Conservation (Lake Wairarapa) Order 1989

1989/51

THE NATIONAL WATER CONSERVATION (LAKE WAIRARAPA) ORDER 1989

PAUL REEVES, Governor General

ORDER IN COUNCIL

At Wellington this 6th day of March 1989

Present:

HIS EXCELLENCY THE GOVENOR-GENERAL IN COUNCIL

Pursuant to section 20D of the Water and Soil Conservation Act 1967, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

ORDER

1.Title and commencement - (1) This order may be cited as the National Water Conservation (Lake Wairarapa) Order 1989.

(2) This order shall come into force on the 28th day after the date of its notification in the *Gazette.*

2.Interpretation - In this order, unless the context otherwise requires, -

"Act" means the Water and Soil Conservation Act 1967:

"Lake Wairarapa" means the more or less continuous area of water commonly known as Lake Wairarapa, including the Ruamahanga Cut-off, in Featherston County, the shoreline of which is the outer edge of the area within which the vegetation changes from predominantly aquatic to predominantly terrestrial, except at the outlet of the lake, where the shoreline is the lakeward foot of the barrage gates. For the avoidance of doubt it is declared that the shoreline adjacent to the land known as Lots 1 and 2 on Deposited Plan 4547 (Wellington Land District) is the lakeward foot of the stopbank on that land.

3. Outstanding features - It is hereby declared that the wildlife habitat created in part as a consequence of the natural fluctuations of water levels, particularly over the eastern shoreline, is an outstanding feature of Lake Wairarapa.

4. Prohibition on water rights - (1) No right to divert any water within Lake Wairarapa shall be granted under section 21 of the Act.

(2) No general authorisation to divert any water within Lake Wairarapa shall be made under section 22 of the Act.

Water rights and general authorisations - (1) No water rights shall be granted, and no general authorisation shall be made, in respect of any part of Lake Wairarapa if the effect would be to diminish significantly the outstanding wildlife habitat features of any part of the lake.

(2) Nothing in this order shall be construed as limiting the effect of the second proviso to section 21 (1) of the Act relating to the use of water for domestic needs, for the needs of animals, and for or in connection with fire-fighting purposes.

(3) Nothing in this order shall prevent the renewal of any water right or general authorisation which is current on the commencement of this order.

(4) Subject to subclause (1) of this clause, nothing in this order shall prevent the issue from time to time of water rights in connection with the barrage gates at the outlet of Lake Wairarapa.

MARIE SHROFF,
Clerk of the Executive Council

EXPLANATORY NOTE

This note is not part of the order, but is intended to indicate its general effect.

This order declares that the wildlife habitat created in part as a consequence of the natural fluctuations of water levels, particularly over the eastern shoreline, is an outstanding feature of Lake Wairarapa.

The order also includes various provisions to preserve and protect the wildlife habitat.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 9 March 1989.
This order is administered in the Ministry for the Environment.

[Appendix 12

Section 154 of the Soil Conservation and Rivers Control Act 1941

Damage to watercourses and works

(1) Every person who, without the written approval of the Minister or Board concerned, wilfully destroys or damages any watercourse or defence against water which is in any district or is under the control of the Minister or of any Board, or is constructed, established, or maintained under this Act by the Minister or by any Board, or who, without the written approval of the Minister or Board concerned, wilfully destroys or damages any plantation or work under the control of the Minister or of any Board, commits an offence and is liable to a fine not exceeding $10,000.

(2) Every person who, without the written approval of the Minister or Board concerned, destroys or damages any watercourse or defence against water which is in any district or is under the control of the Minister or of any Board or is constructed, established, or maintained under this Act by the Minister or by any Board, or who, without the written approval of the Minister or Board concerned, destroys or damages any plantation or work under the control of the Minister or of any Board, or who allows any animal which he owns or has under his control to damage or destroy any tree, shrub, or plant forming part of a defence against water, being a defence that is under the control of the Minister, or Board whether or not he has been guilty of an offence against this section, shall be liable to pay to the Minister or to the Board, as the case may be, the whole cost of restoring or repairing the damage or injury; and the amount thereof shall be recoverable as a debt due to the Minister or to the Board, as the case may be.]

