Contents

WL Wetlands 1

Issues 1
Objectives 3
Policies 4
Methods of Implementation 7
Rules 10

WL Wetlands

The explanation/principal reasons for the provisions in this section have been moved to Appendix 1.

The provisions in this section cover wetlands in the following areas:

1 On land.
2 In the beds and margins of rivers and lakes. The provisions in this section take precedence over provisions in the Beds of Rivers and Lakes section when addressing wetlands in the beds of rivers and lakes.
3 Coastal wetlands above mean high water springs.
4 Geothermal wetlands (note that the provisions in the Geothermal Resources section of this regional plan and the provisions of the Rotorua Geothermal Regional Plan will also apply when addressing the adverse effects of the use and development of geothermal resources on geothermal ecologies).

Any wetlands below mean high water springs, including estuarine wetlands in Ohiwa and Tauranga harbours, are addressed by provisions in the Bay of Plenty Regional Coastal Environment Plan. Also refer to the definition of 'wetland' in the Definition of Terms to clarify what areas are specifically excluded from the provisions in this section of the regional plan.

Note: Since this regional plan became operative, the Regional Council has developed nine Water Management Areas, or WMAs to assist with meeting the requirements of the National Policy Statement for Freshwater Management. Any reference to a WMA in the Wetlands section of this regional plan is to a Wetland Management Agreement, rather than a Water Management Area.

Wetlands

Issues

WL I1 (Issue 54) **The vast majority of freshwater wetlands in the Bay of Plenty have been lost due to land development.**

There is concern that only a very small area of original freshwater wetlands remain in the Bay of Plenty Region. Wetlands are an important, but diminishing resource in the Bay of Plenty. Once covering extensive areas throughout the country, wetlands are now some of New Zealand's rarest and most at risk ecosystems. Approximately 3% of freshwater wetlands remain in the Bay of Plenty (41,000 hectares from estimate of vegetative cover 1840, compared to 1,000 hectares in 1996 land cover information). Historically, the drainage of wetlands occurred with public encouragement. While a few wetlands have been only slightly modified, the majority of wetlands in the Bay of Plenty have been severely modified and are highly degraded.

Objective	*WL O1, WL O2, WL O3, WL O4*
Policy	*WL P1, WL P2, WL P3, WL P4, WL P5, WL P6, WL P7, WL P8, WL P9, WL P10, WL P11, WL P12*
Method	*LM M18, IM M15, BW M12, BW M13, BW M14, WL M1, WL M2, WL M3, WL M4, WL M5, WL M6, WL M7, WL M8, WL M9, WL M10, WL M11, WL M12, WL M13, WL M14, WL M15, WL M16, WL M17, WL M18, WL M19, WL M20*
Rule	*LM R1, LM R7, WQ R16, WQ R18, BW R34, WL R2, WL R3, WL R5, WL R9*

WL I2 (Issue 55) **Wetland values can be damaged or destroyed as a result of inappropriate use and development activities.**

The important values of wetlands are:

(a) Maori cultural uses, including traditional food sources and fisheries, paru (mud dye), urupa, weaving resources, and mahinga kai.
(b) Aquatic and semi-terrestrial habitats for indigenous flora and fauna, including rare and endangered indigenous species. Even small wetlands, such as raupo swamps, often provide habitats for indigenous fauna.
(c) Natural character and landscape values.
(d) Intrinsic values.
(e) Water quality improvement due to the filtering of nutrients and sediments by plants in the wetland, and other natural biological processes.
(f) Water quantity control via flood mitigation by the detention of water and its gradual release during dry periods.
(g) Denitrification of water. Wetlands in the catchments, and on the lakeshore of the Rotorua lakes, are particularly important for maintaining or improving lake water quality by removing nitrogen present in lake water or inflowing streams.
(h) Unique and rare geothermal wetland ecologies, and habitats for indigenous flora and fauna species adapted to geothermal areas.
(i) Amenity values.

Objective	*WL O1, WL O2, WL O3, WL O4*
Policy	*WL P1, WL P2, WL P3, WL P4, WL P5, WL P6, WL P7, WL P8, WL P9, WL P10*
Method	*LM M18, IM M15, BW M12, BW M13, BW M14, WL M1, WL M2, WL M3, WL M4, WL M5, WL M6, WL M7, WL M8, WL M9, WL M10, WL M11, WL M12, WL M13, WL M14, WL M15, WL M16, WL M17, WL M18, WL M19, WL M20*
Rule	*LM R1, LM R7, WQ R16, WQ R18, BW R34, WL R2, WL R3, WL R5, WL R9*

WL I3 (Issue 56) **There is a lack of community understanding of the scarcity, values, and vulnerability of wetlands.**

Wetland modification often occurs due to a lack of recognition of the high environmental and economic values of wetlands and the importance of wetlands, including small wetlands and seeps, for water quality, habitat purposes, and flood detention values.

