

## Appendix A: Beds of Lakes and Rivers – section 32AA assessment

This table sets out only the provisions of the notified proposed Plan on this topic **for which submissions were specifically received**. This table does not include provisions for which no specific submissions were received but that may be affected by consequential amendments. Where the officer has recommended amendments, these are set out below. Additions to the notified text are in underline and deletions are ~~strike-through~~ text. The section 32AA assessment follows alongside for each of the provisions where amendments have been recommended by the officer. If the officer does not recommend any changes, the provision appears in grey.

Red text amendments = recommendations from the officer’s s42A report

Blue text amendments = updated recommendations from the officer’s Right of Reply

Note that requests for **new** provisions are not included in these tables.

Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
	2 Interpretation	Active bed (rivers and streams)	For the purpose of determining stream width of permanently or intermittently flowing rivers and streams in Category 2 surface water bodies, the <b>active bed</b> is the area that is subject to at least frequent flows and is predominately un-vegetated and made up of silt, sand, gravel, boulders or similar material. [see plan for image]	
	2 Interpretation	<del>Artificial farm drainage canal</del>	<del>An open (not piped) artificial watercourse, that is designed and constructed for the purpose of land drainage of surface or subsurface water and does not form part of a natural stream network. Channels designed and constructed to convey water only during rainfall events and which do not convey or retain water at other times (e.g swales) are excluded from this definition.</del>  <del>Note: maintenance of channels excluded from the definition of <b>artificial farm drainage canal</b> because they only convey water during rainfall events and do not convey or retain water at other times (e.g. swales) is not controlled by rules in the</del>	<b>Effectiveness and efficiency:</b> This proposed amendment enhances the Plan’s efficiency and effectiveness in two ways. First, it removes a redundant definition that is not necessary, and second, it reduces the existing ambiguity surrounding drains on farms.  <b>Costs (numerical and potential costs):</b> No new costs.  <b>Benefits (environmental, cultural, economic and social):</b> This amendment provides greater clarity to Plan users by removing an ambiguous definition and the redundant overlap with the definition of “drain”.

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			<del>Plan.</del>	<p><b>Risk of acting or not acting:</b> Not acting leaves a potentially confusing ambiguity and redundancy in the Plan. I consider this to be a low risk.</p> <p><b>Decision about most appropriate option:</b> I consider this amendment to be the most appropriate means of addressing the concerns raised by submitters while emphasising efficiency and effectiveness.</p>
	2 Interpretation	Beach recontouring (beds of rivers)	The movement of <u>gravel in-situ natural river beach sediments (including gravel, rock, sand)</u> on a river beach <u>(part of the bed of the river not covered by water)</u> to remove obstructions to flow or to move material to protect an eroding bank edge and includes beach ripping to loosen the upper surface (armour) layer of the beach to encourage gravel movement.	<p><b>Effectiveness and efficiency:</b> This amendment enhances the Plan's efficiency and effectiveness by aligning the approach to beach recontouring in rivers with the coastal equivalent.</p> <p><b>Costs (numerical and potential costs):</b> No new costs.</p> <p><b>Benefits (environmental, cultural, economic and social):</b> This amendment would align the definition with the equivalent coastal beach recontouring definition as well as the existing Freshwater Plan definition.</p> <p><b>Risk of acting or not acting:</b> Not acting leaves and inconsistency in the Plan's approach to beach recontouring – the coastal approach would not align with the fluvial approach.</p> <p><b>Decision about most appropriate option:</b> I consider this amendment to be the most appropriate means of addressing the concerns raised by submitters while emphasising efficiency and effectiveness.</p>

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	2 Interpretation	Catchment based flood and erosion risk management activities		
	2 Interpretation	Drain	<p><del>Any artificial watercourse, open or piped watercourse, designed and constructed for the purpose of land drainage of surface or subsurface water and, for the purpose of Rule R121 only, excluding any 'device' included within the definition of stormwater network. Channels designed and constructed to convey water only during rainfall events and which do not convey or retain water at other times are excluded from this definition.</del></p> <p><del>Only for the purpose of Rule R121 (drain clearance) a drain also includes a highly modified watercourse or river and is channelled to such an extent that it has the characteristics of a farm drainage canal.</del></p> <p><u>Note:</u></p> <p><u>For the avoidance of doubt, this definition does not include water races or artificial channels or swales that only convey water during rainfall events.</u></p> <p><u>Many watercourses that are considered to be drains are actually natural watercourses that have been highly modified, often over many decades, and include channels dug to drain natural wetlands.</u></p>	<p><b>Effectiveness and efficiency:</b></p> <p>The proposed amendments to the interpretation of drain are intended to provide greater clarity to Plan users in respect of the relationship between the terms drain and highly modified river or stream. There are no changes to the overall intent of the proposed Plan. In my opinion these amendments enhance the Plan's efficiency and effectiveness.</p> <p><b>Costs (numerical and potential costs):</b></p> <p>No new costs.</p> <p><b>Benefits (environmental, cultural, economic and social):</b></p> <p>The proposed amendments provide considerably greater clarity to Plan users regarding what is and is not considered to be a drain under the Plan. This additionally clarity reduces the ambiguity of the existing drain and watercourse provisions.</p> <p><b>Risk of acting or not acting:</b></p> <p>Not acting would leave the definition and related provisions potentially ambiguous and confusing for Plan users.</p> <p><b>Decision about most appropriate option:</b></p> <p>I consider this amendment to be the most appropriate means of addressing the concerns raised by submitters while emphasising efficiency and effectiveness.</p>

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	2 Interpretation	Ephemeral flow path	<p>A river that:</p> <p><del>(a)</del> <del>does not have an active bed, or</del></p> <p><del>(b)</del><u>(a)</u> has a bed that is predominantly vegetated, and</p> <p><del>(c)</del><u>(b)</u> only conveys <u>or temporarily retains</u> water during or immediately following heavy rainfall events, and</p> <p><del>(d)</del><u>(c)</u> does not convey or retain water at other times.</p> <p><u>Note: An ephemeral flow path is not a surface waterbody.</u></p>	<p><b>Effectiveness and efficiency:</b> This proposed amendment enhances the Plan's efficiency and effectiveness by eliminating a possible area of ambiguity and misinterpretation.</p> <p><b>Costs (numerical and potential costs):</b> No new costs.</p> <p><b>Benefits (environmental, cultural, economic and social):</b> This amendment provides greater clarity to Plan users by reducing the potential for misinterpretation of the definition and the distinction with other definitions.</p> <p><b>Risk of acting or not acting:</b> Not acting would leave the Plan less clear than it could be for Plan users.</p> <p><b>Decision about most appropriate option:</b> I consider this amendment to be the most appropriate means of addressing the concerns raised by submitters while emphasising efficiency and effectiveness.</p>
	2 Interpretation	<u>Flood debris</u>	<p><u>Material deposited on the river or lake bed as a result of wreckage or destruction resulting from flooding. Flood debris can include trees, deposited vegetation, and the remains of structures but does not include the normal fluvial build-up of gravel, sand or other natural bed material.</u></p>	<p><b>Effectiveness and efficiency:</b> This proposed amendment enhances the efficiency and effectiveness of the Plan by clarifying for Plan users what is meant by flood debris and that gravel, sand or other natural bed material is not included in the definition of flood debris.</p> <p><b>Costs (numerical and potential costs):</b> No new costs.</p> <p><b>Benefits (environmental, cultural, economic and social):</b></p>

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				<p>This amendment provides greater clarity to Plan users.</p> <p><b>Risk of acting or not acting:</b> Not acting leaves the provisions regarding flood debris less clear than they could be. Adverse environmental effects could occur if the definition is not clarified.</p> <p><b>Decision about most appropriate option:</b> I consider this amendment to be the most appropriate means of addressing the concerns raised by submitters while emphasising efficiency and effectiveness.</p>
	2 Interpretation	Highly modified river or stream	<p>For the purposes of Rule R121 only, means a river or stream that has been modified and channelled <u>for the purpose of land drainage of surface or sub-surface water and has the following characteristics: to the extent that it has the characteristics of (in form or function) an artificial farm drainage canal.</u> For the purposes of this definition, the characteristics of a farm drainage canal are considered to include that;</p> <ul style="list-style-type: none"> <li>• it has been channelled into a single flow, <u>and</u></li> <li>• the channel <u>has been straightened is straight, with no 'natural curves', and</u></li> <li>• the channel is mechanically formed with straight or steeply angled banks, <u>and</u></li> <li>• <del>it is maintained to keep the water table at least 0.3m below the root zone of the surrounding pasture, and</del></li> <li>• <del>that</del> it exhibits these characteristics for at least its entire length through the property in</li> </ul>	<p><b>Effectiveness and efficiency:</b> The proposed amendments to the interpretation of highly modified river or stream are intended to provide greater clarity to Plan users in respect of the relationship between the terms drain, highly modified river or stream and river. There are no changes to the overall intent of the proposed Plan. In my opinion these amendments enhance the Plan's efficiency and effectiveness by removing the existing ambiguity concerning drains and watercourses.</p> <p><b>Costs (numerical and potential costs):</b> No new costs.</p> <p><b>Benefits (environmental, cultural, economic and social):</b> This amendment provides greater clarity to Plan users by clarifying the distinction between highly modified rivers and streams and other kinds of watercourses.</p> <p><b>Risk of acting or not acting:</b> Not acting leaves a potentially confusing ambiguity in the Plan. I consider this to</p>

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			<p>which the <u>activity is being carried out watercourse is being assessed</u>.</p> <p><u>Note:</u>  <u>For the avoidance of doubt, Artificial channels that only convey water during rainfall events, water races and the stormwater network are not Highly modified rivers or streams</u></p>	<p>be a low risk.</p> <p><b>Decision about most appropriate option:</b>  I consider this amendment to be the most appropriate means of addressing the concerns raised by submitters while emphasising efficiency and effectiveness.</p>
		Māori customary use	<p>The interaction of Māori with fresh and coastal water, <u>and the beds of rivers, lakes, wetlands and the coastal marine area</u>, for cultural purposes. This includes the cultural and spiritual relationships with water expressed through Māori practices, recreation and the harvest of natural materials.</p>	<p><b>Effectiveness and efficiency:</b>  The proposed amendment to the interpretation of Māori customary use is intended to provide greater clarity to Plan users to show that it relates to the interaction of Māori with the beds of rivers, lakes, wetlands and the coastal marine area for cultural purposes, and is not restricted to their interaction with fresh and coastal water.</p> <p><b>Costs (numerical and potential costs):</b>  No new costs</p> <p><b>Benefits (environmental, cultural, economic and social):</b>  This proposed amendment provides clarity for plan users that Māori customary use applies to the beds of rivers, lakes, wetlands and the coastal marine area, as well as to with fresh and coastal water.</p> <p><b>Risk of acting or not acting:</b>  Not acting leaves a potentially confusing ambiguity in the Plan. I consider this to be a low risk.</p> <p><b>Decision about most appropriate option:</b>  I consider this amendment to be the most appropriate means of addressing the concerns raised by submitters while emphasising</p>

