

19 April 2010 – Track changes using the Provisional Determination of the Coast Hearing Panel as a base document and showing changes recommended from the Regional Council's evidence to the Water Hearing Panel where it has a consequence for the content of Table 17.1.

Notes for track changes. The base document for these track changes is the Provisional Determination of the Coast Hearing Panel (June 2009). Tracked changes in **red** show changes recommended to Table 17.1 in paragraphs 309 to 313 of Ms McArthur's s42A report and any changes recommended as a consequence of recommendations made to Table 16.1 in the Planning Officer's report (August 2009) and Supplementary Report (November 2009) as shown in the "pink version" of track changes.

Track changes shown in **Blue** are changes recommended as a consequence of recommendations made to Table 16.1 in the Planning Officer's End of Hearing report (April 2010) as shown in the "yellow version" of track changes.

Text in grey highlight is related to deliberations of later Panels.

17.1 Standard General¹ Conditions[^] for Permitted Activities[^] and Controlled Activities[^] in the CMA

The table below sets out standard general¹ conditions[^] referred to in a number of the ~~for permitted activities[^] and controlled activities[^]~~ in the CMA. ~~These standard conditions are referred to in a number of the permitted and controlled activity rules in this chapter.~~ The table sets out standard general¹ conditions[^] under different values. To identify the locations of water management zones where to which these values apply, and therefore whether they are relevant to a particular activity, refer to Schedule D H.

Table 17.1 Standard General¹ conditions[^] for permitted activities[^] and controlled activities[^] in the coastal marine area (CMA)

Value	Condition
<u>Restrictions applying to the entire CMA.</u> ²	<p><u>(aa) The activity shall not adversely reduce the ability of the river[^] or estuarine water body[^] to convey flood flows or floating debris.</u>³</p> <p><u>(ab) Any materials no longer required as part of the activity, including any temporary structures[^], shall not be stored in or on any foreshore[^] area and shall be removed from the CMA upon completion of the activity.</u>⁴</p> <p><u>(ac) There shall be no removal of instream woody debris less than 2m³ in size unless this is required to reduce the risk of flooding or erosion or it poses a hazard to recreational use.</u>⁵</p>

¹ Recommended changes to make Table 17.1 consistent with Table 16-1.

² This category and associated conditions (aa), (ab) and (ac) have been merged back into the category 'life supporting capacity'.

³ It is recommended that this clause be retained in the category of Life-Supporting Capacity to be consistent with the recommendations for Table 16-1.

⁴ It is recommended that this clause be retained in the category of Life-Supporting Capacity to be consistent with the recommendations for Table 16-1.

Value	Condition
<p>Life-Supporting Capacity (applies to the entire CMA all sites with a value of Life-Supporting Capacity as shown in Schedule D)</p>	<p>(a) The activity shall must⁶ not adversely reduce the ability of the river[^] or estuarine water body[^] to convey flood flows or floating debris.³</p> <p>(b) There shall must⁶ be no discharge[^] of contaminants[^], other than sediment and other contaminants[^] inherent to the water[^] or bed[^], into the coastal marine area CMA except where the discharge[^] is explicitly allowed by the activity description of a rule in this chapter.</p> <p>(c) Any discharge[^] of sediment into water directly caused by the activity shall must⁶ not be undertaken for more than 5 consecutive days, or for no more than 12 hours on any one of these 5 days be for not more than a total of 12 hours over no more than 5 consecutive days and no more than one event in any 12 month period.⁷</p> <p>(d) Any discharge[^] of sediment into water under condition⁸ (c) shall must⁶ not, after reasonable mixing², cause any conspicuous change in the colour of water[^] in the receiving waters[^] body, or any change in horizontal visibility of greater than the standard set in the clarity % change column of Schedule H, more than 24 hours after completion of the activity 30%, more than 24 hours after completion of the activity.⁷</p> <p>(e) Any materials used shall must⁶ be necessary for the activity and shall must⁶ not be toxic* to marine ecosystems.</p> <p>(f) Any materials no longer required as part of the activity, including any temporary structures[^], shall must⁶ not be stored in or on any foreshore[^] area and shall must⁶ be removed from the CMA upon completion of the activity.⁴</p> <p>(g) Refueling of machinery (other than boats) shall must⁶ not take place in any area where spills may enter coastal water the CMA.</p> <p>(h) Upon completion of any channel bank works, the banks shall must⁶ be reinstated to a natural contour and revegetated.</p> <p>(ha) There shall must be no removal of instream woody debris less than 2m³ in size unless this is required to reduce the risk of flooding or erosion or it poses a hazard to recreational use.⁹</p> <p>(i) The activity shall must⁶ not disturb any historic heritage[^] archaeological site, waahi tapu or kōiwi remains as identified in any the Regional Coastal Plan[^], district plan, in the New Zealand Archaeological Association's Site Recording Scheme or by the Historic Places Trust, except where Historic Places Trust approval has been obtained.⁴</p> <p>(j) In the event of an archaeological artefact site, waahi tapu or kōiwi remains being discovered or disturbed while undertaking the activity, the activity shall must⁶ cease and the Regional Council shall must⁶ be notified as soon as reasonably practicable to enable the Council to provide advice regarding the appropriate authorities to be contacted. The activity shall must⁶ not be recommenced without the approval of the Regional Council.⁴</p>
<p>Historic heritage[^] (applies to the entire CMA)¹⁰</p>	<p>(i) The activity shall not disturb any historic heritage[^] archaeological site, waahi tapu or kōiwi remains as identified in any the Regional Coastal Plan[^], district plan, in the New Zealand Archaeological Association's Site Recording Scheme or by the Historic Places Trust, except where Historic Places Trust approval has been obtained.</p> <p>(j) In the event of an archaeological artefact site, waahi tapu or kōiwi remains being discovered or disturbed while undertaking the activity, the activity shall cease and the Regional Council shall be notified as soon as reasonably practicable to enable the Council to provide advice regarding the appropriate authorities to be contacted. The activity shall not be recommenced without the approval of the Regional Council.</p>

