

Speaking notes of Natasha James regarding the Beds of Rivers and Lakes provisions of the Proposed One Plan – 28 January, 2010

Section/Policy/ Rule	Page of Pink Track changes	Officer report page reference	Supplementary report page reference	Comment	Is it an outstanding issue?
Chapter 6					
Section 6.1.1 - Scope	6-1	No direct submissions	N/A	No changes recommended	No
Section 6.1.2 - Overview	6-2	Main report Section 4.8, Page 40 Appendix 1 – Section 4.8 page 42	N/A	No direct submissions in this section regarding the Bed of Rivers and Lakes. Minor changes for consistency and clarification purposes	No
Section 6.1.5 - River and Lake Beds	6-7	Main report section 4.11, Page 48 Appendix 1 – Section 4.11 page 50	N/A	Minor amendments. Recommended to clarify the term 'water ways' by changing it to 'water bodies' and defining water bodies in the plans glossary	No
Issue 6-3	6-8	Main report section 4.15, Page 54 Appendix 1 – Section 4.15 page 55	N/A	Recommended to insert reference to the benefits of gravel extraction in terms of flood mitigation. Other minor clarification amendments are also recommended.	No
Objective 6-4	6-10	Main report section 4.19, Page 70 Appendix 1 – Section 4.19 page 83	N/A	Minor changes recommended for clarification purposes. Recommended that significant be deleted so that all values are recognised and provided for.	No
Policy 6-27 (Split into Policy 6-27 and 16-3)	6-24 and 16- 2	Main report section 4.50, Page 145 Appendix 1 – Section 4.50 page 233	Page 10 and 14	Policy split into two. Clauses (b), (c), (e), (f), (g) and (h) moved to chapter 16 to form policy 16-3. Move reflects aim to have rule guiding policies in Part II of the plan and retain the higher order policies in Part I to satisfy concerns raised by the Territorial Authorities. Additional wording has been added into Policy 16-3 help deal with the matters of cumulative effects and natural character/ morphological diversity. This wording is to help satisfy some of the concerns Wellington Fish and Game and DOC have and recognises that natural character and morphological diversity are important elements.	No
Policy 6-28 (Now Policy 16-4)	6-25 (now 16-3)	Main report section 4.51, Page 148	Page 10 (Discussion on	Policy 6-28 moved to chapter 16 to become Policy 16-4. Move reflects aim to have rule guiding policies in Part II of the plan and retain the higher order policies in	No

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		Appendix 1 – Section 4.51 page 239	policy shifts)	Part I to satisfy concerns raised by the Territorial Authorities. Minor wording changes to reflect changes to schedule Ba and addition of mitigates after avoids as avoids is an inflexible term that does not allow for consideration of other alternatives.	
Policy 6-29 (Now Policy 16-5)	6-25 (now 16-3)	Main report section 4.52, Page 150 Appendix 1 – Section 4.52 page 243	Page 10 (Discussion on policy shifts)	Policy 6-29 moved to chapter 16 to become Policy 16-5. Move reflects aim to have rule guiding policies in Part II of the plan and retain the higher order policies in Part I to satisfy concerns raised by the Territorial Authorities. Minor wording changes to reflect changes to schedule Ba and addition of mitigates after avoids as avoids is an inflexible term that does not allow for consideration of other alternatives. Addition of 'and may be' to give the offset or compensation less emphasis than mitigates.	No
Policy 6-30 (Now Policy 16-6)	6-25 (now 16-4)	Main report section 4.53, Page 153 Appendix 1 – Section 4.53 page 247	Page 10 (Discussion on policy shifts)	Policy 6-30 moved to chapter 16 to become Policy 16-6. Move reflects aim to have rule guiding policies in Part II of the plan and retain the higher order policies in Part I to satisfy concerns raised by the Territorial Authorities. Minor wording changes to reflect changes to schedule Ba and addition of mitigates after avoids as avoids is an inflexible term that does not allow for consideration of other alternatives. Addition of 'and may be' to give the offset or compensation less emphasis than mitigates. Changes to paragraph (a) to clarify the use of financial contributions and better reflect the intent of the policy.	No
Policy 6-31 (Now Policy 16-7)	6-26 (now 16-4)	Main report section 4.54, Page 155 Appendix 1 – Section 4.54 page 250	Page 10 (Discussion on policy shifts)	Policy 6-31 moved to chapter 16 to become Policy 16-7. Change from use of the term essential to existing to clarify the intent of the rule. It was unclear what an 'essential activity' was so this has been changed to existing.	No
Policy 6-32 (Now Policy 16-8)	6-26 (now 16-5)	Main report section 4.55, Page 157 Appendix 1 – Section 4.55 page 254	Page 14 and 15	Policy 6-32 moved to chapter 16 to become Policy 16-8. Move reflects aim to have rule guiding policies in Part II of the plan and retain the higher order policies in Part I to satisfy concerns raised by the Territorial Authorities. Changes to the policy are intended to clarify what happens when an extraction rate for a river reach is not specified in the table and how consents should be assessed (clauses b, d and e). Clause (b) has also had a new sub clauses added to it to clarify that additional information can be considered which may alter the average volumes set	Yes – Higgins Group (see supplementary report page 35)

