

Showing proposed amendments as tracked changes

Council's proposed changes are shown in ~~strikethrough~~ and underline
Black text changes record amendments proposed in Primary Evidence (either pre or post mediation)
Green text changes record amendments proposed and agreed to in mediation (those amendments not agreed to stay black)
Red text changes record amendments proposed in rebuttal evidence
Yellow highlighted text changes record amendments that are considered to be outside the scope of submissions.
Blue text changes record amendments proposed post hearing (e.g. right of reply)
Grey highlighted text changes records amendments that are consequential amendments from previous hearings/evidence.

PART 2 - REGIONAL AND DISTRICT OBJECTIVES AND POLICIES»

Chapter C: Auckland-wide objectives and policies»

5 Natural resources»

5.14 Lakes, rivers, streams and wetland management

Background

The management of the beds of lakes, rivers, streams and wetlands¹ is important for the protection of natural ecological and biodiversity values, for the efficient passage of flood flows and for retaining high water quality. Retaining the natural profile and course of a river or stream, keeping riparian vegetation and fish passage and avoiding sediment generation from bed disturbance supports the retention of freshwater ecosystems in both urban and rural parts of Auckland.

In rural areas bed disturbance from livestock access and the loss of smaller streams, wetlands and lake margins by land drainage and infill are the key factors affecting the quality of lakes, rivers and streams.

In urban Auckland lakes, rivers, streams and wetlands provide an important component for the assimilation and conveyance of stormwater and form part of the overall stormwater network. Streams have also been piped and filled over to reclaim land for urban land development. Throughout Auckland lakes, rivers, streams and wetlands have been modified to accommodate infrastructure such as roads, stormwater and wastewater networks and other utility services. Urban streams nevertheless continue to provide important ecosystem services and can provide meaningful ecological and biodiversity values.

There is a balance to be struck between the need to provide for the ongoing growth of urban Auckland including, the requirement of significant infrastructure, and the

¹ In Chapter C 5.14 the term "wetland" excludes wetlands forming part of "stormwater management devices".

Comment [R1]: 4580-28 Hancock Forest Management and others

Comment [R2]: 6360-145 Minister of Conservation

Comment [R3]: 6360-145 Minister of Conservation

Comment [R4]: To give effect Interim Guidance for RPS Topic 012, PAUP Section B3.2 - Significant Infrastructure and Energy, dated 27 February 2015

protection, maintenance and enhancement of lakes, rivers, streams and wetlands in both urban and rural areas. It is essential important that development occurs in an most environmentally sustainable manner possible, involving greater which should involve the use of green infrastructure and the retention and enhancement of lakes, rivers, streams and wetlands.

Comment [R5]: 5294-125 Auckland International Airport Limited and others

The Unitary Plan identifies a number of areas where the natural values of any lake, river, stream and wetland are higher than elsewhere. These areas are especially vulnerable to the adverse effects of inappropriate subdivision, use and development and require a greater level of protection than lakes, rivers, streams and wetlands generally. These areas include Natural Stream Management areas, Natural Lake Management areas, Urban Lake Management areas, Significant Ecological areas (SEAs) and Wetland Management areas.

The council requires that any adverse effects on lakes, rivers, streams and wetlands are avoided, remedied or mitigated. Where those effects cannot be avoided, remedied or mitigated, it is desirable that offsetting of any adverse effects be provided, where this will better promote the purpose of the RMA. In some circumstances, the existing natural values of a lake, river, stream or wetland are so high that offsetting will be inappropriate.

Comment [R6]: Correct grammatical error

An offset is an action to ~~address any adverse effects of~~ compensate for significant residual adverse effects on ecological functioning or biodiversity arising from a subdivision, use or development or activity on the environment after appropriate prevention and mitigation measures have been taken, that cannot be avoided, remedied or mitigated by the proposal itself, or by conditions on the consent. Therefore offsetting can be used to protect and conserve environmental values. The goal is to achieve no net loss and preferably a net gain of ecological functioning or biodiversity on the ground.

Comment [R7]: 2603-19 Rainbows End and Rivers Environmental Group Incorporated and others

~~However, the council prefers that the adverse effects of activities on the environment are avoided, remedied or mitigated by the proposal itself, or by conditions on consents. In some circumstances, offsetting will be required where on-site remediation or mitigation is not possible, practicable or desirable. Offsets will only be considered after avoidance, remediation and mitigation options have been pursued.~~

Comment [R8]: Consequential amendment

While the RMA defines the term “river” as including streams, the Unitary Plan refers to both “rivers and streams”. Stream is a more common way of describing the smaller watercourses that are characteristic of Auckland. Referring separately to streams clearly alerts landowners to the applicability of provisions to these smaller watercourses. Based on current knowledge, ephemeral reaches of streams are recognised as generally having a lesser ecological function than permanent or intermittent rivers and streams.

Comment [R9]: 1725-102 The NZ Transport Agency Limited

Objectives

[rp]

1. Auckland's lakes, rivers, streams and wetlands with high natural values are protected from degradation and permanent loss.
2. Auckland's lakes, rivers, streams and wetlands are restored, maintained ~~and~~ ~~or~~ enhanced.
3. ~~More than minor~~ **Significant residual** ~~adverse~~ effects on ~~the beds of~~ lakes, rivers, streams or wetlands that cannot be avoided, remedied or mitigated are offset ~~in~~ **exceptional circumstances**, where this will ~~better~~ promote the purpose of the RMA.
4. Structures in, on, under or over the bed of a lake, river, stream ~~and or~~ ~~wetland~~ **only** occur where there is a **functional or operational need** for the structure to be in that location, ~~or traverse that area,~~ **as** opposed to on the land ~~and there is no~~ **reasonably practicable alternative**, or it is necessary to provide access across a river or stream.
5. Activities in, on, under or over the bed of a lake, river, stream and wetland are managed to minimise adverse effects on the lake, river, stream or wetland.
6. Reclamation and drainage of the bed of a lake, river, stream and wetland is avoided, **unless there is a functional or operational need for the activity to be located in the lake, river, stream or wetland and there is no reasonably practicable alternative.**

Policies

[rp]

General

1. Avoid ~~any significant~~ adverse effects ~~and avoid where~~ **reasonably practicable or otherwise remedy or mitigate other adverse effects** of activities on ~~the beds of~~ lakes, rivers, streams or wetlands within the following overlays:
 - a. Natural Stream Management Areas
 - b. Natural Lake Management Areas
 - c. Urban Lake Management Areas
 - d. SEAs
 - e. Wetland Management Areas.

Comment [R10]: Correct grammatical error

Comment [R11]: Consequential on amending Policy 3

Comment [R12]: In response to Evidence of Richard Turner for Trustpower Limited

Comment [R13]: Deletion of inserted words sought by Minister of Conservation

Comment [R14]: 838-278 NZ Defence Force and others

Comment [R15]: 838-278 NZ Defence Force and others

Comment [R16]: 3766-146 Transpower NZ Limited

Comment [R17]: 4848-199 Royal Forest and Bird Protection Society of New Zealand Inc

Comment [R18]: 3766-146 Transpower NZ Limited

Comment [R19]: 4185-331 Auckland Utility Operators Group Incorporated and to reflect IHP interim guidance

Comment [R20]: 3766-146 Transpower NZ Ltd

Comment [R21]: In response to 1725-105 The New Zealand Transport Agency Limited

Comment [R22]: 1725-105 The NZ Transport Agency Limited

Comment [R23]: 877-45 Transpacific Industries Group (New Zealand) Limited and 879-73 Waytemore Forest Limited

Comment [R24]: Auckland Council (deletion of inserted words to retain general application of policy)

2. Manage the effects of activities on ~~the beds of~~ lakes, rivers, streams or wetlands outside Natural Stream Management Areas, Natural Lake Management Areas, Urban Lake Management areas, Significant Ecological Areas (SEAs) and Wetland Management Areas by:

Comment [R25]: Auckland Council (deletion of inserted words to retain general application of policy)

a. avoiding where reasonably practicable or otherwise remedying or mitigating any adverse effects on lakes, rivers, streams or wetlands

Comment [R26]: To give effect Interim Guidance for RPS Topic 012, PAUP Section B3.2 - Significant Infrastructure and Energy, dated 27 February 2015

b. where appropriate, restoring and enhancing the lake, river, stream or wetland.

2A. Enable the enhancement and restoration of lakes, rivers, streams or wetlands.

