

## **6.8 Explanation and principal reasons for methods**

### **6.8.1 Advocacy**

This method recognises the importance to advocate to national level agencies, territorial authorities and user groups. Advocacy is used to proactively address aspects of resource management that fall outside, but complement, regional council regulation. Advocacy could include the need to undertake various initiatives, representations and submissions to other management agencies (including national strategies and guidelines and district planning provisions) in order to avoid effects on the beds and margins of lakes and rivers.

### **6.8.2 Information and promotion**

The non-regulatory methods of information and promotion recognises the importance of properly informing the public and raising awareness of the values within the region and the potential impacts of activities. By collecting and disseminating information, the community is provided with an opportunity to understand and participate in sustainable management practices.

Partnerships need to be formed between Environment Canterbury and the community to ensure information is available to all parties with an interest in the beds and margins of lakes and rivers and that an integrated approach to resource management is achieved.

Information and promotion also extends to the community, through environmental education, which may include school visits, seminars, field days, industry discussions, group meetings, the production and circulation of pamphlets on specific topics and the preparation of more comprehensive guidelines on matters pertaining to the appropriate management of beds of lakes and rivers to minimise adverse effects.

It is important to ensure that good information is available as a tool for prioritising focus and resources towards removing unnecessary restrictions. Information will also be useful to the public and may reduce potential conflicts from inappropriate access over private property. It is anticipated that other organisations will have a significant amount of information of value for the implementation of this method. Accordingly, Environment Canterbury will seek an inter-organisational approach to development and management of information under this method. The data will also form a useful tool to monitor the effectiveness of the policies and methods in achieving the objective.

### **6.8.3 Investigations**

This method recognises that there is a need to improve our understanding of the beds and margins of lakes and rivers within the region. Investigations are needed to improve our understanding of the movement of sand and gravel supplied by rivers to the coast, the effects of human influences on indigenous flora and fauna, river flow and the sediment regime, and the identification of the appropriate locations for extraction of bed material.

Information obtained from investigations will enable better decision making, monitoring of effects and planning, as well as the potential to promote inter-agency integration and knowledge sharing.

### **6.8.4 Floodplain strategies**

Developing floodplain strategies, in partnership with the community will enable a management approach to be designed to suit the uniqueness of a specific area. Such strategies may identify and/or comment on such aspects as the appropriateness of subdivision and land development within the margins, or gravel extraction within the beds of lakes or rivers that are identified as at risk of significant flooding. Appropriate management may include design requirements for buildings or flood control structures, zoning of at risk areas such as public reserves, and/or controlling development.

Service provisions may also be designed to be used in partnership with the development of a floodplain strategy, whereby Environment Canterbury through consultation with the community may develop provisions to recover the cost of natural hazard management works

that benefit that community. This will provide more equitable treatment of ratepayers who benefit from works such as drain maintenance, flood protection works and gravel removal.

#### **6.8.5 Reserves ranger**

Providing a Reserves Ranger will enable Environment Canterbury to monitor activities on Council reserve land, promote the appropriate location and timing of activities within the beds and margins, highlight to users the impact that activities may have on other users and/or the natural environment and promote a separation of conflicting activities. The ranger can provide an educational and enforcement role through their onsite presence.

#### **6.8.6 Regional rules and resource consents**

Rules in this chapter have three main functions:

- (a) To permit activities that Environment Canterbury believes can be carried out without resource consent, provided the appropriate conditions are complied with. Environment Canterbury can then be satisfied that any adverse environmental effects will be no more than minor.
- (b) To restrict activities where site specific environmental issues need to be addressed to ensure the actual and potential adverse effects of the activity are avoided, remedied or mitigated.
- (c) To prevent activities occurring which would result in unacceptable adverse effects.

Regulation is the legal means used to control the effects of activities, and in the context of the Proposed NRRP, regulation is primarily by rules. Regulation, by way of regional rules, is only used when Environment Canterbury believes that other methods of implementing the policies in this Proposed NRRP are insufficient to meet its objectives.