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				out in table 16.1a Higgins have signalled that while they are happy with the changes they are still seeking an additional policy to complement 16-8 which recognises the benefits derived from the end use of gravel.	
Table 6.3 and Table 6.4 (Now Table 16.1a)	6-26 (now 16-5)	Main report sections 4.57 and 4.58, Page 161 Appendix 1 – Sections 4.57 and 4.58 page 262	N/A	Tables amended in accordance with evidence from Peter Blackwood. Amended to become one table of Average volumes.	No
Method 6-9	6-32	Main report section 4.68, Page 172 Appendix 1 – Section 4.68 page 276	N/A	Method has been rewritten to clarify the intent of the project. The method was rewritten in conjunction with Wellington Fish and Game to satisfy concerns they have regarding the linkages between Natural Character and Morphological Diversity. Scope if found in submission numbers 417/52, 417/44 and 417/89	No
Anticipated Environmental results – Row 2	6-33	No specific submissions to this section	N/A	Consequential changes to update policy references and to make wording consistent with the rest of the section	No
6.7 – Explanations and principal reasons	6-35	No specific submissions to this section	N/A	Minor changes to update policy references. Wording changes to clarify the intent of the explanations and principal reasons.	
Chapter 16					
Objective 16-1	16-1	N/A	Paragraph 16 Page 3	New objective as discussed at the Land Hearing. Sets out the overall objective for the chapter.	No
Policy 16-1	16-1	Main report section 4.136, Page 302 Appendix 1 – Section 4.136 page 534	N/A	Clarification that policy 16-1 applies to natural water courses (while 16-2 applies to artificial). Addition of more than minor to clause (c) as any 'adverse effects' is a very high bar in relation to avoid. New clause (f) to direct decision makers to Chapter 12 if the consent being applied for contains an activity which is taking place in a wetland or lake and addition of clause (g) which provides a cross reference to chapter 3.	No
Policy 16-2	16-2	Main report section 4.137, Page 304 Appendix 1 – Section 4.137 page 537	N/A	Minor change - Removal of the word subsections – consistent change with changes to other policies in chapter 6.	No

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Policy Shifts (Policies 16-3 to 16-8 and Table 16- 1a – see above)	16-2 to 16-7	N/A	Paragraph 16 Page 3 and Appendix 1 Page 14	See above	N/A
Table 16-1	16-8	Main report section 4.138, Page 306 Appendix 1 – Section 4.138 page 539	Appendix 1 Page 15 Page 28	Large number of changes to make the table consistent with wording in chapters 6, 16 and Schedule Ba. Changes to help clarify the table including grouping of conditions into sections linked back to a value. Key changes to the conditions include condition (c) – linking the clarity standard back to schedule Ba; condition (n) clarification that the condition is for the purpose of minimising dotterel disturbance; condition (x) regarding sediment in trout fishery areas during public holidays and weekends and condition (w) regarding excavation of riverbeds near high pressure gas pipelines.	Yes – Fish and Game
Rule 16-1	16-12	Main report section 4.141, Page 315 Appendix 1 – Section 4.141 page 550	Paragraph 37 Page 7	The wording of Rule 16-1 is now largely as it was notified. I have detailed my reasoning for this in paragraph 37, page 7 of mine and Ms Barton's supplementary report. The only outstanding changes are the addition of 'new', the replacement of waterbody with 'river' and the replacement of 'associated' with ancillary.	No
Rule 16-2	16-14	Main report section 4.142, Page 318 Appendix 1 – Section 4.142 page 555	Paragraph 40 Page 8 And appendix 2	Rule 16-2 split into two rules – 16.2 and 16.2A. Reasoning for this is outlined in section 4.142.2, page 318 of the planning report.	No
Rule 16-2A	16-15				
Rule 16-3	16-16	Main report section 4.143, Page 321 Appendix 1 – Section 4.143 page 559	N/A	No changes recommended	No
Rule 16-4	16-17	Main report section 4.144, Page 322 Appendix 1 – Section 4.144 page 560	N/A	Wide range of submissions. Minor changes to clarify the rule in relation to Schedule Ba and to exclude lines, cables and ropeways that go over the water bodies controlled by the rule.	Yes with regards to Genesis Energy who

