

**Proposed Natural Resources Plan for the Wellington Region**

**Right of Reply**

**For Hearing Stream 2**

**Report date: 01 September 2017**

**Topic: Land use in riparian margins and stock  
access to surface water bodies and the CMA**

**Supplementary Report prepared by:**

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## Table of Contents

1. Introduction and scope .....	3
2. Matter raised by the Panel or submitters .....	3
Land use in riparian margins and stock access to surface water bodies and the CMA – section 32AA assessment .....	6

## 1. Introduction and scope

1. My name is Barry Loe. I wrote the s42A Officer's Report: Land use in riparian margins and stock access to surface water bodies and the CMA dated 09 June 2017, released in advance of Hearing Stream 2. My qualifications and experience are set out in section 2 of that report. I also prepared the principal Right of Reply for this topic dated 11 August 2017.
2. This Supplementary Right of Reply responds to matters relating to the delay in the publication of the national regulation for stock exclusion since the s42A Officer's Report: Land use in riparian margins and stock access to surface water bodies and the Right of Reply were released. Where I include recommendations in this Supplementary Right of Reply, they replace the recommendations I made in my s42A Officer's Report and Right of Reply; otherwise, I stand by the recommendations made in my s42A Officer's Report.
3. A table (in Appendix A) lists my recommended amendments, and an assessment under s32AA. Changes that I recommend as a result of this Supplementary Right of Reply and the Right of Reply are shown in blue text that is underlined or ~~struck-out~~. Original recommendations from the s42A Report that I continue to support are shown in red text that is underlined or ~~struck-out~~.

## 2. Matter raised by the Panel or submitters

The relationship between the proposed national regulations for stock exclusion and the proposed Plan provisions.

4. At the time of Hearing Stream 2 and preparing the Right of Reply on this topic, it was still anticipated that the national regulation for stock exclusion from water bodies would be published in 2017. This did not occur before Parliament was dissolved on 22 August 2017, ahead of the general election on 23 September 2017. It is now uncertain when any such regulation may be published.
5. The intention by the Government to develop a national regulation to exclude stock from waterways was first publicly proposed about March 2016, and the proposal further described in the 2017 MfE publication, *Clean Water: 90% of Rivers and Lakes Swimmable by 2040*. The Proposed Plan was notified on 31 July 2015, and submissions closed on 25 September 2015.

6. Submissions on the proposed Plan closed six months before the intention by the Government to make a national regulation was public. Therefore, the submissions received could not consider any relationship between the proposed Plan provisions and any proposed national regulation.
7. In the preparation of my s42A Report I analysed the submissions received to the proposed Plan, and made recommendations from these submissions. In my s42A Report I alerted the Hearing Panel to the prospect of the regulation, and that there may be differences or inconsistencies between the proposed Plan provisions and any regulation that may have to be resolved.
8. I had anticipated the prospect of the regulation providing for an alternative option to the stock exclusion requirements through a 'stock exclusion plan' that would be approved by the regional council, so included in my recommended amendments to Rule R97 a similar alternative. This recommendation was not a relief sought by a submission to the proposed Plan.
9. The advice to the Hearing Panel from GWRC Counsel is that *"it is appropriate to impose a permitted activity condition that requires the production of a management plan (containing certain information) and provisions of it to the Council (by a certain time). However, this requirement should not include any 'approval' of discretionary or subjective matters where there is 'room' for different interpretations."*
10. In light of these factors; the uncertainty about the regulation, the inability to have an approval process in the permitted activity rule, and the lack of scope to make such a change, I reverse my s42A recommendation to insert Clause (a) in Rule R97, and recommended to delete this amendment, with consequential renumbering of clauses.
11. I continue to support all my other recommendations to amend Rule R97.
12. The effect of deleting this recommended amendment is that the proposed Plan rules for stock access revert to the notified state, where stock access that does not comply with the conditions of Rule R97 will require consent under Rule R98 as a discretionary activity.

### **Future Options**

13. The national regulation may still be published before the proposed Plan Hearings are closed. Should that occur the Hearing Panel may, should time permit, wish to explore the relationship between the proposed Plan provisions, recommendations for amendments, and the regulation. However, the publication of a regulation that is not part of the proposed Plan, and which does not force a change to a regional plan, may remove the scope for the regulation to be considered in decisions on submissions to the proposed Plan.
  
14. Should a regulation be published which is inconsistent with the provisions of the proposed Plan, either before or after decisions are released, Council may wish to consider a variation to the Plan to address the differences.

## Land use in riparian margins and stock access to surface water bodies and the CMA – 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.

a) Amendment no./Submission no.	b) Chapter	c) Provision	d) Text of provision with any recommended amendments	e) Evaluation of amendment (section 32AA assessment)
A4/(S35/001) (S311/020) (S352/016) (S376/044)  Refer to Issue 1.4	2 Interpretation	Break-feeding	<p><del>The feeding of Livestock</del> <u>in a paddock where access to <del>on</del> pasture or forage in a section of the paddock where feed allocation</u> is controlled by the frequent movement of <del>an electric fence</del> <u>a temporary fence or other method to contain the livestock.</u></p>	<p><b><u>Effectiveness and efficiency</u></b>                      The amendment will provide a clearer and more certain definition, thus increasing the efficiency of the proposed Plan. The recommended amendment maintains the intent of the definition in the proposed Plan and would not alter any outcome of the proposed Plan.</p> <p><b><u>Costs</u></b>                      There are no costs associated with this recommendation.</p> <p><b><u>Benefits: (environmental, cultural, economic and social)</u></b>                      There are environmental benefits from a clear and certain definition, as it is more likely that land users will understand and implement the proposed Plan provisions relating to break-feeding livestock.</p> <p><b><u>Risk of acting or not acting</u></b>                      The risk of not acting is that the decision version will not provide a clear and certain definition, causing confusion about when the rules apply or are complied with.</p> <p><b><u>Decision about most appropriate option</u></b>                      In my opinion the proposed amendment is the most appropriate way to</p>

