


## Appendix 5: Recommended Amendments to Provisions and Section 32AA Evaluation

This document sets out only the provisions of the notified version of Proposed Plan Change 1 for which submissions were specifically received.

Provisions as notified are shown in black text. Additions are underlined and deletions are ~~struck through~~. Section 42A recommended amendments are shown in **red text**. Additions are underlined and deletions are ~~struck through~~. Recommended amendments from other S42A reports are shown in **orange text**. Additions are underlined and deletions are ~~struck through~~.

The section 32AA assessment follows alongside for each of the provisions where amendments have been recommended by the officer.

Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
S177.016	5.4	Interpretation	<p><b>5.4 Wetlands and beds of lakes and rivers</b></p> <p><i>Interpretation</i></p> <p>If an activity is covered by more than one rule, then the rule that applies is the rule that is more specific for the relevant activity, area or resource, rather than a more general rule. Where a proposal includes a number of activities which trigger separate specific rules, all of the relevant rules are considered when</p>	<p><b>Effectiveness and efficiency</b> The recommended amendments to the interpretation section of the chapter provide clarity to plan users, increasing the effectiveness and efficiency of the plan.</p> <p><b>Costs and Benefits</b> There are no additional costs associated with this change.</p>

			<p>assessing the proposal. An activity needs to comply with all relevant rules in the Plan, including those in the <b>whaitua</b> Chapters 7 – 11.</p> <p>For the purposes of these rules, ‘water’ means both fresh water and coastal water.</p> <p>As noted in Section 2.1 provisions relevant to the coastal marine area are identified by this icon </p> <p><u>Many activities relating to the operation, maintenance, upgrading, relocation or removal of an electricity transmission line and ancillary structures that existed prior to 14 January 2010 are controlled by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA), separate to this Plan. Where the provisions of this Plan conflict with the requirements of the NESETA, the provisions of the NESETA apply.</u></p> <p>The following table is intended as a guide only and does not form part of the Plan. Refer to specified rules for detailed requirements.</p>	<p><b>Risk of acting or not acting</b> There is sufficient information on the costs to the environment, and benefits to people and communities to justify the amendment to the policy.</p> <p><b>Recommendation about most appropriate option</b> The recommended amendments to the interpretation section are the most appropriate option.</p>
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S261.034	5.4	Beds of lakes and rivers general conditions	<p><b>Beds of lakes and rivers general conditions</b></p> <p>Beds of lakes and rivers general conditions for uses of the beds of lakes and rivers that apply as specified in Rules R122 to R129:</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, solvent, heavy metals or other toxicants) to water or the bed, except where this is the result of the disturbance of sediment and other materials already existing in the water or bed, and</p> <p>(b) no cleaning or refuelling of machinery or equipment, or storage of fuel shall take place in, or within 10m of, a river or lake bed, or at any location where fuel can enter any 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</p>	<p><b>Effectiveness and efficiency</b></p> <p>The recommended amendments to the Beds of Lakes and Rivers are effective in giving effect to Objective O28, Policy P30, and Policy P42 of the NRP. The amendments strengthen the existing safeguards for significant habitats for indigenous birds. The amendments require an assessment by an ecologist to determine the effect of the activity on the scheduled birds, improving the effectiveness of the condition. I consider that this is the most efficient way to provide the adequate protections required.</p> <p><b>Costs and Benefits</b></p> <p>The environmental benefits are high as the condition ensures the effect on the Scheduled bird habitat can be determined and the necessary protection and mitigation measures can be implemented. There are costs associated with resource consent required under this</p>
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			<p>excess material from the construction operation, any materials used during construction of any structure but not part of 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, except:</p> <p>(i) as required for the operation of backflow devices during heavy rainfall events, or</p> <p>(ii) a temporary restriction of no more than 48 hours is required for construction or maintenance activities,</p> <p>unless the structure is a culvert or weir, other than a customary weir, installed after 2 September 2020, then</p> <p>(iii) the placement, use, alteration, extension or</p>	<p>amendment. I consider that with many activities, resource consent would already be required, limiting the cost.</p> <p><b>Risk of acting or not acting</b> There is sufficient information on the costs to the environment, and benefits to people and communities to justify the amendment to the policy.</p> <p><b>Recommendation about most appropriate option</b> The recommended amendments to the Beds of Lakes and Rivers are the most appropriate option as they give effect to Objective O28, Policy P30, and Policy P42 of the NRP.</p>