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					seek its deletion.
Rule guide for rule 16-1 to 16-4	16-18	Main report section 4.144, Page 322 Appendix 1 – Section 4.144 page 560	N/A	This rule guide has been added to clarify how lines, cables and ropeways are permitted in water bodies covered by rule 16-4 and to outline that concession from the Department of Conservation may be required for support structures in DOC estate. This change is a consequential change as a result of the changes to Rule 16-4 and can be linked to Submission 265/45 (Transpower NZ)	No
Rule 16-5	16-18	Main report section 4.145, Page 325 Appendix 1 – Section 4.145 page 564	N/A	Changes have been made to clarify the rule in respect of it applying to lawfully established structures and an update of the RMA references	No
Rule 16-6	16-19	Main report section 4.146, Page 327 Appendix 1 – Section 4.146 page 566	N/A	Addition of a number of relevant clauses from rule 13-25 and deleted condition (b) which referred to rule 16-23 (should have been 13-25). Insertion of 'lawfully established' into the activity description.	Yes with regards to the request from Genesis regarding a controlled activity.
Rule 16-7	16-20	Main report section 4.147, Page 329 Appendix 1 – Section 4.147 page 568	N/A	Minor changes including updates of references to the RMA and replacing 'associated' with 'ancillary' to reflect the provisional determinations.	Yes with regards to the request from Genesis regarding a controlled activity.
Rule guide for rules 16-5 to 16-7	16-20	N/A	N/A	Minor changes to guide title and replacing repair with upgrade to reflect the provisional determinations. Insertion of a new sentence from the rule guide for rules 16-8 to 16-9 which clarifies that the regional council accepts the presence of existing dam structures and does not wish to give itself the discretion if the structure should remain or not. [Link to submission point 330/56]	No
Rule 16-8	16-21	Main report section 4.149, Page 333	Page 7 regarding new clause for disturbance in	Number of minor changes and insertions to make intent of the rule clearer and consistent with provisional determinations. New clause in the description to make it clear that water 'takes' require compliance with rules in chapter 15. New	No

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		Appendix 1 – Section 4.149 page 602	lakes and wetlands Page 14 and 15	condition stating the maximum capacity of the dam. Clarification that condition (c) is measured from the natural ground level. Insertion of the words 'lawfully established' to make the rule consistent with Rule 16-9.	
Rule 16-9	16-21	Main report section 4.150, Page 335 Appendix 1 – Section 4.150 page 572	Page 14	Number of minor changes and insertions to make intent of the rule clearer and consistent with provisional determinations. New clause in the description to make it clear that water 'takes' require compliance with rules in chapter 15	No
Rule guide for rules 16-8 and 16-9	16-22		Page 14	Clarification that the rule guide is for lawfully established dams (make it consistent with rule 16-9) and other minor changes to make it consistent with the provisional determinations and clarification that the Discretionary rule (Rule 16-20) is applicable for dams which do not meet the conditions of rule 16-8.	No
Rule 16-10	16-23	Main report section 4.152, Page 338 Appendix 1 – Section 4.152 page 574	Page 7 regarding new clause for disturbance in lakes and wetlands	Minor changes to clarify the rule and make it consistent with the provisional determinations. Change to clause (b) to clarify how lines, cables and ropeways that go over natural state water bodies are controlled. Insertion of new clause (d) regarding activities in lakes and wetlands.	Yes with regards to condition (d), Yes with regards to the request from Genesis regarding a controlled activity.
Rule 16-11	16-23	Main report section 4.153, Page 340 Appendix 1 – Section 4.153 page 577	Page 7 regarding new clause for disturbance in lakes and wetlands	Minor changes to clarify the rule and make it consistent with the provisional determinations. Deletion of condition (a)(iv) to address concerns from Transit regarding works in urban areas. Clarification of condition (c)(i) to address concerns from Federated Farmers during consultation. Clarification of condition (c)(ii) to address concerns from a number of submitters around the use of box culverts. Insertion of new clause (k) regarding activities in lakes and wetlands.	Yes with regards to condition (k), Yes with regards to the request from Genesis regarding a controlled activity.
Rule 16-12	16-25	Main report section 4.154, Page 344	Page 7 regarding new clause for	Minor changes to clarify the rule and make it consistent with the provisional determinations. Deletion of condition (a)(iv) to address concerns from Transit	Yes with regards to

