

**BEFORE THE HEARINGS PANEL**

**IN THE MATTER** of Hearings on submissions  
concerning the Proposed One Plan  
notified by the Manawatu-  
Wanganui Regional Council

---

**Supplementary Report  
Of:**

**Clare Barton  
for the Water Hearing  
relating to:**

- (1) Water (Chapter 6); and**
- (2) Discharges to Land and Water (Chapter 13); and**
- (3) Takes, Uses and Diversions of Water and Bores  
(Chapter 15); and**
- (4) Schedules B, Ba, C and D.**

**Natasha James  
For the Water Hearing relating to:  
(1) Beds of Rivers and Lakes (Chapter 16).**

---



## INTRODUCTION

1. This supplementary report provides further recommendations made after evaluation of evidence received in response to the Planning Evidence and Recommendations Report on the Water (Chapter 6), Discharges to Land and Water (Chapter 13), Takes, Uses and Diversions of Water and Bores (Chapter 15), Beds of Rivers and Lakes (Chapter 16) and Schedules B, Ba, C and D Chapters of the Proposed One Plan (POP) (2008/EXT/935).
2. The report also comments on the outcomes of discussions with submitters as indicated in the Planning Evidence and Recommendations Report specifically:
  - (a) The outcomes of discussions with submitters regarding the specifics of the matters raised in the numerous technical Science section 42A reports;
  - (b) A consideration of the provisions within the Water Chapters and how they work in a planning sense having considered the Science that sits behind the Plan provisions;
  - (c) Of discussions with submitters to work through their specific concerns.

## BACKGROUND

3. The Hearings Panel has been provided with the **Planning Evidence and Recommendations Report** (2008/EXT/935) prepared by Clare Barton in conjunction with Natasha James. The Report summarises the submissions on these chapters and makes recommendations on whether those submissions should be accepted in whole, or in part, or not at all, and how the provisions of the POP should be changed to reflect those submissions.
4. **Pre-circulated evidence** from submitters has also been provided to the Panel.
5. **Pre-hearing meetings.** Clare Barton or Natasha James have been involved in pre-hearing meetings or discussions with the following parties:
  - (a) New Zealand Defence;
  - (b) Horticulture New Zealand;
  - (c) Higgins Group;
  - (d) Mighty River Power;
  - (e) Genesis Energy;
  - (f) CPG (formerly Duffill Watts);
  - (g) Minister of Conservation;
  - (h) Fish and Game – Wellington Region;
  - (i) Fertiliser Collective (New Zealand Fertiliser Manufacturers Research Association, Ravensdown and Balance);
  - (j) Territorial Authority Collective;
  - (k) Federated Farmers;
  - (l) Fonterra.
6. In addition, the Council's Science Manager and Science Team have met with technical experts and the details of those meetings are outlined in the supplementary reports of Jon Roygard and Kate McArthur.
7. Discussions with submitters will be ongoing. It is noted that further meetings will be held with Julian Watts acting on behalf of the Minister of Conservation to discuss the Environmental Code of Practice for River Works.

8. A number of changes are recommended to the Water provisions of the Proposed One Plan. These changes are in addition, to the changes recommended in the Planning Evidence and Recommendations Report. The recommended combined changes are reflected in revised track changes ('Pink version').

## **FURTHER RECOMMENDATIONS IN RESPONSE TO THE EVIDENCE RECEIVED**

9. Pre-circulated planning/resource management evidence relating to the Water Chapters was received from the following parties:
- Carmen Taylor for Winstone Pulp International Ltd;
  - Richard Matthews for Genesis Power Ltd;
  - Graeme Mathieson for AgResearch Limited and Livestock Corporation Limited;
  - David Schumacher for King Country Energy Limited;
  - Christopher Hansen for Ravensdown Fertiliser Co-operative Limited;
  - Corina Jordan for Fish and Game New Zealand;
  - Catherine Clarke for Meridian Energy Limited;
  - Andrew Bashford for the Palmerston North City Council;
  - Brenda O'Shaughnessy for the Ministry of Education;
  - Richard Peterson and Andrew Collins for Mighty River Power;
  - David Le Marquand for Transpower NZ Ltd and the Oil Companies;
  - Nathan Baker for Higgins Group;
  - Emily Grace for NZ Defence Force;
  - Greg Sneath for the New Zealand Fertiliser Manufacturers Research Association;
  - Nigel Sadlier for Balance Agri-Nutrients Ltd;
  - Dr Richard Garland and Andrew Lewis for New Zealand Pharmaceuticals Ltd;
  - Gemma Moleta for the Poultry Industry Association of NZ and Tegel Foods Limited;
  - Julian Watts for the Minister of Conservation;
  - Robert Schofield for TrustPower;
  - Paul Horton for Tanenuiarangi Manawatu Incorporated; and
  - Gerard Willis for Fonterra Co-Operative Group Ltd.
10. In this report I identify those matters that have been raised in planning/resource management expert evidence that I have considered and can now accept (either in totality or in part) the recommendations of the expert. In addition, as a result of pre-hearing meetings I consider that changes can also be recommended to a number of provisions. Appendix 3 below summarises the issues raised by submitters that I am responding to and outlines any resolution or explanation that is necessary.
11. Where issues are raised by submitters experts that I consider are already covered by material in my original evidence I have attempted to minimise repetition by not commenting on it here. However, I am more than happy to address those issues in response to any questions the Panel may have.
12. After reviewing the evidence and undertaking pre-hearing meetings changes are recommended to the Water chapter provisions. In summary, the changes include:
- (a) The inclusion of links between the objectives, policies and issues.
  - (b) Revise the wording within the rule framework to highlight that the effects will be considered at the applicable scale e.g. sites, reaches, water management zones and sub-zones.
  - (c) A relocation of policies from Part I to Part II of the Plan. The relocation includes re-wording and the insertion of objectives within the Chapters contained in Part II of the Plan.