Comment [R27]: 3085-83 Ngati Whatua Orakei Whai Maia Limited

3. Restoration and enhancement actions that form part of an offsetting proposal for a specific activity ~~Offset any residual or unavoidable adverse effects that are more than minor on lakes, rivers, streams or wetlands through restoration and enhancement actions that~~ should:

Comment [R28]: Auckland Council in response to 5294-127 Auckland International Airport Limited

a. are be located as close as possible to the subject site ~~or within the same~~ catchment

Comment [R29]: 838-278 NZ Defence Force and others

b. are be 'like for like' or 'like for better' in terms of the type of fresh water body affected

Comment [R30]: In response to the evidence of Catherine Heppelthwaite

c. achieve no net loss and preferably a net gain in the natural values including ecological function of lakes, rivers, streams or wetlands

Comment [R31]: 838-278 NZ Defence Force and others

d. consider the use of Biodiversity Offsetting in accordance with Chapter B4.3.4 of this Plan

Comment [R32]: 6360-150 Minister of Conservation

Note: When having regard to Policy 3 above, the following documents or any updated version of them should be referred to:

- Auckland Council Technical Report 2011/009: "Stream Ecological Valuation (SEV): a method for assessing the ecological functions of Auckland Streams" for guidance on how the location and extent of any offset may be calculated and assessed.
- Guidance on Good Practice Biodiversity Offsetting in New Zealand, New Zealand Government *et al*, August 2014

Comment [R33]: 838-279 NZ Defence Force

Neither of these reference documents has precedence. An acceptable offsetting proposal may combine elements from both documents.

Comment [R34]: 4735-243 Environmental Defence Society Incorporated and 6977 -244 Alice Warren

Comment [R35]: In response to the evidence of Catherine Heppelthwaite

4. Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities in, on, under or over the beds of lakes, rivers, streams or wetlands on:

- a. the mauri of the freshwater environment
- b. Mana Whenua values in relation to the freshwater environment.

5. Manage the impact on Mana Whenua cultural heritage that is identified prior to, or discovered during, development or land use by:

- a. complying with the protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin
- b. undertaking appropriate actions in accordance with mātauranga and tikanga Māori
- c. undertaking appropriate measures to avoid adverse effects, or where adverse effects cannot be avoided, effects are remedied or mitigated

Structures and the Diversion of Surface Water

6. Allow the operation, use, maintenance, repair, erection, reconstruction, placement, alteration, or extension, removal, or demolition of any structure or part of any structure in, on, under, or over the bed of a lake, river, stream or wetland, and any associated diversion of water, where:

- a. there is no ~~reasonable or~~ reasonably practicable alternative method or location for undertaking the activity outside the lake, river, stream or wetland, and
- b. the structure is designed to be the minimum size necessary for its purpose to minimise modification to the bed of a lake, river, stream or wetland; and
- c. the structure is designed to avoid creating or increasing a hazard; and
- d. the structure is:
 - i. required as part of an activity designed to restore or enhance the natural values of any lakes, rivers, streams or wetlands and their margins, or any adjacent area of indigenous vegetation or habitat of indigenous fauna; or
 - ii. designed to maintain and/or enhance public access to, over and along any lake, river, stream or wetland and associated margins; or
 - iii. necessary to provide access across a lake, river, stream or wetland; or

Comment [R36]: 3682-108 Stevenson Group Limited and 5230-77 Trustpower Limited

Comment [R37]: Auckland Council to clarify application of Policy

Comment [R38]: 2191-380 Telecom New Zealand Ltd and others

Comment [R39]: 1725-109 The NZ Transport Agency Limited

Comment [R40]: To give effect Interim Guidance for RPS Topic 012, PAUP Section B3.2 - Significant Infrastructure and Energy, dated 27 February 2015

iv. associated with ~~the provision or maintenance of significant~~ existing infrastructure; or

v. necessary for flood protection and the safeguarding of public health and safety; or

vi required for the reasonable use of production land, and

e. the structure avoids significant adverse ~~effects and avoids, remedies or mitigates other adverse effects~~ on Mana Whenua values associated with freshwater resources, including wāhi tapu, wāhi taonga and mahinga kai.

6A. Allow the removal or demolition of any structure or part of any structure in, on, under, or over the bed of a lake, river, stream or wetland, and any associated diversion of water, provided adverse effects are avoided, remedied or mitigated.

Disturbance and Depositing of any Substance

7. Allow the excavation, drilling, tunnelling, thrusting or boring or other disturbance, and the depositing of any substance in, on or under the bed of a lake, river, stream or wetland, where:

a. there is no ~~reasonable or~~ reasonably practicable alternative method or location for undertaking the activity outside the lake, river, stream or wetland; and

b. the activity is required:

i. as part of an activity designed to restore or enhance the natural values of any lake, river, stream or wetland, or any adjacent area of indigenous vegetation or habitat of indigenous fauna; or

ii. to maintain and/or enhance public access to, over and along any lake, river, stream or wetland and associated margins; or

iii. to provide access across a lake, river, stream or wetland; or

~~iii. to provide for or maintain for the operation, use, maintenance, repair, development or upgrade of significant~~ infrastructure; or

iv. to restore, maintain or improve access to wharves and jetties or mooring areas, or to maintain the navigation and safety of existing channels; or

v. to reduce the risk of occurrence or the potential adverse effects of flooding, erosion, scour or sediment depositing; or

vi for the reasonable use of production land; or

Comment [R41]: To give effect Interim Guidance for RPS Topic 012, PAUP Section B3.2 - Significant Infrastructure and Energy, dated 27 February 2015

Comment [R42]: "Existing" deleted in response to NZTA query at mediation

Comment [R43]: 879-74 Waytemore Forests Limited, Waytemore Farms Limited, Adfordston Farms Limited and Kauri Hiwi Limited

Comment [R44]: 4735-245 Environmental Defence Society Incorporated and others

Comment [R45]: 882-125 Man O War Farm Limited and Clime Asset Management Limited

Comment [R46]: 1725-110 The NZ Transport Agency Limited

Comment [R47]: 4185-331 Auckland Utility Operators Group Incorporated

Comment [R48]: To give effect Interim Guidance for RPS Topic 012, PAUP Section B3.2 - Significant Infrastructure and Energy, dated 27 February 2015

Comment [R49]: 882-124 Man O War Farm Limited and Clime Asset Management Limited

Comment [R50]: 3766-149 Transpower NZ Limited

Comment [R51]: To give effect Interim Guidance for RPS Topic 012, PAUP Section B3.2 - Significant Infrastructure and Energy, dated 27 February 2015

Comment [R52]: 879-74 Waytemore Forests Limited, Waytemore Farms Limited, Adfordston Farms Limited and Kauri Hiwi Limited

vii. to undertake mineral extraction activities it is necessary to access mineral resource associated with a quarry zone and offset mitigation and following that, offsetting can be practicably implemented; and

c. the disturbance avoids significant adverse effects and avoids, remedies or mitigates other adverse effects on Mana Whenua values associated with freshwater resources, including wāhi tapu, wāhi taonga and mahinga kai.

Planting of Plants

8. Allow planting of any plant (excluding pest species) in, on, or under the bed of a lake, river, stream or wetland where it is suitable for habitat establishment, restoration or enhancement, the maintenance and enhancement of amenity values, flood or erosion protection or stormwater runoff control provided it does not create or exacerbate flooding. Planting of plants native to the area is encouraged.

9. Encourage the incorporation of Mana Whenua mātauranga, values and tikanga in any planting in, on, or under the bed of a lake, river, stream or wetland.

Reclamation and Drainage

10. Avoid the reclamation and drainage of the bed of lakes, rivers, streams and wetlands, including any extension to existing reclamations or drained areas unless:

a. there is no ~~reasonable or~~ reasonably practicable alternative method for undertaking the activity outside the lake, river, stream or wetland; and

b. for lakes, permanent rivers and streams, and wetlands the activity is required:

i. as part of an activity designed to restore or enhance the natural values of any lake, river, stream or wetland, any adjacent area of indigenous vegetation or habitats of indigenous fauna; or

ii. to provide for or maintain for the operation, use, maintenance, repair, development or upgrade of significant infrastructure; or

iii. to undertake mineral extraction activities; and

c. the activity avoids significant adverse effects and avoids, remedies or mitigates other adverse effects on Mana Whenua values associated with freshwater resources, including wāhi tapu, wāhi taonga and mahinga kai.