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				efficiency and effectiveness.
	2 Interpretation	Reclamation	<p>Reclamation in the coastal marine area <u>or the bed of a river, lake, or wetland</u> means the creation of dry land. <del>and</del></p> <p><u>In the coastal marine area, reclamation</u> does not include coastal or river mouth protection structures such as seawalls or revetments, boat ramps, and any structure above water where that structure is supported by piles, or any infilling where the purpose of that infilling is to provide beach nourishment.</p> <p><del>The piping or covering of a stream for a distance greater than that required to form a reasonable crossing point is considered to be reclamation of the river bed.</del></p>	<p><b>Effectiveness and efficiency:</b> This proposed amendment enhances the Plan's efficiency and effectiveness by extending the definition for reclamation to also apply to the bed of a river, lake or wetland, removing the existing ambiguity about the meaning of reclamation outside of the CMA.</p> <p><b>Costs (numerical and potential costs):</b> No new costs</p> <p><b>Benefits (environmental, cultural, economic and social):</b> This proposed amendment provides clarity for plan users as to the meaning of reclamation in areas outside of the CMA</p> <p><b>Risk of acting or not acting:</b> Not acting leaves a potentially confusing ambiguity in the Plan. I consider this to be a low risk.</p> <p><b>Decision about most appropriate option:</b> I consider this amendment to be the most appropriate means of addressing the concerns raised by submitters while emphasising efficiency and effectiveness.</p>
	2 Interpretation	Vegetative bank edge protection	The use of anchored willows or poplars to maintain an alignment of a river bank and prevent erosion. This includes tree groynes and tethered willows, but excludes rock linings or rock groynes.	
	4 Policies	Policy P102: Reclamation or drainage of the beds of	The <b>reclamation</b> or drainage of the beds of lakes and rivers and <b>natural wetlands</b> shall be avoided except where the <b>reclamation</b> or	<p><b>Effectiveness and efficiency:</b> The proposed amendment enhances the Plan's efficiency and effectiveness as it will more effectively protect a wide range of environmental, cultural and social</p>

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		lakes and rivers	<p>drainage is:</p> <p>(a) partial <b>reclamation</b> of a river bank for the purposes of flood prevention or erosion control, or</p> <p><del>(b) associated with a qualifying development within a special housing area, or</del></p> <p><del>(c) associated with a growth and/or development framework or strategy approved by a local authority under the Local Government Act 2002, or</del></p> <p><del>(d)</del><b>(b)</b> necessary to enable the development, operation, maintenance and upgrade of <b>regionally significant infrastructure</b>, or</p> <p><del>(e)</del><b>(c)</b> associated with the creation of a new river bed and does not involve piping of the river, and</p> <p><del>(d)</del> <u>for the purpose of forming a reasonable crossing point, and</u></p> <p><del>(f)</del><b>(d)</b><b>(e)</b> in respect of (a) to <del>(ee)</del> there are no other practicable alternative methods of providing for the activity, or</p> <p><del>(g)</del><b>(e)</b><b>(f)</b> the reclamation or drainage is of an <b>ephemeral flow path</b>.</p> <p><del>For the purpose of this policy the piping or covering of a stream for a distance greater than that required to form a reasonable crossing point is considered to be reclamation of the river bed.</del></p>	<p>values associated with the retention of the region's stream networks and will avoid the long-term costs to the environment and society resulting from the ongoing loss of stream networks due to urban development.</p> <p><b>Costs (numerical and potential costs):</b></p> <p>The proposed amendments could potentially reduce the profits to developers by limiting the area able to be developed for housing where stream networks are part of the development area. However, the application of good urban design principles when developing housing areas, including the use of water sensitive urban design, can achieve both the retention of streams (and all their associated values and ecosystem services), while also achieving the same, if not greater, development capacity, along with a high quality urban environment.</p> <p><b>Benefits (environmental, cultural, economic and social):</b></p> <p>Retention of stream networks has significant benefits for the environment, for ecosystem services, and for cultural and amenity values. There are also benefits for natural hazard mitigation, due to the important role that headwater streams play in the moderation of flood flows.</p> <p>The proposed amendments will help to give effect to the NPS-FM and assist in meeting the NPS-UDC as subdivision design led by stream retention can result in equal, if not better, housing yield than traditional subdivision design, with significant additional benefits, not only for ecology and natural character, but for overall urban form and social outcomes, such as recreation, amenity, liveability and sense of place.</p> <p><b>Risk of acting or not acting:</b></p> <p>Not acting provides a very high likelihood that there will be a continuing loss of stream networks, particularly small headwater streams, within urban areas with attendant environmental, cultural and social costs.</p> <p>Piping of streams incurs a substantial environmental cost with the financial benefits concentrated around the involved property developers and purchasers.</p> <p>There exists a market failure that will result in higher levels of stream</p>



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				<p>destruction in urban residential developments than is likely to be socially optimal. Although buyers of sections for residential use are likely to be prepared to pay a premium for proximity to stream corridors, and although developers are likely to have lower costs due to lower requirements for preparatory earthworks, it seems that these benefits will very rarely be sufficient as to encourage the type of low impact developments that will protect the natural form of streams</p> <p><b>Decision about most appropriate option:</b></p> <p>I consider this amendment to be an appropriate response to address the continuing loss of streams associated with urban development, as the activities in Policy P102 (b) and (c) are those that have the greatest impact on the regional stream network. The long term costs associated with the ongoing loss of the region's stream network, particularly headwater streams, are assessed to be much greater than the benefits to the regional community.</p>
	4 Policies	Policy P103: Management of gravel, <del>and sand or rock</del> extraction	<p>The extraction of gravel, <del>and sand or rock</del> from the beds of rivers shall be managed so that:</p> <p>(a) the extraction does not result in an increase in flooding or erosion either at the site of extraction or across the wider river catchment, including any erosion of existing structures, and</p> <p>(b) the flow of <del>bed material sediment and gravel</del> to the coast is not reduced to the extent it would contribute to coastal erosion, and</p> <p>(c) the rate of <del>gravel</del> extraction does not exceed the natural rates of <del>gravel</del> deposition, unless this is required to manage aggradation</p>	<p><b>Effectiveness and efficiency:</b></p> <p>This proposed amendment enhances the efficiency and effectiveness of the Plan by clarifying for Plan users what exactly the policy manages.</p> <p><b>Costs (numerical and potential costs):</b></p> <p>No new costs.</p> <p><b>Benefits (environmental, cultural, economic and social):</b></p> <p>This amendment provides greater clarity to Plan users.</p> <p><b>Risk of acting or not acting:</b></p> <p>Not acting leaves the policy title unaligned with the policy content, and a lack of clarity in relation to what activities this policy applies to.</p>

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				<p><b>Decision about most appropriate option:</b></p> <p>I consider this amendment to be the most appropriate means of addressing the concerns raised by submitters while emphasising efficiency and effectiveness.</p>
	4 Policies	Policy P104: Effects on catchment-based flood and erosion control activities	More than minor adverse effects on structures that are part of catchment-based flood and erosion risk management activities shall be avoided, unless those activities are carried out by or on behalf of the owner of the structure.	
	4 Policies	Policy P106: Management of plants in the beds of lakes and rivers	<p>The introduction to and removal of <u>a plants, or a part of a plant</u>, from the beds of lakes and rivers shall be managed so that:</p> <ul style="list-style-type: none"> <li>a) pest plants are not introduced and their removal is enabled, and</li> <li>b) indigenous plant species are encouraged to be planted where they are appropriate <u>for the purpose and are typical of the area</u> and their removal <u>(in whole or part)</u> is only enabled <u>for the purpose of Māori customary use or for the reasonable use of an individual</u>, or where it is necessary to manage flooding and erosion, and</li> <li>c) the introduction or removal of <u>a plants, or a part of a plant</u>, does not increase flooding and erosion either at the site of introduction or removal, or across the wider river catchment, and</li> <li>d) the introduction or removal of <u>a plants, or a</u></li> </ul>	<p><b>Effectiveness and efficiency:</b></p> <p>This proposed amendments enhance the efficiency and effectiveness of the Plan by giving effect to objectives pertaining to customary and cultural uses while also providing for very limited plant removal for the use of an individual.</p> <p><b>Costs (numerical and potential costs):</b></p> <p>No new costs.</p> <p><b>Benefits (environmental, cultural, economic and social):</b></p> <p>This amendment would provide a cultural benefit in that it recognises and permits the removal of plants for cultural and customary reasons. It also provides efficiencies in providing for very minor uses that are currently restricted by RMA s13. There is also a potential environmental benefit in the proposed requirement that planted species are typical of the area.</p> <p><b>Risk of acting or not acting:</b></p> <p>Not providing such recognition would fail to give effect to Plan objectives concerning recognising customary uses.</p> <p><b>Decision about most appropriate option:</b></p>

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			<p><u>part of a plant</u>, does not adversely affect significant biodiversity values of the site.</p>	<p>I consider this amendment to be the most appropriate means of addressing the concerns raised by submitters while emphasising efficiency and effectiveness.</p>
	5 Rules	5.5.4 Beds of lakes and rivers general conditions	<p>Beds of lakes and rivers general conditions for activities in the beds of lakes and rivers that apply as specified in Rules R112 to R125:</p> <p>(a) except where the discharge is expressly allowed by the activity description of a rule in this chapter, there shall be no discharge of contaminants (including but not limited to oil, petrol, diesel, paint, <del>or solvent</del>, <u>heavy metals or other toxicants</u>) to water or the bed, <u>except where this is the result of the disturbance of <del>other than</del> sediment and other materials inherent to already existing in the water or bed, but excluding any discharge of heavy metals or other toxicants, and</u></p> <p>(b) no cleaning or refuelling of machinery or equipment, <u>or storage of fuel</u> shall take place <del>on any area in, or within 10m of, a river or lake bed, nor will fuel storage occur</del> <u>or</u> at any location where fuel, <del>oil or lubricants</del> can enter a water body, and</p> <p>(c) all machinery, equipment and materials used for the activity shall be removed from the river or lake bed every night and on completion of the activity. This includes any excess material from the construction operation, any materials used during construction of any structure but not part of</p>	<p><b>Effectiveness and efficiency</b></p> <p>The recommended amendment to condition (e) enhances the effectiveness of the plan in relation to inanga spawning habitat. The recommended amendment to condition (i) enhances the efficiency of the plan by removing a condition which did not relate to environmental effects. The recommended amendment to condition (k) enhances the efficiency of the plan by providing for stormwater intake structures and debris arrestors which are designed to trap debris, which may reduce the ability of the river to convey flood flows, while still making clear that all structures must be maintained to manage flood debris. The recommended amendment to condition (n) enhances the effectiveness and efficiency of the plan by providing for certain activities to occur while clarifying that no structures shall be constructed or placed, and no disturbance shall take place during the critical period for birds listed in Schedule F2 if birds are identified as nesting roosting and foraging. The recommended note about fish passage and the Fisheries Regulations 1989 enhances the effectiveness and efficiency of the plan by noting the requirements of the regulations.</p> <p><b>Costs: (numerical and potential costs)</b></p> <p>Some of these recommendations are more permissive which will reduce costs for those undertaking works. The condition relating to inanga spawning may increase costs due to a longer exclusion of works period, but this only applies to certain activities in small areas of the region.</p> <p><b>Benefits: (environmental, cultural, economic and social)</b></p> <p>There is potentially an environmental benefit where the effectiveness of the conditions has been improved.</p>