				address uncertainty identified in submissions and assessed in Issue 1.4.
<p>A6/(S75/007) (S163/022) (S316/007) (S352/018)</p> <p>Refer to Issue 1.6</p>	2 Interpretation	Category 1 surface water body	<p><b>Category 1 surface water body</b> includes, and is limited to:</p> <p>(a) <del>outstanding water bodies identified in Schedule A (outstanding water bodies), and</del></p> <p>(b) sites with significant <b>mana whenua</b> values identified in Schedule C (mana whenua), and</p> <p><del>(b)-(c)</del> inanga spawning habitat identified in Schedule F1b (inanga spawning habitats), and</p> <p><del>(e)</del> (d) habitats for indigenous birds in rivers identified in Schedule F2a (birds-rivers)</p> <p><del>(d)</del> estuaries identified in Schedule F4 (coastal sites), and</p> <p>(e) significant natural <b>wetlands</b> <del>greater than 0.4ha</del> identified in Schedule F3 (<del>identified</del> significant <b>natural</b> wetlands), and</p> <p><del>(f)</del> estuaries identified in Schedule F4 (coastal sites), and</p> <p><del>(f)</del> outstanding water bodies identified in Schedule A (outstanding water bodies), and</p> <p>(g) within 1,000m upstream of a surface water abstraction site for a community drinking water supply shown on Map 26.</p>	<p><b><u>Effectiveness and efficiency</u></b></p> <p>The amendment will provide a clearer and more certain definition, thus increasing the efficiency of the proposed Plan. The recommended amendment maintains the intent of the definition in the proposed Plan and would not alter any outcome of the proposed Plan.</p> <p><b><u>Costs</u></b></p> <p>There are no costs associated with this recommendation.</p> <p><b><u>Benefits: (environmental, cultural, economic and social)</u></b></p> <p>There are environmental benefits from a clear and certain definition, as it is more likely that land users will understand and implement the proposed Plan provisions relating to Category 1 surface water bodies.</p> <p><b><u>Risk of acting or not acting</u></b></p> <p>The risk of not acting is that the decision version will not provide a clear and certain definition, causing confusion about when the rules apply or are complied with.</p> <p><b><u>Decision about most appropriate option</u></b></p> <p>In my opinion the proposed amendment is the most appropriate way to address uncertainty identified in submissions and assessed in Issue 1.6.</p>
	2 Interpretation	Category 2 surface water body	<p><b>Category 2 surface water body</b> includes, and is limited to:</p> <p>(a) estuaries other than those identified in Schedule F4 (coastal sites), and</p>	

			<p>(b) within the mapped lowland areas shown on Map 29, rivers that have an <b>active bed</b> width of 1m or wider, and drains greater than 1m wide, and <b>water races</b>, and</p> <p>(c) rivers and streams important to trout spawning habitat identified in Schedule I (trout habitat), and</p> <p>(d) <b>natural lakes</b>,</p> <p>but excludes any <b>surface water body</b> that meets the definition of a <b>Category 1 surface water body</b>.</p>	
<p>A1/(S133/001) (S307/003) (S352/022) Refer to Issue 1.1</p>	2 Interpretation	Cultivation	<p><del>Any process that involves turning over, or tilling</del> <del>Disturbing</del> the soil for <del>the preparation of</del> <del>planting, growing, or harvesting, of a crops or</del> <del>pasture</del>, excluding:</p> <p>(a) direct drilling <del>practices, and</del></p> <p>(b) no-till <del>or strip-tilling</del> practices, and</p> <p>(c) <del>harvesting, and</del></p> <p><del>(d)</del> forestry, plantation forestry or harvesting.</p>	<p><b><u>Effectiveness and efficiency</u></b> The amendment will provide a clearer and more certain definition, thus increasing the efficiency of the proposed Plan. The recommended amendment maintains the intent of the definition in the proposed Plan and would not alter any outcome of the proposed Plan.</p> <p><b><u>Costs</u></b> There are no costs associated with this recommendation.</p> <p><b><u>Benefits: (environmental, cultural, economic and social)</u></b> There are environmental benefits from a clear and certain definition, as it is more likely that land users will understand and implement the proposed Plan provisions associated with cultivation.</p> <p><b><u>Risk of acting or not acting</u></b> The risk of not acting is that the decision version will not provide a clear and certain definition, causing confusion about when the rules apply or are complied with.</p> <p><b><u>Decision about most appropriate option</u></b> In my opinion the proposed amendment is the most appropriate way to address uncertainty identified in submissions and assessed in Issue 1.1.</p>
<p>A3/(S120/019) (S299/059), (S351/092)</p>	2 Interpretation	Dairy cows	<p><del>A herd of cows</del> <u>Cattle</u> reared for commercial milk production, including dry cows and heifers.</p>	<p><b><u>Effectiveness and efficiency</u></b> The amendment will provide a clearer and more certain definition, thus increasing the efficiency of the proposed Plan. The recommended amendment maintains the intent of the definition in the proposed Plan</p>