Objective	*WL O1, WL O2*
Policy	*WL P1, WL P2, WL P3, WL P4, WL P5, WL P6*
Method	*LM M18, IM M15, BW M12, BW M13, BW M14, WL M1, WL M2, WL M3, WL M4, WL M5, WL M6, WL M7, WL M8, WL M9, WL M10, WL M11, WL M12, WL M13, WL M14, WL M15, WL M16, WL M17, WL M18, WL M19, WL M20*
Rule	*WL R2, WL R9*

WL I4 (Issue 57) **Wetlands in the Bay of Plenty remain under threat from the adverse effects of inappropriate land use and development activities.**

Some wetlands continue to be adversely affected by use and development activities.

Adverse effects from the modification of wetlands may include the following:

(a) Changes to water quality in the wetland, and the water filtering values of the wetland.
(b) Alteration of water tables and flows. In particular, the lowering of water tables can degrade wetlands.
(c) Smothering by sediment.
(d) Damage, destruction or alteration of the ecological or cultural values, or natural character of the wetland.

(e) Isolation and fragmentation.
(f) Changes to the soil conservation values of the wetland.

Factors that can impair the functions and values of wetlands in the Bay of Plenty include:

(a) Inappropriate land use management and development.
(b) Drainage associated with the pressure to develop economically productive land.
(c) Grazing, pugging and wallowing by stock.
(d) Built structures.
(e) A lack of ongoing maintenance.
(f) Animal and plant pests. Invasive weeds, such as parrot feather, are evident in some of the wetlands in the Bay of Plenty.
(g) Burning of vegetation.
(h) Discharges of contaminants, including diffuse discharges of nutrients and sediment from land use activities.
(i) Removal of biomass.
(j) Lack of public understanding of the significance of the loss of wetlands.

Objective	*WL O1, WL O2, WL O3, WL O4*
Policy	*WL P1, WL P2, WL P3, WL P4, WL P5, WL P6, WL P7, WL P8, WL P9, WL P10*
Method	*LM M18, IM M15, BW M12, BW M13, BW M14, WL M1, WL M2, WL M3, WL M4, WL M5, WL M6, WL M7, WL M8, WL M9, WL M10, WL M11, WL M12, WL M13, WL M14, WL M15, WL M16, WL M17, WL 18, WL M19, WL M20*
Rule	*LM R1, LM R7, WQ R16, WQ R18, BW R34, WL R2, WL R3, WL R5, WL R9*

WL I5 (Issue 58)

The artificial maintenance of water levels may be necessary to maintain or enhance wetlands, but this may have adverse effects on adjacent landowners.

The artificial maintenance of water levels (including damming) is often necessary to maintain a wetland. In the Bay of Plenty there are particular problems where wetland hydrology has been modified by flood control and land drainage schemes. Many wetlands are perched, or have been cut off from their natural water supply, including Kaituna Wetland, Tumurau Lagoon, and Matata Lagoon. Conflict may occur where it is necessary to artificially maintain water levels in a wetland, where such actions cause raised groundwater levels and which cause flooding problems in adjacent properties. Conflict between the maintenance of water levels in wetland and adjoining land use needs to be resolved on a case by case basis.

Objective	*WL O1, WL O2*
Policy	*WL P8*
Method	*WL M16, WL M22*
Rule	*WL R2, WL R9*

Objectives

WL O1 (Objective 73) The preservation of the remaining wetlands in the Bay of Plenty.

WL O2 (Objective 74) The enhancement of the values and functions of degraded wetlands where enhancement is viable.

WL O3 (Objective 75) Creation of new wetland habitats where appropriate and practicable.

WL O4 (Objective 76) The adverse effects of any necessary maintenance in wetlands, or sustainable use of wetlands, on the ecological values, water quality, water quantity, or natural character of the wetland are avoided, remedied or mitigated.

Cross-Reference Also refer to IM O1 and Objective 46 of this regional plan.

Policies

WL P1 (Policy 133) To protect existing wetlands, including small wetlands, to maintain their natural functions.

WL P2 (Policy 134) To maintain or enhance migratory pathways to wetlands, and ecological sequences that include wetlands.

WL P3 (Policy 135) To maintain or enhance the values of existing wetlands by encouraging landowners and the community to:

(a) Maintain or improve water quality in wetlands, while recognising that wetlands themselves are natural water filtering systems.
(b) Maintain or improve the hydrological regime, including enhancing water quantity and flows, providing for flood retention, and fluctuations of water levels.
(c) Maintain or improve soil conservation values.
(d) Maintain or improve aquatic and terrestrial indigenous biodiversity of flora and fauna.
(e) Maintain or enhance cultural values.
(f) Maintain or enhance amenity values.

These are to be applied relative to the type of wetland and specific values of individual wetlands.

WL P4 (Policy 136) To prioritise action to enhance wetlands where:

(a) The wetland has significant heritage values, including ecological values.
(b) The hydrology is sufficient to sustain wetland species and habitat.