Appendix 12 was inserted by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.

[Appendix 13

Stopbanks listed in Wellington Regional Council River Management Scheme Asset Registers

See Rule 49A, which applies to stopbanks listed in this Appendix.

The stopbanks listed are taken from Wellington Regional Council river management scheme asset registers. The asset registers for each river management scheme in Appendix 13 are held by the Operations Department of the Wairarapa Division of the Wellington Regional Council.

The upper and lower grid references for stopbanks are given for NZMS 260 maps. In the lists of stopbanks, the left or right bank refers to the river bank looking downstream. The indicative locations of listed stopbanks are shown in Map 13, attached to this Appendix.

In the Plan, **stopbank** means a structure constructed on a floodplain, or alongside a river, designed to contain flood flows and prevent high river flows flooding onto adjacent land. Stopbanks are included within the meaning of "defence against water", which is defined in section 3.

Listed stopbanks taken from the Lower Wairarapa Valley Development Scheme Asset Register

River	Stopbank	Upper Grid Reference (NZMS map coordinates)	Lower Grid Reference (NZMS map coordinates)
Ruamahanga (right bank)	Moiki to Tawaha	E: 2717182 N: 6001396	E: 2714198 N: 5998654
Ruamahanga (right bank)	Tawaha Floodway inlet to outlet	E: 2714980 N: 5998287	E: 2713127 N: 5997381
Ruamahanga (right bank)	Tawaha Floodway outlet to Hikinui Sill	E: 2712692 N: 5997617	E: 2710165 N: 5996318
Ruamahanga (right bank)	Hikinui Sill	E: 2710153 N: 5996314	E: 2709837 N: 5995629
Ruamahanga (right bank)	Hikinui Sill to Awaroa Sill	E: 2709833 N: 5995625	E: 2705437 N: 5990758
Ruamahanga (right bank)	Awaroa Sill	E: 2705439 N: 5990753	E: 2702701 N: 5990129

River	Stopbank	Upper Grid Reference NZMS map coordinates	Lower Grid Reference NZMS map coordinates
Ruamahanga (right bank)	Awaroa Sill to Tuhitarata Bridge	E: 2702696 N: 5990124	E: 2700043 N: 5988708
Ruamahanga (right bank)	Tuhitarata Bridge to Lake Wairarapa outlet	E: 2700038 N: 5988708	E: 2693493 N: 5985228
Ruamahanga (right bank)	Lake Wairarapa outlet to Lake Onoke	E: 2693256 N: 5985134	E: 2688850 N: 5979624
Ruamahanga (left bank)	Riverside Road	E: 2717454 N: 5999643	E: 2717040 N: 5998940
Ruamahanga (left bank)	Huangarua River confluence to Waihenga Bridge	E: 2716087 N: 5997815	E: 2714657 N: 5998041
Ruamahanga (left bank)	Waihenga Bridge to Dry River confluence	E: 2714626 N: 5998041	E: 2709928 N: 5992983
Ruamahanga (left bank)	Dry River to Tuhitarata Bridge	E: 2709924 N: 5992979	E: 2699969 N: 5988578
Ruamahanga (left bank)	Tuhitarata Bridge to Paharakehe Stream	E: 2699953 N: 5988615	E: 2694164 N: 5985489
Ruamahanga (left bank)	Paharakehe Stream to Lake Onoke	E: 2694109 N: 5985443	E: 2689089 N:5979760
Lake Onoke		E: 2688849 N: 5979619	E: 2686972 N: 5979682
East Onoke		E: 2689509 N: 5980891	E: 2689655 N: 5978616
Pounui Stream		E: 2687851 N: 5982173	E: 2687528 N: 5979670
Huangarua River	Ponatahi Road to Ruamahanga confluence – Left Bank	E: 2716948 N: 5997040	E: 2716085 N: 5997817
Huangarua River	Ponatahi Road to Ruamahanga confluence – Right Bank	E: 2717236 N: 5997145	E: 2716684 N: 5998166
Tawaha Floodway	Left Bank	E: 2714978 N: 5998286	E: 2713128 N: 5997378
Tawaha Floodway	Right Bank	E: 2714036 N: 5998525	E: 2712687 N: 5997613