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			<p>that structure, and any material removed or demolished from any structure, and</p> <p>(d) structures are designed, installed and maintained, and activities are carried out in a manner to ensure that fish passage is maintained at all times, <u>unless a temporary restriction of no more than 48 hours is required for construction or maintenance activities.</u> This shall include avoiding any aggradation or scouring of the bed of the river or lake that may inhibit fish passage, and</p> <p>(e) in any part of the river bed identified as inanga spawning habitat in Schedule F1 (rivers/lakes), no bed disturbance, diversions of water or sediment discharge shall occur between 1 <del>January</del> <u>March</u> and 31 May, and</p> <p>(f) in any part of the river or lake bed covered by water, which is identified as trout spawning waters in Schedule I (trout habitat), disturbance of the bed or diversions of water shall not take place during the spawning period of 31 May and 31 August, and</p> <p>(g) all reasonable steps shall be taken to minimise the generation and release of sediment from the activity, and the discharge of any sediment to water from any activity in, on, over or under the bed of a river or lake <del>must comply with the following:</del></p> <p><del>(i) the release of sediment associated</del></p>	<p><b>Risk of acting or not acting</b></p> <p>There is a high risk of not acting, that the decisions version will not provide clear outcomes, and could cause adverse environmental effects.</p> <p>Decision about most appropriate option</p> <p>I consider these amendments to be the most appropriate means of addressing the concerns raised by submitters while emphasising efficiency and effectiveness when undertaking activities in accordance with Rules R112-125.</p>

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			<p><del>with the activity must not be undertaken for more than five consecutive days, and for more than 12 hours per day, and</del></p> <p><del>(ii) there</del> must not, after reasonable mixing, <u>result in</u> any conspicuous change in the colour of water in the receiving water or a change in horizontal visibility of greater than 30%, <del>more than 24 hours after completion of the activity,</del> and</p> <p>(h) car bodies or demolition rubble shall not be used for any purpose on the bed of any river or lake, and</p> <p>(i) all reasonable steps shall be taken to minimise the duration of the diversion of water, and any diversion of water required to undertake the activity shall:</p> <p>(i) only be temporary and for a period no longer than that required to complete the activity, and</p> <p><del>(ii) must be contained within the bed of the river, and</del></p> <p><del>(iii)(ii)</del> must not involve a lake, and</p> <p><del>(iv)(iii)</del> any diversion channel required must have sufficient capacity to carry the same flow as the original channel, so as not to cause flooding or erosion of any neighbouring</p>	

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			<p style="text-align: center;"><b>property, and</b></p> <p>(j) the activity shall not result in erosion or scour of the river banks or shall not result in flooding of any neighbouring property, and</p> <p>(k) any structure <del>other than a stormwater intake structure or debris arrestor</del> shall be designed <del>and maintained</del> so that it does not reduce the ability of the river to convey flood flows. All structures shall be maintained to <del>This includes the management of</del> flood debris accumulated against the structure, <del>and the conveyance of flood flows,</del> and</p> <p>(l) any structure shall not alter the natural course of the river, including any diversion of water from the natural course during floods. Tree planting or vegetative bank edge protection works that are limited to the banks of the river and do not extend into the active channel are not considered to alter the course of the river for the purpose of this condition, and</p> <p>(m) the river or lake bed shall not be disturbed to a depth or an extent greater than that required to undertake the activity, <del>and</del></p> <p><del>(n) in any part of a river bed identified in Schedule F2a (birds-rivers) or Schedule F2b (birds-lakes), no the structure shall not be constructed or placed, or the activity and no disturbance shall not take place, during the critical period identified in Schedule F2a (birds-rivers) or Schedule</del></p>	

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			<p>F2b (birds-lakes) if the named birds are identified <a href="#">as nesting, roosting and foraging at the work site, and</a></p> <p><u>(o) Beds of lakes and rivers general conditions (a) to (m) that apply as specified in Rule R112 to R125 do not cover any activities regulated by Sub-Part 4 – River crossings and Sub-Part 10 – General provisions in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</u></p> <p><u>Note</u>  <a href="#">Any activity that results in fish passage being impeded may require approval from the Director General of Conservation under the Freshwater Fisheries Regulations 1983.</a></p>	
	5 Rules	5.5.5 Activities in beds of lakes and rivers	Amendments arising from the NES-PF in the introductory text of relevant rules (shown in each rule below).	<p><b>Effectiveness and efficiency</b></p> <p>The amendment to the rules of Section 5.5.5 Activities in beds of lakes and rivers gives effect to the RMA s44A(2)(a) and (b) where rules in regional plans cannot be more stringent or lenient than a rule in the NES-PF. The notes also direct plan users to sub-clauses of certain rules, indicating that that sub-clause prevails over the NES-PF under s6(2)(b) of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. These amendments are the most effective and efficient outcome to administering the NES-PF.</p> <p><b>Costs: (numerical and potential costs)</b></p> <p>There are no costs associated with these recommendations.</p>

Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
				<p><b>Benefits: (environmental, cultural, economic and social)</b>  There is potentially an increased environmental benefit by giving effect to high order documents (NES-PF) and improving the effectiveness of this provision.</p> <p>Risk of acting or not acting  There is a high risk of not acting, that the decisions version will not provide clear outcomes.</p> <p>Decision about most appropriate option  This is an important matter that requires recognition by the proposed Plan and provides useful clarification for plan users. There was potential confusion about how the provisions where intended to operate and this proposed change will ensure greater effectiveness of the provisions.</p> <p>In my opinion the proposed amendment is the most appropriate way to achieve the purpose of the RMA and the objectives of the proposed Plan, will have cultural, social, environmental and economic benefits, and will not reduce opportunities for economic growth or have a negative effect on employment.</p>
	5 Rules	<u>Rule 105A: Removal of wetland plants for Māori customary use or for the use of an individual</u>	<p><u>The selective removal of plants, or a part of a plant, from a natural wetland, a significant natural wetland or an outstanding natural wetland for the purpose of Māori customary use or for the reasonable and non-commercial use of an individual is a permitted activity provided that:</u></p> <p><u>(a) the activity is carried out by hand, and</u></p> <p><u>(b) the vegetation and the bed of the natural wetland shall not be disturbed to a depth or an extent greater than that required to undertake the activity, and</u></p> <p><u>(c) within a site identified in Schedule C (mana</u></p>	<p><b>Effectiveness and efficiency:</b>  This proposed amendment enhances the efficiency and effectiveness of the Plan by giving effect to objectives pertaining to Māori customary and cultural uses and also providing for very limited removal of plants to meet the needs of an individual.</p> <p><b>Costs (numerical and potential costs):</b>  No new costs.</p> <p><b>Benefits (environmental, cultural, economic and social):</b>  This amendment would provide a cultural benefit in that it recognises and permits the removal of plants for cultural and customary reasons. It provides efficiencies in providing for very minor uses that are currently restricted by RMA</p>



Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
			<p><a href="#">whenua), the use is for Māori customary use only.</a></p>	<p>s13.</p> <p><b>Risk of acting or not acting:</b> Not providing such recognition would fail to give effect to Plan objectives concerning recognising customary uses.</p> <p><b>Decision about most appropriate option:</b> I consider this amendment to be the most appropriate means of addressing the concerns raised by submitters while emphasising efficiency and effectiveness.</p>
	5 Rules	Rule R112: Maintenance, repair, replacement, upgrade or use of existing structures (excluding the Barrage Gates and <a href="#">any large dam structure</a> ) - permitted activity	<p>The maintenance, repair, replacement, <b>upgrade</b> or use of a <a href="#">lawfully established</a> structure or a part of a structure <b>excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017</b> (excluding the Barrage Gates <b>located in the lower Wairarapa Valley and any dam structure that does not meet the conditions of Rule R116</b>) that is fixed in, on, under, or over the bed of a river or lake, including any associated:</p> <ul style="list-style-type: none"> <li>(a) disturbance of the river or lake bed, and</li> <li>(b) deposition on the river or lake bed, and</li> <li>(c) diversion of water, and</li> <li>(d) discharge of sediment to water</li> <li>(e) <a href="#">temporary damming of water</a></li> </ul>	<p>Effectiveness and efficiency: The proposed amendment enhances the efficiency and effectiveness of the Plan by clarifying the rule's application to lawfully established structures, the use of structures, dams, earth dams, temporary damming of water and maintenance of the function of culverts, stormwater inlet or outlets, bridges or debris arrestor structures, and dam spillways, outflow pipes or overflow pipes. The amendments are the most effective and efficient outcome to administering the NES-PF.</p> <p>Costs (numerical and potential costs): The clarification and specific provision for temporary damming of water while undertaking the works and the maintenance of the function of structures may reduce costs. The inclusion of the maintenance, repair, replacement, upgrade or use of a small dam structure will also reduce costs for those dams.</p> <p>Benefits (environmental, cultural, economic and social): These amendments will help make the Plan clearer for Plan users. Providing for temporary damming of water will encourage works to be undertaken in the dry, reducing adverse effects. Providing for the maintenance of structures within reasonable limits which mitigate adverse effects on the environment is</p>

Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
			<p>is a permitted activity, provided the following conditions are met:</p> <p><del>(e)</del>(f) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, <u>except the use of existing structures shall only comply with conditions (d), (h), (j), and (k), and</u></p> <p><del>(f) the resulting structure is contained within the form of the existing structure, or</del></p> <p><del>(f)</del>(g) the resulting structure, excluding any cable, pipe or duct <u>(for example gas pipes, electricity cables or ducts) attached to the structure</u> and including any deposition, adds no more to the existing structure than whichever is the lesser of:</p> <p>(i) 5% of the plan or cross-sectional area of the structure in the river or lake bed, or</p> <p>(ii) 1m in horizontal projection and 1m in vertical projection <del>measured from the structure as it was on the date of public notification of the Proposed Natural Resources Plan (31.07.2015) in the river or lake bed.</del></p> <p><u>measured from the structure as it was on the date of public notification of the Proposed Natural Resources Plan (31.07.2015) in the river or lake bed or from</u></p>	<p>beneficial in relation to environmental and economic matters. There are environmental benefits of small dams and their related structures being maintained as a permitted activity, including maintaining fish passage, and preventing dam failures. The proposed amendments align the rule with recently introduced Plantation Forestry Regulations.</p> <p>Risk of acting or not acting: Not acting leaves the Plan less clear than it could be, more restrictive than it needs to be, and potentially results in perverse outcomes for the environment. Not acting would leave this provision uncompliant with the recent statutory changes</p> <p>Decision about most appropriate option: I consider this amendment to be the most appropriate means of addressing the concerns raised by submitters while emphasising efficiency and effectiveness.</p>

Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
			<p><u>the date that the structure was lawfully established, whichever is the latter, and</u></p> <p><del>(g) any existing structure was lawfully established on the date of public notification of the Proposed Natural Resource Plan (31.07.2015).</del></p> <p><u>(h) any maintenance of the function of a structure shall:</u></p> <p><u>(i) only be for the purpose of removing or redistributing flood debris or gravel, sand or other natural bed material that has accumulated as a result of a culvert, stormwater inlet or outlet, bridge or debris arrestor structure, or a dam spillway, outflow pipe or overflow pipe, or to reduce the perched nature of any culvert due to scour, and</u></p> <p><u>(ii) be undertaken within 5 metres of the structure, and</u></p> <p><u>(iii) result in the disturbance or excavation of an area of bed no more than 10m<sup>2</sup>, and</u></p> <p><u>(iv) not result in the deposition of non-natural material, or the deposition of flood debris or bed material in such a way as to form a stockpile, dam or mound within the bed of the river, except as required to provide for fish</u></p>	

Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
			<p style="text-align: center;"><u>passage, and</u></p> <p>(i) <u>the use of any water monitoring equipment may divert up to 30m<sup>3</sup> of water per day for the purpose of measuring water quality or quantity provided the water is returned to the water body within 50m of the diversion point, and the quality of the water in the receiving body after the diverted water is returned is maintained. and</u></p> <p>(j) <u>any replacement, repair or upgrade of a small dam structure shall be contained within the form of the existing structure as it was on the date of public notification of the Proposed Natural Resources Plan (31.07.2015) in the river or lake bed or from the date that the structure was lawfully established, whichever is the latter, and no increase in size shall be provided for by clause (g) of this rule.</u></p> <p><u>Note: Earth dams are not classified as Dam structures do not include earth dams for the purposes of this rule.</u></p>	
	5 Rules	Rule R113: Diversion of flood water by existing structures - permitted activity	The diversion of flood water by a structure or stopbank outside the bed of a river or lake that was in existence on the date of public notification of the Proposed Natural Resources Plan (31.07.2015) <u>excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations</u>	<p>Effectiveness and efficiency: This proposed amendment enhances the Plan's efficiency and effectiveness by removing a source of potential confusion while also giving effect to recent statutory changes.</p> <p>Costs (numerical and potential costs):</p>

Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
			<p><u>2017</u> is a permitted activity, provided the following condition is met:</p> <p>(a) the structure or stopbank causing the diversion shall not increase by more than 5% of the plan or cross-sectional area from the date of public notification of the Proposed Natural Resources Plan (31.07.2015), provided the increased size does not cause flooding on any neighbouring <b>property</b>.</p> <p><u>Note: The diversion of flood waters by any new structure constructed outside the bed of a lake or river, or any upgraded structures that do not meet condition (a) of Rule R113, would fall under Rule R135</u></p>	<p>No new costs.</p> <p>Benefits (environmental, cultural, economic and social): This proposed amendment provides greater clarity to Plan users through its noting of the link to R135. Additionally, the amendment aligns the rule with the recent Plantation Forestry Regulations.</p> <p>Risk of acting or not acting: Not acting leaves the rule potentially unclear and ambiguous for Plan users, and it would also fail to give effect to the recent Plantation Forestry Regulations. Not acting would leave this provision uncompliant with the recent statutory changes</p> <p>Decision about most appropriate option: I consider this amendment to be the most appropriate means of addressing the concerns raised by submitters while emphasising efficiency and effectiveness.</p>
	5 Rules	Rule R114: River crossing structures - permitted activity	<p>The placement, <del>or construction, or use</del> of a river crossing structure, including, but not limited to, weirs, fords and <del>small</del> bridges, excluding culverts and a river crossing that dams a river, that is fixed in, on, under, or over the bed of a river <u>excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017</u> including any associated:</p> <p>(a) disturbance of the river or lake bed, and (b) deposition on the river or lake bed, and (c) diversion of water, and</p>	<p>Effectiveness and efficiency: The proposed amendments enhance the efficiency and effectiveness of the Plan by clarifying which rule provides for the use of these structures (R112), and providing for the associated temporary damming and any reclamation associated with the crossing structure. The amendments are the most effective and efficient outcome to administering the NES-PF.</p> <p>Costs (numerical and potential costs): Costs to undertake these activities will be reduced by clearly identifying associated activities.</p>

Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
			<p>(d) discharge of sediment to water  <del>(e)</del> <u>temporary damming of water</u>  <del>(f)</del> <u>reclamation associated with the crossing structure</u></p> <p>is a permitted activity, provided the following conditions are met:</p> <p><del>(e)</del><u>(g)</u> the activity shall comply with the beds of lakes and rivers general conditions specified above in section 5.5.4, and</p> <p><del>(f)</del><u>(h)</u> the river crossing that has any part of the structure fixed in or on the bed has a catchment area above the crossing of not more than:</p> <p>(i) 200ha in any catchment in the region on the eastern side of the Ruamāhanga River, or</p> <p>(ii) 50ha in any catchment in the region on the western side of the Ruamāhanga River, and</p> <p><del>(g)</del><u>(i)</u> the formed crossing shall be no wider than what is required for the purpose of the crossing and the total area of the structure in or on the bed of the river shall not exceed 20m<sup>2</sup>, and</p> <p><del>(h)</del><u>(j)</u> the activity does not occur within a site identified in Schedule C (mana whenua),  <u>and</u>  <u>a river crossing structure shall not be placed within a site identified in Schedule F1b (inanga spawning habitat).</u></p>	<p>Benefits (environmental, cultural, economic and social):</p> <p>There are environmental and economic benefits of clearly identifying activities that are permitted, and the associated conditions. Providing for temporary damming of water will encourage works to be undertaken in the dry, reducing adverse effects. The proposed amendments align the rule with recently introduced Plantation Forestry Regulations.</p> <p>Risk of acting or not acting:</p> <p>Not acting leaves the Plan less clear than it could be, more restrictive than it needs to be, and potentially results in perverse outcomes for the environment. Not acting would leave this provision uncompliant with the recent statutory changes</p> <p>Decision about most appropriate option:</p> <p>I consider this amendment to be the most appropriate means of addressing the concerns raised by submitters while emphasising efficiency and effectiveness.</p>

Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
			<p><a href="#">Note: Pipes, lines and cables are not considered to be river crossing structures and are addressed by Rule R117.</a></p> <p><a href="#">Condition (i) does not limit the total area of the structure over the bed of the river.</a></p>	
	5 Rules	Rule R115: Culverts - permitted activity	<p>The placement <del>or use</del> of a culvert that is fixed in, or on, the bed of a river <a href="#">excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017</a> including any associated:</p> <ul style="list-style-type: none"> <li>(a) disturbance of the river or lake bed, and</li> <li>(b) deposition on the river or lake bed, and</li> <li>(c) diversion of water, and</li> <li>(d) discharge of sediment to water</li> <li><a href="#">(e) temporary damming of water</a></li> <li><a href="#">(f) reclamation associated with the crossing structure</a></li> </ul> <p>is a permitted activity, provided the following conditions are met:</p> <p><del>(e)</del><a href="#">(g)</a> the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, except condition (l) (not altering the natural course</p>	<p>Effectiveness and efficiency: The proposed amendments enhance the efficiency and effectiveness of the Plan by clarifying which rule provides for the use of these structures (R112), and providing for the associated temporary damming and any reclamation associated with the culvert. The amendments are the most effective and efficient outcome to administering the NES-PF.</p> <p>Costs (numerical and potential costs): Costs to undertake these activities will be reduced by clearly identifying associated activities.</p> <p>Benefits (environmental, cultural, economic and social): There are environmental and economic benefits of clearly identifying activities that are permitted, and the associated conditions. Providing for temporary damming of water will encourage works to be undertaken in the dry, reducing adverse effects. The proposed amendments align the rule with recently introduced Plantation Forestry Regulations.</p> <p>Risk of acting or not acting: Not acting leaves the Plan less clear than it could be, more restrictive than it needs to be, and potentially results in perverse outcomes for the environment.</p>

Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
			<p>of the river), and</p> <p><del>(f)</del>(h) the activity does not occur within a site identified in Schedule C (mana whenua), and</p> <p><del>(g)</del>(i) where multiple culverts are placed side by side, the total <del>cross-sectional area</del> <u>capacity</u> of the multiple culverts shall not be less than that of a single culvert which complies with this rule, and</p> <p><del>(h)</del>(i) the culvert, associated fill and culvert placement shall comply with the following dimensions:</p> <ul style="list-style-type: none"> <li>(i) a maximum culvert length of 20m, and</li> <li>(ii) for circular culverts a culvert diameter of 0.3m to 1.2m (inclusive), and</li> <li>(iii) for non-circular culverts a width and height of 0.3m to 1.2m each (inclusive), and</li> <li>(iv) a culvert diameter, or width that is at least as wide as the river bed at the point at which the culvert is installed (and which complies with (h)(ii) and (h)(iii) above)</li> <li>(v) a maximum fill height of 2m above the top of the culvert unless a spillway is constructed to enable the passage of a 5% annual exceedence probability</li> </ul>	<p>Not acting would leave this provision non-compliant with the recent statutory changes</p> <p>Decision about most appropriate option: I consider this amendment to be the most appropriate means of addressing the concerns raised by submitters while emphasising efficiency and effectiveness.</p>



Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
			<p>(20 year return period) flood event without the fill being overtopped, and</p> <p><del>(j)</del>(k) a minimum culvert installation depth below the bed of 20% of the width of the culvert, and</p> <p><del>(j)</del>(l) the culvert shall be positioned so that its alignment and gradient are the same as the river, and</p> <p><del>(k)</del>(m) the culvert shall be constructed to allow:</p> <ul style="list-style-type: none"> <li>(i) the flow from a 5% annual exceedence probability (20 year return period) flood event without overtopping, unless the overtopping flows to a specifically designed spillway, and</li> <li>(ii) the flow from a two year return period flood event without any flow impediment, and</li> </ul> <p><del>(j)</del>(n) the culvert inlet and outlet shall be protected against erosion, and</p> <p><del>(m)</del>(o) all practicable steps shall be taken to minimise the release of sediment during construction, and</p> <p><del>(n)</del>(p) the culvert shall be constructed and maintained to avoid any aggradation or erosion of the bed, including any erosion at</p>	

Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
			<p>the inlet and outlet of the culvert, and</p> <p><del>(e)</del>(g) the culvert shall be constructed and maintained to avoid causing any flooding on any neighbouring properties. <del>and</del></p> <p><del>(e)</del>(r) <u>a culvert shall not be placed within a site identified in Schedule F1b (inanga spawning habitat).</u></p>	
	5 Rules	Rule R116: Establishing a <del>small</del> dam <u>and the use of earth existing</u> dams - permitted activity	<p>The placement of a new <del>small</del> dam, or use of an <u>earth</u><del>small</del> dam, that is fixed in, on, or under the bed of a river including any associated:</p> <ul style="list-style-type: none"> <li>(a) disturbance of the river or lake bed, and</li> <li>(b) deposition on the river or lake bed, and</li> <li>(c) diversion of water, and</li> <li>(d) damming of water, and</li> <li>(e) discharge of sediment to water, and</li> <li>(f) reclamation associated with the dam structure, and</li> <li>(g) the damming of water outside the bed of a lake or river by a dam structure</li> </ul> <p>is a permitted activity, provided the following conditions are met:</p> <ul style="list-style-type: none"> <li>(h) where the <del>small</del> dam occurs in the bed of a lake or river, the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, except condition (l) (not altering the natural course of the river), and, where the activity occurs in an ephemeral flow path,</li> </ul>	<p>Effectiveness and efficiency: The proposed amendments enhance the efficiency and effectiveness of the Plan by clarifying the activities that this rule provides for and the status of earth dams.</p> <p>Costs (numerical and potential costs): No new costs.</p> <p>Benefits (environmental, cultural, economic and social): This amendment provides greater clarity to Plan users.</p> <p>Risk of acting or not acting: Not acting would leave the rule potentially ambiguous and unclear for Plan users. Not acting would leave this provision uncompliant with the recent statutory changes</p> <p>Decision about most appropriate option: I consider this amendment to be the most appropriate means of addressing the concerns raised by submitters while emphasising efficiency and effectiveness.</p>

Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
			<p>condition (d) (fish passage), and</p> <p>(i) the <del>activity</del> <u>placement of a new dam</u> does not occur within a site identified in Schedule C (mana whenua), and</p> <p>(j) the <del>small</del> <u>placement of a new</u> dam is not located in and does not cause water to pond in, a significant natural wetland identified in Schedule F3 (significant wetlands) or an outstanding water body identified in Schedule A (outstanding water bodies), and</p> <p>(k) the <del>small</del> dam shall not impound more than 20,000m<sup>3</sup> of water <u>above natural ground level</u>, and</p> <p>(l) the <del>small</del> dam has a maximum water depth of less than 3m (measured from the natural ground level at the downstream toe of the dam structure), and</p> <p>(m) any new <del>small</del> dam does not have a catchment area above the dam of more than 20ha, and</p> <p>(n) the water impounded by the <del>small</del> dam does not encroach onto adjoining <b>properties</b>, and</p> <p>(o) a spillway or overflow pipe is constructed to prevent the dam from overtopping in a 5% annual exceedence probability (20 year return period) flood event, and connects or discharges to the downstream watercourse, and</p> <p>(p) any new <del>small</del> dam in a permanently flowing river shall maintain a flow out of the dam at all times including during filling of</p>	

Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
			<p>the dam.</p> <p>Note If a dam retains 34m or more depth or holds 20,000m<sup>3</sup> of water or more, then a building consent is required in accordance with the Building Act 1991. This rule does not permit the taking of water from behind the dam structure. This is controlled by other rules in the Plan.</p>	
	5 Rules	Rule R117: New structures - permitted activity	<p>The placement <del>or use</del> of a new structure, including <del>but not limited to</del> sediment retention weirs, pipes, ducts, cables, hydrological and water quality monitoring equipment, fences, <del>erosion protection structures</del>, <del>debris arrestor structures</del>, and structures associated with <b>vegetative bank edge protection</b> except a structure permitted by Rules R114, R115, and R116 that is fixed in, on, under, or over the bed of any river or lake, <del>excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 except general condition 5.5.4(n)</del>, including any associated:</p> <ul style="list-style-type: none"> <li>(a) disturbance of the river or lake bed, and</li> <li>(b) deposition on the river or lake bed, and</li> <li>(c) diversion of water, and</li> <li>(d) discharge of sediment to water</li> <li>(e) <u>temporary damming of water</u></li> <li>(f) <u>partial stream reclamation associated with the structure</u></li> </ul>	<p>Effectiveness and efficiency: The proposed amendments enhance the efficiency and effectiveness of the Plan by clarifying which rule provides for the use of these structures (R112), and providing for the associated temporary damming and any partial reclamation associated with a structure, and by incorporating recent statutory changes.</p> <p>Costs (numerical and potential costs): Costs to undertake these activities will be reduced by clearly identifying associated activities.</p> <p>Benefits (environmental, cultural, economic and social): There are environmental and economic benefits of clearly identifying activities that are permitted, and the associated conditions. Providing for temporary damming of water will encourage works to be undertaken in the dry, reducing adverse effects. The proposed amendments align the rule with recently introduced Plantation Forestry Regulations.</p> <p>Risk of acting or not acting: Not acting leaves the Plan less clear than it could be, more restrictive than it needs to be, and potentially results in perverse outcomes for the environment. Not acting would leave this provision uncompliant with the recent statutory</p>

Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
			<p>is a permitted activity, provided the following conditions are met:</p> <p><del>(e)(g)</del> the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, and</p> <p><del>(f)(h)</del> the activity does not occur within a site identified in Schedule C (mana whenua), excluding adding pipes or cables to an existing structure <u>or providing for fish passage</u> and</p> <p><del>(g)</del> <del>in any part of a river bed identified in Schedule F2a (birds-rivers) or Schedule F2b (birds-lakes) the structure shall not be constructed during the critical period identified in Schedule F2a (birds-rivers) or Schedule F2b (birds-lakes) if the named birds are identified at the construction site, and</del></p> <p><del>(e)(i)</del> the structure does not occupy <del>a bed area any greater than 10m<sup>2</sup>, except for where the structure is associated with vegetative bank edge protection, or a pipe, duct, fence or cable which is located over or under the bed where no bed occupancy limits apply, and any bed area within inanga spawning habitat identified in Schedule F1, and elsewhere does not occupy a bed area any greater than 10m<sup>2</sup>, except for where the structure is associated with vegetative bank edge protection, or a pipe, duct, fence or cable which is located over or under the bed where no bed occupancy limits apply, and</del></p>	<p>changes</p> <p>Decision about most appropriate option: I consider this amendment to be the most appropriate means of addressing the concerns raised by submitters while emphasising efficiency and effectiveness.</p>

Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
			<p><del>(h)(i)</del> the catchment upstream of any sediment retention weir is not greater than 200ha, and</p> <p><del>(i)(k)</del> the height of any sediment retention weir from the upstream base to the crest of the weir <u>at the time of construction</u>, shall be no more than 0.5m, and</p> <p><del>(k)(l)</del> <u>any water monitoring equipment may divert up to 30m<sup>3</sup> of water per day for the purpose of measuring water quality or quantity provided the water is returned to the water body within 50m of the diversion point, and the quality of the water in the receiving water body after the diverted water is returned, is maintained.</u> <del>where it is returned to the water body is the same or better than the receiving water body.</del></p> <p><u>Note</u></p> <p><u>General condition 5.5.4(n) prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</u></p>	
	5 Rules	Rule R118: Removing or demolishing structures - permitted activity	<p>The removal or demolition of a structure or a part of a structure that is fixed in, on, under, or over any river or lake bed, <u>excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017</u>, including any associated:</p> <p>(a) disturbance of the river or lake bed, and</p>	<p>Effectiveness and efficiency: The proposed amendments enhance the efficiency and effectiveness of the Plan by incorporating recent statutory changes, and clarifying the area of disturbance permitted by this rule.</p> <p>Costs (numerical and potential costs): No new costs.</p>

Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
			<p>(b) deposition on the river or lake bed, and</p> <p>(c) diversion of water, and</p> <p>(d) discharge of sediment to water is a permitted activity, provided the following conditions are met:</p> <p>(e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, and</p> <p>(f) the removal or demolition of the structure disturbs less than <del>40m<sup>3</sup></del> <u>10m<sup>2</sup></u> of the bed of the river or lake, and</p> <p>(g) it results in the complete removal of the structure from the river or lake bed, or the complete removal of that part of the structure requiring removal from the river or lake bed, and</p> <p>(h) no explosives shall be used in the demolition of the structure, and</p> <p>(i) the removal or deposition shall not result in the diversion of water from a natural wetland.</p>	<p>Benefits (environmental, cultural, economic and social):</p> <p>This proposed amendment aligns the rule with recently introduced Plantation Forestry Regulations, and provides clarity in terms of the area of disturbance allowed by this rule.</p> <p>Risk of acting or not acting:</p> <p>Not acting would leave this provision uncompliant with the recent statutory changes, and a greater area of disturbance could occur.</p> <p>Decision about most appropriate option:</p> <p>I consider this amendment to be the most appropriate means of addressing the concerns raised by submitters while emphasising efficiency and effectiveness.</p>
	5 Rules	Rule R119: <u>Clearing Removing</u> flood debris and beach recontouring - permitted activity	<p>The <u>clearing removal</u> of flood debris on the bed of a river or lake, and <b>beach recontouring</b> of the bed of a river (including, but not limited to, beach ripping), <u>excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 except general condition 5.5.4(n)</u>, including any associated:</p> <p>(a) disturbance of the river or lake bed, and</p> <p>(b) Deposition <u>of natural material</u> on the river or lake bed, and</p>	<p>Effectiveness and efficiency:</p> <p>This proposed amendment enhances the efficiency and effectiveness of the Plan by incorporating recent statutory changes and giving effect to the Plan's approach to mana whenua values, and clarifying that the removal or extraction of gravel, sand or other natural bed material from the bed of a river is not provided for by this rule.</p> <p>Costs (numerical and potential costs):</p> <p>No new costs.</p> <p>Benefits (environmental, cultural, economic and social):</p> <p>This proposed amendment provide clarity and reduce the likelihood of adverse</p>

Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
			<p>(c) discharge of sediment to water associated with the clearing of flood debris is a permitted activity, provided the following conditions are met:</p> <p>(d) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, excluding condition (f) (trout spawning) if the activity is solely for the purpose of removing flood debris from the inlet or outlet of a culvert or stormwater discharge pipe, or to remove flood debris from against the supporting structures of a bridge, and if in the case of both of these exceptions, the removal is necessary to maintain the immediate integrity and safety of the affected structures, and</p> <p>(e) the removal of flood debris shall be for the purposes of flood or erosion control or to maintain the integrity of a structure, and</p> <p>(f) any <b>beach recontouring</b> operation shall not occur on any part of the bed covered by water at the time of the bed disturbance, and</p> <p>(g) <u>depth of excavation for the beach recontouring activities</u> shall not extend below a level greater than 0.1m above the water level adjacent to the extraction site and <del>the beach recontouring</del> shall not extend to a depth greater than 1m, and</p> <p>(h) any moved or extracted river bed material or flood debris shall not be placed in the bed of the river in such a way as it forms a mound or causes the natural course of the river to be altered in a</p>	<p>effects due to extraction of gravel, sand, and other bed material, and a cultural benefit through its recognition of mana whenua values. It also aligns the rule with recently introduced Plantation Forestry Regulations. Other components of the proposed amendment provide greater clarity for Plan users.</p> <p>Risk of acting or not acting: Not acting could cause adverse environmental effects and would leave this provision uncompliant with the recent statutory changes.</p> <p>Decision about most appropriate option: I consider this amendment to be the most appropriate means of addressing the concerns raised by submitters while emphasising efficiency and effectiveness.</p>



Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
			<p>flood event, and</p> <p>(i) any <b>beach recontouring</b> shall only be for the purposes of mitigating the adverse effects of flooding or erosion, and</p> <p><del>(j) in any part of a river bed identified in Schedule F2a (birds-rivers) clearing of flood debris and beach recontouring shall not occur during the critical period identified in Schedule F2a (birds-rivers) if the named birds are identified at the work site, and</del></p> <p><del>(k)(i) there is no removal of any sand, shingle, rock, gravel or other natural bed material from the bed, other than what is permitted in Rule R120, and</del></p> <p><del>(l)(i) the activity does not occur within a site identified in Schedule C (mana whenua).</del></p> <p><u>Note</u></p> <p><u>General condition 5.5.4(n) prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</u></p> <p><u>The removal or extraction of gravel, sand or other natural bed material from the bed of a river is provided for in Rule R120.</u></p>	
	5 Rules	Rule R120: Minor sand and gravel extraction -	The excavation or other disturbance of the bed of a river for the purpose of extracting gravel or	Effectiveness and efficiency:

Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
		permitted activity	<p>other bed material, <u>excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 except general condition 5.5.4(n)</u> including any associated:</p> <p>(a) deposition on the river or lake bed is a permitted activity, provided the following conditions are met:</p> <p>(b) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, and</p> <p>(c) extraction in any 12 month period shall be limited to whichever is the lesser of: 15m<sup>3</sup> (i) for an individual's needs, or 50m<sup>3</sup> (ii) for use on the property on which the river bed occurs or is adjacent to, or 1m<sup>3</sup> (iii) where the material is removed from Te Awa Kairangi/Hutt River, which must be collected by non-mechanical means, and</p> <p>(d) the extraction site is not covered by water at the time of extraction, and</p> <p>(e) the extraction shall not extend to a level deeper than whichever is the greater of the following: (i) 0.1m above the water level adjacent to the extraction site, or (ii) 0.5m below the original height of the beach where the extraction is occurring, and</p> <p>(f) no machinery shall operate in the area of the</p>	<p>The proposed amendments enhances the efficiency and effectiveness of the Plan by clarifying the separation distance applies both upstream and downstream of existing network utility infrastructure, incorporating recent statutory changes and giving effect to the Plan's approach to mana whenua values.</p> <p>The recommended amendments to Rule R120 enhance the Plan's efficiency and effectiveness by giving effect to recent statutory changes, and will no longer provide for minor sand and gravel extraction in Schedule C sites as a permitted activity. This is consistent with mana whenua values and in achieving the relevant objectives. The deletion of condition (i) will have no effect as this will be encapsulated in condition (b).</p> <p>Costs (numerical and potential costs): No new costs.</p> <p>For sand and gravel extraction in Schedule C sites there may be some additional costs associated with obtaining resource consent.</p> <p>Benefits (environmental, cultural, economic and social): This proposed amendment better protects existing network utility infrastructure, provides a cultural benefit through its recognition of mana whenua values. It also aligns the rule with recently introduced Plantation Forestry Regulations. Other components of the proposed amendment provide greater clarity for Plan users.</p> <p>There will be cultural benefit as a result of the amendment to the rule. The amendment will contribute to achieving the outcomes sought by the proposed Plan. The amendments will also align the rule with the recent Plantation Forestry Regulations.</p> <p>Risk of acting or not acting: The risk of not acting is that existing network utility infrastructure could be</p>

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			<p>river bed covered in water, except for crossings to access and haul gravel. River crossing for this purpose shall be limited to one crossing point at each gravel extraction location, and</p> <p>(g) there shall be no stockpiling of extracted gravel on the bed of the river, and</p> <p>(h) the extraction site shall be set back more than 150m upstream from any established water level recorder, more than 50m <u>upstream and downstream</u> from any established weir, ford, culvert, bridge, dam, surface water intake structure or network utility <del>structure pole or pylon</del>, and more than 50m upstream or downstream from any existing flood control structures located in the bed of the river, and</p> <p><del>(i) in any part of a river bed identified in Schedule F2a (birds rivers) extraction shall not occur during the critical period identified in Schedule F2a (birds rivers) if the named birds are identified at the construction site, and</del></p> <p>(j) the extraction site shall be groomed upon completion of the extraction so that there are no mounds, depressions, steep cut banks or edges left on the river bed-, <u>and</u></p> <p><del>(k) the activity does not occur within a site identified in Schedule C (mana whenua).</del></p> <p><u>Note</u></p> <p><u>General condition 5.5.4(n) prevails over the</u></p>	<p>adversely affected by gravel extraction, and the Plan would not be consistent with the provisions of the proposed Plan in relation to gravel extraction in sites with significant mana whenua values. The rule as notified could result in the degradation of mana whenua sites in Schedule C. Not acting would also fail to give effect to the recent Plantation Forestry Regulations.</p> <p>Decision about most appropriate option: I consider these amendment to be the most appropriate means of addressing the concerns raised by submitters while emphasising efficiency and effectiveness.</p>

Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
			<a href="#">Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</a>	
	5 Rules	Rule R121: Maintenance of drains <a href="#">and highly modified rivers or streams within an individual property</a> - permitted activity	<p>The <del>mechanical</del> removal of vegetation or bed material and associated sediment from any <b>drain</b> or any <b>highly modified river or stream</b>, including any associated:</p> <p>(a) disturbance of the <b>drain</b> bed, and</p> <p>(b) deposition on the <b>drain</b> bed, and</p> <p>(c) diversion of water <del>in the drain</del>, and</p> <p>(d) discharge of sediment to water</p> <p><a href="#">Within an individual property</a> is a permitted activity, provided the following conditions are met:</p> <p>(e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, except condition (g) (sediment condition), with all reference to a river or lake being read to also include <del>drain (as well as a highly modified river or stream) artificial farm drain</del>, and</p> <p>(f) any works to alter the depth or width of <del>a drain the watercourse</del> <a href="#">a drain or highly modified river or stream</a> shall not excavate any deeper or wider than the original grade or cross section of the <b>drain</b> channel, unless the widening or deepening</p>	<p><b>Effectiveness and efficiency:</b></p> <p>The proposed amendments to Rule R121 result in a rule that is more practical for users undertaking drain clearance and at the same manages the adverse effects associated with this activity. They also provide greater clarity for Plan users in respect of the intent of the rule and the terminology used within the rule. These amendments for plan users serve to enhance the efficiency and effectiveness of the Plan as they will be more likely to accept and therefore comply with the rule conditions.</p> <p><b>Costs (numerical and potential costs):</b></p> <p>No new costs.</p> <p><b>Benefits (environmental, cultural, economic and social):</b></p> <p>In addition to the greater clarity for Plan users that results from this amendment, it may also have positive environmental impacts by providing conditions that have are more practical and have more support from landowners.</p> <p><b>Risk of acting or not acting:</b></p> <p>Not acting leaves this rule to be complex and less clear than it could otherwise be, risking non-compliance.</p> <p><b>Decision about most appropriate option:</b></p> <p>In my opinion the proposed amendments are the most appropriate way to address deficiencies of the rule identified in submissions and assessed in Issue 1. It is considered to be more appropriate in achieving the purpose of the RMA than the notified version of the rule.</p>

Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
			<p>is for the purpose of constructing <del>or maintaining</del> a sediment retention trap <del>or a fish refuge bay</del>, and</p> <p><del>(g) an intact vegetation cover (excluding weeds) shall be retained on the banks of the watercourse, and</del></p> <p><del>(g) if mechanically clearing aquatic vegetation, the machinery must use a weed bucket with a curved flat base, and a slatted back that permits the easy drainage of water and fish back into the drain, and</del></p> <p>(h) any fish (except identified pest species), <del>kākahi</del> and <del>kōura</del> removed from the <del>drain watercourse</del> <del>drain</del> or <del>highly modified river or stream</del> during maintenance works shall be returned to the <del>drain or highly modified river or stream at a site upstream of the works in an 'unstressed' condition</del> <del>drain</del> as soon as practicable, <del>and no later than one hour after removal from the drain, and no later than one hour after its removal,</del> and</p> <p>(i) any sediment, bed <del>or plant</del> material removed from the <del>drain watercourse</del> <del>drain</del> or <del>highly modified river or stream</del> shall be placed and spread on adjoining land <del>in a position that allows trapped fish and koura to re-enter the water and</del> in such a way that it cannot slump and be washed back into the <del>drain or highly modified river or stream watercourse drains,</del> or</p>	

Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
			<p>other waterbodies, including wetlands, and</p> <p>(j) <del>two years after the date of public notification of the Proposed Natural Resources Plan (31.07.2015), where the activity involves the mechanical clearance of a drain, to provide fish refuge areas either:</del></p> <p><u>(i) where the watercourse is sufficiently wide, only one side of the drain of the drain or highly modified river or stream shall be cleared at any one time, and the other side of the drain may only be cleared at least three months following completion of the initial works, or</u></p> <p><del>only the middle of the drain shall be cleared, and an uncleared margin of at least 30% of the width of the drain, but no less than 0.3m, shall be left uncleared on each side of the drain, and</del></p> <p><u>(ii) for every 200 metre length of watercourse drain or highly modified river or stream cleared either:</u></p> <p>1. <u>at least a 10 metre length of intact aquatic vegetation cover is retained (and may not be cleared for at least</u></p>	

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			<p style="text-align: center;"><u>three months); or</u></p> <p style="text-align: center;">2. <u>a constructed fish refuge that is at least 1m<sup>2</sup> is provided, and</u></p> <p>(k) <del>where the activity involves the mechanical clearance of a drain, the activity shall commence at the most upstream point of the length of drain to be cleared and move downstream, sediment shall be trapped at the downstream end of the cleared reach by either installing a sediment trap or a sediment retention device, or retaining a length of intact aquatic vegetation that is at least seven times the width of the watercourse drain or highly modified river or stream until, at least:</del></p> <p style="padding-left: 40px;"><del>(i) the end of each working day where the reach has been cleared working upstream, or</del></p> <p style="padding-left: 40px;"><del>(ii) otherwise the end of the following working day, and</del></p> <p>(l) any maintenance works in the bed of a <u>drain or highly modified river or stream</u> <del>the watercourse a drain</del> shall not remove any woody debris with a diameter greater than 0.2m from the <u>drain or highly modified river or stream</u> <del>drain</del> unless it is causing, or has the potential to cause a flood or erosion threat, or a threat to</p>	

Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
			<p>infrastructure.</p> <p>Note The application of <b>agricultural</b> over <b>surface water bodies</b> or over lake or river beds is covered in Section 51.13.</p> <p><u>Cleaning and inspection of all equipment, machinery, or operating plant may be required under the Biosecurity Act 1993 to prevent the spread of “pests” or “unwanted organisms”.</u></p>	
	5 Rules	Rule R122: Removing vegetation - permitted activity	<p>The trimming or removal of vegetation (including weeds) from the bed of any river or lake (<u>excluding a highly modified river or stream</u>) and any associated sediment or bed material attached to the roots of the vegetation being removed, <u>excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 except general condition 5.5.4(n)</u> including any associated:</p> <ul style="list-style-type: none"> <li>(a) disturbance of the lake or river bed, and</li> <li>(b) deposition on the lake or river bed, and</li> <li>(c) diversion of water, and</li> <li>(d) discharge of sediment to water</li> </ul> <p>is a permitted activity, provided the following conditions are met:</p> <ul style="list-style-type: none"> <li>(e) the activity shall comply with the beds of lakes and rivers general conditions</li> </ul>	<p><b>Effectiveness and efficiency:</b> The recommended amendments to Rule R122 will increase the efficiency and effectiveness of the proposed Plan by providing clarification and removing unnecessary conditions, and by eliminating a possible area of ambiguity and misinterpretation.</p> <p><b>Costs (numerical and potential costs):</b> No new costs as it is considered the changes are less stringent than as notified.</p> <p><b>Benefits (environmental, cultural, economic and social):</b> Matters of clarification may increase uptake of the rule, with attendant environmental benefits.</p> <p><b>Risk of acting or not acting:</b> The risk of not acting is that the Plan would not be consistent with the provisions of the proposed Plan in relation to protection of indigenous species. The rule as notified could result in degradation of water quality and loss of indigenous species and their habitat.</p> <p><b>Decision about most appropriate option:</b></p>



Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
			<p>specified above in Section 5.5.4, and</p> <p><del>(f)</del> <del>in any part of a river bed identified in Schedule F2a (birds-rivers) or Schedule F2b (birds-lakes) vegetation removal shall not occur during the critical period identified in Schedule F2a (birds-rivers) or Schedule F2b (birds-lakes) if the named birds are identified at the work site, and</del></p> <p><del>(g)</del>(f) the activity shall not cause any increase in flooding on neighbouring <b>properties</b>, and</p> <p><del>(h)</del>(g) if mechanically clearing aquatic vegetation from an area of river or lake bed covered in water <u>that has a predominantly gravel bottom</u>, the machinery must use a <u>rake bucket with a curved flat base and a slatted back</u> that permits the easy drainage of water and fish, and</p> <p><del>(i)</del>(h) any fish (except <u>identified</u> pest species), <u>kākahi</u> and kōura removed from the river or lake bed during works shall be returned to the <u>river or lake watercourse at a site upstream of the works in an 'unstressed' condition as soon as practicable, and no later than one hour after removal, and no later than one hour after removal</u>, and</p> <p><del>(l)</del>(i) floating debris and plant material shall be prevented from drifting away and causing obstructions to the river or lake bed, or spreading pest plants (as listed in the <i>Greater Wellington Regional Pest</i></p>	<p>In my opinion the proposed amendments are the most appropriate way to address deficiencies of the rule identified in submissions and assessed in Issue 1. It is considered to be more appropriate in achieving the purpose of the RMA than the notified version of the rule.</p>

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			<p><i>Management Strategy 2002-2022</i>), and</p> <p><del>(k) — where the activity involves the removal of an area of contiguous woody vegetation from the banks of a river, that extends for a length of river bed of greater than 100m, either:</del></p> <p><del>(i) — a length of river bed of 10m shall be left with intact woody vegetation as a refuge area for every 200m of cleared river bed. The vegetation in the refuge area must be left for at least three months following completion of the main works, or</del></p> <p><del>(ii) — where there is contiguous woody vegetation on both sides of the banks of the river, vegetation is only removed from one side of the river, and the vegetation is not removed from the opposite for a period of 12 months,</del></p> <p><u>(i)</u> where the activity involves the mechanical clearance of aquatic vegetation from a river, <u>to provide fish refuge areas</u> either:</p> <p><del>(i) — where the river is sufficiently wide,</del> only one side of the river shall be cleared at any one time, and the other side may only be cleared <u>at least</u> three months following completion of the initial works, or</p>	

Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
			<p>(ii) <del>only the middle of the river shall be cleared, and an uncleared margin of at least 30% of the width, but no less than 0.3m, shall be left uncleared on each side, and for every 200 metre length of watercourse cleared at least a 10 metre length of intact aquatic vegetation cover is retained (and may not be cleared for at least three months).</del></p> <p>(k) any clearance works in the bed of a river or lake shall not remove any woody debris with a diameter greater than 0.2m unless it is causing, or has the potential to cause a flood or erosion threat, or a threat to infrastructure, and</p> <p>(l) no excavation of the bed, or widening or deepening of the bed is permitted by this rule.</p> <p>Note The spray application of <b>agrichemicals</b> over water bodies or over river and lake beds is covered in Section 5.1.13.</p> <p><del>Condition (k) does not apply to lopping and cabling of willows for <b>vegetative bank edge protection</b> works.</del></p> <p><u>Cleaning and inspection of all equipment, machinery, or operating plant may be required under the Biosecurity Act 1993 to prevent the</u></p>	

Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
			<p><u>spread of “pests” or “unwanted organisms”.</u></p> <p><u>General condition 5.5.4(n) prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</u></p>	
	5 Rules	Rule R123: Planting - permitted activity	<p>The deliberate introduction or planting of a plant in the bed of a river or lake, including any associated:</p> <p>(a) disturbance of the lake or river bed, and  (b) deposition on the lake or river bed, and  (c) diversion of water, and  (d) discharge of sediment to water</p> <p>but excluding the deliberate introduction or planting of:</p> <p><del>(e) crack willow (<i>Salix fragilis</i>) and grey willow (<i>Salix cinerea</i>), other than where they are already predominant but excludes the following areas where they are predominant (to be developed), and</del></p> <p><del>(f) an introduced, submersed aquatic plant, and</del></p> <p><del>(g)</del><u>(e)</u> a species listed in the Greater Wellington Regional Pest Management Strategy 2002-2022.</p> <p>is a permitted activity, provided the following conditions are met:</p>	<p><b>Effectiveness and efficiency:</b></p> <p>The recommended amendments to Rule R123 enhance the Plan’s efficiency and effectiveness as they allow the correction of spelling and grammar mistakes and the Rule to be in line with other relevant legislation (Biosecurity Act 1993). It also clarifies the rule to allow for non-native plants to be planted in Schedule F1 sites where they are required for erosion and flood protection purposes. This helps achieve the relevant objectives.</p> <p><b>Costs (numerical and potential costs):</b></p> <p>There should be no additional costs associated with obtaining a resource consent as applicants would still need to accord with the Biosecurity Act 1993 outside of this process, and there will be less costs for applicants wanting to plant introduced species for erosion/flood protection purposes (which would require consent as notified).</p> <p><b>Benefits (environmental, cultural, economic and social):</b></p> <p>There will be environmental benefits as pest plants and unwanted organisms will not be planted in the region. Furthermore, the use of non-native plant species will be beneficial for flood and erosion protection as often these such species will grow faster to enable more efficient erosion/flood protection when necessary.</p> <p><b>Risk of acting or not acting:</b></p> <p>The risk of not acting, is that the Rule would fail to give effect to the Biosecurity Act 1993. Furthermore, sites in Schedule F1 may not be adequately protected</p>

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			<p><del>(f)</del> the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, and</p> <p><del>(g)</del> only native plants shall be used in a site identified in Schedule A (outstanding water bodies); <u>or</u> Schedule C (mana whenua). <u>and In a -site identified in</u> Schedule F (indigenous biodiversity) <u>only native plants shall be used, except where appropriate non-native species are required for flood protection or erosion control</u>, and</p> <p><del>(h)</del> no planting shall be undertaken in an identified Wellington Regional Council river management scheme area, unless it is undertaken in accordance with the planting programme specified in the relevant <u>floodplain river</u> management plan.</p>	<p>from erosion/flooding if non-native species are not permitted to be used.</p> <p><b>Decision about most appropriate option:</b> I consider these amendments to be the most appropriate means of addressing the concerns raised by submitters while emphasising efficiency and effectiveness. It is considered to be more appropriate in achieving the purpose of the RMA than the notified version of the rule.</p>
	5 Rules	Rule R124: Entry or passage over bed (excluding livestock access) - permitted activity	<p>The entry or passage across the bed of a river or lake that is not associated with any use of the river or lake bed specified in Rules R112 to R123, <u>excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017</u>, which is not for the purpose of <b>livestock</b> access covered by Rules R97 and R98 is a permitted activity provided the following condition is met:</p> <p>...</p>	<p><b>Effectiveness and efficiency:</b> The recommended amendments to Rule R124 enhance the Plan's efficiency and effectiveness by giving effect to recent statutory changes.</p> <p><b>Costs (numerical and potential costs):</b> There will be new costs.</p> <p><b>Benefits (environmental, cultural, economic and social):</b> This proposed amendment aligns the rule with recently introduced Plantation Forestry Regulations.</p> <p><b>Risk of acting or not acting:</b></p>

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				<p>Not acting would leave this provision uncompliant with the recent statutory changes.</p> <p><b>Decision about most appropriate option:</b></p> <p>I consider this amendment to be the most appropriate means of addressing the concerns raised by submitters while emphasising efficiency and effectiveness.</p>
	5 Rules	Rule R125: Structures within a site identified in Schedule C (mana whenua) - restricted discretionary activity	<p>The placement of a river crossing structure, a culvert, new small dam, or other small structure that that is fixed in, on or under the bed of a river within a site identified in Schedule C (mana whenua), including any associated:</p> <ul style="list-style-type: none"> <li>(a) disturbance of the river or lake bed, and</li> <li>(f) deposition on the river or lake bed, and</li> <li>(g) diversion of water, and</li> <li>(h) damming of water, and</li> <li>(i) discharge of sediment to water, and</li> <li>(j) reclamation associated with the dam structure, and</li> <li>(k) the damming of water outside the bed of a lake or river by a dam structure</li> </ul> <p>is a restricted discretionary activity, provided the following conditions are met:</p> <ul style="list-style-type: none"> <li>(l) any small river crossing (other than a culvert) must meet the conditions of Rule R114, except condition (h), and</li> <li>(m) any culvert must meet the conditions of</li> </ul>	

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			<p>Rule R115, except condition (f), and</p> <p>(n) any new small dam structure, must meet the conditions of Rule R116, except condition (i), and</p> <p>(o) any other small new structure must meet the conditions of Rule R117 except condition (f).</p> <p>Matters for discretion</p> <p>1. Effects on sites with significant mana whenua values.</p>	
	5 Rules	Rule R126: Placement of a dam in an outstanding water body - non-complying activity	<p>The placement or use of a dam that is fixed in, on, or under the bed of an outstanding water body identified in Schedule A2 (outstanding lakes) or Schedule A1 (outstanding rivers), or the damming of water that encroaches on an outstanding water body including any associated:</p> <p>(a) disturbance of the river or lake bed, and</p> <p>(b) deposition on the river or lake bed, and</p> <p>(c) discharge of sediment to water, and</p> <p>(d) reclamation associated with the dam structure, and</p> <p>(e) and the damming of water outside the bed of a lake or river by a dam structure</p> <p>is a non-complying activity.</p>	