##### **6.8.6.1 Rule BLR1 Use, maintenance, reconstruction, alteration, extension, demolition or removal of existing structures - permitted activity**

This rule allows the use, reconstruction, alteration, extension, demolition or removal of legally established structures within the bed or a lake of river. The reason for allowing these activities as permitted is to remove the requirement, under section 13 of the RMA, to get resource consent. This reduces the costs associated with undertaking an activity which will have no more than minor effect on the environment (provided the conditions of the rule are met). This rule does not cover any damming or diversion of water, which are covered in other chapters of this Proposed NRRP.

##### **6.8.6.2 Rule BLR2 Erection or placement of structures - permitted activity**

The erection or placement of structures in, on, under or over the bed of a lake or river is restricted by section 13 of the RMA. Rule BLR2 has been designed to allow the placement of minor structures in, on, over or under rivers and streams. The reason for allowing these activities as permitted is to remove the requirement, under section 13 of the RMA, to get resource consent. This reduces the costs associated with undertaking an activity which will have no more than minor effect on the environment (provided the conditions of the rule are met).

##### **6.8.6.3 Rule BLR3 Excavation, drilling, tunnelling or disturbance within the bed – permitted activity**

Excavation, drilling, tunnelling or disturbance within the bed is restricted under section 13 of the RMA. Excavation, drilling, tunnelling or disturbance within the bed has the potential to impact on rates of erosion, river channel alignment and structure stability. However, the significance of this impact will depend on numerous activity and site-specific elements. The reason for allowing a level of activity as permitted is to remove the requirement, under section 13 of the RMA, to get resource consent. This reduces the costs associated with undertaking an activity which will have no more than minor effect on the environment (provided the conditions of the rule are met).

#### **6.8.6.4 Rule BLR4 Introduction or planting of plants – permitted activity**

The introduction of vegetation into the beds of lakes and rivers can potentially compromise other values associated with these water bodies. The CRPS recognises the potential for some activities in the beds of lakes and rivers to adversely impact on the environment. For example (though not limited to), the introduction of vegetation adversely affecting conservation and amenity values including the loss of biodiversity, water quality and reducing the flood-carrying capacity of rivers.

Section 13 of the RMA does not allow the introduction of any vegetation unless there is a rule in a plan or a resource consent providing for it. However, in order to meet the requirements of the RMA (in particular section 30 - soil conservation and flood protection, as well as enhancing and maintaining Part II matters) there is a need to allow some planting to be undertaken. Rule BLR4 reduces the costs associated with undertaking an activity which will have no more than minor effect on the environment (provided the conditions of the rule are met).

#### **6.8.6.5 Rule BLR5 Disturbance of vegetation and harvesting practices – permitted activity**

The uncontrolled removal of vegetation from the beds of lakes and rivers can potentially compromise other values associated with these water bodies. The removal of vegetation may also adversely affect the stability or performance of essential structures, water quality and habitat values of the beds of lakes and rivers. Rule BLR5 allows a level of activity to be undertaken as permitted. Provided the activity complies with the conditions within this rule, the effects on beds and margins of lakes and rivers should be minor.

#### **6.8.6.6 Rule BLR6 Activities in natural state or high naturalness areas – permitted activity**

Rule BLR6 allows small-scale activity in the beds of natural state or high naturalness areas. The activities permitted by this rule are limited in scale or intensity due to the sensitivity of the natural state or high naturalness areas. Allowing a level of activity in these sensitive areas reduces the costs associated with getting resource consent for an activity which will have no more than minor effect on the environment (provided the conditions of the rule are met).

#### **6.8.6.7 Rule BLR7 Land use activities within 7.5 metres of the bed or a flood protection structure – permitted activity**

Section 30(1) of the RMA allows the Regional Council to control the use of land for the avoidance or mitigation of natural hazards. Rule BLR7 permits activities within close proximity to the bed or any flood control structures provided these activities do not impact on flooding, erosion or the integrity of flood control structures. This reduces the costs associated with undertaking an activity which will have no more than minor effect on the environment (provided the conditions of the rule are met).