River	Stopbank	Upper Grid Reference NZMS map coordinates	Lower Grid Reference NZMS map coordinates
Pahautea Floodway	Left Bank	E: 2709830 N: 5995619	E: 2707088 N: 5993333
Pahautea Floodway	Right Bank	E: 2707744 N: 5995317	E: 2706958 N: 5994732
Awaroa Floodway	Left Bank	E: 2707093 N: 5993331	E: 2705430 N: 5990748
Awaroa Floodway	Right Bank	E: 2705543 N: 5993734	E: 2704894 N: 5992600
Oporua Floodway	Left Bank	E: 2702693 N: 5990127	E: 2700180 N: 5994151
Oporua Floodway	Right Bank	E: 2704181 N: 5992199	E: 2700779 N: 5994577
Paharakehe Stream (Upland Cut-off)	Lake Ferry Road to Ruamahanga confluence	E: 2698458 N: 5985423	E: 2694145 N: 5985467
Tauanui River	Ruamahanga confluence to Lake Ferry Road – Left Bank	E: 2694850 N: 5982468	E: 2693958 N: 5985303
Tauanui River	Ruamahanga confluence to Lake Ferry Road – Right Bank	E: 2694855 N: 5982522	E: 2694066 N: 5985378
Lake Wairarapa outlet	Left Bank	E: 2693828 N: 5986418	E: 2693491 N: 5985224
	Right bank	E: 2693691 N: 5986421	E: 2693251 N: 5985129
Turanganui River	Upstream of Lake Ferry Road to Lake Onoke – Left Bank	E: 2692393 N: 5979661	E: 2689504 N: 5980891
Turanganui River	Upstream of Lake Ferry Road to Lake Onoke – Right Bank	E: 2692413 N: 5979690	E: 2689438 N: 5981001
Tauherenikau River	SH53 to Lake Wairarapa – Right Bank	E: 2708145 N: 6004365	E: 2704261 N: 6000310
Tauherenikau River	SH53 to Lake Wairarapa – Left Bank	E: 2708037 N: 6004374	E: 2705228 N: 6000942

River	Stopbank	Upper Grid Reference NZMS map coordinates	Lower Grid Reference NZMS map coordinates
Onoke Cut-off Drain	Western Lake Road to Ruamahanga River	E: 2689400 N: 5983554	E: 2690850 N: 5983771
Manganui Stream	Western Lake Road to Allsops Bay	E: 2689490 N: 5986388	E: 2690111 N: 5987101
Abbots Creek	Lake Domain Road to Lake Wairarapa – Left Bank	E: 2704048 N: 6003943	E: 2702388 N: 6002901
Abbots Creek	Lake Domain Road to Lake Wairarapa – Right Bank	E: 2704110 N: 6004224	E: 2702326 N: 6002901
Donalds Creek	Flood detention dam	E: 2705895 N: 6007543	E: 2706313 N: 6007570
Donalds Creek	Harrison Street to SH53	E: 2706053 N: 6007402	E: 2706000 N: 6006598

Listed stopbanks taken from the Waiohine & Mangatarere River Management Scheme Asset Registers (NZMS map coordinates)

River	Stopbank	Upper Grid Reference NZMS map coordinates	Lower Grid Reference NZMS map coordinates
Waiohine	Vandenbosch	E: 2711712 N: 6014987	E: 2711505 N: 6014747
Waiohine	Moroa	E: 2711656 N: 6013738	E: 2711879 N: 6013649
Waiohine	Greytown	E: 2712520 N: 6013153	E: 2713825 N: 6013197
Waiohine	Upstream Kuratawhiti Street	E: 2715127 N: 6013276	E: 2715878 N: 6013345
Waiohine	Kuratawhiti Street to SH2	E: 2715960 N: 6013485	E: 2719655 N: 6013494
Waiohine	Platform Farm to SH2	E: 2716591 N: 6013076	E: 2719612 N: 6013389
Waiohine	SH2 to Ahikouka	E: 2719593 N: 6013345	E: 2720266 N: 6012046
Waiohine	Papawai	E: 2720385 N: 6010070	E: 2720968 N: 6009426

