Working in beds of rivers and lakes – 'general conditions'

You can do many things in a river or lake in the Horizons Region without needing a resource consent. RP-LF-AWBD of the One Plan outlines what activities are permitted and what may require a resource consent. These rules apply to activities such as installing culverts and fords, damming rivers or taking gravel. Many of these activities are permitted activities[1] as long as you can meet certain conditions and standards. There are a number of 'general conditions' that apply to all permitted activities as well as some conditions that only apply to specific activities.

This information sheet focuses on the general conditions (listed in full in Table 15 of the One Plan) and provides advice on how to meet them. There are other information sheets that focus on specific activities. We recommend that you read Table 15 and the One Plan information sheet about what you're planning to do.

The general conditions set a framework around any activities involving the beds of rivers or lakes. These conditions include not putting anything toxic into the water, not releasing too much sediment (silt and dirt), and making sure you don't increase the risk of flooding. If you can meet all of the general and specific conditions that apply to your planned activity, it is permitted and you don't need to apply for a resource consent. If you can't meet one or more of the conditions, you'll need to consider whether you can change your approach to comply, or apply for and be granted a resource consent. Horizons' staff can provide advice and help you work out your options.

Sediment, contaminants and hazards

The purpose of several of the general conditions is to prevent sediment and contaminants from entering freshwater, as well as to maintain the capacity of rivers to convey flood flows. If you can do all of the following, you will meet conditions (1) to (7) and (10):

- Minimise the use of machinery in flowing water.
- Avoid working when rain is expected.
- Don't reduce the flow capacity of a river for longer than 12 consecutive hours.
- Only use materials needed to do the job, and remove all materials and equipment from the site when you're finished.

[1] That is, you don't need to get a resource consent.

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- Don't let any toxic materials get into the water – this includes treated timber, uncured cement, paint, sandblasted material, and polluted water.
- Refuel machinery where spills can't get into the water.
- If you have to modify the banks, make sure they are left with a natural shape and slope and actively revegetate them when you've finished the work.

While some sediment discharge is likely to occur when carrying out in-stream works, conditions (3) and (4) limit the duration that sediment release can occur[2]. Activities that result in significant sediment release (when the water downstream appears dirty and turbid compared to upstream[3]) are permitted to occur for no more than a total of 24 hours over a period of five days. In addition, the visible effects of sediment in the water downstream of the activity must not last for more than 12 hours after you've finished.

For example, you could install bridge abutments over five days provided you meet all of the other conditions and standards. Releasing significant amounts of silt over an extended period (more than five days) for example, by clearing a flowing stream with a digger or taking gravel, would be unlikely to meet these conditions.

Protecting our freshwater fish species and in-stream life

Several of the general conditions are designed to protect freshwater fish and other aquatic life. Conditions (8), (9), (11) and (12) manage specific aspects of in-stream works and their potential effect on native fish and in-stream life.

Condition (8) requires all activities and in-stream structures (culverts, weirs etc.) to provide fish passage. Many of New Zealand's native fish species are migratory and move between freshwater and marine habitats to complete their lifecycles. Activities and structures that prevent fish passage can restrict the access of fish to upstream habitats, limiting populations and increasing their risk of disappearing from our region. Horizons' staff can provide free advice on how to meet condition (8).

Condition (9) allows for the temporary diversion of water in rivers and streams, when it's necessary to undertake another activity such as constructing or maintaining a culvert.

There are quite a few aspects to this condition.

- The length of the diversion must be no more than 100 meters, and it must still be within the bed of the river. Diversions of water outside of the waterway channel require resource consent. This is because diversions can have immediate and severe effects on fish and in-stream life.
- Diverting water between catchments must be avoided. It is considered culturally abhorrent by Māori, and it can alter the ecology of downstream catchments.
- The diversion can't involve a lake.
- The diversion must be able to carry the same flow as the original channel to avoid increasing the risk of flooding and causing channel erosion.
- Once the activity is complete, the diversion must be removed.

[2] The trout fishing and contact recreation value conditions ((17) and (20)) also restrict this in some areas some of the time – see the section headed 'Recreation'.

[3] When considering sediment release, consider the zone of 'Reasonable mixing'. This is the least of the following distances from the point of discharge

i. Seven times the width of the river where the discharge occurs
ii. 200 m (for a river); or for an artificial watercourse 200 m or the property boundary, whichever is greater
iii. The point where the sediment has mixed with water across the full width of the river.