Comment [R53]: In response to EIC of Hay and Tollemache

Comment [R54]: In response to the evidence of James Witham and counsel submissions at the Hearing

Comment [R55]: 4185-331 Auckland Utility Operators Group Incorporated

Comment [R56]: 4848-211 Royal Forest and Bird Protection Society of New Zealand Inc

Comment [R57]: 882-126 Man O War Farm Limited and Clime Asset Management Limited and others

Comment [R58]: 4735-247 Environmental Defence Society Incorporated and Bird Protection Society of New Zealand and others

Comment [R59]: 6360-154 Minister of Conservation

Comment [R60]: To give effect Interim Guidance for RPS Topic 012, PAUP Section B3.2 - Significant Infrastructure and Energy, dated 27 February 2015

Comment [R61]: 4735-248 Environmental Defence Society Incorporated

Comment [R62]: In response to the evidence of David Serjeant

Comment [R63]: 3766-150 Transpower NZ Limited

Comment [R64]: To give effect Interim Guidance for RPS Topic 012, PAUP Section B3.2 - Significant Infrastructure and Energy, dated 27 February 2015

Comment [R65]: 4735-248 Environmental Defence Society Incorporated

Comment [R66]: In response to EIC of Hay and Tollemache

Comment [R67]: 1725-113 The NZ Transport Agency Limited

Stock access to lake, river and stream beds

11. Avoid more than minor adverse effects on water bodies and coastal water from grazing livestock

Note: in terms of Policy 3 above, applicants are encouraged to refer to the Auckland Council Technical Report 2011/009: "Stream Ecological Valuation (SEV): a method for assessing the ecological functions of Auckland Streams" for guidance on how the location and extent of any offset may be calculated and assessed.

Comment [R68]: 838-279 NZ Defence Force

Riparian margins

[rp/dp]

12. Protect ~~and enhance~~ the riparian margins of lakes, rivers, streams, and wetlands ~~from inappropriate use and development and promote their enhancement~~ to:

Comment [R69]: From the evidence of Jarette Wickham for Auckland Council

- a. ~~support safeguard~~ habitats for fish, plant and other aquatic species, particularly in rivers and streams with high ecological values
- b. ~~maintain and enhance safeguard their~~ aesthetic, landscape and natural character values ~~of lakes, rivers and streams, and wetlands~~
- c. ~~maintain and enhance support safeguard~~ the contribution of natural freshwater systems to the biodiversity, resilience and integrity of ecosystems
- d. avoid or mitigate the effects of flooding, surface erosion, stormwater contamination, bank erosion and increased surface water temperature.

Comment [R70]: All amendments to Policy 12 are in response to the evidence of Gregory Osborne

13. Acquire land, or protect land through the use of esplanade reserves and esplanade strips, marginal strips, drainage reserves, easements or covenants, alongside streams for public access where appropriate and for water quality, ecological and landscape protection purposes.

PART 3 - REGIONAL AND DISTRICT RULES»

Chapter H: Auckland-wide rules»4 Natural resources»

4.13 Lakes, rivers, streams and wetland management

Introduction

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

The rules in this Chapter implement the objectives and policies of Chapters C5.14 Lakes, rivers, streams and wetland management; E7.4. Natural Stream Management Areas; E7.6 Natural Lake Management Areas; E7.7 Urban Lake Management Areas; E7.8 Water Supply Management Areas and E7.9 Wetland Management Areas.

1. Activity table

The following table specifies the activity status for activities in, on, under or over the bed of lakes, rivers and wetlands². The activity status of the associated diversion of water, depositing any substance, and incidental damming of water are also specified. Resource consent applications for activities listed below are required subject to s. 13 and 14 of the RMA. This activity table does not address the modification or removal of protected vegetation ~~within water bodies or~~ along riparian margins (see H4.3 Vegetation management).

[rp]

Comment [R71]: Consequential amendment from Topic 004.

Comment [R72]: 4580-28 Hancock Forest Management and others (regarding the footnote)

Comment [R73]: Minor amendment required because Chapter H4.3 has no controls relating to works in lakes, rivers and streams.

² In Chapter H 4.13 the term “wetland” excludes wetlands forming part of “stormwater management devices”.

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

Comment [R74]: In response to the evidence of Dr Ogilvie and Catherine Heppelthwaite

Comment [R75]: In response to the Hearing evidence of Dr Ogilvie for NZTA

Comment [R76]: Correcting drafting error.

Emergency works	P	P
Extraction of material less than 50 m ³ per year from the bed of a river or stream	P	NC
<u>Plant Pest plant removal</u>	P	P
Mangrove removal (including seedlings)	P	D
Any disturbance that does not meet the relevant permitted activity controls or is not addressed by another rule in the Unitary Plan	D	NC
Diversions of a river or stream to a new course and any disturbance and associated sediment discharge		
Diversions of a river or stream to a new course	D	NC
<u>Diversions of the river or stream to a new course and any disturbance and sediment discharge, extension of an existing reclamation or drained area, new reclamation or drainage</u>		
Mineral extraction <u>activities</u> within a quarry zone	RD	RD
Existing structures and the associated bed disturbance or depositing any substance, diversions of water and incidental temporary damming of water		
The <u>operation, use, maintenance and repair of</u> structures existing on or before <u>23/10/2004 30 September 2013 and structures lawfully established after 30 September 2013</u>	P	P
<u>Use of existing lawfully established structures</u>	<u>P</u>	<u>P</u>
<u>Maintenance and repair of existing structures</u>	<u>P</u>	<u>P</u>
<u>Minor infrastructure upgrading</u>	<u>P</u>	<u>RD</u>
Replacement, <u>upgrading</u> or extension of existing structures	P	<u>RD</u>
Demolition or removal of existing structures	P	P
<u>Partial demolition or removal of existing structures</u>	<u>RD</u>	<u>RD</u>

Comment [R77]: Auckland Council minor correction

Comment [R78]: In response to evidence of Hay and Tollemache

Comment [R79]: 3492-292 Winstone Aggregates et al

Comment [R80]: Consequential amendment to align with wording of Chapter C5.14 Policy 6(d)(iv)

Comment [R81]: 1725-283 The New Zealand Transport Agency Limited

Comment [R82]: Consequential

Comment [R83]: Consequential

Comment [R84]: 4336-68 KiwiRail Holdings Limited and 4185-440 Auckland Utility Operators Group Incorporated

Comment [R85]: To align with amended condition 2.4(2)

Comment [R86]: 4185-440 Auckland Utility Operators Group Incorporated

Comment [R87]: 1725-279 The New Zealand Transport Agency Limited

Any existing structure that does not meet the relevant permitted activity controls or is not addressed by another rule in the Unitary Plan	D	NC
New structures and the associated bed disturbance or depositing any substance, reclamation, diversion of water and incidental temporary damming of water		
Temporary structures	P	D
Lake, river, stream or wetland enhancement and restoration activities not provided for elsewhere in the Unitary Plan as a permitted activity	RD	RD
Bridges or pipe bridges	P	D
Cables, ducts, lines or pipelines on existing structures	P	P
New cables or lines that cross over a river or stream which do not involve support structures in the watercourse	P	RD
Culverts or fords less than 30m in length when measured parallel to the direction of water flow	P	D
Culverts or fords more than 30m in length when measured parallel to the direction of water flow	D	NC
Erosion control structure less than 30m in length when measured parallel to the direction of water flow	P	D
Jetties, wharves, pontoons	D	D
Maimai	P	P
Sign, navigational aid, ski lane marker or buoy	P	P
Stock fences	P	RD
Stormwater or wastewater outfall	P	D
Structure solely under the bed including any associated drilling, and tunnelling, thrusting or boring	P	P
Surface water intake structure	P	D
Swing or pile mooring	P	D

Comment [R88]: In response to the Hearing evidence of NZTA

Comment [R89]: To cover RMA s13(1)(e)