<p>Refer to Issue 1.3</p>				<p>and would not alter any outcome of the proposed Plan.</p> <p><b><u>Costs</u></b></p> <p>There are no costs associated with this recommendation.</p> <p><b><u>Benefits: (environmental, cultural, economic and social)</u></b></p> <p>There are environmental benefits from a clear and certain definition, as it is more likely that land users will understand and implement the proposed Plan provisions relating to dairy cows.</p> <p><b><u>Risk of acting or not acting</u></b></p> <p>The risk of not acting is that the decision version will not provide a clear and certain definition, causing confusion about when the rules apply or are complied with.</p> <p><b><u>Decision about most appropriate option</u></b></p> <p>In my opinion the proposed amendment is the most appropriate way to address uncertainty identified in submissions and assessed in Issue 1.3.</p>
<p>A2/(S352/033)</p> <p>Refer to Issue 1.2</p>	<p>2 Interpretation</p>	<p>Livestock</p>	<p><del>Domestic Farm animals, such as cattle or horses, raised for home use or for profit.</del> For the purpose <u>of Rule R97 and Rule R98</u> of the Plan <b>livestock</b> does not include horses while they are being used for transportation, or bird species.</p>	<p><b><u>Effectiveness and efficiency</u></b></p> <p>The amendment will provide a clearer and more certain definition, thus increasing the efficiency of the proposed Plan. The recommended amendment maintains the intent of the definition in the proposed Plan and would not alter any outcome of the proposed Plan.</p> <p><b><u>Costs</u></b></p> <p>There are no costs associated with this recommendation.</p> <p><b><u>Benefits: (environmental, cultural, economic and social)</u></b></p> <p>There are environmental benefits from a clear and certain definition, as it is more likely that land users will understand and implement the proposed Plan provisions relating to livestock.</p> <p><b><u>Risk of acting or not acting</u></b></p> <p>The risk of not acting is that the decision version will not provide a clear and certain definition, causing confusion about when the rules apply or are complied with.</p> <p><b><u>Decision about most appropriate option</u></b></p> <p>In my opinion the proposed amendment is the most appropriate way to address uncertainty identified in submissions and assessed in Issue 1.2.</p>

<p>A5/(S152/032) (S278/005) (S311/022) (S312/005) (S352/049) (S383/005) (S434/011)</p> <p>Refer to Issue 1.5</p>	<p>2 Interpretation</p>	<p>Stock crossing point</p>	<p><b>Stock crossing point</b></p> <p><del>The area of the bed or other land in a surface water body or the coastal marine area A location where livestock can cross a surface water body from one side to the other. The locations on each side of the surface water body are directly opposite each other and are not more than 20m wide.</del></p> <p>Rule R97: Access to the beds of surface water bodies by livestock – permitted activity</p> <p>...</p> <p><u>e) A stock crossing point on a river, open drain, water race or lake shall;</u></p> <p><u>(i) be not more than 20 metres wide, and</u></p> <p><u>(ii) be perpendicular to the direction of water flow, except where this is impracticable owing to the natural contours of the bed or adjoining land; and</u></p> <p><u>(iii) align with a constructed track or raceway on either side of the stock crossing point; and</u></p> <p><u>(i) not be used to allow cattle, farmed deer or farmed pigs to be left unattended in, or not actively moved through, a river, open drain, water race or lake;</u></p>	<p><b><u>Effectiveness and efficiency</u></b></p> <p>The amendment will provide a clearer and more certain definition, and ensure the provision applies in the CMA, thus increasing the efficiency of the proposed Plan. The transfer of the standards for a crossing to Rule R97 creates more robust provisions. The recommended amendments maintain the intent of the definition in the proposed Plan, and would not alter any outcome of the proposed Plan.</p> <p><b><u>Costs</u></b></p> <p>There are no costs associated with this recommendation.</p> <p><b><u>Benefits: (environmental, cultural, economic and social)</u></b></p> <p>There are environmental benefits from a clear and certain definition and rule conditions as it is more likely that land users will understand and implement the proposed Plan provisions relating to livestock crossing points.</p> <p><b><u>Risk of acting or not acting</u></b></p> <p>The risk of not acting is that the decision version will not provide a clear and certain definition, causing confusion about when the rules apply or are complied with.</p> <p><b><u>Decision about most appropriate option</u></b></p> <p>In my opinion the proposed amendments are the most appropriate way to address uncertainty identified in submissions and assessed in Issue 1.5.</p>
<p>A7/(S32/059), (S84/015) (S85/060), (S135/035) (S146/038) (S286/046) (S316/023)</p> <p>Refer to Issue 1.8</p>	<p>2 Interpretation</p>	<p>Zone of reasonable mixing</p>	<p><u>(1) For the purpose of permitted rules in the Plan, but excluding discharges to coastal water, the zone of reasonable mixing is:</u></p> <p><u>(a) in relation to a flowing surface water bodies, excluding an estuary, whichever of the following is the least:</u></p> <p><u>(i) a distance 200m downstream of the point of</u></p>	<p><b><u>Effectiveness and efficiency</u></b></p> <p>The amendment will provide a clearer and more certain definition, thus increasing the efficiency of the proposed Plan. The recommended amendment maintains the intent of the definition in the proposed Plan and would not alter any outcome of the proposed Plan.</p> <p><b><u>Costs</u></b></p> <p>There are no costs associated with this recommendation.</p>

			<p>discharge if the width of the wetted channel is greater than 30m at the point of discharge, or</p> <p>(ii) a distance equal to seven times the width of the wetted channel of the <b>surface water body</b>, but which shall not be less than 50m, or</p> <p>(iii) the distance downstream at which mixing of contaminants has occurred across the full width of the wetted channel of the <b>surface water body</b>, but which shall not be less than 50m, or</p> <p>(b) in relation to <u>a lakes and the coastal marine area, including an estuary</u>, a distance 15m from the point of discharge.</p> <p><u>(2)</u> For <u>the purpose of</u> consented activities <del>and for permitted activity discharges to coastal water</del>, the <b>zone of reasonable mixing</b> is determined on a case by case basis in accordance with Policy P7<u>24</u>.</p>	<p><b><u>Benefits: (environmental, cultural, economic and social)</u></b></p> <p>There are environmental benefits from a clear and certain definition, as it is more likely that dischargers will understand and implement the proposed Plan provisions relating to the zone of reasonable mixing.</p> <p><b><u>Risk of acting or not acting</u></b></p> <p>The risk of not acting is that the decision version will not provide a clear and certain definition, causing confusion about when the rules apply or are complied with.</p> <p><b><u>Decision about most appropriate option</u></b></p> <p>In my opinion the proposed amendment is the most appropriate way to address uncertainty identified in submissions and assessed in Issue 1.8.</p>
<p>A8/(S35/004) (S75/030) (S112/019) (S279/038) (S301/030) (S316/034) (S352/084) (S353/034) (S366/049) (S367/049) (S308/028)</p>	<p>3 Objectives</p>	<p>Objective O27: Riparian margins</p>	<p>Objective O27</p> <p>Vegetated riparian margins are established, <del>and maintained, or restored to enhance water quality, aquatic ecosystem health, mahinga kai and indigenous biodiversity of rivers, lakes, wetlands and the coastal marine area.</del></p> <p><b><u>Riparian margin:</u></b> <u>A strip of land which separates an inland or upland area from a surface water body or the</u></p>	<p><b><u>Effectiveness and efficiency</u></b></p> <p>The recommended changes to Objective O27 and a new definition of riparian margin will provide for clearer outcomes and more accurate description, thus increasing the efficiency of the proposed Plan. The recommended amendments maintain the intent of the information provided in the proposed Plan and none of them would alter the meaning or any outcome of the proposed Plan.</p> <p><b><u>Costs</u></b></p> <p>There are no costs associated with these recommendations.</p>

