

- (vii) there are no recorded historic heritage sites, at the site of the activity;
- (viii) before any equipment, machinery, or operating plant is moved to a new activity site it shall be effectively cleaned to prevent the spread of "pests" or "unwanted organisms" as defined by the Biosecurity Act 1993;
- (ix) all equipment, machinery, operating plant and debris associated with the bed disturbance activity shall be removed from the site on completion of the activity; and
- (x) from the beginning of November until the end of May, there shall be no disturbance of the tidal river habitat up to the spring tide level.

Environment Southland will restrict its discretion to the following matters:

1. the location of the extraction;
2. the design of the works and the quantity of material extracted;
3. any effects on infrastructure, flood risk, river morphology and dynamics (including erosion or deposition), aquatic and riverine ecosystems and habitat, taonga species, natural character and amenity values, navigation hazard, public access, recreation values³⁷¹, historic heritage and the spiritual and cultural values and beliefs of the tangata whenua.

- (c) The excavation or disturbance of the bed of any river, modified watercourse, stream³⁷² or lake for the purpose of extracting gravel that cannot meet the conditions in Rules 73(a) or 73(b) and is a discretionary activity.

Note: In addition to the provisions of this Plan and any relevant district plan, any activity which may modify, damage or destroy pre-1900 archaeological sites is subject to the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014. The responsibilities regarding archaeological sites is set out in Appendix X.³⁷³

Rule 74 – Wetlands

- (a) The use of land for the modification of a wetland for the purposes of maintaining and enhancing the wetland, or maintaining and enhancing pedestrian access to the wetland (including the construction, maintenance or upgrading of structures), is a permitted activity provided the following conditions are met:
 - (i) the modification does not result in any destruction or removal of any indigenous vegetation unless that vegetation was planted;
 - (ii) the modification does not result in any reduction in the size of the wetland; ✓
 - (iii) the modification does not result in any flooding or ponding on any land owned or occupied by another person; or ✓
 - (iv) the modification does not result in any establishment of pest plant species that: ✓
 - (1) is listed in the Regional Pest Management Strategy for Southland 2013;
 - (2) may damage existing biodiversity values of the wetland; or
 - (3) will form the dominant vegetation type in the wetland.
- (b) The use of land for the modification of a wetland for the purposes of maintaining or enhancing the wetland, or maintaining or enhancing pedestrian access to the wetland that does not comply with the conditions of Rule 74(a)³⁷⁴ is a discretionary activity.
- (c) The use of land for the modification of a natural³⁷⁵ wetland, including through the grazing by stock or drainage,³⁷⁶ that is not provided for as a permitted activity or a discretionary activity is a non-complying activity.

Comment [FD108]: Recommendation n 11.63

Would destruct include grazing? Prefer to have "destruction" removed to avoid over-zealous interpretation. Light grazing of indigenous veg that doesn't destroy plant shouldn't be caught in "not permitted" activity status

³⁷¹ 752.166 Fish and Game

³⁷² C116 – minor amendment as "stream" is redundant as "river" is already listed.

³⁷³ Consequential amendment relating to 449.37 KiwiRail

³⁷⁴ 247.22 Environment Southland; 265.104 Federated Farmers.

³⁷⁵ 457.2 L & M; 640.51 Pourakino CG; and 810.50 Three Rivers CG

(d) The use of land for the modification of a wetland, other than a natural wetland, that is not provided for as a permitted activity or a non-complying activity is a discretionary activity.³⁷⁷

Notes: For the avoidance of doubt Rule 70 - Stock exclusion from waterbodies and Rule 51 - Minor diversions of water must also be complied with.³⁷⁸

P Chartres
will respond by
email.

Rule 75 - Vegetation flood debris³⁷⁹ removal

Comment [FD109]: Recommendation
n 10.252

- (a) The removal of vegetation flood debris obstructing water flow, including plants dislodged and transplanted during flood flows,³⁸⁰ from any river, modified watercourse, or lake bed and any associated bed disturbance and discharge resulting from the carrying out of the activity, is a permitted activity provided the following conditions are met:
- (i) the removal of the material is for the purpose of flood or erosion control or maintaining the integrity of infrastructure;
 - (ii) following the removal of material, the area of lake bed, modified watercourse or river which has been disturbed, shall be returned as near as practicable to its original channel shape, area, depth and gradient;
 - (iii) fish passage shall not be impeded as a result of the activity;
 - (iv) there shall be no bed disturbance of the roosting and nesting areas of the black fronted tern, black billed gull, and banded and black fronted dotterel;
 - (v) any activity in the water shall be kept to a minimum to avoid, as much as practicable, discolouration to the river or lake. Where any sediment release occurs, it will be only temporary;
 - (vi) no fuel storage or machinery refuelling shall occur on any area of the bed;
 - (vii) no contaminants, other than sediment released from the bed, shall be discharged to water during the activity unless allowed by a relevant permitted activity rule or resource consent;
 - ~~(viii) there are no recorded historic heritage sites, at the site of the activity;~~³⁸¹
 - (ix) before any equipment, machinery, or operating plant is moved to a new activity site it shall be effectively cleaned to prevent the spread of "pests" or "unwanted organisms" as defined by the Biosecurity Act 1993;
 - (x) all equipment, machinery, operating plant and debris associated with the bed disturbance activity shall be removed from the site on completion of the activity; and
 - (xi) from the beginning of November until the end of May, there shall be no disturbance of the tidal river habitat up to the spring tide level.

Note: In addition to the provisions of this Plan and any relevant district plan, any activity which may modify, damage or destroy pre 1900 archaeological sites is subject to the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014. The responsibilities regarding archaeological sites is set out in Appendix X.³⁸²

- (b) The removal of vegetation flood debris obstructing water flow from any river, modified watercourse, or lake bed and any associated bed disturbance and discharge resulting from the carrying out of the activity that does not meet one or more of the conditions of Rule 75(a) is a restricted discretionary activity.

³⁷⁶ 125.5 P Chartres; 752.167 Fish and Game; and 797.51 Ngāi Tahu. ✓

³⁷⁷ 897.2 TNZ Growing Products.

³⁷⁸ 125.5 P Chartres; 752.167 Fish and Game; and 797.51 Ngāi Tahu.

³⁷⁹ Refer to the Glossary for the definition of "Vegetation flood debris".

³⁸⁰ 247.23 Environment Southland

³⁸¹ 449.38 KiwiRail

³⁸² Consequential amendment relating to 449.38 KiwiRail