Comment [R91]: Consequential to new Chapter C 5.14 Policy 2A

Comment [R90]: In response to the evidence of Nicholas Roberts

Comment [R93]: 4185-449 Auckland Utility Operators Group Incorporated

Comment [R92]: 2191-518 Telecom New Zealand Limited, 8628-522 Chorus and others

Comment [R94]: 5716-2511 Auckland Council

Comment [R95]: 882-179 Man O War Farm Limited and Clime Asset Management Limited

Comment [R96]: Correcting drafting error

Comment [R97]: 4185-440 Auckland Utility Operators Group Incorporated

Weirs, floodgates and flow monitoring devices	P	P
Any new structure that does not meet the relevant permitted activity controls or is not addressed by another rule in the Unitary Plan	D	NC
Reclamation and drainage and including the associated structures, bed disturbance or depositing any substance, diversion of water and incidental temporary damming of water, discharges arising from the piping of a reclaimed water body		
Removal or demolition of an existing reclamation or drained area	P	P
Removal or demolition of an existing reclamation or drained area that does not meet the permitted activity controls	RD	RD
The operation, use, maintenance and repair or-replacement of an existing reclamation or drained area	DP	DP
Extension of an existing reclamation or drained area	NC	NC
New reclamation or drainage, including filling over a piped stream	NC	NC
Livestock Access		
Livestock access to a lake, river or stream, or wetland on intensively grazed production land for the periods specified in the permitted activity controls	P	P
Livestock access to a lake, river or stream, or wetland on intensively grazed production land not meeting the permitted activity controls	RD	D

Comment [R98]: Out of scope. Suggested by AC Stormwater Unit

Comment [R99]: Out of scope, but desirable to provide for other new structures. Mirrors catch-all rule for "disturbance"

Comment [R100]: Consequential amendment to deal with stream piping falling within the definition of 'reclamation'

Comment [R101]: In response to the evidence of Dr Ogilvie and Catherine Heppelthwaite

Comment [R102]: 2191-380 Telecom New Zealand Limited and others and also required to align with other similar 'use and operation' rules

Comment [R103]: In response to the evidence of Catherine Heppelthwaite

Comment [R104]: Correcting error in Primary Evidence version

Comment [R105]: In response to 879-193 Waytemore Forests Limited, Waytemore Farms Limited, Adfordston Farms Limited and Kauri Hiwi Limited

Activities in ephemeral reaches of rivers and streams		
Any activity referred to in the preceding rules that is undertaken in an ephemeral reach of a river is a permitted activity unless otherwise restricted by another part of this Plan (Note: 'river' is as defined in the RMA) Permitted activity controls do not apply.	P	P

Comment [R106]: 838-280 The NZ Defence Force, 4185-411 Auckland Utility Operators Incorporated at al

Comment [R107]: Auckland Council clarification of wording

Comment [R108]: In response to the evidence of Catherine Heppelthwaite

[dp]

Comment [R109]: To address the fact the surface water activity rules are s9 rules

Comment [R110]: 5716-2514 Auckland Council

Surface water activities		
Use of power-driven vessels on Lake Tomarata and Lake Spectacle during the period 1 September to 19 December (bird breeding season)		Pr
Use of power-driven vessels on Lake Slipper		Pr
Entry onto or passing across the surface water of a lake, river or wetland	P	P
Beach and water recreation activities (including recreational fishing, shellfish gathering and game bird hunting) that do not require the long term reservation of any surface water, lake bed, river bed or wetland bed for the exclusive use of that activity	P	P
Competitive water skiing, power boat racing and similar group activities using powered craft	NG D	NC

Comment [R111]: From the rebuttal statement of Ella Hardy

Comment [R112]: From the rebuttal statement of Ella Hardy

Comment [R113]: Amendment discussed in Hearing

Comment [R114]: From the rebuttal statement of Ella Hardy

Notes:

1. Reclamation consents are not required when installing culverts, fords and erosion protection structures.
2. The Auckland Council Navigational Safety Bylaw 2014 also applies to surface water activities

Comment [R115]: 1725-281 The New Zealand Transport Agency Limited

Comment [R116]: From the rebuttal statement of Ella Hardy

2. Permitted Activity Controls

2.1 General Controls

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

1. The activity must not, after reasonable mixing, result in any of the following effects in receiving waters:

- a. the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials
- b. any conspicuous change in the colour or visual clarity
- c. any emission of objectionable odour
- d. the rendering of fresh water unsuitable for consumption by farm animals
- e. any significant adverse effects on aquatic life

2. The activity must not result in an increase of existing flood levels up to and including the 1 per cent AEP flood plain on land or structures other than that owned or controlled by the person undertaking the activity

3. The activity must not result in more than minor erosion or land instability

4. Machinery must not sit directly on the wetted cross-section of the bed at the time of the work

5. Explosives must not be used in the bed

6. Mixing of construction materials and refuelling or maintenance of equipment must not occur within 10m of the bed and best site management practice must be used to avoid contaminant discharge

7. The activity must not destroy, damage or modify any scheduled historic heritage place or scheduled sites and places of significance to Mana Whenua

8. The activity must not prevent public access along the lake, river or stream.

2 Conservation planting

1. The plant must be a non-invasive species in aquatic conditions.

1A. Unless it is not reasonably practicable to do so, the plantings must utilise species native to the area.

Comment [R117]: Consequential to amending Chapter C5.14 Policies 6 and 7

Comment [R118]: Out of scope, but gives effect to RMA s6(d). This provision was included in the ALW Plan (7.5.5.1(g))

Comment [R119]: In response to the evidence of Nicholas Roberts

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

2A. Depositing any substance for the purposes of providing fish passage for existing culverts

1. Ancillary structures and any deposited material which is not a component of the fish passage provision must be removed from the bed immediately following completion of the activity.
2. The volume of fill material placed in the streambed shall not exceed 8m³ at the entry point and 8m³ at the exit point of the culvert per calendar year.
3. Material deposited must meet the definition of 'cleanfill material' and must not contain significant amounts of fine material.
4. The activity must not cause more than minor bed erosion, scouring or undercutting immediately upstream or downstream.

2.3 Disturbance and the associated sediment discharge

1. All disturbance activities

a. the activity must not:

- i. divert any part of the lake, river or stream to a new course
- ii. result in the infilling of the existing bed
- iii. lead to the instability of the bank in the immediate vicinity

b. best practice erosion and sediment control measures must be implemented

c. any materials used must not be toxic to aquatic organisms

d. debris or other material must not be re-deposited in the bed of the lake, river or stream, or within the 1 per cent AEP floodplain

e. the bed must be restored to a profile that does not inhibit water flow or prevent fish passage upstream or downstream in water bodies that contain fish.

~~2. Channel clearance within Natural Stream Management Areas, Natural Lake Management Areas, Urban Lake Management Areas, SEAs or Wetland Management Areas~~

~~a. the channel clearance must only be undertaken for the following purposes:~~

Comment [R120]: In response to the Hearing evidence of Dr Ogilvie for NZTA

~~i. to maintain recreational use~~

~~ii. plant pest removal~~

~~iii. to gain access to a lawful structure~~

~~iv. for restoration and enhancement of the natural values of the area.~~

~~b. the disturbance must be limited to the minimum area necessary to achieve a purpose listed in a. above.~~

Comment [R121]: Auckland Council – consequential on deleting NC channel clearance rule for Management Areas

3. Channel clearance less than 100m

a. the continuous length of disturbance and volume of disturbed material includes any parts of the work that may extend beyond the downstream boundary of a river, into the CMA, and:

i. any bed disturbance must not exceed 100m in length

ii. the volume of material disturbed must not exceed 1500m³

iii. a time period of two months or more must elapse before an area can be disturbed within 100m of a previously disturbed area in the same lake or river or stream.

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

4. Emergency works

a. machinery must not sit directly on the wetted cross section of the bed at the time of the work, unless there is no ~~practical~~ reasonably practicable alternative.

b. the area of disturbance must be limited to the immediate area of the hazard minimum area necessary to achieve the emergency works.

Comment [R122]: To give effect Interim Guidance for RPS Topic 012, PAUP Section B3.2 - Significant Infrastructure and Energy, dated 27 February 2015

Comment [R123]: Out of scope, but clarifies a vague requirement and uses wording consistent with other conditions.

Note: Emergency works include the clearance of trees, debris, sediment or other material deposited during storm or flood events where the material is causing or is likely to cause an immediate hazard to people or property.

Comment [R124]: 4735-450 Environmental Defence Society

5. Extraction of material less than 50m³ per year from the bed of a river or stream

a. the extracted material must only be used only on the property immediately adjoining the extraction site and must not be exported or removed from that location.

b. there must be no sale of the extracted material.

6. ~~Plant~~ Pest ~~plant~~ removal

Comment [R125]: Auckland Council minor correction

- a. the eradication or removal of the plant must comply with the provisions of the approved pest management plan.
- b. prior to the activity starting the council must be advised of the start and completion dates of the works.
- c. where monitoring is required as part of an approved pest management strategy, the council must be provided with a copy of the monitoring information collected.