			<p><u>coastal marine area, where the activity is modified to maintain or improve water quality, aquatic ecosystem health, mahinga kai and indigenous biodiversity within the surface water body or coastal marine area.</u></p>	<p><b><u>Benefits: (environmental, cultural, economic and social)</u></b>                  There are environmental, cultural, economic or social benefits from more clearly describing the outcomes sought by the proposed Plan.</p> <p><b><u>Risk of acting or not acting</u></b>                  The risk of not acting is that the decision version will not provide clear outcomes and accurate description of the associated resources.</p> <p><b><u>Decision about most appropriate option</u></b>                  In my opinion the proposed amendments are the most appropriate way to address omissions and inaccuracies in Section 3.6 identified in submissions and assessed in Issue 2.1.</p>
	3 Objectives	3.10 Land Use		
<p>A9/(S29/008)                  (S55/007) (S120/008)                  (S125/008)                  (S146/063)                  (S276/008)                  (S279/054)                  (S282/019)                  (S302/023)                  (S307/026)                  (S308/034)                  (S310/017)                  (S352/099)                  Refer to Issue 2.2</p>	3 Objectives	Objective O44: Land use impacts on soil and water	<p><del>The adverse effects on soil and water from land use activities are minimised</del></p> <p><u>Land use activities are to maintain or enhance soil conservation and contribute to maintaining and improving water quality and the health of aquatic ecosystems.</u></p>	<p><b><u>Effectiveness and efficiency</u></b>                  The recommended changes to Objective O44 will provide for clearer outcomes, thus increasing the efficiency of the proposed Plan. The recommended amendment maintains the intent of the information provided in the proposed Plan and would not alter the meaning or any outcome of the proposed Plan.</p> <p><b><u>Costs</u></b>                  There are no costs associated with these recommendations.</p> <p><b><u>Benefits: (environmental, cultural, economic and social)</u></b>                  There are environmental, cultural, economic or social benefits from more clearly describing the outcomes sought by the proposed Plan.</p> <p><b><u>Risk of acting or not acting</u></b>                  The risk of not acting is that the decision version will not provide clear outcomes.</p> <p><b><u>Decision about most appropriate option</u></b>                  In my opinion the proposed amendment is the most appropriate way to address omissions and inaccuracies in Section 3.10 identified in submissions and assessed in Issue 2.2.</p>

<p>A10/(S75/037) (S112/027) (S279/055) (S308/037) (S352/100) (S353/039)</p> <p>Refer Issue 2.3</p>	<p>3 Objectives</p>	<p>Objective O45: Livestock access to waterbodies</p>	<p><del>Objective O45</del> <del>The adverse effects of livestock access on surface water bodies are reduced.</del></p> <p><b>Objective O44</b> <del>The adverse effects on soil and water from land use activities are minimised</del> <del>Land use activities, including stock access to a surface water body or the coastal marine area, maintain or enhance soil conservation and contribute to maintaining and improving water quality and the health of aquatic ecosystems.</del></p>	<p><b><u>Effectiveness and efficiency</u></b> The recommendation to delete Objective O45, and further amend Objective O44 to combine the outcome in Objective O45 will provide for clearer. More coherent outcomes and more accurate description, thus increasing the efficiency of the proposed Plan. The recommended amendments maintain the intent of the information provided in the proposed Plan and none of them would alter the meaning or any outcome of the proposed Plan.</p> <p><b><u>Costs</u></b> There are no costs associated with these recommendations.</p> <p><b><u>Benefits: (environmental, cultural, economic and social)</u></b> There are environmental, cultural, economic or social benefits from more clearly and coherently describing the outcomes sought by the proposed Plan.</p> <p><b><u>Risk of acting or not acting</u></b> The risk of not acting is that the decision version will not provide clear coherent outcomes.</p> <p><b><u>Decision about most appropriate option</u></b> In my opinion the proposed amendments are the most appropriate way to address omissions and inaccuracies in Section 3.6 identified in submissions and assessed in Issue 2.3.</p>
<p>A11/(S75/089) (S135/087) (S145/044) (S146/117)</p> <p>Refer Issue 3.1</p>	<p>4 Policies</p>	<p>Policy P72: Zone of reasonable mixing</p>	<p>Policy P72: Zone of reasonable mixing <del>When a discharge to water requires resource consent, Where not otherwise permitted by a rule,</del> the <b>zone of reasonable mixing</b> shall be minimised and will be determined on a case-by-case basis. In determining the <b>zone of reasonable mixing</b>, particular regard shall be given to: (a) acute and chronic toxicity effects, and (b) adverse effects on aquatic species migration, and</p>	<p><b><u>Effectiveness and efficiency</u></b> The recommended change to Policy P72 will provide for clearer expression of the purpose of Policy P72, thus increasing the efficiency of the proposed Plan. The recommended amendment maintains the intent of the information provided in the proposed Plan and would not alter the meaning or any outcome of the proposed Plan.</p> <p><b><u>Costs</u></b> There are no costs associated with the recommendation.</p> <p><b><u>Benefits: (environmental, cultural, economic and social)</u></b> There are environmental, cultural, economic or social benefits from more clearly describing the circumstances when Policy P72 will be used to support the outcomes sought by the proposed Plan.</p>