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		Appendix 1 – Section 4.154 page 585	disturbance in lakes and wetlands Page 36 regarding temporary bridges	regarding works in urban areas. Insertion of new clause (f) regarding activities in lakes and wetlands.	condition (f), Yes with regards to the request from Genesis regarding a controlled activity.
Rule 16-12a	16-25	Main report section 4.151, Page 337 Appendix 1 – Section 4.151 page 574	Page 7 regarding new clause for disturbance in lakes and wetlands	New rule to make the erection, use and removal of flow recording sites a permitted activity to address concerns from Horizons Regional Council.	Yes with regards to the request from Genesis regarding a controlled activity.
Rule 16-13	16-26	Main report section 4.155, Page 349 Appendix 1 – Section 4.155 page 591	Page 38	General changes to reflect Schedule Ba updates. Title amended to reflect that works are sometimes undertaken on behalf of the council. Activity clause (d) amended to allow weed and clean fill removal. Condition (a) updated to reflect new version of the Environmental Code of Practice for River Works. Condition b(iii) amended allow works by the regional council in site of significance aquatic areas so long as the conditions within the code are adhered to.	Yes there are still outstanding matters with DOC
Rule 16-14	16-27	Main report section 4.156, Page 353 Appendix 1 – Section 4.156 page 597	N/A	General changes to reflect Schedule Ba updates and to make the rule consistent with the provisional determinations. Change to clause (b) to clarify how the erection of fences and other structures are treated. Insertion of clause (ga) to restrict the upgrade, removal or demolition of a flood control structure maintained by the regional council.	Yes with regards to Janita Stuart
Rule guide for rules 16-13 and 16-14	16-28	N/A	N/A	Rule guide to help guide plan users on how existing, non-regional council maintained, structures are treated. On review I have noted that the wording of this rule guide provides further clarification.	No
Rule 16-15	16-28	Main report section 4.158, Page 356 Appendix 1 – Section	Page 7 regarding new clause for disturbance in	Minor changes to make rule consistent with the provisional determinations. Insertion of new clause (f) regarding activities in lakes and wetlands. Insertion of 'naturally occurring' in-front of lake, and 'wetland' in the activity	Yes with regards to condition (f)

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		4.158 page 601	lakes and wetlands	description. Insertion of new clause (f) regarding activities in lakes and wetlands	
Rule 16-15a	16-29	Main report section 4.157, Page 355 Appendix 1 – Section 4.157 page 600	N/A	New restricted discretionary rule for gravel extraction. There were a number of requests from submitters for this rule.	No
Rule 16-16	16-30	Main report section 4.159, Page 357 Appendix 1 – Section 4.159 page 602	Page 7 regarding new clause for disturbance in lakes and wetlands	Minor changes to make rule consistent with the provisional determinations. Insertion of new clause (c) regarding activities in lakes and wetlands. Insertion of naturally occurring in-front of lake in the activity description.	Yes with regards to condition (c)
Rule 16-17	16-30	Main report section 4.160, Page 358 Appendix 1 – Section 4.160 page 603	Page 7 regarding new clause for disturbance in lakes and wetlands	Minor changes to make rule consistent with the provisional determinations. Insertion of new condition (e) regarding activities in lakes and wetlands.	Yes with regards to condition (e)
Rule guide for rules 16-15 and 16-17	16-31	N/A	N/A	New rule guide inserted to clarify that gravel extraction becomes a discretionary activity if the conditions of 16-15A cannot be met, that gravel extractions in lakes and wetlands may also require consents under chapter 12 and information about where the location of flow recording sites can be found.	No
Rule 16-18	16-31	Main report section 4.161, Page 359 Appendix 1 – Section 4.161 page 604	Page 7 regarding new clause for disturbance in lakes and wetlands	Minor changes to make rule consistent with the provisional determinations. Removal of condition (b) which incorrectly referenced rule 16-23 (should be 13-25). Insertion of appropriate conditions from rule 13-25. Insertion of new condition (d) regarding activities in lakes and wetlands.	Yes with regards to condition (d)
Rule 16-19	16-32	Main report section 4.162, Page 361 Appendix 1 – Section 4.162 page 605	N/A	Minor changes to make rule consistent with the provisional determinations. Removal of condition (b) which incorrectly referenced rule 13-24 (should be 13-25). Insertion of appropriate conditions from rule 13-25.	No
Rule 16-20	16-32	Main report section 4.163, Page 363 Appendix 1 – Section 4.163 page 607	N/A	Rule 16-20 has been amended to make it consistent with the other default rules in the Proposed One Plan. Note that the rule also needs to refer to Restricted Discretionary activities if Rule 16-15a is accepted.	No