WL P5 (Policy 137) To establish and maintain an inventory of all wetlands and their values in the region.

WL P6 (Policy 138) To raise community awareness about:

(a) Wetlands and their values.
(b) Appropriate land use around wetlands. This includes appropriate land use on areas adjacent to wetlands where water quantity in the wetland is artificially maintained, and groundwater levels in adjacent land are increased.
(c) Appropriate maintenance of wetlands to enhance habitats of indigenous flora and fauna.

WL P7 (Policy 139) To encourage and promote the creation of new wetland habitats in appropriate locations.

WL P8 (Policy 140) To determine water levels for those wetlands where water quantity is artificially managed, and establish water levels at an appropriate level that provides for the natural functions of the wetland and has regard to the concerns of adjacent landowners.

WL P9 (Policy 141) To allow for the removal of vegetation, including weeds, from wetlands in hydroelectric generation lakes in recognition that it is necessary to ensure the hydroelectric generation operations are not impeded. The adverse effects of these maintenance activities on the values of the wetlands are to be avoided, remedied or mitigated.

WL P10 (Policy 142) To recognise and provide for the sustainable use of wetlands, including the use of wetlands for customary practices by tangata whenua. Sustainable use means the use of resources within a wetland at a rate or in a manner that does not damage or destroy the water quality, water quantity, soil conservation, natural character, habitat values of indigenous flora and fauna, or cultural values of the wetland.

WL P11 (Policy 143) To allow for the removal or disturbance of low-growing indigenous wetland vegetation (such as flax, raupo and sedges) to maintain existing amenity values in accordance with an approved management document, plan or

agreement

WL P12 (Policy 144)

To assess the appropriateness of the creation of new open water areas within a natural wetland on a case by case basis in relation to the adverse or beneficial effects on:

(a) Aquatic ecosystems.
(b) Indigenous biodiversity.
(c) Significant indigenous vegetation and the significant habitats of indigenous fauna.
(d) Soil conservation.
(e) Water quality.
(f) Water quantity.
(g) Affected parties.

Cross-Reference

Also refer to IM P1, IM P2, IM P4, IM P5, WQ P34.

WL P13

The loss of extent of natural inland wetlands is avoided, their values are protected, and their restoration is promoted, except where:

(a) the loss of extent or values arises from any of the following:
  (i) the customary harvest of food or resources undertaken in accordance with tikanga Māori
  (ii) wetland maintenance, restoration, or biosecurity (as defined in the National Policy Statement for Freshwater Management)
  (iii) scientific research
  (iv) the sustainable harvest of sphagnum moss
  (v) the construction or maintenance of wetland utility structures (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)
  (vi) the maintenance or operation of specified infrastructure, or other infrastructure (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)
  (vii) natural hazard works (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020); or

(b) the Regional Council is satisfied that:
  (i) the activity is necessary for the purpose of the construction or upgrade of specified infrastructure; and
  (ii) the specified infrastructure will provide significant national or regional benefits; and
  (iii) there is a functional need for the specified infrastructure in that location; and
  (iv) the effects of the activity are managed through applying the effects management hierarchy; or

(c) the Regional Council is satisfied that:
  (i) the activity is necessary for the purpose of urban development that contributes to a well-functioning urban environment (as defined in the National Policy Statement on Urban Development); and
  (ii) the urban development will provide significant national, regional or district benefits; and

(iii) either:
- the activity occurs on land identified for urban development in operative provisions of a regional or district plan; and
- the activity does not occur on land that is zoned in a district plan as general rural, rural production, or rural lifestyle; or
- for 5 years from 8 December 2022, the activity is necessary for the purpose of urban development in areas specifically identified as planned urban growth areas in the SmartGrowth Urban Form and Transport Initiative Connected Centres Programme (see clause 1.8); and

(iv) there is either no practicable alternative location for the activity within the area of the development, or every other practicable location in the area of the development would have equal or greater adverse effects on a natural inland wetland; and

(v) the effects of the activity will be managed through applying the effects management hierarchy; or

(d) the Regional Council is satisfied that:

(i) the activity is necessary for the purpose of quarrying activities; and

(ii) the extraction of the aggregate will provide significant national or regional benefits; and

(iii) there is a functional need for the activity to be done in that location; and

(iv) the effects of the activity will be managed through applying the effects management hierarchy; or

(e) the Regional Council is satisfied that:

(i) the activity is necessary for the purpose of:

1. the extraction of minerals (other than coal) and ancillary activities; or
2. the extraction of coal and ancillary activities as part of the operation or extension of an existing coal mine; and

(ii) the extraction of the mineral will provide significant national or regional benefits; and

(iii) there is a functional need for the activity to be done in that location; and

(iv) the effects of the activity will be managed through applying the effects management hierarchy; or

(f) the Regional Council is satisfied that:

(i) the activity is necessary for the purpose of constructing or operating a new or existing landfill or cleanfill area; and

(ii) the landfill or cleanfill area:

1. will provide significant national or regional benefits; or
2. is required to support urban development as referred to in paragraph (c); or
3. is required to support the extraction of aggregates as referred to in paragraph (d); or
4. is required to support the extraction of minerals as referred to in paragraph (e); and

(iii) there is either no practicable alternative location in the region, or every other practicable alternative location in the region would have equal or greater adverse effects on a natural inland wetland; and

(iv) the effects of the activity will be managed through applying the effects management hierarchy.