⁵ This clause was included in Table 17.1 as a consequence of recommendations to Table 16.1 (Kate McArthur s42A Report, paragraph 312).

⁶ Consequential change as a result of the provisional determinations and legal advice.

⁷ Consequential changes to create consistency with Table 16.1 as recommended in the End of Hearing officers report for water.

⁸ Consequential change relating to Supplementary Report (Barton & James, November 2009) recommendation, page 15.

⁹ This clause was included in Table 17.1 as a consequence of recommendations to Table 16.1 (Kate McArthur s42A Report, paragraph 312).

¹⁰ This category and associated conditions (i) and (j) have been merged back into the category 'life supporting capacity'.

Value	Condition
<p>Inanga Spawning (applies to all sites reaches¹¹ with a value of Inanga Spawning as shown in Schedule H)</p>	<p>(ja) The use of mobile machinery in or on the foreshore^ in a manner that disturbs the foreshore^ and/or inanga spawning grounds shall must⁶ not take place in a river^/estuarine waters between 1 February and 1 May¹²</p>
<p>Whitebait Migration Native Fishery¹³ (applies to all sites reaches¹¹ with a value of Whitebait Migration Native Fishery¹³ as shown in Schedule D H)</p>	<p>(k) The use of mobile machinery in or on the foreshore^ in a manner that disturbs the foreshore^ and/ or a whitebait fishery shall must⁶ not take place in estuarine areas between 1 October 15 August¹³ and 30 November-, unless the use of the machinery is solely for the maintenance* of infrastructure^* of regional and national importance as outlined in Policy 3-1.</p>
<p>Amenity (applies to all sites with a value of Amenity as shown in Schedule D H)</p>	<p>(l) Existing public access to or along the foreshore^ shall must⁶ not be rendered unsafe by the activity. (m) Existing public access to or along the foreshore^ may be rendered unavailable where this is necessary for public safety or for the purpose of undertaking the activity, provided the public access is re-opened as soon as reasonably practicable. (n) Activities shall must not result in suspended sediment being conspicuous at public bathing beaches, sites with a value of Amenity as shown in Schedule D H, during weekends and public holidays between 1 December and 28 February. For the purpose of this condition^ weekend is defined as midnight Friday to midnight Sunday.¹⁴</p>

¹¹ Consequential change as a result of supplementary evidence presented to the water hearing by Richard Peterson, Might River Power (519/48).

¹² This clause was included in Table 17.1 as a consequence of recommendations to Table 16.1 (Kate McArthur s42A Report, paragraph 309).

¹³ This change was included in Table 17.1 as a consequence of recommendations to Table 16.1 (Kate McArthur s42A Report, paragraph 310).

¹⁴ Clause (n) is recommended to be deleted by the Coast hearing panel. Staff recommends that it is retained with changes as shown above.