

General instream works and consenting requirements

Works in waterways has the potential to negatively impact water quality, ecological values and cultural values among others.

The below information relates to general works in waterways including straightening of waterways, vegetation clearance and diversions. If you have any queries, please contact our Public Enquires Team to discuss.

Stream clearance

Stream clearance involves the mechanical removal (e.g. involving a digger) of sediment and vegetation that has built up and may be causing flooding and erosion on a property.

Mechanical clearance of this material can have potentially negative impacts on the aquatic environment including:

- The release of suspended sediment
- Less available oxygen
- Loss of habitat that the vegetation provides
- The physical removal of aquatic fauna from the area

There is no permitted activity under our Regional Plan: Water for Otago to undertake stream clearance, no matter the scale, therefore resource consent is required..

The rules in our Regional Plan: Water only relate to 'rivers'. There are no rules relating to drains therefore you have the ability to maintain farm drains as required. If you're doing works in drains please check that the Flood Protection Bylaw is not triggered. Any works undertaken should ensure that the release of sediment is minimised.

What can I do as a permitted activity?

There are some activities in watercourses that you can do without requiring resource consent. We encourage you to explore these options and see if these would work in your circumstance. These include:

Spraying vegetation: There are provisions to spray vegetation and remove the material without disturbing the bed of the watercourse. If undertaking this activity, please ensure you are compliant with the rules in 12.B.1 of the RPW.

Maintaining structures: Under rule 13.5.1.1 of the RPW it is a permitted activity to undertake bed disturbance for the purpose of clearing debris and alluvium from within or immediately surrounding any structure in order to safeguard the function or structural

integrity of a structure (e.g. culvert, bridge, water intake). Please note there are a number of conditions to this rule that must be met so you should read in full before undertaking work in accordance with this rule. Though there is also no set distance on this rule, the work must be limited to the extent necessary to safeguard the function or structural integrity of the structure.

Riparian planting: Good margins (buffers/ gaps) between waterways and productive land are important for ecosystem health. Fencing off waterways and creating a riparian buffer ensures a barrier between stock and the waterways and will help trap and filter run-off sediment from pasture. Planting provides shading and food for aquatic species and encourages biodiversity in rivers and streams which generally supports water quality. Further to this, new Government stock exclusion regulations came into force on 3 September 2020.

Altering waterways

Some people alter/ straighten rivers on their properties to allow for easier fencing, reduce flooding or to allow greater flow. This can substantially alter the natural character and hydrological functioning of the river, as well as adversely impacting ecological habitat and cultural values associated with the river. There are no permitted activity rules for the alteration of the bed of a watercourse therefore resource consent will be required, and these factors will be taken into account. An assessment against policies and objectives in various plans will need to be provided, including an assessment on the National Policy Statement for Freshwater Management (NPS-FM). If you do want to do works, consider what work actually needs completed and if there are any alternatives that would alleviate the issue.

Diverting a watercourse

Depending on what works are proposed a temporary or permanent diversion of a river may be required. Please refer to the reclamation factsheet for more information.

Sediment traps

Currently there is no permitted activity rule for constructing and maintaining a sediment trap. This is being addressed through Proposed Plan Change 8 which will make this a permitted activity subject to certain provisions. Until this Plan Change becomes operative resource consent will be required under Rule 13.5.1.3 of the RPW.

What happens if I need a consent?

You can apply for consent ranging from a single site as a one-off activity to a whole farm application with works spanning over a number of years. The level of information required is dependent on the scale and nature of the activity being applied for.

We have application forms on our website which will assist in preparing an application. You will need to complete Form 1 and Form 10B in full. If you have any questions about the consent process and would like to set up a pre application meeting either at ORC offices or on site, please contact public.enquiries@orc.govt.nz

Consenting considerations

Key matters that would be assessed when an application is lodged include matters such as:

- The type of watercourse (e.g. whether the watercourse has permanent flows or not);
- The length of work proposed and proposed gradient of the bed once works are completed;
- What ecological values are in the watercourse (e.g. based on data from a fish survey);
- What cultural values are associated with the watercourse;
- Whether there are any nearby wetland values;
- Potential downstream effects including effects on other water users or downstream property owners.

There are a number of mitigation measures that you could consider incorporating into your application to reduce effects. These could include:

- Only undertaking works during periods of low/no flow.
- Undertaking works outside of fish spawning season;
- Leaving an area of refuge proportionate to the area where disturbance takes place (e.g. clear 10 metres then leave the next 10 metres);
- Not undertaking works in areas where there are pools to provide refuge for any species present
- Employing sediment control measures such as haybales or silt fences.

It is important that you also consider consulting with any potentially affected parties early in the process (preferably prior to lodgement). This will help to identify potential issues and could lead to a more streamlined process.

Contact us

If you have any questions or would like advice on the consent process, please get in touch with our public enquiries team at public.enquiries@orc.govt.nz