The straightening and channelling of streams and rivers results in the loss of natural flow, form and character and leads to habitat loss, impacting freshwater communities. Condition (11) permits a small amount of channel straightening – a length of waterway twice the stream width[4] is permitted to be straightened, in any two kilometer interval within any 12 month period. For example, a stream that is three meters wide could be straightened for a length of no more than five meters. Note that if straightening involves the construction of an entirely new channel, as opposed to modification of the existing channel, it is considered to be a diversion and requires a resource consent.

Condition (12) prevents the removal of instream woody debris smaller than two meter cubed unless it poses a threat to people and property by increasing the risk of flooding or bank erosion. This is because woody debris creates important instream habitat and provides cover for native fish.

'Value' conditions

The One Plan lists and maps the reaches of rivers that are important for specific reasons (the 'Values' in Schedule 2). Schedule 2 identifies areas that provide habitat, spawning grounds or migration routes for significant species, including dotterel, īnanga (a whitebait species) and trout. It also identifies areas that are important for contact recreation (swimming and water sports) and trout fishing.

General conditions (13) to (20) restrict activities in areas where these values are present to ensure that they are maintained and protected. These conditions only apply at some times of the year, when the values are most at risk of being adversely affected. Table 1 below indicates when the condition(s) associated with each value apply.

Most values apply only to specific reaches; Horizons staff can advise you whether your site will be affected.

[4] Bed width includes the whole of the area where water would flow within the channel (without spilling over the top of the banks in a big flood). This may include areas where water is not flowing at the time.

Table 1: Months when Schedule B value conditions apply

VALUE	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Site of Significance – Riparian												
Īnanga Spawning[5]												
Whitebait Migration[6]												
Trout Spawning												
Trout Fishery												
Contact Recreation												

Riparian habitat – protecting nesting dotterels on gravel beaches

Condition (13) protects dotterel, which are At Risk and Declining. Dotterel nest on the gravel beaches of rivers and their nests, eggs and chicks are extremely difficult to spot. The One Plan identifies river reaches where dotterel are known to nest as Sites of Significance – Riparian (SOS-R). In these areas, disturbing beaches by taking gravel or driving on them must be avoided during the nesting season (1 August to 31 December), except when it can be presumed that nesting is not taking place. If there has been uninterrupted activity since before the start of the nesting season, or if there has been a flood that overtopped the gravel beach in the last seven days, disturbance of the gravel beach is permitted. For more detailed information about working at SOS-R sites, see the Riparian Habitats and the One Plan information sheet.

Fish spawning and whitebait migration

Conditions (14) to (16) restrict the use of mobile machinery in river and stream beds when īnanga and trout are likely to be spawning, as well as when whitebait are migrating.

Condition (14) limits the use of mobile machinery in the beds[7] of rivers and streams identified as inanga spawning sites. Īnanga lay their eggs amongst vegetation along waterway margins during high flows or high tides. Following the water level receding, their eggs sit above the flow, out of the water. This condition is designed to prevent machinery from destroying īnanga eggs during spawning season. Therefore, mobile machinery must not be used in the beds of waterways identified as īnanga spawning sites from 1 February to 1 March.

[5] 1 February to 1 May inclusive
[6] 15 August to 30 November inclusive
[7] The whole of the area where water would flow within the channel (without spilling over the top of the banks in a big flood). This may include areas where water is not flowing at the time.

The purpose of conditions (15) and (16) is to allow whitebait to migrate upstream (from 15 August to 30 November) and trout to spawn (from 1 May to 30 September) without being disturbed by sediment or other physical obstructions. Therefore, machinery must not be used in river and stream beds with these values during these times.

Recreation – fishing and swimming

Conditions (17) to (20) focus on the recreational values of waterways specifically, trout fishing and contact recreation (swimming and water sports). The trout fishing value applies to specific sites identified in Schedule 2 whereas the contact recreation value applies to all rivers across the region.

The purpose of conditions (18) and (19) is to make sure the public continues to have safe access to rivers and lakes. These conditions are designed to ensure that existing public access to rivers and lakes is maintained.

Conditions (17) and (20) are designed to ensure that the water remains clear when people are most likely to want to fish and swim. These conditions limit how much sediment can be released on weekends and public holidays during the summer months (1 December to 28 February).

Existing infrastructure

Conditions (21) and (22) protect two types of existing infrastructure: flow recorders and high pressure gas transmission pipelines.

This means that if you want to work in a river bed within 500 meters of any flow recording site or 20m of a high-pressure gas transmission pipeline, you will need to apply for a resource consent.

You can find out more about flow-recording sites on the Horizons website.

High pressure gas pipelines are usually marked by a white triangle marker post or a yellow pipeline warning sign. You can also find out whether a pipeline is present from your local district or city council.

Additional information

Contact Horizons Regional Council on 0508 800 800 or email help@horizons.govt.nz.