

Activities in waterways



Activities in waterways can have significant impacts on water quality (particularly from sedimentation), as well as adverse effects on habitats for fish and birds, and flood risk management.



The proposed Southland Water and Land Plan aims to manage what people can do in waterways to minimise the risk of adverse impacts on the environment and to maintain water quality.

In addition to some of the specific requirements in the rules, there are a number of general conditions that need to be met for activities in waterways – see Rule 55A. These include things like ensuring fish passage; protecting the roosting and nesting areas of special

birds; minimising the discolouration of water; and reducing causes of erosion.

Before undertaking any activity in waterways, give the consents team a call to ensure your activity doesn't require a consent.

Common questions and answers

We've listed the answers to some commonly asked questions here. If you're still not sure about what you need to do or have another question you want help with, give us a call on 0800 76 88 45.

Q: Can I build a bridge over the creek on my farm without a consent?

A: Yes, as long as you can meet the permitted activity conditions in Rule 57, which include having no support structures in the bed, and the general conditions in Rule 55A.

Q: Can I reconstruct the old culvert on my property?

A: Yes, but you may need a consent if you cannot meet the permitted activity conditions in Rule 59 and the general conditions in Rule 55A. The permitted activity conditions place restrictions on the size, placement, installation, fill level, and flood risk of the culvert.

Q: Can I dig a sediment trap in the stream on my farm?

A: To dig a sediment trap without a consent, the sediment trap must be located within an intermittent or ephemeral waterway, and you must meet the permitted activity conditions for Rule 59A, and the general conditions in 55A. If you cannot meet the conditions, you must apply for consent.

If you want to dig a sediment trap in a different location (i.e. not an intermittent or ephemeral waterway), Rule 71 applies and you must get a consent.

Q: Can I build a 5m high dam on my property without consent?

A: No. The maximum height you can build a dam is 4m without needing a consent, and there are several conditions that must be met. These include that the dam must be located below a catchment area of less than 500 hectares. The general conditions in Rule 55A must also be met.

Q: Can I build a 50cm high weir across my stream to trap fish?

A: No. Even though the height of the weir is below the threshold for a permitted activity (i.e. doesn't require consent), if it will impede fish passage then consent is required.

Q: There are birds nesting on the gravel edge of the river that flows through my property, will that affect my plans for a 1m high dam?

A: Yes, if the bird is a black fronted tern, black billed gull, banded dotterel or black fronted dotterel, you will need to apply for consent. To identify the nesting birds please refer to New Zealand Birds Online website - www.nzbirdsonline.org.nz.

Q: How do I know where whitebait spawning habitats are?

A: Whitebait spawn among tidally-inundated riparian vegetation. If you have a river that is influenced by the tide on your property, contact Environment Southland's land sustainability team for advice.

Q: My land and fences are being washed away by a river that has moved course; can I put some rocks along the bank to protect my land?

A: Yes, as long as you meet the permitted activity conditions in Rule 61, and the general conditions in 55A. The structure or bed disturbance activity must not cause significant erosion, or deposition on the surrounding bed or banks. If you can't meet the permitted activity conditions you will need a consent. Contact the land sustainability team for advice on how to do this.

Q: I have a creek with steep sides that is difficult for sheep to climb out of if they fall in, can I cut away some of the bank without a consent so that the sheep can get out of the creek easily?

A: No, you will need a consent to alter the banks of the creek.

Q: Can I plant a eucalyptus plantation on my undeveloped farmland beside the river?

A: If the purpose is for production forestry and the area is less than 1 hectare, a consent is required. If the plantation is over 1 hectare and is for production forestry, the National Environmental Standard for Plantation Forestry applies. Information on the Standard is available at: www.mpi.govt.nz/growing-and-harvesting/forestry/national-environmental-standards-for-plantation-forestry/

If the planting is for another purpose, and meets the permitted conditions in Rule 76, which includes being undertaken in accordance with a Farm Environmental Management Plan, or for the purposes of soil conservation, river control, enhancing biodiversity, enhancing mahinga kai or taonga species, you may plant the trees without a consent.

Q: Can I clean out the drainage channels on my farm without a consent?

A: Yes, provided you can meet the permitted activity conditions in Rule 78, and the general conditions in Rule 55A. This includes avoiding the removal of gravel and other riverbed material as far as is practicable. You can't remove weeds, plants or sediment from unmodified waterways (i.e. those rivers, creeks and streams that have not been straightened or changed for drainage purposes) without a consent.

Definitions

Agricultural effluent – effluent that is derived from livestock farming.

Waterbodies – means freshwater in rivers, lakes, streams, ponds, and wetlands.

Ephemeral or intermittent waterways - Areas that do not have an active bed of a waterway but may contain flowing or standing water during rainfall events.

Sediment trap – a facility designed and constructed for the primary purpose of slowing water flow to allow sediments to drop from the water column.

Dam – a barrier constructed to hold back water and raise its level, forming a reservoir.

Weir – a low dam that is designed for water to flow over the top

Bed of a river – the space of land which the waters of the river cover at its fullest flow without overtopping its banks

Bed of a lake – the space of land which the waters of the lake cover at its highest level without exceeding its margin

Margin of waterbody – means land adjacent to the bank of a waterbody which is affected by water table variations, flooding, erosion and/or sedimentation processes, and often contains distinctive vegetation which helps protect aquatic environments and control sedimentation while supporting a diversity of species. The size of the margin will vary but may extend to the limits demarcated by natural river terraces and constructed stop banks.

The information provided is based on a number of rules in the decisions version of the proposed *Southland Water and Land Plan*, April 2018.

If you're thinking about making a change to your farming activity, it's important to remember what the proposed Southland Water and Land Plan is striving towards. Don't forget to address the objectives and policies

alongside the relevant rules when you are making an application for resource consent. The objectives and policies are the key drivers of the rules and need to be considered carefully.