

28.1.6 Disturbance of the Bed, including Excavation, Drilling or Tunnelling

28.1.6.1 Permitted Activities (Disturbance of the Bed, including Excavation, Drilling or Tunnelling)

The disturbance of the bed of any river or lake and associated deposition is a permitted activity, if it

complies with the following conditions:

(a) The activity complies with the general conditions of rule 28.1.2.1.

(b) Except as provided in conditions (c) or (d), the bed disturbance is not the removal of bed substrate. *(Refer to rule 28.5.2.1)*

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(c) The disturbance is not subject to rule 28.1.3.1, 28.1.4.1, 28.1.5.1 or 28.1.7.2.

(d) The bed disturbance and any associated deposition is for or associated with:

(i) non-motorised disturbance or geotechnical testing; or

(ii) small-scale suction dredging where engines are no more than 7 kilowatts and the dredging is not carried out within 20 metres of any structure; or

(iii) the removal of organic debris and all or parts of structures damaged by an extreme event, provided that any damage to the bed or bank is repaired; or

(iv) the repair of any lawfully existing river protection work, including the reinstatement or repair of an existing river protection work which does not extend the dimensions beyond the nature and scale of the previously existing river protection work; or

(v) the repair of bed or bank erosion by the relocation of bed material provided there is no disturbance in the wetted part of the bed; or

(vi) the removal of any total control or progressive control pest plants or grey or crack willow (*Salix cinerea* and *Salix fragilis*), provided that no willow tree roots are removed by mechanical methods; or

(vii) the excavation of less than 5 cubic metres of gravel for improving access to an authorised taking of water, provided:

(a) the excavation is in a river in the Moutere Surface Water, Dovedale or Stanley Brook water management zones;

(b) the excavation is no deeper than 2 metres below the surrounding natural bed level;

(c) the excavated material is placed upstream of the excavation and is not removed from the bed; or

(viii) the removal of sand, silt, or clay, provided:

(a) it is for the purpose of maintaining land drainage functions of the river;

(b) the meander and location of the watercourse are not modified;

(c) any bed disturbance is kept to the minimum necessary to clear the sand, silt or clay;

(d) there is no destruction or removal of vegetation by root-raking, blading or other method that causes similar soil disturbance on the banks; or

(ix) the removal of accumulated sand, silt or clay to enable the proper functioning of the impoundment of any constructed dam; or

(x) the construction of a structure to dam or divert water using bed material or textiles to enable bypass or diversion of water during the alteration, reconstruction, extension, repair or maintenance of a legally existing structure, provided the structure does not reduce the capacity for fish, including eels, to migrate past for periods exceeding five days in any 20-day period; or

(xi) the disturbance of the bed to create channels for jet boat passage, provided:

(a) the activity is carried out as part of a public training or competitive jet boating event;

- (b) the activity is limited to the Waimea River between a point 1 kilometre downstream of the confluence of the Wai-iti River and a point 1 kilometre upstream of the State Highway 60 bridge at Appleby;*
- (c) the activity is carried out once in a 12-month period;*
- (d) there is no disturbance to the banks;*
- (e) the Environment & Planning Manager must be notified at least one month prior to work commencing;* or

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(xii) the deposition, relocation, or removal of bed material, provided that the disturbance is a measure immediately required after an extreme event to:

(a) remedy or prevent erosion that is undermining lawfully existing structures or the river bed or bank stability, or

(b) remedy erosion or aggradation that is preventing the proper functioning of lawfully existing structures, or

(c) remedy or prevent increased risk of flooding to adjacent land;
and provided that in respect of any of conditions (b), (c) or (d):

(d) the disturbance is not in a river classified as X or Y in the Council's River Activity Management Plan (2009 - 2019), dated August 2009; and

(e) the disturbance does not result in any alteration to the original channel shape, area, depth or gradient; and

(f) conditions (k) to (n) and (u) of rule 28.1.2.1 do not apply; and

(g) where the disturbance is carried out in any river that is wider than 4 metres as measured between the toe of the river banks as an average over the length of river within which the works are to occur, information is provided to the Engineering Manager on request to demonstrate compliance with condition

(d)(xii).

(e) Any hole created in the bed as part of the disturbance is filled with natural substrate on completion of the work.

(f) Except for that arising from activities permitted by conditions (d)(viii) and (d)(xii) of this rule, any discharge of sediment as a result of the bed disturbance complies with the conditions of rule 36.2.2.4 or rule 36.2.3.1.

Notes

1. Maintenance of land drainage does not include any activity that may result in the drainage of existing naturally occurring wetlands, unless rule 31.1.6.1 is complied with.

2. Total control and progressive control pest plants are as listed in the Council's Tasman-Nelson Regional Pest Management Strategy.

28.1.7 Planting

28.1.7.1 Permitted