For the purposes of this policy, effects management hierarchy, loss of value, natural inland wetland, specified infrastructure and restoration have the same meaning as defined in the National Policy Statement for Freshwater Management 2020.

Methods of Implementation

The Regional Council will:

Education, Promotion and Provision of Information

WL M1 (Method 254) Work directly with landowners and the community to raise awareness of wetland values and appropriate land use around wetlands.

WL M2 (Method 255) Promote the environmental and economic benefits of protecting wetlands to landowners.

WL M3 (Method 256) Encourage, as part of wetland enhancement activities, the use of suitable indigenous wetland plant species that are appropriate to the type of wetland, and in particular the use of eco-sourced plant stock where available.

WL M4 (Method 257) Encourage and support wetland care groups.

WL M5 (Method 258) Promote the use of covenants and other voluntary agreements to help protect, maintain or enhance wetlands on private land.

WL M6 (Method 259) Use promotional opportunities such as World Wetlands day to raise community awareness.

WL M7 (Method 260) Encourage, promote and facilitate appropriate management of wetlands and their margins to:

(a) Control animal and plant pests.
(b) Prevent the adverse effects of stock grazing in wetlands.
(c) Fence or otherwise protect wetlands.

WL M8 (Method 261) Encourage landowners to enhance wetlands by:

(a) Preparing Wetland Management Agreements on behalf of landowners to enable minor enhancement works to be permitted under WL R2 Wetland Management Agreements that:
  (i) Provide advice to landowners on wetland enhancement.
  (ii) Detail actions that are consistent with the Wetland Enhancement Goals in WL P3, and appropriate to the individual wetland.
  (iii) Include a monitoring agreement that allows the Regional Council or its contractor to enter the property to assess enhancement works.
  Note: Funding for enhancement works is available through the Regional Council's Environmental Enhancement Fund or Environment Programmes. Refer to WL M18(c).
(b) Assisting with the preparation of an Assessment of Environmental Effects where it is required as part of a resource consent application for wetland enhancement under WL R3 and the enhancement works are consistent with WL P3. **Note:** minor wetland enhancement works are permitted under WL R2.
(c) Waiving resource consent application fees for wetland enhancement works that require a consent under WL R3 where the enhancement works are consistent with WL P3.

Cross-Reference Also refer to IM M3.

WL M9 (Method 262) Maintain a register for areas that are excluded from the definition of 'wetland' under this regional plan, where the information is voluntarily provided by landowners or resource users.

Working with Other Resource Management Agencies and the Community

WL M10 (Method 263) Continue to participate in the Bay of Plenty Wetland Forum with the Department of Conservation, Fish and Game NZ (Eastern Region), constituent city and district councils, iwi and non-governmental organisations.

WL M11 (Method 264) Work in conjunction with the city council, district councils, the Department of Conservation, tangata whenua, Fish and Game NZ, and the community to establish and maintain a regional wetlands inventory.

WL M12 (Method 265) In conjunction with relevant resource management agencies, develop a guideline on the creation of wetlands to advise the community on:

(a) Structures or other methods of ensuring sufficient water levels to create wetland areas,
(b) Appropriate plants and planting regimes,
(c) Maintenance, including plant, animal and insect pest control, and
(d) Appropriate locations for wetlands.

WL M13 (Method 266) Work in conjunction with the city council, district councils, the Department of Conservation, tangata whenua, Fish and Game NZ, and the community to investigate and implement appropriate mechanisms to protect wetlands from inappropriate land use and development, including modification of natural hydrological regimes, within the catchment of the wetland.

WL M14 (Method 267) In conjunction with relevant resource management agencies, develop a guideline on the appropriate maintenance and enhancement of wetlands.

WL M15 (Method 268) Develop active partnerships with other resource management agencies, organisations and community groups to enhance wetlands.

Cross-Reference Also refer to BW M12 and BW M13.

Works and Services Provided by the Regional Council

WL M16 (Method 269) Contribute engineering expertise to design and construct water level and flow control structures on wetlands where the hydrology has been adversely affected by flood control and land drainage schemes.

WL M17 (Method 270) Continue to maintain, enhance or reinstate wetlands, where practicable, in river scheme and land drainage scheme maintenance areas that are administered by the Regional Council.