			<p>(c) efficient mixing of the discharge with the receiving waters, and</p> <p>(d) avoiding a site with significant <b>mana whenua</b> values identified in Schedule C (mana whenua), and</p> <p>(e) the identified values of that area of water, and</p> <p>(f) avoiding significant adverse effects within the <b>zone of reasonable mixing</b>.</p>	<p><b><u>Risk of acting or not acting</u></b> The risk of not acting is that the decision version will not provide clear direction on the zone of reasonable mixing.</p> <p><b><u>Decision about most appropriate option</u></b> In my opinion the proposed amendment is the most appropriate way to address omissions and inaccuracies in Section 4.8 identified in submissions and assessed in Issue 3.1.</p>
<p>A12/(S33/022) (S75/097) (S112/072) (S279/132) (S300/007) (S308/066) (S309/032) (S352/174) (S353/105) (S366/091) (S367/091)</p> <p>Refer Issue 3.2</p>	<p>4 Policies</p>	<p>Policy P99: Livestock access to surface water bodies</p>	<p>Policy P99: Livestock access to <u>a surface water bodies and the coastal marine area</u></p> <p>Sedimentation, the direct discharge of contaminants, <u>damage to the beds or banks, and the degradation of aquatic ecosystems disturbance to the banks and beds</u>-(including plants and habitats in, on or under the bed) of <u>a surface water bodies and or</u> the coastal marine area resulting from <b>livestock</b> access shall be-managed to:</p> <p><del>(a)-protect aquatic habitat and water quality, and</del></p> <p><del>(b) protect the significant values of <b>Category 1 surface water bodies</b> by <u>excluding livestock from these water bodies; and</u></del></p> <p>(b) outside a Category 1 <del>Where livestock are not excluded from the bed (including the banks) of surface water bodies the adverse effects of access are avoided, remedied or mitigated by methods, such as, but not limited to:</del></p>	<p><b><u>Effectiveness and efficiency</u></b> The recommended changes to Policy P99 will provide for clearer expression of the purpose of Policy P99, thus increasing the efficiency of the proposed Plan. The recommended amendments maintain the intent of the information provided in the proposed Plan and would not alter the meaning or any outcome of the proposed Plan.</p> <p><b><u>Costs</u></b> There are no costs associated with the recommendation.</p> <p><b><u>Benefits: (environmental, cultural, economic and social)</u></b> There are environmental, cultural, economic or social benefits from more clearly describing the circumstances when Policy P99 will be used to support the outcomes sought by the proposed Plan.</p> <p><b><u>Risk of acting or not acting</u></b> The risk of not acting is that the decision version will not provide clear direction on the management of livestock access to surface water bodies and the CMA.</p> <p><b><u>Decision about most appropriate option</u></b> In my opinion the proposed amendment is the most appropriate way to address omissions and inaccuracies in Section 4.8 identified in submissions and assessed in Issue 3.2.</p>

			<p><del>(e) (i) restricting the location and frequency of access of some types of livestock, -and</del></p> <p><del>(ii) only allow access that protects aquatic habitat and water quality, and avoids significant damage to land in a surface water body or the coastal marine area.</del></p> <p><del>(d) restricting the numbers of animals, and</del></p> <p><del>(e) limiting the density, frequency and duration of access, and</del></p> <p><del>(f) providing sufficient alternative sources of drinking water, shade and grazing outside of the banks and beds.</del></p>	
<p>A13/(S33/023) (S112/073), (S279/133) (S308/067) (S316/078) (S352/175) (S353/106)</p> <p>Refer Issue 3.3</p>	<p>4 Policies</p>	<p>Policy P100: Riparian margins for cultivation and break-feeding</p>	<p><del>Policy P100: Riparian margins for cultivation and break-feeding</del></p> <p><del>The overland flow of contaminants to surface water bodies from the use of land for cultivation and break-feeding shall be minimised through the use of riparian set-backs and good management practices.</del></p>	<p><b><u>Effectiveness and efficiency</u></b></p> <p>The recommendation to delete Policy P100 will remove a potentially limiting course of action for Council and provide for overall clearer expression of the purpose of other policies to achieve proposed Plan outcomes, thus increasing the efficiency of the proposed Plan. The recommended amendments maintain the intent of the information provided in the proposed Plan and would not alter the meaning or any outcome of the proposed Plan.</p> <p><b><u>Costs</u></b></p> <p>There are no costs associated with the recommendation.</p> <p><b><u>Benefits: (environmental, cultural, economic and social)</u></b></p> <p>There are environmental, cultural, economic or social benefits from more clearly describing the circumstances when Policy P99 will be used to support the outcomes sought by the proposed Plan.</p> <p><b><u>Risk of acting or not acting</u></b></p> <p>The risk of not acting is that the decision version will not provide clear direction on the management of livestock access to surface water bodies and the CMA.</p> <p><b><u>Decision about most appropriate option</u></b></p>

