

Appendix 3: Assessment of the categorisation of provisions in the Freshwater Planning Instrument component of PC1

| Provision in FPI | Process (as notified) | S32 report justification | S42A author assessment on categorisation of notified provision | S42A author recommendation |
|---|-----------------------|---|--|--|
| <p>Policies: WH.P29, WH.P30, WH.P31, P.P27, P.P28, P.P29</p> <p>Rules: WH.R24 and WH.R25, P.R23, P.R24</p> <p>Definitions: Earthworks and Stabilisation</p> | P1S1 | <p>These policies focus on the management of sediment discharges to water and relate to objectives that give effect to the NPS-FM. However, these provisions apply to discharges to the CMA and therefore, form part of the Regional Coastal Plan.</p> | <p>I agree with the section 32 assessment that because this policy applies to the CMA as well as freshwater, it forms part of the Regional Coastal Plan and, consistent with Section 80A(8) of the RMA, cannot be considered under the FPP.</p> | <p>Retain provisions in the P1S1 process</p> |
| <p>Rules: WH.R23 and P.R22</p> | FPP | <p>These rules do not allow for a discharge to occur and therefore do not apply to the CMA and therefore do not form part of the Regional Coastal Plan. These rules relate to objectives that give effect to the NPS-FM and therefore, must form part of the FPI.</p> | <p>I disagree with the section 32 assessment. Following my recommended amendments to these provisions, the rules now allow for a discharge to occur to both freshwater and coastal water and therefore form part of the Regional Coastal Plan.</p> | <p>Shift provisions to P1S1 process.</p> |