Note: The use of Agrichemicals is controlled in H.4.9 Agrichemicals and Vertebrate Toxic Agents (VTAs)

7. Mangrove removal (including seedlings)

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

Comment [R126]: 5716-2512
Auckland Council

Comment [R127]: To align with
Activity table wording

Comment [R128]: Consequential to
amended Chapter H4.13 Activity table
wording

Comment [R129]: Correct
grammatical error

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

1. General

- a. during the activity bed disturbance upstream or downstream of the structure must not exceed 10m either side, excluding the length of the structure.
- b. best practice erosion and sediment control measures must be used to minimise any discharge of sediment, including sediment impounded behind an existing structure.
- c. debris or other material must not be re-deposited elsewhere in the bed of the lake, river or stream, or within the 1 per cent AEP flood plain
- d. the activity must not:
 - i. cause more than minor bed erosion, scouring or undercutting immediately upstream or downstream
 - ii. compromise the structural integrity of the structure.

2. Operation, use, maintenance, repair and upgrading of structures existing on 23/10/2004

a. The structure must:

- i. not prevent the passage of fish upstream and downstream in water bodies that contain fish
- ii. not cause more than minor bed erosion, scouring or undercutting immediately upstream or downstream
- iii. be maintained in a structurally sound condition at all times.

3. Use of existing lawfully established structures and maintenance and repair of existing structures

a. the structure activity must:

- i. for all structures except culverts, not prevent the passage of fish upstream and downstream in water bodies that contain fish, except that temporary restrictions to fish passage may occur to enable construction work to be carried out.

ia for culverts, not have a perched entry or exit which prevents the passage of indigenous fish upstream or downstream in water bodies

Comment [R130]: Consequential to amended Chapter H4.13 Activity table wording

Comment [R131]: Consequential to amended Chapter H4.13 Activity table wording and removes unnecessary duplication

that contain fish, except that temporary restrictions to fish passage may occur to enable construction work to be carried out

Comment [R132]: In response to the Hearing evidence of Dr Ogilvie for NZTA

ii. not cause more than minor bed erosion, scouring or undercutting immediately upstream or downstream

ab. ~~iii.~~ the structure must be maintained in a structurally sound condition at all times.

Comment [R133]: Corrects grammatical error

b. ~~maintenance and~~ construction material ~~or and~~ ancillary structures must be removed from the bed following completion of the activity

Comment [R134]: Corrects grammatical error

Comment [R135]: Consequential to amended Chapter H4.13 Activity table wording

c. the activity must not change the area occupied by the structure.

4. Replacement, ~~upgrading~~ or extension of ~~existing~~ structures

Comment [R136]: Consequential to amended Chapter H4.13 Activity table wording

a. structure length:

Comment [R137]: 4185-444 Auckland Utility Operators Group Incorporated

i. the total length of any extended structure must not exceed 30m measured parallel to the direction of water flow. This includes the length of any existing structure and the proposed extension but excludes erosion or scour management works

ii. any required erosion or scour management works must not exceed 5m in length, either side of the extended structure. Such works protruding into the bed do not require a separate consent as they ~~are~~ ~~must be~~ authorised under this rule.

Comment [R138]: Corrects grammatical error

b. ~~maintenance and~~ construction material ~~or and~~ ancillary structures must be removed from the bed following completion of the activity.

Comment [R139]: Corrects grammatical error

c. other than provided for by another rule, the activity must not increase the height or storage capacity of any existing dam

d. fish passage requirements:

i. the structure must not prevent the passage of fish upstream and downstream in water bodies that contain fish

ii. temporary restrictions to fish passage may occur to enable construction work to be carried out.

e. for modification of a dam or weir:

i. the modification must not commence until as much of the impounded sediment as is ~~reasonably~~ ~~practicable~~ has been removed from behind the structure

Comment [R140]: To give effect Interim Guidance for RPS Topic 012, PAUP Section B3.2 - Significant Infrastructure and Energy, dated 27 February 2015

ii. best practice endeavours must be used to minimise the discharge of sediment impounded by the structure

f. for modification of a mooring:

i. the mooring anchor or pile is not relocated on the bed

ii. the length of the mooring chain is not extended by more than 25 per cent.

5 .Demolition or removal of existing structures

a. the structure must be removed from the bed as far as practicable

b. any remaining sections must not be a hazard to public access, navigation or health and safety

c. the bed must be restored to a profile that does not inhibit water flow or prevent the passage of fish upstream and downstream in water bodies that contain fish.

d. for removal of a dam or weir:

i. the modification must not commence until as much of the impounded sediment as is practicable has been removed from behind the structure

ii. best practice endeavours must be used to minimise the discharge of sediment impounded by the structure.

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

1. General

a. structure length:

i. the total length of any extended structure must not exceed 30m measured parallel to the direction of water flow. This includes the length of any existing structure and the proposed extension but excludes erosion or scour management works

ii. any required erosion or scour management works must not exceed 5m in length, either side of the extended structure. Such works protruding into the bed do not require a separate consent as they are ~~must be~~ authorised under this rule.

Comment [R141]: Corrects grammatical error

iii. a new structure must not be erected or placed in individual lengths of 30 metres or less where this would progressively encase or otherwise modify the bed of a river or stream

b. during construction bed disturbance upstream or downstream of the structure must not exceed 10m either side, excluding the length of the structure.

c. the structure must not prevent the passage of fish upstream and downstream in water bodies that contain fish, except that temporary restrictions to fish passage may occur to enable construction work to be carried out.

d. the structure must not cause more than minor bed erosion, scouring or undercutting immediately upstream or downstream

e. ~~maintenance and~~ construction material ~~or and~~ ancillary structures must be removed from the bed following completion of the activity.

Comment [R142]: Corrects grammatical error

f. other than provided for by another rule, the activity must not increase the height or storage capacity of any existing dam.

g. the 1 per cent AEP flood shall be accommodated by the structure and/or by an overland flow path without increasing flood levels up stream or downstream of the structure, beyond the land or structures owned or controlled by the person undertaking the activity.

Comment [R143]: Out of scope, but amend to be consistent with Chapter H4.13 section 2.1 General Controls 2

h. Calculation of flow rates will made using the Auckland Council Technical Publication 108: Guideline for stormwater runoff modelling in the Auckland Region, April 2009.

2. Temporary structures

a. the temporary structure must be in place no longer than 14 days within any 6 month period

b. the temporary structure must accommodate a 5 per cent AEP flood event (this condition overrides general permitted activity control 2)

c. the temporary structure must occupy the minimum area necessary for its purpose

d. for a temporary bridge, temporary piles may be located in the bed

3. Bridges or pipe bridges

- a. piles must not be located in, on or under the bed of the lake, river, stream or wetland.

3A. New cables or lines that cross over a river or stream which do not involve support structures in the watercourse

- a. in navigable watercourses the cable or line must not prevent navigation of vessels

Comment [R144]: 2191-518 Telecom New Zealand Limited, 2745-466 Vector Limited and Vector Gas Limited et al.

4. Culverts or fords less than 30m in length when measured parallel to the direction of water flow

Comment [R145]: To align with wording of Activity table

- ~~a. Culverts must be sized to accommodate at least flow rates generated by a 10 per cent AEP storm event.~~ The 1 per cent AEP flood shall be accommodated by the structure and/or by an overland flow path without significantly increasing flood levels up stream or downstream of the structure.

Comment [R146]: 5716-2513 Auckland Council

- b. Culverts must be constructed of inert materials with a design life of at least 50 years.

5. Maimai

- a. the floor area must not exceed 10m²
- b. the structure must be founded on piles that protrude above the normal water level.

6. Sign, navigational aid, ski ~~land~~ lane marker or buoy

Comment [R147]: Corrects spelling error

- a. structures in navigable watercourses must not prevent navigation of vessels

7. Structures solely under the bed of a lake, river or wetland

- a. the structure must be installed without disturbing the bed.

8. Swing or pile mooring

- a. structures in navigable watercourses must not prevent navigation of vessels

9. Weirs, floodgates and flow monitoring devices

Comment [R148]: To align with wording in Activity table

- a. at all times when there is natural flow upstream of the weir an equivalent flow must be maintained downstream of the weir.
- b. the damming of water must not result in the loss, degradation or permanent flooding of any wetland

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

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

Note: Reclamation consents are not required when installing culverts, fords and erosion protection structures.