				In my opinion the proposed amendment is the most appropriate way to address omissions and inaccuracies in Section 4.8 identified in submissions and assessed in Issue 3.3.
A14/(S13/013) (S33/024) (S75/098) (S112/074) (S152/028) (S279/134) (S308/068) (S316/079) (S353/107) (S366/092) (S367/092)  Refer Issue 3.4	4 Policies	Policy P101: Management of riparian margins	Policy P101: Management of riparian margins  <del>In order to m-</del> Maintain or restore <u>water quality, aquatic ecosystem health, mahinga kai</u> and natural character, and reduce the amount of <del>sediments and nutrients-contaminants</del> entering <b>surface water bodies</b> , <u>through</u> good management of riparian margins <del>shall be encouraged</del> including:  (a) the exclusion of livestock <u>likely to affect water quality, and</u>  (b) <u>appropriate set-back distances from surface water bodies for some land use activities,</u>  (c) <u>encouraging</u> the planting of appropriate riparian vegetation, and  (d) the management of pest plants and animals.	<b><u>Effectiveness and efficiency</u></b>  The recommended changes to Policy P101 will provide for clearer expression of the purpose of Policy P1010, thus increasing the efficiency of the proposed Plan. The recommended amendments maintain the intent of the information provided in the proposed Plan and would not alter the meaning or any outcome of the proposed Plan.  <b><u>Costs</u></b>  There are no costs associated with the recommendation.  <b><u>Benefits: (environmental, cultural, economic and social)</u></b>  There are environmental, cultural, economic or social benefits from more clearly describing the actions of Policy P101 that will be used to achieve the outcomes sought by the proposed Plan.  <b><u>Risk of acting or not acting</u></b>  The risk of not acting is that the decision version will not provide clear direction on the management of riparian margins.  <b><u>Decision about most appropriate option</u></b>  In my opinion the proposed amendment is the most appropriate way to address omissions and inaccuracies in Section 4.8 identified in submissions and assessed in Issue 3.4.
A15/(S6/001) (S35/015) (S75/139) (S60/001) (S113/001) (S119/028) (S120/016) (S169/008) (S278/019) (S295/056) (S304/009). (S307/070) (S308/099) (S316/106)	5 Rules	Rule R94: Cultivation or tilling of land - permitted activity	Rule R94: Cultivation <del>or tilling</del> of land – permitted activity  The use of land for <b>cultivation</b> is a permitted activity, provided the following conditions are met:  (a) <b>cultivation on land with slope of more than 3 degrees</b> shall not occur within 5 metres of <u>the bed of a surface water body or the coastal marine area, and or</u>  (b) <b>cultivation on land with slope of 3 degrees</b>	<b><u>Effectiveness and efficiency</u></b>  The recommended amendments to Rule R94 will provide greater certainty for the use of land for cultivation as it identifies more explicitly the conditions under which cultivation can be undertaken close to a water body. The recommended amendments are in some respects more permissive than the proposed Plan, but introduce limits on effects on water quality from the activity, thus increasing the effectiveness and efficiency of the proposed Plan. The recommended amendments maintain the intent of the provisions in the proposed Plan and would not alter the meaning or any outcome of the proposed Plan.  <b><u>Costs</u></b>

<p>(S352/205) (S431/010) (S434/018) (Farmers Common Format) (Wairarapa Water Users Common Format) (Land Matters Limited Common Format) (Craig Dairy Farm Common Format)</p> <p>Refer Issue 4.1</p>			<p><u>or less shall not occur within 2 metres of the bed of a surface water body or the coastal marine area;</u></p> <p><u>and</u></p> <p><u>the land between the cultivated land and the bed of a surface water body or the coastal marine area shall be in pasture or other groundcover vegetation throughout the period of cultivation; and</u></p> <p>(c) <b>cultivation</b> is undertaken along the contour of the land, where reasonably practicable, and</p> <p><del>(d) sediment-laden any discharge surface water resulting from land subject to cultivation does not flow to a surface water body shall not, outside the zone of reasonable mixing in a surface water body or the coastal marine area, result in any of the following effects in receiving waters:</del></p> <p>(i) <u>a conspicuous change in colour or visual clarity;</u></p> <p>(ii) <u>the rendering of fresh water unsuitable for consumption by animals;</u></p> <p><u>any significant adverse effect on aquatic life.</u></p>	<p>There are no costs associated with the recommendation.</p> <p><b><u>Benefits: (environmental, cultural, economic and social)</u></b></p> <p>There are environmental, cultural, economic or social benefits from rule conditions that are certain and enforceable and will contribute to achieve the outcomes sought by the proposed Plan.</p> <p><b><u>Risk of acting or not acting</u></b></p> <p>The risk of not acting is that the decision version will not provide certainty for land users and the Council for the control of cultivation adjacent to a surface water body.</p> <p><b><u>Decision about most appropriate option</u></b></p> <p>In my opinion the proposed amendment is the most appropriate way to address omissions and inaccuracies in Section 5.4 identified in submissions and assessed in Issue 4.1.</p>
<p>A16/(S6/002) (S12/029) (S75/139) (S113/002) (S119/029) (S274/048). (S278/020) (S295/057) (S304/010) (S311/019)</p>	<p>5 Rules</p>	<p>Rule R95: Break-feeding - permitted activity</p>	<p>Rule R95: <del>Livestock B</del>break-feeding – permitted activity</p> <p>The use of land for <b>livestock break-feeding</b> is a permitted activity, provided the following conditions are met:</p> <p>(a) <b><u>Livestock break-feeding on land with slope of more than 3 degrees</u></b> shall not</p>	<p><b><u>Effectiveness and efficiency</u></b></p> <p>The recommended amendments to Rule R95 will provide greater certainty for the use of land for break-feeding of livestock as it identifies more explicitly the conditions under which break-feeding can be undertaken close to a water body. The recommended amendments are in some respects more permissive than the proposed Plan, but introduce limits on effects on water quality from the activity, thus increasing the effectiveness and efficiency of the proposed Plan. The recommended amendments maintain the intent of the provisions in the proposed Plan</p>