- (d) Add wording to Policy 16-3 to cover natural character.
- (e) The insertion of a definition for water body to apply to both the water and beds of a water body.
- (f) An additional policy within Chapter 13 to set out the matters to be considered where nitrogen leaching/run off values are not met in higher rainfall areas and on poorer classes of soil.
- (g) An additional policy to provide for nitrogen transfers.
- (h) Rule 13-1 has been re-written.
- (i) Amendments to the wording of the wastewater rules.
- (j) Correct an error within the wording of Policy 15-5.
- (k) Alter clause (a) of Policy 6-18 to refer to 20% of the natural flow rather than 10%.
- (l) Alter the wording of Policy 6-19 to refer to minimum flow rather than low flow.
- (m) With regards to the Beds of Rivers and Lakes Section there are specific changes responding to a number of key issues raised by submitter's experts. These issues are mainly:
  - (i) Natural character and its recognition throughout the Regional Policy Statement section of the Proposed One Plan;
  - (ii) Rules regarding damming;
  - (iii) Rules regarding temporary bridges; and
  - (iv) Policy regarding gravel extraction.

13. It is considered that these changes will assist in the management of the effects on water quality and quantity and the beds of rivers and lakes and will provide more clarity and certainty for decision-makers and resource users.

14. These recommendations have been included in the most recent "Pink" version of the track changes for Chapters 6, 13, 15 and 16 and Schedules B, Ba, C and D.

## **GLOSSARY REFERENCES**

15. The Hearings Panel has requested that defined terms in the One Plan be italicised and referenced with a ...^... if a Resource Management Act 1991 (RMA) definition and a ...\*... if a Glossary definition. These references have been made in the most recent 'Pink' version of the track changes for the chapters covered in this report.

## **POLICY LINKS**

16. Changes to the wording within Chapters 6, 13, 15 and 16 are recommended to:

- (a) Identify appropriate policy framework linkages between issues, objectives and policies. This is to ensure the wording is consistent with changes recommended by Andrea Bell in her s42A Report on Chapter 5: Land. Identification of such policy framework linkages has been recommended in planning evidence to previous hearings. Although the policy linkages in Chapter 6 are minor changes, I have included new objectives (13A, 15A and 16A) at the beginning of Chapters 13, 15 and 16. This was required because the Proposed One Plan did not contain objectives for the policies and rules in these chapters. I understand the scope for Andrea Bell's recommendation is the submission made by several territorial authorities that request such policy links be made and an agreement made with those territorial authorities to give relief to those submissions.
- (b) Identify the relevant sections of the RMA that relate to activities controlled in the rules described in Chapters 13, 15 and 16. This is a minor change and is

recommended to provide a consistent approach to RMA cross-referencing as observed in the provisional decisions of previous Hearing Panels.

## **CONSEQUENTIAL CHANGES**

17. It is recommended that the phrase "...except where the water<sup>^</sup> take is controlled under Rule 13-1" be deleted from Rules 15-1, 15-2 and 15-5. This is shown in the Pink Version of Track Changes. It is recommended this phrase be deleted as a consequential change consistent with an earlier recommendation to delete "Activity" clauses (i) and (ii) from Rule 13-1 (Planning Evidence and Recommendations Report, August 2009; Blue Version Track Changes).