1. Removal or demolition of existing reclamation or drained area

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

2.7 Livestock access

1. On intensively grazed production land, livestock must be excluded from:

- a. the full extent of any lakes, rivers, streams and wetlands, excluding any intermittent stream reaches, by [date 5 years ~~post-notification of the Unitary Plan after this rule becomes operative~~]
- b. the full extent of any river or stream, including any intermittent stream reaches, by [date 10 years ~~post-notification of the Unitary Plan after this rule becomes operative~~].

1a. Livestock is not required to be excluded from ephemeral streams on any grazed production land.

2. Livestock exclusion must be effective and exclusion methods may include a permanent fence or temporary hot-wire, dense vegetation and natural barriers that prevent livestock from gaining access to the waterway.

Note: For livestock access in the CMA refer to clause 2.9 Livestock access in the CMA in the General Coastal Marine zone rules.

Comment [R149]: 838-297 The NZ Defence Force

Comment [R150]: In response to evidence of Mark Tollemache

Comment [R151]: 6523 -114 Federated Farmers of NZ

Comment [R152]: In response to evidence of Mark Tollemache

Comment [R153]: 6523 -114 Federated Farmers of NZ

3. Assessment - Restricted discretionary activities

3.1 Matters of Discretion

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

1. ~~General Mineral extraction within a quarry zone~~

~~a. The need for the disturbance or structure in the context of the proposal quarry operation.~~

b. Whether suitable alternatives can be implemented.

c. The values **(existing and potential)** of the lake, river or stream or wetland, **and its catchment stream and the effects of the activity on those values, including ecological, hydrological, recreational, cultural and natural character values including the requirement for a hydrological, hydraulic and ecological assessment.**

ca. Effects on downstream lake, river or stream or wetland environments arising directly from the activity, and any effects arising from any permanent modification in stream state or function caused by the activity

cb. The extent to which any effects that cannot be avoided, remedied or mitigated are offset

d. The completion of an SEV and the nature and scale of any off-setting mitigation proposed.

e. The construction methodology, **including the timing and duration of the activity and** erosion and sediment controls.

~~f. Potential downstream effects of sediment discharge.~~

g. **The ability of aquatic fauna to utilise habitats (including refugia) and move upstream and downstream, including** the relevance and provision of fish passage.

h. **Potential** ~~upstream~~ or downstream flooding effects.

i. Potential effects on any scheduled historic heritage place ~~or scheduled sites~~ and places of significance to Mana Whenua.

~~j. Effects on Mana Whenua values.~~

Comment [R154]: Consequential to new Chapter C5.14 Policy 2A and new Chapter H.13 RD rule

Comment [R155]: To align with wording in the final Ecologist's Joint Witness Statement

Comment [R156]: Correcting error in Primary Evidence version

Comment [R157]: The changes to the Matters of Discretion have arisen from the conferencing of ecology experts in late May 2015. These changes are shown as out of scope as they were not discussed in mediation. There may be scope to make these changes in response to some submissions such as 3700-37 Atlas Concrete Limited (Bombay) or 4336-72 KiwiRail Holdings Limited

Comment [JC158]: Consequential change. From Topic 037 'Mana Whenua Sites' Chloe Trenouth, primary evidence, section 17.

2. Mineral extraction within a quarry zone

a. The need for the disturbance, ~~of~~ structure, reclamation or drainage in the context of the ~~proposal quarry operation~~ mineral extraction activity.

3.2 Assessment criteria

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

1. Activities in permanent and intermittent streams, including mineral extraction activities within a quarry zone

a. whether the potential adverse effects of the activity have been adequately assessed and any alternative methods have been considered.

b. the extent to which the proposal can adequately avoid, remedy or mitigate potential hydrological, hydraulic and ecological effects.

c. how any effects that cannot be avoided, remedied or mitigated within the works footprint can be adequately off-set by alternative mitigation

d. whether the proposal has adequately quantified any off-setting mitigation proposed.

e. whether the ongoing provision of fish passage is necessary and how that may be provided.

f. whether the proposal avoids adverse effects on any scheduled historic heritage place ~~or scheduled sites and places of significance to Mana Whenua, or otherwise addresses such effects.~~

g. the extent to which any adverse effects on Mana Whenua values are avoided, remedied or mitigated.

2. Stream enhancement and restoration activities

a. whether the potential adverse effects of the activity have been adequately assessed and alternative methods including options other than hard infrastructure have been considered.

b. whether the proposal avoids more than minor bank erosion, stream bed erosion, and land instability effects.

c. whether the proposal retains sufficient stream flow conveyance capacity for all flows from base flow to flood flows

Comment [R159]: Consequential to new Chapter C5.14 Policy 2A and new Chapter H4.13 RD rule

Comment [R160]: In response to the evidence of Hay and Tollemache

Comment [R161]: Spelling error

Comment [R162]: Consequential on making some activities RD

Comment [R163]: 3492-293 Winstone Aggregates et al

Comment [JC164]: Consequential change. From Topic 037 'Mana Whenua Sites' Chloe Trenouth, primary evidence, section 17.

Comment [R165]: Consequential to new Chapter C5.14 Policy 2A and new Chapter H4.13 RD rule

d. whether planting and enhancement is established in accordance with best practice, having regard to relevant industry or Auckland Council guidelines

e. whether the natural character of the stream is maintained or enhanced

f. the extent to which the stream's ecological functions are enhanced

g. the extent to which any adverse effects on Mana Whenua values are avoided, remedied or mitigated.

3. Special Information Requirements

A cultural impact assessment process is required for all activities requiring resource consents in accordance with the cultural impact assessment information in clause G1.X of the general provisions.

Comment [JC166]: Consequential changes. From Topic 037 'Mana Whenua Sites' Chloe Trenouth, primary evidence, section 17.

PART 2 - REGIONAL AND DISTRICT OBJECTIVES AND POLICIES»

Chapter E: Overlay objectives and policies»

7 Natural resources»

7.4 Natural Stream Management Areas

Overlay description

The Natural Stream Management Areas overlay is comprised of river and stream reaches with high natural character and high ecological values.

Natural Stream Management Areas generally have an unmodified river or stream bed with existing indigenous riparian vegetation on both sides. The presence of indigenous riparian vegetation indicates that the river or stream has high ecological values and water quality, keeping water temperatures constant and filtering contaminants and sediments from surface flows entering the stream. Natural Stream Management Areas are important for native fish and macro-invertebrates particularly providing fish passage, habitat, food sources and breeding areas. Many Natural Stream Management Areas are located in the upper reaches of a catchment or in reserve areas with generally high water quality. The combination of suitable temperature, pH and water quality and the presence of native aquatic plants and aquatic fauna are collectively referred to as "in-stream values".

The rules for this overlay are incorporated in the Auckland-wide natural resource rules.

Objective

[rp]

1. Rivers and streams in Auckland with high natural character and high ecological values are protected.

Policies

[rp]

1. Identify and protect the in-stream values and riparian margins of Natural Stream Management Areas, which are areas of rivers and streams and associated riparian vegetation that meet the following criteria:

a. any river or stream with predominantly indigenous riparian vegetation cover along a length (reach) of at least 600m and:

i. an average total width of vegetation cover of 80m i.e. an average width of 40m on either side

ii. a minimum total width of vegetation cover of 10m from the stream edge for a length not exceeding 10 per cent of the total reach

b. where there are cleared areas for tracks and stream crossings or formed carriageways, these are included in the measurements of vegetation length and width but excluded from the ambit of the controls.

2. Allow water takes and contaminant discharges only where they are of a scale and type that protects the in-stream values of these rivers and streams.

3. Maintain and where possible enhance fish passage between the CMA and the upstream extent of these Natural Stream Management Areas.

4. Avoid structures and activities in Natural Stream Management Areas that disturb, damage, remove or replace the natural bed and course of the river or stream and its associated indigenous riparian vegetation unless in the case of infrastructure, where there is a functional or operational need to be in that location or traverse the area and there is no reasonable or practicable alternative.

Note:

A Natural Stream Management Area may be determined from measurements taken from an aerial photograph or an accurately scaled plan. Natural Stream Management Areas are shown indicatively in this overlay. To avoid doubt, the criteria stated in Policy 1 above are the primary reference for defining these areas. Compliance will be determined with reference to the criteria in Policy 1 and not the mapped overlay.