<p>(S311/019) (S316/107) (S352/206) (S373/045) (S434/019) (Farmers Common Format) (Wairarapa Water Users Common Format) (Craig Dairy Farm Common Format) (Land Matters Limited Common Format)</p> <p>Refer Issue 4.2</p>			<p><del>occur</del> <u>be</u> within 5 metres of <u>the bed of a surface water body or the coastal marine area.</u></p> <p>(b) <u>Livestock break-feeding on land with slope of 3 degrees or less shall not be within 2 metres of the bed of a surface water body or the coastal marine area:</u></p> <p>2 <u>and</u></p> <p>3 <u>the land between the land used for break-feeding and the bed of a surface water body or the coastal marine area, shall be in pasture or other groundcover vegetation, and not be grazed or cultivated throughout the period that the land adjacent is used for break-feeding.</u></p> <p>4 and</p> <p>(c) <del>sediment-laden any discharge to a surface water body surface water resulting from land used for break-feeding does not flow to a surface water body shall not, outside the zone of reasonable mixing in a surface water body or the coastal marine area, result in any of the following effects in receiving waters:</del></p> <p>(i) <u>a conspicuous change in colour or visual clarity;</u></p> <p>(ii) <u>the rendering of fresh water unsuitable for consumption by animals;</u></p> <p><u>any significant adverse effect on aquatic life.</u></p>	<p>and would not alter the meaning or any outcome of the proposed Plan.</p> <p><b>Costs</b></p> <p>There are no costs associated with the recommendation.</p> <p><b>Benefits: (environmental, cultural, economic and social)</b></p> <p>There are environmental, cultural, economic or social benefits from rule conditions that are certain and enforceable and will contribute to achieve the outcomes sought by the proposed Plan.</p> <p><b>Risk of acting or not acting</b></p> <p>The risk of not acting is that the decision version will not provide certainty for land users and the Council for the control of break-feeding adjacent to a surface water body.</p> <p><b>Decision about most appropriate option</b></p> <p>In my opinion the proposed amendment is the most appropriate way to address omissions and inaccuracies in Section 5.4 identified in submissions and assessed in Issue 4.2.</p>
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	5 Rules	Rule R96: Cultivation and break-feeding - discretionary activity		
	5 Rules	5.4.3 Livestock exclusion	<b>5.4.3 Livestock <del>exclusion</del> access</b>	
A17/(S12/030) (S13/014) (S33/03) (S35/017) S52/001) (S60/002) (S71/003) (S74/011) (S74/017) (S75/141) (S75/142) (S86/002) (S87/009) (S110/012) (S112/095) (S149/020) (S152/034) (S152/073) (S163/108) (S164/009) (S169/010) (S279/183) (S284/006) (S288/002) (S288/003) (S308/109) (S309/039) (S311/021) (S312/004) (S316/108) (S320/001) (S338/001) (S404/004) (S434/008) (S434/009) (S350/001)	5 Rules	Rule R97: Access to the beds of surface water bodies by livestock - permitted activity	<p>Rule R97: <del>Livestock A</del> access to <del>the beds of a surface water body</del> <u>ies or the coastal marine area by livestock</u> – permitted activity</p> <p>The use <u>and disturbance of the bed, including the banks or other land in a surface water body or the coastal marine area, and any associated discharge to water from for access by livestock</u> <del>access to the bed, including banks, and the disturbance of the bed and banks and the discharge of associated sediment and excreta to a surface water body</del> is a permitted activity, provided the following conditions are met:</p> <p><del>(a) a Livestock Access Plan has been approved in writing by the Wellington Regional Council, and the terms and conditions of the Livestock Access Plan are complied with at all times;</del></p> <p><u>or</u></p> <p><del>the access does not result in significant pugging of the bed (including the banks) of a lake or river other than at a stock crossing point, and</del></p> <p><b><u>Effectiveness and efficiency</u></b></p> <p>The recommended amendments to Rule R97 will provide greater certainty for the use of land for and associated discharge from livestock access to a surface water body and the CMA. The recommended amendments clarify the situations where stock are to be excluded from specific surface water bodies, and the conditions under which livestock can access a surface water body and the CMA. The recommended amendments include conditions relating to stock access to a wetland or the CMA that were not expressly addressed in the rule in the proposed Plan. The recommended amendments will increase the effectiveness and efficiency of the proposed Plan. The recommended amendments maintain the intent of the provisions in the proposed Plan and would not alter the meaning or any outcome of the proposed Plan.</p> <p><b><u>Costs</u></b></p> <p>There are no costs associated with the recommendation.</p> <p><b><u>Benefits: (environmental, cultural, economic and social)</u></b></p> <p>There are environmental, cultural, economic or social benefits from rule conditions that are certain and enforceable and will contribute to achieve the outcomes sought by the proposed Plan.</p> <p><b><u>Risk of acting or not acting</u></b></p> <p>The risk of not acting is that the decision version will not provide certainty for land users and the Council for the control of stock access to a surface water body.</p> <p><b><u>Decision about most appropriate option</u></b></p> <p>In my opinion the proposed amendment is the most appropriate way to address omissions and inaccuracies in Section 5.4 identified in submissions and assessed in Issue 4.4.</p>	

