

Regional Freshwater Plan provisions that can now be approved following decisions of the Courts

Add new Rule 2B as follows:

Rule 2B Washdown water from roads

The discharge from roads (including State highways) and motorways by a network utility operator or its agent or contractor of water and contaminants to water is a **permitted activity** provided it complies with the conditions below.

- (1) The discharge comprises:
 - (a) washdown water applied to the road or motorway for the purpose of maintaining or restoring surfaces on roads or motorways to maintain their structural integrity, serviceability, safety and aesthetic standards;
 - (b) contaminants mobilised by those activities; and
 - (c) additives to the washdown water.
- (2) All practicable steps shall be taken to minimise the quantity of contaminants in the discharge.
- (3) The discharge does not cause erosion at or below the point of discharge.
- (4) The discharge does not alter the natural course of the river or stream.
- (5) The discharge shall comply with condition 3 of Rule 2 (Stormwater Discharges).

Add new Rule 49A as follows:

Rule 49A – Vehicles on Stopbanks

The use of any stopbank, or part of a stopbank, in Appendix 13, for the passage of any motorised vehicle or machinery weighing more than 9 tonnes, along a stopbank is a restricted discretionary activity, except in the following circumstances in which no consent will be required:

- (1) The stopbank, or part of the stopbank, is a road that is part of a public roading network maintained and operated by a local authority or network utility operator; or
- (2) The vehicle passage is by a local authority or network utility operator for the purpose of maintaining, repairing, extending or adding to the stopbank, or for any other flood

management purpose, or for the purpose of maintaining or repairing network utility infrastructure; or

- (3) The stopbank is at the location identified between A and C shown on Map 14, attached to Appendix 13, and the following conditions are complied with:
- (a) Vehicle passage is by or on behalf of the owner or occupier of the land on which the stopbank is located and is for the purpose of normal farming activities.
 - (b) The vehicle (including any load) weighs less than:
 - (i) 25 tonnes; or
 - (ii) 35 tonnes and more than 25 tonnes and the weight of the load is spread between a truck and trailer unit such that neither the truck nor the trailer (including any load) weighs more than 25 tonnes.
 - (c) The structural integrity and profile of the stopbank is maintained.
 - (d) There is no rutting of the top of the stopbank by vehicle tracks.
 - (e) There is no movement of vehicles along the stopbank:
 - (i) during high river flows which bring river water into contact with any part of the stopbank, and
 - (ii) for 7 days following high river flows which bring river water into contact with any part of the stopbank, other than the movement of vehicles along the part of the stopbank between B and C shown on Map 14.
 - (f) The Regional Council may enter onto the stopbank with the consent of the owner or occupier of the land, which is not to be reasonably withheld, for the purpose of inspecting the stopbank and monitoring compliance with this rule.
 - (g) If damage by vehicles to any part of the stopbank is detected, the Council is to be informed of the damage within 3 days of detection of the damage. Any such damage is to be repaired by and at the expense of the owner or occupier of the land on which the stopbank is located, in accordance with a plan prepared or approved by the Regional Council, and under the supervision of the Regional Council.

Discretion

The matters over which the Wellington Regional Council will exercise its discretion are:

- (i) The effects of vehicle passage on the structural integrity of the stopbank and on the continued effectiveness of the stopbank for flood control purposes;
- (ii) Conditions to avoid, remedy or mitigate the potential adverse effects referred to in (i) above, including but not limited to:
 - (a) duration, frequency and locations of vehicular passage;
 - (b) type and size of vehicle;
 - (c) monitoring of the effects of vehicle passage on the stopbank;
 - (d) maintenance and repair of the stopbank (including vegetation) to remedy the effects of vehicle passage;
 - (e) strengthening and/or widening of the stopbank to accommodate vehicle passage;

- (iii) Conditions to avoid conflict between vehicular passage along the stopbank and activities coming within the exceptions in (2) above.

Application for a resource consent for activity described in Rule 49A

An application for a resource consent for an activity described in Rule 49A shall be made in accordance with section 7.4.2 and shall include an engineering report to assess any actual and potential effects that the proposed use of the stopbank may have on the integrity of the stopbank and on its continued effectiveness for flood control purposes and the ways in which any potential adverse effects will be avoided or mitigated.

Notification

In relation to an application for a resource consent for an activity described in Rule 49A, subject to section 94C of the Act:

- The application need not be publicly notified;
- The written approval of affected persons is not necessary and notice of the application need not be served on any person.

Note: *If crossing a stopbank involves travelling along it for any distance, then Rule 49A applies. Rule 49A does not apply when crossing a stopbank without going along it.*

Note 2: *Activities in relation to any stopbank which is designated for soil conservation and river control purposes in the District Plan for the South Wairarapa District will require the written approval of the Regional Council as requiring authority, pursuant to section 176 of the Resource Management Act 1991 where the activity would “prevent or hinder” the public work. The decision whether or not to give its written approval for an activity described in Rule 49A will be considered by the Council at the same time as any application for a resource consent. The granting of a resource consent will be deemed to be written approval for the purposes of section 176(i)(b). The declining of resource consent will be deemed to be the declining of approval under section 176(1)(b).*