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	5 Rules	Rule R127: Reclamation of the beds of rivers or lakes - non-complying activity	<p>The reclamation of the bed, or any part of the bed, of a river or lake:</p> <p>(a) associated with the piping of a stream, or</p> <p><del>(b) in a site identified in Schedule A1 (outstanding rivers), or</del></p> <p><del>(b)(e) in a site identified in Schedule A (outstanding water bodies) or Schedule C (mana whenua) where the reclamation is necessary to enable the operation, maintenance or upgrade of regionally significant infrastructure, or</del></p> <p><u>(c) in a site identified in Schedule C (mana whenua) where the reclamation is necessary to enable the operation, maintenance or upgrade of regionally significant infrastructure or the reclamation is only a partial reclamation.</u></p> <p>is a non-complying activity.</p>	<p><b>Effectiveness and efficiency:</b></p> <p>The recommended amendments enhance the Plan's efficiency and effectiveness as they provide clear guidance and certainty about sites where reclamation is generally inappropriate, while providing for activities that could provide significant benefits for the wider community (as with the operation, maintenance or upgrade of regionally significant infrastructure) or can be generally beneficial with a reasonably low risk of adverse effects.</p> <p><b>Costs (numerical and potential costs):</b></p> <p>Moving reclamation in Schedule A1 and C sites to Rule R128 is likely have an opportunity cost for developers. Alternative design solutions will need to be sought for activities which may increase development costs. However, these costs are considered to be outweighed by the long term benefits to society.</p> <p><b>Benefits (environmental, cultural, economic and social):</b></p> <p>The proposed amendments provide greater protection for outstanding water bodies and culturally significant sites, while providing scope to assess the costs and benefits of reclamation associated with the continued operation of regionally significant infrastructure, and in Schedule C sites associated with partial reclamation.</p> <p>The benefits are the same as for the amendments set out in R128.</p> <p><b>Risk of acting or not acting:</b></p> <p>The cost of not acting is to provide no guidance to the resource consent process as to when piping of a stream is inappropriate and leaves all applications to be assessed on a case-by-case basis, potentially resulting in increased uncertainty and increasing inefficiency.</p> <p>Not acting risks the continued loss of outstanding water bodies and sites of significance for mana whenua, and for Schedule C sites requires mana whenua to continue to respond to proposals for reclamation in their significant sites, even though it is clear that these activities will destroy the cultural values</p>



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				<p>associated with that site.</p> <p><b>Decision about most appropriate option:</b></p> <p>In my opinion the proposed amendments are the most appropriate way to achieve the following objectives of the Plan:</p> <p>O12: The social, economic, cultural and environmental benefits of <b>regionally significant infrastructure</b> and <b>renewable energy generation activities</b> are recognised.</p> <p>O31: Outstanding water bodies and their significant values are protected</p> <p>O33: Sites with significant <b>mana whenua</b> values are protected and restored</p> <p>I consider it to be more appropriate for achieving the purpose of the RMA than the notified version of the rule.</p>
	5 Rules	Rule R128: Reclamation of the bed of an outstanding lake and associated diversion - prohibited activity	<p>The reclamation of the bed, or any part of the bed, of:</p> <p><u>(a) a river identified in Schedule A1 (outstanding rivers), or</u></p> <p><u>(b) a lake identified in Schedule A2 (outstanding lakes), or</u></p> <p><u>(c) a site identified in Schedule C (mana whenua)</u></p> <p>and any associated diversion of water is a prohibited activity, <u>except as provided for by Rule R127.</u></p>	<p><b>Effectiveness and efficiency:</b></p> <p>I consider that the proposed amendments enhance the Plan's efficiency and effectiveness as they provide certainty about where reclamation is an inappropriate activity.</p> <p><b>Costs (numerical and potential costs):</b></p> <p>Prohibiting reclamation in Schedule C sites could have an opportunity cost for developers. Alternative design solutions will need to be sought which may increase development costs.</p> <p><b>Benefits (environmental, cultural, economic and social):</b></p> <p>Prohibiting reclamation in outstanding water bodies and those with significant values for mana whenua provide certainty of protection, aligning with Objectives O31 (Outstanding water bodies and their significant values are protected) and O33 (Sites with significant <b>mana whenua</b> values are protected and restored), with attendant environmental, cultural and social benefits for the wider</p>

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				<p>community.</p> <p>This rule also recognises and respects the Council's partnership with mana whenua.</p> <p><b>Risk of acting or not acting:</b></p> <p>Not acting leaves outstanding water bodies and culturally significant sites vulnerable to an activity that has essentially irreversible effects on the values of the site. Although the activity is clearly inappropriate, not acting requires iwi, community groups and the Council to continue to respond to reclamation proposals on a case by case basis.</p> <p><b>Decision about most appropriate option:</b></p> <p>In my opinion the proposed amendments are the most appropriate way to address deficiencies of the rule identified in submissions and assessed in Issue 2. I consider it to be more appropriate for achieving the purpose of the RMA than the notified version of the rule</p>
	5 Rules	Rule R129: All other activities in river and lake beds - discretionary activity	All other activities, except for damming and diverting of water, in river and lake beds that is not permitted or restricted discretionary by Rule R112 to Rule R125 is a discretionary activity except for those activities that are non complying or prohibited under Rule R126, Rule R127 or Rule R128.	
	5 Rules	<u>Rule R129A: Gravel extraction for flood protection purposes or erosion mitigation inside sites of</u>	<u>Destruction, damage or disturbance associated with gravel extraction dredging for flood protection purposes or erosion mitigation inside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal</u>	<p><b>Effectiveness and efficiency:</b></p> <p>The proposed new rule will enhance the Plan's efficiency and effectiveness by being consistent with other rules in the Plan (e.g., R201).</p>

Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
		<u>significance – discretionary activity</u>	<u>habitats) or Schedule J (geological features) in the bed of a lake or river, including any associated:</u> (a) <u>deposition on the river or lake bed, and</u> (b) <u>discharge of sediment to water, and</u> (c) <u>diversion of water</u> <u>is a discretionary activity</u>	<p><b>Costs (numerical and potential costs):</b> No new costs</p> <p><b>Benefits (environmental, cultural, economic and social):</b> There will be an economic benefit to the applicants of activities under this rule as they will not have to undertake a non-complying activity 'gateway' test'.</p> <p><b>Risk of acting or not acting:</b> The risk of not acting will mean applicants undertaking gravel extraction for flood protection purposes, will have to apply for a non-complying consent due to the discharge rules in Scheduled sites. By allowing the discharge of sediment within this rule, the overall activity status would remain as a discretionary activity.</p> <p><b>Decision about most appropriate option:</b> In my opinion the proposed amendments are the most appropriate way to address deficiencies of the rule identified in submissions and assessed in Issue 4. It is considered to be more appropriate in achieving the purpose of the RMA than the notified version of the rule.</p>
	5 Rules	Rule R130: Diversion of groundwater – permitted activity	Diversion of groundwater is a permitted activity, provided the following conditions are met: (a) there shall be no flooding or erosion of any neighbouring property, and (b) there shall be no lowering of water levels in any river, lake, or natural wetland, and (c) there shall be no lowering of groundwater levels on any neighbouring property.	

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	5 Rules	Rule R131: Damming or diverting water within or from rivers – discretionary activity	<p>The damming or diverting of water within or from a river that does not meet Rules R112, R114, R115, R116, R117, R118, R119, R121, R122 and R123 and R140 is a discretionary activity, provided the following conditions are met:</p> <p>(a) the damming or diverting of water shall not result in river flows falling below minimum flows in chapters 7 to 11 of the Plan, and</p> <p>(b) the damming or diverting of water is not in any outstanding river identified in Schedule A1 (outstanding rivers).</p>	
	5 Rules	Rule R132: Damming or diverting water within or from rivers – non-complying activity	The damming or diverting of water within or from a river that does not meet conditions in Rule R131 is a non-complying activity.	
	5 Rules	Rule R133: Damming or diverting water within or from natural lakes – discretionary activity	<p>The damming or diverting of water within or from a natural lake other than Lake Kohangatera and Lake Kohangapiripiri is a discretionary activity provided the following conditions are met:</p> <p>(a) in Lake Wairarapa, the minimum water levels in chapter 7 of the Plan are met, and</p> <p>(b) in natural lakes, other than Lake Wairarapa, there is no change in the natural minimum lake level.</p>	
	5 Rules	Rule R134	The damming or diverting of water within or from natural lakes that do not meet the conditions in	

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			Rule R133 or within or from Lake Kohangatera or Lake Kohangapiripiri is a non-complying activity.	
	5 Rules	Rule R135: General rule for taking, use, damming and diverting water – discretionary activity	The damming or diverting of water that would otherwise contravene sections 14(2) or 14(3) of the Resource Management Act 1991 and is not permitted, controlled, restricted discretionary, discretionary, non-complying or a prohibited activity is a discretionary activity.	
	6 Methods	Method M14: Maintenance of drains <u>and highly modified rivers or streams</u>	<p>Wellington Regional Council, <u>in collaboration with landowners, industry, and other relevant organisations, and stakeholders</u>, will develop and implement an education programme, including <u>good management practice guidelines</u>, procedures and tools, <del>in collaboration with industry, other relevant organisations, and stakeholders</del> to support the implementation of Rule R121: Maintenance of <u>drains and highly modified rivers or streams</u> and R122: <u>Removing vegetation</u>.</p> <p><u>The aim of this programme is to:</u></p> <p>(a) <u>assist landowners and drain maintenance contractors to identify the different types of waterways on their a propertyies (drains / highly modified rivers or streams and natural unmodified rivers or streams), and be aware of their ecological values, and</u></p> <p>(b) <u>reduce the extent and frequency of maintenance activities associated with drains and highly modified rivers or</u></p>	<p><b>Effectiveness and efficiency:</b> The added detail of this proposed amendment makes the method more efficient and effective, and the collaborative process could also potentially make the implementation of this Method more effective.</p> <p><b>Costs (numerical and potential costs):</b> There will likely be both financial and time costs associated with the operation of the collaborative process this amendment envisions.</p> <p><b>Benefits (environmental, cultural, economic and social):</b> This amendment articulates the process and goals of this method far more clearly than the notified version, and the emphasis on good management practice may result in better environmental outcomes. Additionally, the collaborative process may result in a more sustainable outcome in terms of how long it endures.</p> <p><b>Risk of acting or not acting:</b> Without the amendment the method is much less clear and is more a vague goal or ideal. This compromises its usefulness.</p>

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			<p><u>streams, including by implementing riparian and land management practices that minimise inputs of sediment and nutrients to waterways, and</u></p> <p><u>(c) identify and support the uptake of good management practice maintenance activities for drains and highly modified rivers or streams.</u></p>	<p><b>Decision about most appropriate option:</b></p> <p>I consider this amendment to be the most appropriate means of addressing the concerns raised by submitters while emphasising efficiency and effectiveness.</p>
	6 Methods	<u>Method M14a</u>	<p><u>Wellington Regional Council will develop a map layer that identifies drains and highly modified rivers or streams to assist with the implementation of Rules R121 and R122 by 30 June 2019.</u></p>	<p><b>Effectiveness and efficiency:</b></p> <p>This proposed amendment should enhance the efficiency and effectiveness of the Plan by making existing rules easier to implement and enforce.</p> <p><b>Costs (numerical and potential costs):</b></p> <p>There will be a cost to the Council associated with developing this map layer.</p> <p><b>Benefits (environmental, cultural, economic and social):</b></p> <p>There is a significant potential benefit to the implementation of Rules R121 and R122 as a result of this additional clarity.</p> <p><b>Risk of acting or not acting:</b></p> <p>Not acting would make the related rules more difficult for the Council to effectively administer.</p> <p><b>Decision about most appropriate option:</b></p> <p>I consider this amendment to be the most appropriate means of addressing the concerns raised by submitters while emphasising efficiency and effectiveness.</p>