<p>(S352/207) (S353/138) (Farmers Common Format) (Wairarapa Water Users Common Format) (Land Matters Common Format)</p> <p>Refer Issue 4.4</p>			<p><del>(b)</del> <u>(a) the access, or any discharge from a constructed track or raceway, does not cause a conspicuous change in colour or visual clarity of water;</u></p> <p><u>(i) within a site with significant mana whenua values identified in Schedule C (mana whenua), and or</u></p> <p><del>(ii)(e) the access does not cause a conspicuous change in colour or visual</del> <del>clarity</del> beyond the <b>zone of reasonable mixing</b> in <del>all</del> <u>any</u> other locations,</p> <p>and</p> <p><del>(e)</del> <u>(b) the access to a river, open drain, water race or lake does not result in pugging or de-vegetation that exposes bare earth in the bed (including the banks),</u></p> <p><u>and</u></p> <p><del>(e)</del> <u>(c) the access to a wetland, estuary or the coastal marine area does not result in:</u></p> <p><u>(i) pugging or de-vegetation that exposes bare earth; or</u></p> <p><u>(ii) a conspicuous change in colour or visual clarity of water; or</u></p> <p><u>(iii) cattle, farmed deer or farmed pigs being left unattended in, or not being actively moved through, a wetland, estuary or the coastal marine area,</u></p> <p><u>and</u></p> <p><del>(e)</del> <u>(d) A stock crossing point on a river, open drain, water race or lake shall;</u></p>	
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			<p>(i) <u>be not more than 20 metres wide, and</u></p> <p>(ii) <u>be perpendicular to the direction of water flow, except where this is impracticable owing to the natural contours of the bed or adjoining land; and</u></p> <p>(iii) <u>align with a constructed track or raceway on either side of the <b>stock crossing point</b>; and</u></p> <p>(iii) <u>not be used to allow cattle, farmed deer or farmed pigs to be left unattended in, or not actively moved through, a river, open drain, water race or lake;</u></p> <p><u>and</u></p> <p><del>(f)</del>(e) from 31.07.2022<del>15</del>), access by cattle (including <b>dairy cows</b>), farmed deer and farmed pigs within <u>a <b>Category 2 surface water body</b>ies</u>, and <b>dairy cows</b> within <u>a rivers that is not a <b>Category 1 surface water body</b> and has <del>have</del> an active bed width of 1m or wider can occur where:</u></p> <p>(i) there is no flowing or ponded water within the bed at the time and location of the access, and</p> <p>(ii) <del>other than at a <b>stock crossing point</b> the access does not result in significant pugging of the bed</del></p>	
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			<p><del>(including the banks) of a lake or river; the access complies with condition <del>(e)(b)</del> or condition <del>(d)(c)</del>;</del></p> <p>or</p> <p>(iii) there is flowing or ponded water within the bed, and the access is only for the purpose of crossing at a <b>stock crossing point</b>, and</p> <p>(iv) <del>the stock crossing point is associated with a maintained access track</del> <u>the access complies with conditions <del>(b)(a)</del> and <del>(e)(d)</del>,</u> and</p> <p>(v) <del>the access for the purpose use of crossing at a</del> <u>the stock crossing point</u> occurs no more <u>frequently</u> than twice in any month, <u>and</u></p> <p><del>(vi) the livestock are actively crossing,</del></p> <p>and</p> <p><del>(e)(g)(f) from three years after the date of public notification of the Proposed Natural Resources Plan (31.07.20195):</del></p> <p>(i) within a <b>significant natural wetland</b> listed in Schedule F3 (significant wetlands) <b>livestock</b> access is limited to sheep,</p> <p>and</p> <p>(ii) with the exception <del>of provided by</del> <u>condition <del>(e)(f)(i)</del> <del>(vii)</del></u> above, there is no <b>livestock</b> access within <u>a</u></p>	
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			<p><b>Category 1 surface water bodies.</b></p> <p>Note</p> <p>Fencing is one method of managing <b>livestock</b> access and fencing can be either permanent or temporary as long as it achieves the conditions of the rule.</p>	
<p>A18/(S152/074) (S316/109) (S316/110) (S352/208) (S353/139) Refer Issue 4.5</p>	<p>5 Rules</p>	<p>Rule R98: Livestock access to the beds of surface water bodies - discretionary activity</p>	<p>Rule R98: Livestock access to <del>the beds of a</del> surface water bodies <del>ies or the coastal marine area</del> – discretionary activity</p> <p>The use <del>and disturbance</del> of <del>the bed, including the banks, or other land in a surface water body or the coastal marine area, and any associated discharge to water, land for access by any from</del> <b>livestock access to a surface water body</b> <del>the bed, including banks, and the disturbance of the bed and banks and discharge of associated sediment and excreta to water a surface water body</del> that is not permitted by Rule R97, is a discretionary activity.</p>	<p><b><u>Effectiveness and efficiency</u></b></p> <p>The recommended amendments to Rule R98 will provide greater certainty for the use of land for and associated discharge from livestock access to a surface water body and the CMA. The recommended amendments clarify where Rule R98 applies. The recommended amendments will increase the effectiveness and efficiency of the proposed Plan. The recommended amendments maintain the intent of the provisions in the proposed Plan and would not alter the meaning or any outcome of the proposed Plan.</p> <p><b><u>Costs</u></b></p> <p>There are no costs associated with the recommendation.</p> <p><b><u>Benefits: (environmental, cultural, economic and social)</u></b></p> <p>There are environmental, cultural, economic or social benefits from rule specifications that are certain and enforceable and will contribute to achieve the outcomes sought by the proposed Plan.</p> <p><b><u>Risk of acting or not acting</u></b></p> <p>The risk of not acting is that the decision version will not provide certainty for land users and the Council for the control of stock access to a surface water body or the CMA.</p> <p><b><u>Decision about most appropriate option</u></b></p> <p>In my opinion the proposed amendment is the most appropriate way to address omissions and inaccuracies in Section 5.4 identified in submissions and assessed in Issue 4.5.</p>
<p>A19/(S12/049) (S112/006) (S112/083)</p>	<p>6 Methods</p>	<p>Method M12: Sustainable land management practices</p>	<p>6.5 <del>Rural</del> Land use</p> <p>Method M12: Sustainable land management</p>	<p><b><u>Effectiveness and efficiency</u></b></p> <p>The recommended amendments to Section 6.5 and Method M12 will provide for increased engagement by Council with the community to</p>

<p>(S125/025) (S163/153) (S307/079) (S309/047) (S310/052) (S316/128) (S352/244) (S434/007)</p> <p>Refer Issue 5</p>			<p>practices</p> <p>Wellington Regional Council will encourage sustainable <del>rural</del> land management by:...</p> <p>(a) providing research, advice and promoting <b>good management practices</b>, developed in partnership <u>with territorial authorities and rural and urban</u> landowners and <del>rural</del> industries, and</p>	<p>promote sustainable land use practices in both rural and urban contexts. The recommended amendments will increase the effectiveness and efficiency of the proposed Plan. The recommended amendments maintain the intent of the provisions in the proposed Plan and would not alter the meaning or any outcome of the proposed Plan.</p> <p><b>Costs</b></p> <p>There are no costs associated with the recommendation.</p> <p><b>Benefits: (environmental, cultural, economic and social)</b></p> <p>There are environmental, cultural, economic or social benefits from Methods that promote good management practices to encourage sustainable land management throughout the region. This Method and will contribute to achieve the outcomes sought by the proposed Plan.</p> <p><b>Risk of acting or not acting</b></p> <p>The risk of not acting is that the decision version will promote sustainable land use in rural areas only, limiting the opportunity to encourage sustainable land use irrespective of its location.</p> <p><b>Decision about most appropriate option</b></p> <p>In my opinion the proposed amendment is the most appropriate way to address omissions and inaccuracies in Section 6.5 identified in submissions and assessed in Issue 5.</p>
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