River	Stopbank	Upper Grid Reference NZMS map coordinates	Lower Grid Reference NZMS map coordinates
Waiohine	Taumata to Ruamahanga confluence	E: 2720822 N: 6009657	E: 2720610 N: 6008676
Mangatarere	Upstream SH2 to Waiohine confluence – Left Bank	E: 2719648 N: 6014051	E: 2719982 N: 6013157
Mangatarere	Upstream SH2 to Waiohine confluence – Right Bank	E: 2719617 N: 6014018	E: 2719880 N: 6013697
Beef Creek	Upstream SH2 to Waiohine confluence – Left Bank	E: 2719578 N: 6013712	E: 2719735 N: 6013680
Beef Creek	Upstream SH2 to Waiohine confluence – Right Bank	E: 2719567 N: 6013685	E: 2719916 N: 6013474
Apple Barrel Floodway	Upstream SH2 – Left bank	E: 2717295 N: 6012146	E: 2717474 N: 6011998
	Upstream SH2 – Right Bank	E: 2716894 N: 6012140	E: 2717449 N: 6011962
Mangatarere	Hodders	E: 2720564 N: 6017625	E: 2720373 N: 6017494

Listed stopbanks taken from the Waingawa River Management Scheme Asset Register (NZMS map coordinates)

River	Stopbank	Upper Grid Reference NZMS map coordinates	Lower Grid Reference NZMS map coordinates
Waingawa	Wilkinson	E: 2726781 N: 6028062	E: 2726674 N: 6027926
Waingawa	Totara Drive	E: 2726827 N: 6027913	E: 2727227 N: 6027333
Waingawa	Upper Manaia Road	E: 2727782 N: 6026653	E: 2728199 N: 6026369
Waingawa	Rail Bridge to SH2 – Left bank	E: 2729499 N: 6023907	E: 2729661 N: 6023682

Listed stopbanks taken from the Waipoua River Management Scheme Asset Register (NZMS map coordinates)

River	Stopbank	Upper Grid Reference (NZMS map coordinates)	Lower Grid Reference (NZMS map coordinates)
Waipoua	Payton to Paeirau Road – Left Bank	E: 2731344 N: 6029183	E: 2732210 N: 6028280
Waipoua	Bryant to Paeirau Road – Right Bank	E: 2730910 N: 6029214	E: 2732444 N: 6028168
Waipoua	Napier – Left Bank	E: 2732955 N: 6028045	E: 2733278 N: 6027527
Waipoua	Akura – Right Bank	E: 2732723 N: 6028103	E: 2732984 N: 6027538
Waipoua	Mawley Park to Columbo Road – Left Bank	E: 2732723 N: 6028103	E: 2732723 N: 6028103
Waipoua	QE2 Park to Columbo Road – Right Bank	E: 2734658 N: 6025413	E: 2734935 N: 6024656
Waipoua	Matahiwi Road to Waipoua confluence	E: 2731567 N: 6028294	E: 2731785 N: 6028239

Listed stopbanks taken from the Upper Ruamahanga River Management Scheme Asset Register (NZMS map coordinates)

River	Stopbank	Upper Grid Reference NZMS map coordinates	Lower Grid Reference NZMS map coordinates
Ruamahanga	Rathkeale	E: 2735549 N: 6031360	E: 2736708 N: 6030694
Ruamahanga	Te Ore Ore	E: 2737148 N: 6025754	E: 2736520 N: 6025175
Ruamahanga	Masterton District Council Landfill to Oxidation Ponds	E: 2735178 N: 6022996	E: 2736062 N: 6020577
Ruamahanga	Te Whiti	E: 2733425 N: 6013878	E: 2731416 N: 6013780
Ruamahanga	Gladstone – Right bank (McNab)	E: 2730182 N: 6011294	E: 2729342 N: 6011461
Ruamahanga	Ahiaruhe	E: 2729274 N: 6011153	E: 2727650 N: 6011987]

Appendix 13 was inserted by Decisions on Plan Change 1 to the Regional Freshwater Plan December 2002.