WL M18 (Method 271) Actively participate in the creation, maintenance, enhancement and protection of wetlands by:

(a) Considering land purchase or lease for the purposes of maintaining or enhancing the soil conservation, water quality or water quantity values of a wetland.
(b) Working proactively with land users and developers to avoid adverse effects on wetlands from land use activities, and to protect wetlands. This may include the provision of advice.
(c) Funding wetland enhancement works on private land through the Environmental Programmes system, where those works are consistent with WL P3.

Cross-Reference Also refer to IM M8.

Regulatory Methods

WL M19 (Method 272)

With regard to the individual circumstances, take appropriate enforcement action under the Act where the grazing of stock in a wetland has resulted in the modification of the wetland to the extent that there are more than minor adverse environmental effects on the water quality, water quantity or soil conservation values of the wetland. For wetlands in the bed of a river or lake, enforcement action may also be taken where stock have caused more than minor adverse effects on aquatic habitats or vegetation.

WL M20 (Method 273)

Allow the following activities:

(a) Wetland enhancement that is consistent with WL P3, and subject to a Wetland Management Agreement, a Regional Council Environmental Programme, or a reserves management plan.

(b) The sustainable use of wetlands that is consistent with WL P10, and is undertaken either in accordance with tikanga Māori, or to a Wetland Management Agreement, a Regional Council Environmental Programme, or a reserves management plan.

Cross-Reference

Also refer to LM M17, LM M18, LM M19 and:

WL M21 (Method 274)

Where a resource consent application is received under WL R3 for the creation of new open water areas, assess the environmental effects and benefits of the proposed activity on the values of the wetland (as stated in WL P12).

Matters Relevant to Resource Consent Applications and Processing

Cross-Reference

Also refer to IM M10.

Monitoring and Investigation of the Environment

WL M22 (Method 275)

Determine appropriate water levels, flows and fluctuations necessary to maintain aquatic ecosystems in significant wetlands where water quantity is artificially managed. Such water levels will be determined in conjunction with the owner or management agency of the wetland, and in consultation with adjacent landowners. The water levels will then be used in resource consents for the artificial control of water levels in wetlands, or included in this regional plan via a plan change process, as appropriate.

Cross-Reference

Also refer to IM M15 and BW M14.

Rules

Advisory Note

1 The creation of wetlands is provided for by LM R1 (earthworks), LM R7 (vegetation disturbance on land), WQ R16 (damming of surface runoff), WQ R18 (damming of water in the bed of a river or stream), and BW R34 (introduction of plants into the bed of a river, stream or lake). The planting of vegetation on land, including land surrounding a wetland is not controlled by this regional plan.
2 Rules in this section of the regional plan do not supersede resource consents for activities in wetlands where the consent has already been obtained.
3 Rules in this section of the regional plan apply to geothermal wetlands, including geothermal wetlands in the Rotorua field.
4 Refer to the definition of 'wetland' in the Definition of Terms to clarify the application of rules in this section of the regional plan. For the avoidance of doubt, the term 'wetland' applies to water bodies, and intermittently wet areas. The rules in this section do not apply to dry land that does not support a natural ecosystem of plants and animals that are adapted to wet conditions, and occurs within an area commonly referred to in its entirety as a wetland.

WL R1 (Rule 78) Permitted – Introduction of Indigenous Plants into a Wetland

The introduction of indigenous plant species into a wetland for the purposes of wetland enhancement is a permitted activity subject to the following conditions;

(a) Only indigenous plant species that naturally occur (or would have likely to have naturally occurred in the past) at that locality shall be introduced into the wetland.
(b) The disturbance of the wetland, including damage to indigenous vegetation, shall be no more than minor.

Advisory Note

1 Advice on appropriate indigenous plant species suitable for wetland enhancement is available from the Regional Council.
2 Natural re-vegetation by local wetland species is the preferred approach to enhance wetlands.
3 The planting of the margin of the wetland is not controlled by this regional plan. Contact the Regional Council staff for assistance to determine the boundary between the margin and the wetland. the Regional Council encourages the use of indigenous species on wetland margin, especially if the margin is already vegetated by such species.
4 The Regional Council can provide information on the indigenous plant species that naturally occur in different localities in the Bay of Plenty.

Explanation/Intent of Rule

To allow minor works necessary for the enhancement of a wetland. The planting of wetlands is a major part of wetland enhancement. Natural re-vegetation of wetlands after pest plant removal is also an appropriate means of enhancing a wetland.

WL R2 (Rule 79) Permitted – Wetland Maintenance and Enhancement Under a Registered Management Document

Any modification of a wetland for the purposes of wetland maintenance or enhancement where:

1 The activity is undertaken in accordance with:
- (a) A Regional Council Environmental Programme that specifically includes the wetland works, or
- (b) A Wetland Management Agreement with the Regional Council, or
- (c) A reserves management plan prepared by a district or city council, the Department of Conservation, the Regional Council, or Fish and Game NZ; or a Conservation Management Strategy prepared by the Department of Conservation.