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			<p>reconstruction of the culvert or weir in, on, over or under the bed of any river or connected area must provide for the same passage of fish upstream and downstream as would exist without the structure, except as required to carry out the construction works.</p> <p>The design, installation, maintenance and use of all structures shall avoid 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 January and 31 May, except that material accumulated at the outlet of a <b>stormwater</b> discharge pipe may be removed between 1 January and 1 March, so long as there is no associated trimming or</p>	
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			<p>removal or vegetation (including weeds) on the bed or banks, 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 between 31 May and 31 August, and</p> <p>(g) all reasonable steps shall be taken to <b>minimise</b> 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 must not, after reasonable mixing, result in any conspicuous change in the colour of water in the receiving water or change in horizontal visibility of greater than 30%, 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 <b>minimise</b> the duration of the diversion of water, and any diversion</p>	
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			<p>of water required to undertake the activity shall:</p> <ul style="list-style-type: none"> <li>(i) only be temporary and for a period no longer than that required to complete the activity, and</li> <li>(ii) must not involve a lake, and</li> <li>(iii) 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 <b>property</b>, and</li> </ul> <p>(j) the activity shall not result in erosion or scour of the river banks or shall not result in flooding of any neighbouring <b>property</b>, and</p> <p>(k) any structure, other than a <b>stormwater</b> intake structure or debris arrestor, shall be designed so that it does not reduce the ability of the river to convey flood flows. All structures shall be maintained to manage <b>flood debris</b> accumulated</p>	
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			<p>against the structure and the conveyance of flood flows, 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 <b>vegetative bank edge protection</b> 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, and</p> <p>(n) in any part of a river or lake bed identified in Schedule F2a (birds-rivers) or Schedule F2b (birds-lakes), no structure shall be constructed, and no disturbance shall take place, <del>during the critical period</del> <u>if the named birds</u> identified in Schedule F2a (birds-rivers) or Schedule F2b (birds-lakes) <del>if the named birds are</del></p>	
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			<p>identified as nesting, roosting <del>and/or</del> foraging at the work site, and</p> <p>(o) beds of lakes and rivers general conditions (a) to (m) that apply as specified in Rule R127 to R137 do not cover any activities regulated by Sub-Part 4 – River crossings and Sub-Part 10 – General provisions in the <i>Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017</i>.</p>	
S255.019	5.4	Rule R151A: Ongoing diversion of a river – permitted activity	<p><b>Damming and diverting water</b></p> <p><del>Rule R151A:</del> <u>Rule R151A: Ongoing diversion of a river – permitted activity</u></p> <p><u>The diversion of a river as a result of:</u></p> <p>(a) <u>an existing permanent diversion, that is not associated with existing structures, that was lawfully established by way of a resource consent as at the date of this rule becoming operative on (insert date),</u> <u>or</u></p>	<p><b>Effectiveness and efficiency</b> The recommended amendments to Rule R151A provide clarity to plan users, increasing the effectiveness and efficiency of the plan.</p> <p><b>Costs and Benefits</b> There are no additional costs associated with this change.</p> <p><b>Risk of acting or not acting</b> There is sufficient information on the costs to the environment, and benefits to people and</p>

			<p><u>(b) a permanent diversion, that is not associated with existing structures, that has been lawfully established by way of a resource consent after the operative date of this rule,</u></p> <p><u>is a permitted activity subject to the following conditions:</u></p> <p><u>(c) the permanent diversion has been in place for at least 10 years, and</u></p> <p><u>(d) all of the conditions of the resource consent to lawfully establish the diversion have been complied with.</u></p> <p><u>Note</u>  <u>Diversion of water in association with existing structures is subject to permitted activity rule R122 (Maintenance, repair, replacement, <b>upgrade</b> or use of existing structures (excluding the Barrage Gates) – permitted activity).</u></p>	<p>communities to justify the amendment to the policy.</p> <p><b>Recommendation about most appropriate option</b>  The recommended amendments to Rule R151A are the most appropriate option.</p>
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