Comment [R167]: 1725-409 The New Zealand Transport Agency Limited. See also the evidence of Debra Yan

Comment [R168]: 4185-343 Auckland Utility Operators Group Incorporated. See also the evidence of Debra Yan

7.6 Natural Lake Management Areas

Overlay description

The Natural Lake Management Areas overlay applies to natural lakes located in rural Auckland. This includes the total lake surface area and a 50m buffer strip surrounding the lake edge, measured landward from the mean annual water level. These lakes are located in three main areas - South Kaipara Peninsula, north-east coast inland of Pākiri Beach, and Āwhitu Peninsula.

Natural lakes are typically fed by small streams and overland flow with minimal outflows. Water levels of natural lakes are dependent on groundwater hydrogeology, water uptake rates by vegetation and water takes. Natural lakes in Auckland offer a wide range of uses such as seasonal boating and other surface water recreational activities, many of which are located in significant areas of public reserve and parks. Natural Lake Management Areas with high water quality, indigenous vegetation and wetlands present important habitats for biodiversity.

However, not all Natural Lake Management Areas are in pristine condition, with varying water quality, quantity, ecological values, recreational values and land use within catchments. Many natural lakes suffer from poor water quality due to nutrient and sediment runoff from surrounding land. The presence of invasive pest species also adversely affect Natural Lake Management Areas.

The rules for this overlay are incorporated in the Auckland-wide natural resource rules.

Objectives

[rp]

1. Water quality is maintained where it is high or enhanced where it is degraded in lakes within Natural Lake Management Areas.

Comment [R169]: 4735-375
Environmental Defence Society

2. High Natural character and ecological values of Natural Lake Management Areas are maintained where they are high or enhanced where they are degraded.

Comment [R170]: 4735-376
Environmental Defence Society

3. High natural character and ecological values of Natural Lake Management Areas are not adversely affected by recreational use.

Policies

[rp]

1. Maintain or enhance water quality by avoiding direct and diffuse discharges of contaminants into Natural Lake Management Areas.

2. Minimise adverse effects on lake water levels of Natural Lake Management Areas by avoiding new proposals to take, use or divert surface and groundwater from natural lakes and restrict water allocation to existing water users.

3. Avoid adverse effects on the hydrology in Natural Lake Management Areas from new exotic forestry that are more than minor.

4. Maintain and enhance the margins of Natural Lake Management Areas by:

- a. maintaining and enhancing indigenous vegetation within a 50m setback
- b. excluding livestock from the wetted perimeter of the lakes including banks
- c. avoiding structures within a 50m setback, excluding fences or facilities to support recreational activities.

5. Enable recreational activities in Natural Lake Management Areas:

- a. where they are low-impact activities such as non-motorised boating
- b. by limiting the use of motorised boating ~~to~~ on Lake Tomarata, and Lake Spectacle and Lake Slipper
- c. any moored structures are located to avoid conflict with other uses and do not adversely affect safety and health of individuals
- d. existing recreational facilities are utilised efficiently to avoid the erection of new jetties, ramps and other similar structures.

6. Avoid the release of invasive pest species into Natural Lake Management Areas and enable the removal of existing invasive pest species.

7. Provide for infrastructure in, on, under or over the Natural Lake Management Areas only where there is a functional or operational need to be in that location or traverse the area and there is no reasonable or practicable alternative.

Comment [R171]: See the evidence of Ella Hardy

Comment [R172]: 4735-383 Environmental Defence Society

Comment [R173]: Consequential to 4185-344 Auckland Utility Operators Group Incorporated

7.7 Urban Lake Management Areas

Overlay description

The Urban Lake Management Areas overlay comprises Lake Pupuke and Western Springs Lake. Lake Pupuke is formed from an old volcano and is characterised by the absence of any streams, with the movement of groundwater as its main source of recharge and discharge. Lake Pupuke is surrounded by residential and commercial development. Areas of publicly owned land are interspersed with residential development fronting onto the lake shore. Western Springs Lake derives its water source from groundwater flow, and has an outlet via a weir to Motions Creek. Western Springs Lake is surrounded by a public reserve.

Both lakes are important for their open-space, recreational and amenity values. The main impacts on the water quality of Lake Pupuke come from the contaminants in stormwater discharges into the lake, wastewater overflows and fertiliser runoff from surrounding private gardens and the public reserve. Western Springs has a lower water quality, mainly due to contamination from faecal matter associated with the water fowl population.

The rules for this overlay are incorporated in the Auckland-wide natural resource rules.

Objectives

[rp]

1. Open-space, recreational and amenity values of Urban Lake Management Areas are maintained or enhanced.
2. Water quality of lakes in Urban Lake Management Areas is maintained where it is high or enhanced where it is degraded to support ecosystem health, recreational and amenity values.
3. Margins of lakes in Urban Lake Management Areas are maintained or enhanced.

Policies

[rp]

1. Avoid further modification of margins by reclamation and minimise shoreline protection works in Urban Lake Management Areas.
2. Maintain or enhance open-space, recreational and amenity values of the Urban Lake Management Areas by minimising structures in, on or over lake bed and surface water.

Comment [R174]: 4735-385
Environmental Defence Society

3. Minimise discharges of contaminants to Urban Lake Management Areas.
4. Avoid the significant disturbance of lake beds to minimise suspended sediment and nutrients in water.
5. Recognise that stormwater maintains water levels in Urban Lake Management Areas, and support initiatives to treat these discharges.
6. Maintain and protect wetland vegetation in Urban Lake Management Areas by ~~avoiding~~ minimising as far as is practicable the disturbance from structures and vegetation clearance associated with ~~significant~~ infrastructure maintenance.

7. Provide for infrastructure in, on, under or over the Urban Lake Management Areas only where there is a functional or operational need to be in that location or traverse the area and there is no reasonable or practicable alternative.

Comment [R175]: 2191-413 Telecom New Zealand Limited and others

Comment [R176]: Gives effect to Interim Guidance for RPS Topic 012, PAUP Section B3.2 - Significant Infrastructure and Energy, dated 27 February 2015

Comment [R177]: 4185-344 Auckland Utility Operators Group Incorporated

7.8 Water Supply Management Areas

Overlay description

The purpose of Water Supply Management Areas is to provide protection for the water catchments that supply the freshwater to Auckland municipal water supply dams and provide for the ongoing operation, maintenance, repair, upgrading and development of the municipal water supply infrastructure.

Comment [R178]: 5716-2499
Auckland Council

The areas comprise the catchments that are mainly in public ownership surrounding municipal water supply infrastructure. This infrastructure includes five dams in the Waitākere Ranges, two reservoirs in the Hunua Ranges, the Hays Creek dam at Papakura and land owned by Watercare Services in the Riverhead Forest. The management area also includes all related supporting and connected water supply infrastructure, such as the pipe network and pumping stations, located within these catchments. They contain water supply networks that are classified in the Unitary Plan as significant infrastructure. Part of the water supply management area for the Hunua water supply infrastructure is now outside the Auckland region.

Water Supply Management Areas, particularly those in the Waitākere and Hunua Ranges, contain a mix of vegetation cover. Large areas of significant indigenous vegetation meet the criteria for identification as Natural Stream Management Areas. The Waitākere water supply management area forms part of the wider Waitākere Ranges Heritage Area. One of the heritage features recognised by the Waitākere Ranges Heritage Area Act 2008 is the operation, maintenance and development of the public water catchment and supply system that services the needs of the people of Auckland.

Rules for this overlay are incorporated in the Auckland-wide natural resource rules.

Objectives

[rp]

1. Municipal water supply infrastructure is able to operate and develop in Water Supply Management Areas.
2. Natural character, ecological, heritage, recreational and amenity values of water supply management areas are protected while the operational needs and development requirements of municipal water supply infrastructure are met.

Policies

[rp]

1. Enable the operation, use, maintenance, repair, upgrading and development of structures and activities for the storage, distribution and treatment of municipal water supply in Water Supply Management Areas.

Comment [R179]: Consequential to amendments to Chapters C 5.14 and H 4.13

1A. Land use and other activities are managed to avoid adverse effects on the quality and quantity of freshwater in the catchment used for municipal water supply purposes as far as practicable.

Comment [R180]: 5716-2500 Auckland Council

2. Avoid, remedy or mitigate adverse effects, including cumulative effects of structures, equipment or works and any discharges of water from dams, pipelines or other water treatment infrastructure on the natural character, ecological, heritage, recreational and amenity values of Natural Stream and Wetland Management Areas in Water Supply Management Areas.