And

2 The activity is consistent with WL P3; and

3 The activity is restricted to the activities in (a) to (i) inclusive:
- (a) Where the activity is the removal of exotic plant species and rubbish using machinery, and the activity is not otherwise permitted by WL R6, the activity shall comply with (i) and (ii):
  - (i) The machinery shall be kept out of the bed of the wetland where practicable; and
  - (ii) The disturbance of the wetland shall be limited to the extent necessary to carry out the activity.
- (b) Where the activity is the construction and use of structures, the structures shall be for the purpose of improving amenity values, or providing access to a wetland. This includes, but is not limited to, boardwalks within a wetland. **Note:** Mai mai are addressed by BW R26.
- (c) Where the activity is the diversion of water within a wetland, the activity shall not cause flooding or ponding on any land or property owned or occupied by another person.
- (d) Where the activity is the damming of water within a wetland, the activity shall comply with (i) to (xiii) inclusive:
  - (i) The wetland is not located in a stream or river.
  - (ii) The dam shall not be located within an Urban Area or Settlement or within one (1) kilometre upstream of an Urban Area or Settlement.
  - (iii) The dam shall not impound more than 10,000 m^3 of water and the lowest point of the dam crest does not exceed 1.5 metres vertical height relative to the land where the dam is sited as measured from the centre line of the dam structure.
  - (iv) The dam shall be designed, constructed and maintained to ensure that its structural integrity is not compromised, and incorporates a spillway with a 10% AEP (1 in 10 return) event flood design standard, and erosion protection devices, to safely return surplus water to land or water where the dam is sited.
  - (v) The activity does not cause flooding or ponding on any land or property owned or occupied by another person.
  - (vi) The dam shall not cause or induce erosion of the bed of banks of any surface water body, where the erosion is persistent or requires active erosion control measures to bring it under control. Erosion includes:
    - (i) Instability of land or the banks of the surface water body.
    - (ii) Scour to the bed of the surface water body.
  - (vii) All machinery shall be kept out of the bed of the wetland where practicable.
  - (viii) The disturbance of the wetland shall be limited to the extent necessary to carry out the activity.
  - (ix) No machinery refuelling or fuel storage shall occur at a location where fuel can enter any water body.

(x) All practicable measures shall be taken to avoid vegetation, soil, slash or any other debris being deposited into a water body or placed in a position where it could readily enter or be carried into a water body during the activity.
(xi) The dam shall at all times be maintained in a sound condition.
(xii) Approaches and abutments shall be stabilised and appropriate water controls installed, to protect against erosion.
(xiii) Following the completion of construction, all excess construction materials and equipment shall be removed from the bed of the stream, river or lake.

(e) Where the activity is the maintenance of water levels within a wetland, the activity shall not cause flooding or ponding on any land property owned or occupied by another person.

(f) Where the activity is the removal or trimming lf low-growing indigenous wetland vegetation (such as flax, raupo and sedges), the activity shall be for the maintenance of existing, or previously agreed, open water areas, as specified in a management document under 1(a), (b) or (c). This does not apply to the creation of new open water areas.

(g) Where the activity is the discharge of aquatic herbicide for the purpose of removing low-growing indigenous wetland vegetation (such as flax, raupo and sedges), the activity shall be for the maintenance of existing, or previously agreed, open water areas, as specified in a management document under 1(a), (b) or (c), where the activity complies with DW R1(b) to (h) inclusive. This does not apply to the creation of new open water areas.

(h) Where the activity is the removal of silt necessary for the maintenance or enhancement of a wetland, the activity shall comply with (i) and (ii):
(i) All machinery shall be kept out of the bed of the wetland where practicable.
(ii) The disturbance of the wetland shall be limited to the extent necessary to carry out the activity.

(i) Where the activity is the planting of exotic plant species in a wetland the activity shall comply with (i) to (vi) inclusive:
(i) The plant species is non-invasive, and not listed in the Bay of Plenty Pest Management Strategy 2003-2008; and
(ii) The plant species will not damage the existing biodiversity values of the wetland; and
(iii) The planted exotic species will not form the dominant vegetation type in the wetland; and
(iv) The wetland is not in the bed of a river, stream or lake except where the activity is otherwise permitted by BW R34; and
(v) The wetland is not a publicly owned reserve area; and
(vi) The wetland has not been identified for indigenous biodiversity enhancement with the landowner.

Is a permitted activity.

Advisory Note

1 Wetland Management Agreements are completed by landowners in partnership with a Regional Council Land Management officer. Templates for Wetland Management Agreements are available from the Regional Council, or on Council's website (www.boprc.govt.nz). Refer to the Explanation/Principal Reasons for Wetlands Provisions in Appendix 1 for more information on Wetland Management Agreements.

