

Proposed Natural Resources Plan for the Wellington Region

Supplementary Right of Reply

For Hearing Stream 5

Tabled 1 August 2018

Topic: Beds of Lakes and Rivers

Prepared by:

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On behalf of Greater Wellington Regional Council

1. Introduction and scope

1. The Hearing Panel requested additional information during the Right of Reply hearing on 30 July 2018 for Beds of Lakes and Rivers. That being:
 - a) What is the scope for deleting the timeframe in General condition (g)(ii) of Section 5.5.4?
 - b) Is there scope in Wellington Water Ltd's submission to include inlet and outlet structures in General condition (k) of section 5.5.4?
 - c) What is the reference to surface water intake in condition (h) of Rule R120? Is there scope in R120 to include stormwater inlets and outlets?
 - d) In relation to Rule R131, does Policy P45 manage damming or diversion upstream of a Schedule C site? Does Policy P45 only relate to activities within schedule C sites?
2. In addition, this reply includes an updated redline version of the proposed amendments dealt with in Hearing Stream 5 for Beds of Lakes and Rivers (including minor grammatical amendments). An updated s32AA assessment (Appendix A) is also provided to correct minor formatting and grammatical errors in the redline version of the provisions.

2. Scope for deleting General condition (g)(ii) of Section 5.5.4

3. Fish and Game's submission (s308) states that permitted activities which authorise discharges must meet the permitted activity requirements of s70 of the RMA. Fish and Game sought that the rules be amended so that permitted activities are only applied where clear measureable and enforceable standards are able to be set which ensure that s70 of the RMA is met, and that significant adverse effects will not occur.
4. Dr Greer at paragraph 383 of the Section 42A report: Beds of Lakes and Rivers, stated that condition (g)(ii) does not meet the requirements of s70 of the RMA, and together with Ms Guest, recommended the deletion of the words '*more than 24 hours after completion of the activity*' from condition (g)(ii). I have discussed the

issue of scope for this deletion with Ms Anderson and we consider that Fish and Game's submission provides scope for this change.

3. Scope to include inlet and outlet structures in General condition (k) of section 5.5.4

5. Wellington Water Limited (s135) is the only submitter in relation to this condition. WWL's submission (s135/160) specifically relates to stormwater intake structures only. There is no scope to broaden this to stormwater outlet structures.

4. Scope to include stormwater inlets and outlets in condition (h) of Rule R120?

6. Stormwater inlet and outlet structures are provided for in condition (h) of Rule R120 as network utility structures. The submissions and evidence of Transpower and Powerco only relate to network utility structures. Surface water intake structures are those that relate to water takes, and so no provision for surface water outlet structures is required.

5. Policy P45 and its relationship to R131, and upstream damming and diverting

7. The interpretation of Policy P45 is discussed in Ms Guest's supplementary reply. Based on her analysis, and the recommended amendments to Policy P45, I consider that Policy P45 would be a relevant policy for the placement of dams under Rules 129 and R131 (both discretionary activities) in Schedule C sites, and upstream of Schedule C sites.

6. Updated redline version of the proposed amendments dealt with in Hearing Stream 5 for Beds of Lakes and Rivers

8. This is provided as a separate attachment.