Guidance Note for using and developing the beds of lakes, streams and rivers in a coastal environment

Completing the application form to undertake works in the beds of lakes and rivers?
Please supply more information about your proposed activity.

Please provide an appropriate level of information relative to the scale of your activity. If your proposed works will disturb a relatively small area, i.e. 25 m^2, are in an ephemeral stream and there are no other users of the surface waterbody, your description might fit on Form B - you can probably do it yourself.

However, if you seek consent to build a bridge or install a culvert in the stream bed that will alter/constrict stream flows, you need to add detailed information, and it is likely that you will need to engage a technical consultant to help you[1]. Writing 'Not Applicable' is not enough. You need to add comments explaining why you consider the activity is consistent with relevant policies and objectives.

Only particularly relevant parts of policies and objectives are shown here. Full text, relevant objectives and policies are available at: http://www.hbrc.govt.nz/our-council/policies-plans-strategies/rcep/

If your proposed works will result in discharges to water (other than sediment), or involve a diversion of water, or are located in a 'coastal hazard zone' then additional 'Form Bs' may need to be completed. Please refer to the website for guidance.

1. Sustainable management (RMA, Part 2)

The purpose of the Resource Management Act is to promote the sustainable management of natural and physical resources. Your proposed activity must use natural and physical resources in a way or at a rate, to enable people and communities to provide for their social, economic, and cultural well-being, and for their health and safety. Your proposed activity must also:

- sustain the potential of natural and physical resources to meet the needs of future generations; and
- safeguard the life-supporting capacity of air, water, soil, and ecosystems; and
- avoid, remedy or mitigate any adverse effects of activities on the environment.

Please explain why you think your proposed works in, on or over a waterway are sustainable

2. Relevant legislation (Section 104(1)(b))

Regional Policy Statement (RPS)

Objective 15: to preserve and enhance remaining areas of significant indigenous vegetation, significant habitats of indigenous fauna and ecologically significant wetlands.

Objectives 34-37 and Policies 64-66 in the RPS give a framework to recognise matters of significance to iwi/ hapū and actions to take concerning resource consent applications. This includes avoiding significant adverse effects on waahi tapu (sacred places), tauranga waka (landings for waka), taonga

[1] Refer to www.hbrc.govt.nz, keyword search: #consents - for more info on who could assist you.

raranga (plants used for weaving and resources used for traditional crafts), mahinga kai (food cultivation areas) and the policy requires recognition of the importance of the relationship of Māori with coastal, lake, wetland and river environments.

Regional Coastal Environment Plan (RCEP)

Objective 13.1: to maintain or enhance the natural and physical resources, and use and values, of the beds of rivers and lakes in the region as a whole. Policy 13.1: environmental guidelines manage the effects of activities that affect river and lake beds:

Issue	Guideline
1. **Fish passage**	The activity should be undertaken in a manner that continues to provide for the existing passage of fish past the structure.
2. **Fish spawning**	In areas of fish spawning, the activity should be undertaken in a manner that minimises adverse effects on overall fish spawning patterns.
3. **Bed stability**	No long term or ongoing acceleration of the rate of erosion or accretion of the bed of a river or lake as a result of any activity in a river bed or lake bed.
4. **Habitat**	Adverse effects on the habitat of aquatic and terrestrial flora and fauna within the bed of a river or lake should be avoided, remedied or mitigated.
5. **Flow regimes**	Adverse effects on natural flow regimes should be avoided where this is possible, or remedied or mitigated where avoidance is not possible.
6. **Other structures and activities**	There should be no significant adverse effects, including by way of destabilisation, on lawful existing structures or activities within the bed of a river or lake.
7. **Flood risk**	There should be no reduction in the channel's capacity that results in adverse flooding effects.
8. **Debris risk**	There should be no significant impedance to the passage of floating debris.
9. **Damage to property**	There should be no damage caused, and no increase in the risk of damage, to any property, including river control works, unless written approval is obtained from any affected parties.
10. **Temporary activities**	Upon completion of any temporary activity affecting the bed of a river or lake, the bed should as far as practicable be restored to no less than the state it was in prior to the activity taking place.
11. **Outstanding natural features**	Adverse effects on any outstanding natural features within river and lake beds should be avoided, remedied or mitigated.
12. **Historic heritage and significant cultural values**	Adverse effects on historic heritage features and areas of significant cultural heritage within river and lake beds should be avoided, remedied or mitigated.

Policy 13.7A of the RCEP gives effect to the interim provisions of the National Policy Statement for Freshwater Management 2014 (NPSFM) for activities that can affect freshwater. The policy requires Council to consider:

- to what degree the activity would adversely affect safeguarding the life-supporting capacity of fresh water including on any ecosystem associated with freshwater
- the extent to which it is feasible and dependable that any more than minor adverse effect on freshwater, and on any associated ecosystem associated with fresh water, resulting from the change would be avoided

3. Assessment of Environmental Effects (AEE)

Please try and add a sentence or two about each of these points

- The actual or potential effects on the environment of your works in, on or over a waterway? You can comment on positive effects, as well as possible adverse/negative effects.

  Think about:

  - How will you construct the proposed structure and when? How will you prevent sediment loss downstream during construction? How will you allow for fish passage during construction?
  - Is there potential for your structure and/or works to increase flooding on properties adjacent to and upstream and downstream of the proposed site?
  - Is there potential for your structure and/or works to cause/exacerbate scour or erosion of the bed and banks of the waterbody?
  - The surface water body in which you propose to undertake works – is it permanent or ephemeral? What do you call it? Is it a soft bottomed, stony or grassy stream? How big is its catchment area? What are its flow rates at different times of the year (e.g. summer lows and winter peaks)?
  - What aquatic animals and plants are living in the water body and on the banks of the stream that you wish to do work in? How will your works impact them?
  - How will fish move past the structure?
  - What is the surface waterbody used for, i.e. recreation, food cultivation?
  - Will your works impact amenity, social, recreational and cultural values associated with the waterway?
  - Are there any waahi tapu or other significant cultural sites at or near your proposed structure? Will your proposed activity impact the values associated with those sites?
- Information about anything you intend to do to try and reduce the effect that your structure may have on the environment.
- Details of anyone you have talked to about your proposed structure because you think the activity might affect them.

If you have questions about what to provide, or want to arrange a meeting to discuss your application before you formally lodge it with HBRC - please contact the Consents Advisor on 06 833 8090.

HBRC has a set of publications which may be useful to you, covering topics including erosion and sediment control. See www.hbrc.govt.nz, keyword search: #waterways.