2 In relation to (i), the Regional Council encourages the use of suitable indigenous wetland plant species for wetland enhancement works (refer to WL M3). Wetland enhancement plantings should avoid the use of exotic plant species that will shade out existing indigenous plant species, or dry the wetland.

Explanation/Intent of Rule

To allow minor works necessary for the enhancement of a wetland without the need for a resource consent. While retaining some overview of the process to ensure the enhancement works are appropriate to the type and values of the wetland. This includes works to protect, restore, maintain, enhance or improve the existing indigenous ecosystem values of a wetland. Refer to IM M8 for a description of Environmental Programmes, and WL M8 for a description of Wetland Management Agreements. Landowners are encouraged to contact the Regional Council for advice and assistance with wetland enhancement works.

WL R3 (Rule 80) Permitted – Sustainable Use of Wetlands

The modification of a wetland for the purposes of sustainable use of the wetland, where the use is:

1 Harvesting or sustainable use of wetland resources that is undertaken in accordance with;
   (a) A Regional Council Environmental Programme that specifically includes the sustainable use of the wetland, or
   (b) A Wetland Management Agreement, or
   (c) A reserves management plan prepared by a district or city council, the Department of Conservation, or Fish and Game NZ.

Or

2 Maori customary use, including, but not limited to raranga, rongoa, and mahinga kai, where the activity is undertaken according to tikanga Maori;

Is a permitted activity.

Explanation/Intent of Rule

To allow the sustainable use of wetlands, including for Maori customary uses. This is consistent with WL P10 and the Ramsar Convention on wetlands. This rule does not allow the use of privately owned wetlands without the permission of the owner of the wetland.

WL R4 (Rule 81) Permitted - Maintenance or Enhancement of Certain Artificial Water Bodies

The maintenance or enhancement of:

1 An artificial water body that is not in the bed of a lake, river, or stream; and is not a degraded natural wetland that has been modified; or
2 A ‘wetland’ that is otherwise excluded from the definition of wetland in this regional plan (refer to Definition of Terms);

Is a permitted activity, except where the activity is otherwise subject to:

(a) DW R1 (permitted – discharge of aquatic herbicide over water for weed control);
(b) DW R12 (permitted – application of agrichemicals to land); or
(c) WQ R16 (permitted – damming of surface runoff water).

Explanation/Intent of Rule

To clarify the intent of this regional plan, which is to promote maintenance or enhancement activities in water bodies that are not considered ‘wetland’ under this regional plan. There are three other rules in the regional plan that are relevant to specific maintenance and enhancement activities. Compliance with DW R1, DW R12 or WQ R16 is required where relevant.

WL R5 (Rule 82) Permitted – Maintenance of Wetlands in Water bodies created for Hydroelectric Generation, and Maintenance of Network Utilities and Structures associated with hydroelectric power schemes

The removal of weeds and other vegetation clearance within a wetland that is necessary for:

1 The maintenance of network utilities and structures associated with a hydroelectric power scheme: or
2 The maintenance of wetlands in water bodies created for hydroelectric generation;

Is a permitted activity subject to the following conditions:

(a) The activity shall not cause or induce erosion of the bed or banks or any surface water body. Erosion includes:
  (i) Instability of land or the banks of the surface water body.
  (ii) Scour to the bed of the surface water body.
(b) The activity shall not prevent in the passage of migrating fish.
(c) All machinery shall be kept out of the bed of the stream, river or lake where practicable.
(d) The disturbance of the bed shall be limited to the extent necessary to carry out the activity.
(e) No machinery refuelling or fuel storage shall occur at a location where fuel can enter any water body.
(f) All practicable measures shall be taken to avoid vegetation, soil, slash or any other debris being deposited into a water body or placed in a position where it could readily enter or be carried into a water body.
(g) Where the removal of trees from the wetland is being undertaken, trees shall only be excavated from the wetland if they are causing obstruction or bank erosion, otherwise trees shall be cut and lifted from the wetland.
(h) Where the activity is the cutting of weeds, the cut weed material shall be removed from the wetland.
(i) The removal or trimming of vegetation in a wetland for the maintenance of network utilities and structures associated with a hydroelectric power scheme shall only be undertaken where vegetation is posing a threat to the integrity of the utility or structure, or is likely to cause arcing from existing facilities.

Explanation/Principal Reasons

To provide for the ongoing maintenance of wetlands that have formed on the margins of artificial lakes as a consequence of hydroelectric generation dams, and the maintenance of existing network utilities and structures associated with a hydroelectric power scheme where they traverse wetlands.