#### **6.8.6.8 Rule BLR8 Structures, excavation, disturbance, planting, deposition, reclamation or drainage - discretionary activities**

Section 13(1) of the RMA contains a presumption that, unless a rule in a regional plan provides to the contrary, certain uses of riverbeds require resource consent. This rule applies to activities covered by section 13(1) that do not come within the scope of the permitted or restricted discretionary activity rules in this chapter.

In preparing this chapter Environment Canterbury recognises that not all activities in the beds of lakes or rivers are going to have significant adverse effects on the environment. For this reason, Environment Canterbury will allow such activities if it is satisfied that they have no more than minor adverse environmental effects. However, where the scale or intensity of an activity is likely to cause more than minor effects on the beds of lakes and rivers, Environment Canterbury will, in accordance with section 13(1) of the RMA, retain the ability to grant or decline resource consent. This approach allows for flexibility in managing uses of

river and lake beds that cannot meet the permitted activity conditions, while retaining sufficient certainty for resource users.

Unless otherwise provided for under rule BLR1 or BLR2, the use, erection, reconstruction, placement, alteration, extension, removal or demolition of any structure or part of any structure in, on, under or over the bed of a lake or river is a discretionary activity.

Unless otherwise provided for under rule BLR3, extraction of bed materials is a discretionary activity. River systems are complex. Bed materials move through river systems in waves, leaving some areas in a state of degradation and others in a state of aggradation. The amount and the location of material that can be extracted without causing more than minor effect on the bed is constantly changing. In order to ensure that the activity does not lead to the undermining of structures, flooding or surrounding land or erosion of the bed, careful management of the location and amount of material being extracted from the bed is required.

Unless otherwise provided for under rules BLR4, BLR5, BLR6 or BLR7, the introduction or planting of plants or the clearance of vegetation and harvesting practices in, on or under the bed of a lake or river is a discretionary activity. The introduction or planting of plants listed within Schedule BLR1 is undesirable. These species are regarded as exotic invaders, capable of displacing native species. Establishing rules to restrict the removal of vegetation is also needed so as to avoid the effects of removal on water quality, soil erosion and flood carrying capacity.

The reclamation of the bed of a lake or river that is not associated with a permitted activity within this chapter has the potential to cause more than minor adverse effect. By classifying such activity as discretionary, the rule mimics section 13(1)(e) of the RMA, while also retaining the ability to grant or decline resource consent in accordance with the principles and objectives that are contained in the RMA and within this Proposed NRRP.

#### **6.8.6.9 Rule BLR9 Introduction or planting of plant pests –prohibited activity**

The Environment Canterbury Regional Pest Plant Strategy (1998) contains provisions prohibiting the sale, propagation or planting of a range of species. The spreading of these species will adversely impact on conservation, production, recreation and aesthetic values in the region.

#### **6.8.7 Compliance and enforcement, and response to complaints and enquiries**

Resource consent monitoring assesses compliance with resource consent conditions and impacts from a specific activity. Users of the beds of lakes and rivers are required to comply with the conditions of the rules within the Proposed NRRP. Environment Canterbury will monitor activities within the beds of lakes and rivers on a routine and strategic basis. This method provides information that, when activities are carried out that cause adverse effects or that are contrary to the conditions of resource consent or the provisions within the Proposed NRRP, the Council will consider initiating enforcement proceedings.

Responding to complaints and enquiries allows Environment Canterbury to assess the actual or potential effects of activities in the bed of lakes and rivers. Complaints are the most common way of Environment Canterbury becoming aware of activities that are having an adverse effect on the resource, or on other users.

Environment Canterbury has an incident hotline and also provides a customer services department to respond to general public enquiries and complaints. All complaints are responded to and logged into a database. Environment Canterbury staff may make a visit to the site, outline the responsibilities of the alleged offender and present a copy of the appropriate rules if an offence has actually occurred.