~~3. Assess the effects of activities for municipal water supply in Water Supply Management Areas against the objectives and policies relating to water allocation the diversion of surface water and activities affecting the beds of lakes and rivers.~~

Comment [R181]: Consequential to 5716-2500 Auckland Council

4. Advise operators of municipal water supply infrastructure of applications for resource consent that have the potential to adversely affect the quality and quantity of water within Water Supply Management Areas or to adversely affect the safe and efficient operation of the water supply infrastructure.

5. Provide for infrastructure in, on, under or over the Water Supply Management Areas only where there is a functional or operational need to be in that location or traverse the area and there is no reasonable or practicable alternative.

Comment [R182]: Consequential to 4185-344 Auckland Utility Operators Group Incorporated

7.9 Wetland Management Areas

Overlay description

The purpose of the Wetland Management Areas is to manage the adverse effects of contaminated discharges, water takes, wetland drainage, invasive pest species and the physical disturbance to wetlands, including wetland vegetation.

Wetlands are one of Auckland's rarest and most at-risk ecosystems, supporting valuable plant and animal communities. Furthermore, wetlands naturally filter contaminants and regulate water flow, reducing contaminants in water and the susceptibility of flooding. Wetlands also present important cultural, recreational and amenity values.

The Wetland Management Areas overlay is comprised of significant wetlands listed in Appendix 5.3 of the Unitary Plan. Wetland Management Areas may also be identified as SEAs, and therefore provisions in the Unitary Plan relating to SEAs also apply.

The rules for this overlay are incorporated in the Auckland-wide natural resource rules.

Objective

[rp]

1. High natural character and ecological values of Wetland Management Areas (including avoiding, as far as is practicable, reductions in the spatial extent of wetlands) are maintained or enhanced.

2. Subject to achieving Objective 1, cultural, recreational and amenity values of Wetland Management Areas are maintained or enhanced.

Comment [R183]: 4735-398
Environmental Defence Society and others

Comment [R184]: 4735-399
Environmental Defence Society and others

Policies

[rp]

1. Maintain or enhance Wetland Management Areas by:
 - a. improving water quality
 - b. maintaining water levels to ensure ecosystem functionality and significant variations in water levels occur only through natural fluctuations
 - c. avoiding the removal or degradation of wetland vegetation in, on, or adjacent to wetland
 - d. avoiding adverse effects of any activity on ecological values

e. maintaining the size and spatial extent of the wetland area by avoiding progressive loss of wetland area

f. providing for wetland enhancement activities, including riparian planting and the removal of invasive pests.

Comment [R185]: 4735-400
Environmental Defence Society and others

2. Recognise and provide for ecosystem functions of Wetland Management Areas, including attenuation of flooding and treatment of contaminated discharges only where adverse effects are less than minor and will not result in significant adverse effects on the ecological or cultural values of the wetland.

3. Avoid activities in, on or adjacent to Wetland Management Areas except where the activity:

a. is for wetland conservation purposes, including invasive pest removal

b. provides for public access and interpretative activities relating to high natural character and ecological values

c. is for operation, maintenance, upgrading or replacement of existing or new significant infrastructure; provided significant adverse effects on the high natural character and ecological values of the wetland are avoided, and other adverse effects are avoided, remedied, mitigated or offset.

Comment [R186]: Gives effect to Interim Guidance for RPS Topic 012, PAUP Section B3.2 - Significant Infrastructure and Energy, dated 27 February 2015

4. Provide for infrastructure in, on, under or over the Wetland Management Areas only where there is a functional or operational need to be in that location or traverse the area and there is no reasonable or practicable alternative.

Comment [R187]: 4735-402
Environmental Defence Society and others

Comment [R188]: 4185-345
Auckland Utility Operators Group Incorporated

Definitions

Permanent river or stream

The continually flowing reaches of any river or stream.

Intermittent stream

Stream reaches that cease to flow for **some** periods of the year because the bed can be is periodically above the water table at some times. This category is defined by those stream reaches that do not meet the definition of permanent river or stream and meet at least three of the following criteria:

- It has natural pools
- It has a well-defined channel, such that the bed and banks can be distinguished
- It contains surface water more than 48 hours after a rain event which results in stream flow
- Rooted terrestrial vegetation is not established across the entire cross-sectional width of the channel
- Organic debris resulting from flood can be seen on the floodplain
- There is evidence of substrate sorting process, including scour and deposition

Includes:

- ~~reaches with stable natural pools having a depth at their deepest point of not less than 150mm and a total pool surface area that is 10m² or more per 100m of river or stream bed length and~~
- ~~reaches without stable natural pools.~~

Excludes:

- ~~ephemeral reaches.~~

Ephemeral reaches stream

Stream reaches with a bed above the water table at all times, with water only flowing during and shortly after rain events. This category is defined as those stream reaches that do not meet the definition of permanent river or stream or intermittent river or stream.

~~A river reach is ephemeral where it meets at least three of the following criteria:~~

- ~~it lacks a well-defined channel, so that there is little or no ability to distinguish between the bed and banks~~
- ~~it contains no surface water, if no rain has occurred in the previous 48 hours~~
- ~~it contains terrestrial vegetation~~
- ~~there is no clearly visible organic debris on its floodplain from flood flows~~
- ~~there is no evidence of substrate sorting through flow processes.~~

Comment [R189]: In response to the evidence of Amanda Coats

Comment [R190]: 1725-103 The New Zealand Transport Agency Limited and others and expert ecologist conferencing May 2015

Comment [R191]: 1725-103 The New Zealand Transport Agency Limited and others and expert ecologist conferencing May 2015

Reclamation

Permanent filling of the CMA or the bed of any lake, wetland river or stream to create dry land.

Excludes:

- piles
- pylons
- boat ramps
- rubble mound breakwaters
- filling behind seawalls (unless the purpose of the seawall and filling is primarily for the purpose of creating land)
- beach nourishment where the newly created land is still subject to the ebb and flow of the tide
- any area of surface water impounded by a dam
- culverts parallel to the direction of water flow

Includes:

- Filling associated with piping a stream

Comment [R192]: 3085-83 Ngati Whatua Orakei Whai Maia Limited and others

Comment [R193]: 3731-5 Joanna Maskell and others

Intensively grazed production land

Stocking rate equal to or exceeding 18 stock units per hectare. Stock units are defined in the "Farm Technical Manual - Lincoln University; Fleming, P. (Ed.); 2011".

Comment [R194]: Consequential to 879-194 Waytemore Forests Limited, Waytemore Farms Limited, Adfordston Farms Limited and Kauri Hiwi Limited

Predominantly Indigenous Vegetation

For the purpose of the Natural Streams Management Areas, predominantly indigenous vegetation means areas of vegetation where the canopy is intact and is dominated by indigenous species, and contains a regenerating understory. It includes stands of predominant kanuka and manuka, and areas of wetland vegetation. It can include areas with exotic species in the canopy or emergent above the canopy, as long as they do not comprise more than 25 percent of the canopy composition.

Comment [R195]: Recommended for inclusion by Debra Yan's evidence on Natural Stream Management Areas

Riparian yard

The area along the top of a **permanent or intermittent** river or stream measured horizontally and at right angles from the top of the **bank**.

Comment [R196]: From the evidence of Jarette Wickham for Auckland Council

Lakeside yard

Means the area around a lake measured horizontally and at right angles from the top of the bank.

At Lake Pupuke, any land which lies between Lake Pupuke and a line which is measured horizontally and at right angles to the lake edge (according to the 5.73 metre contour which has been accepted as mean winter lake level) for 30 metres in a landward direction.

- The lakeside yard for Lot 1 DP 49189 (being 27 Lake View Rd) shall be all that land on the lakeward side of a line originating at a point 30 metres from the lake edge on the north western boundary, and terminating at a point 20 metres from the lake edge on the south eastern boundary
- The lakeside yard for lot 18 DP 47080 (being 29 Lake View Road) shall be all that land on the lakeward side of a line originating at a point 40 metres from the lake edge on the promontory on the south eastern boundary, and terminating at a point 15 metres from the lake edge on the north western boundary
- The lakeside yard for lot 17 DP 47080 (being 31 Lake View Road) shall be all that land on the lakeward side of a line originating at a point 15 metres from the lake edge on the south eastern boundary, and terminating at a point 27 metres from the lake edge on the north western boundary
- The lakeside yard for Lot 1 DP 187562 (being 33/35A Lake View Rd) shall be all that land on the lakeward side of a line originating at a point 30 metres from the lake edge on the north western boundary, and terminating at a point 27 metres from the lake

Comment [R197]: From the evidence of Jarette Wickham for Auckland Council