WL R6 (Rule 83) Permitted – Removal of Exotic Vegetation from a Wetland by Hand or by Machinery

The removal of exotic vegetation from a wetland for the purposes of wetland enhancement, where the removal is by hand or by machinery, is a permitted activity subject to the following conditions;

(a) Only exotic plant species (including pest plants and weeds) shall be removed or destroyed.
(b) The activity shall not cause or induce ongoing erosion of the bed or banks of any surface water body. Erosion includes:
  (i) Instability of land or the banks of the surface water body.
  (ii) Scour to the bed of the surface water body.
(c) Where non hand-held machinery is used to remove vegetation, the machinery shall not be located within the wetland. Nothing in this rule prevents the use of cables and associated fixtures attached to machinery located outside the wetland, or the use of hand-held machinery in the wetland.

(d) The disturbance of the wetland, including damage to indigenous vegetation, shall be no more than minor in scale, and temporary in duration.

(e) Where tree species that re-grow from cut material (including, but not limited to willows and poplars) are to be removed, the tree is to be cut down, and removed from the wetland. Nothing in this rule prevents the use of alternative tree control methods listed in Advisory Note 4.

Advisory Note

1 Advice on the appropriate removal of pest plants is available from the Regional Council.

2 The removal of pest plants from the margin of the wetland is not controlled by this regional plan. Contact Regional Council staff for assistance to determine the boundary between the margin and the wetland.

3 In relation to condition (e), it is necessary to remove cuttings of tree species that re-grow from cut material where these cuttings will regenerate if left within the wetland.

4 Methods for the removal of exotic vegetation from wetlands include injection of herbicide into standing trees, total removal, cutting the tree and treating the stump to prevent regrowth, or spraying (aerial or hand-held).

Explanation/Intent of Rule

To allow minor works necessary for the enhancement and ongoing maintenance of a wetland. Removal of pest plants or exotic plant species is a major part of a wetland enhancement.

WL R7 (Rule 84) **Removed to give effect to the National Environmental Standards for Plantation Forestry Regulations 2017.**

WL R8 (Rule 84A) **Removed to give effect to the National Environmental Standards for Plantation Forestry Regulations 2017.**

WL R9 (Rule 85) **Discretionary – Modification of a Wetland**

The:

1 Modification of a wetland for the maintenance or enhancement of a wetland, and where the activity is consistent with WL P3 but does not comply with WL R1, WL R2 or WL R6.

Or

2 Sustainable use of a wetland where the activity is consistent with WL P10 but does not comply with WL R3.

Or

3 Removal of weeds and other vegetation clearance necessary for the maintenance of wetlands in water bodies created for hydroelectric generation, and does not comply with WL R5.

Or

4 Modification of a wetland not otherwise addressed by (1) to (3) and causes any of the following adverse effects on the wetland:

(a) Degradation of water quality, including through the discharge of sediment or other contaminants.

(b) Changes to water flow and quantity, and drainage.

(c) Erosion of land and soil resources where the activity causes or induces erosion that is persistent or requires active erosion control measures. Includes land instability, scour, severe pugging, and damage to margins, banks and land within the wetland.

(d) Where the wetland is in the bed of a stream, river or lake, the disturbance, removal, damage, or destruction of any plant or the habitats of any plants or animals in the wetland.

Is a discretionary activity.

Advisory Note

1 The rules in this regional plan do not authorise the modification or disturbance of any archaeological or registered waahi tapu sites within the area of the activity. Written authority from Heritage New Zealand Pouhere Taonga is required prior to any destruction, damage or modification of an archaeological or registered waahi tapu site or an area where there is reasonable cause to suspect there is an archaeological site. Should any artefacts, bones or any other sites of archaeological or cultural significance be discovered within the area affected by the activity, written authorisation should be obtained from Heritage New Zealand Pouhere Taonga before any damage, modification of destruction is undertaken.

2 The modification of a wetland may also be controlled by provisions in district plans.

3 Refer to the definition of 'wetland' in the Definition of Terms of this regional plan to clarify where this rule applies.

4 WL R9(4) applies to the drainage of a wetland, or activities adjacent to a wetland that causes adverse effects on a wetland. Contact the Regional Council staff for assistance to determine if WL R9(4) applies to a proposed activity.

Explanation/Intent of Rule

To allow the Regional Council to assess the adverse effects on the values of wetlands on a case by case basis through a resource consent application. It is appropriate to restrict modification activities as wetlands are particularly vulnerable to adverse effects. Although it is recognised that maintenance and enhancement activities may be necessary to sustain the wetland, it is necessary to ensure that large scale enhancement activities are carried out to avoid, remedy or mitigate any adverse effects on wetland values. The rule controls effects that are the Regional Council's responsibility in relation to section 30 of the Act.

Assessment Criteria

When assessing resource consent applications under this rule, the Regional Council will have particular regard to, but not be limited to, the following provisions:

Objective	*KT O4, KT O5, KT O6, IM O1, BW O1, WL O1*
Policy	*KT P5, KT P11, KT P14, KT P15, KT P17, KT P18, KT P19, KT P20, IM P1, BW P3, WL P1, WL P2, WL P3*
Method	*KT M13, KT M17, KT M18, KT M20, KT M21, IM M10, IM M12*