## **CONSENT EXAMPLES**

18. I note that Annette Sweeney has provided evidence on behalf of the territorial authority collective and in her evidence are a number of worked examples of activities and the categories of consent they fall into and the policy framework that would be considered. The information provided by Ms Sweeney is helpful. Ms Sweeney and I reach the same conclusion regarding the Feilding Sewage Treatment Plant consent in that a resource consent application would be required with the most stringent activity category being Discretionary.
19. I do not disagree with Ms Sweeney's assessment of what the relevant policies are that would be considered in a resource consent application process. Ms Sweeney reaches the conclusion that there is uncertainty in terms of how the policy framework may be interpreted. Certainly policy interpretation will be decided through the resource consent decision making process but I consider that the policy framework provides clear guidance. In my opinion, more guidance is given under the proposed policy framework when compared against the existing Plan framework. I will table at the Hearing some worked resource consent application examples and the policy links for the applications at the Hearing. The examples to be tabled will be the NZ Energy Raetihi Hydro Electricity Scheme and Feilding Sewage Treatment Plant.

## **MATTERS TO BE DISCUSSED FURTHER WITH SPECIFIC SUBMITTERS**

### **CPG Limited**

20. Rule 13-4 deals with grade Aa biosolids. Discussions are taking place with CPG Limited who raised the issue in their submission that other grades of biosolids have similar effects to grade Aa biosolids and should therefore be specifically recognised rather than falling for consideration as a Discretionary Activity under Rule 13-27. This is a matter that will be discussed further with the submitter.

### **Palmerston North City Council**

21. Palmerston North City Council is concerned that the standards within Schedule Ba may come into force in relation to an existing consented activity where these activities are being reviewed under section 128 of the RMA. Andrew Bashford has recommended additional wording within relevant rules as follows:

*"This rule does not apply to consented discharges existing at the date of notification of this Plan and shall only apply to those consents upon expiry of such consents or from 2030, whatever occurs earliest."*

22. This is a matter which I wish to talk through further with the submitter and seek legal advice. I will return to this matter at the Hearing.

### **Permitted Water Takes – Allocation**

23. Fonterra Co-Operative has proposed an alternate Permitted Activity rule for surface water takes based on a rate of take differing across different activities and land areas. Jon Roygard in his supplementary evidence has assessed a number of different scenarios for altering the Permitted Activity water take amounts. Having considered the alternative put forward by Fonterra and the options outlined by Mr Roygard the general preference in terms of providing a certain rule both for the environment and users would be an amount of water based on a per hectare basis up to a limit for a larger farm size i.e. scenarios 11, 12 or 13 as outlined in Appendix 1 of Mr Roygard's report. I am at this stage however, not making a recommendation in terms of changes to Rule 15-1 until I have had the opportunity to work through the details further with the submitters.

### **Fonterra Co-operative Group Ltd**

24. Fonterra Co-Operative has proposed a Permitted Activity rule for intensive farming activities. I recommend the approach be rejected. I will provide more extensive assessment after I have discussed the proposed Permitted Activity rule further with the submitter.

### **Horticulture New Zealand**

25. There have been ongoing discussions with Lynette Wharfe and Chris Keenan of Horticulture NZ. An outcome of the discussions has been the development of a Memorandum of Understanding (MoU) between the Regional Council and Horticulture NZ. The MoU will encapsulate what is being mooted as a way forward for dealing with the concerns raised by Horticulture NZ in their submission. It is proposed that vegetable growing/market gardening activities that are planted on an annual basis be required to comply with new sediment and nutrient modules in NZ GAP. NZ GAP is the Horticulture's manual for managing growing operations and requiring certification for growers.
26. Vegetable growing/market gardening activities would, if the work outlined in the MoU is completed, become Permitted Activities rather than Controlled Activities under Rule 13-1. Where these activities were unable to comply with the Input Model requirements of NZ Gap then they would be Controlled Activities through Rule 13-1. As NZ Gap has not yet been revised the Council cannot recommend the changes to the rule structure occur at this time. It is however, proposed that the revisions will occur prior to the end of the Hearing. Horticulture NZ will present the details of the modules within NZ Gap to the Hearing Panel. If these modules deal with the effects at issue i.e. nutrients and sediment as is proposed, then in the End of Hearing report there will be a recommendation to alter the rule structure.
27. The general approach being proposed is as follows:
- (1) A specific definition would be included to make it clear what vegetable growing/market gardening activities would be covered by the rule. For example, it would not be appropriate to capture fruit trees but it would be necessary to capture annual crops e.g. potatoes.

- (2) A specific Permitted Activity rule would be drafted to apply to the cropping activities. For example:

Rule	Activity	Classification	Conditions/Standards/Terms
13-X Commercial cropping activities planted on an annual basis	Commercial cropping activities planted on an annual basis	Permitted	(a) The activity must comply with the Input Model Modules within NZ GAP (full title and date references to be included).

- (3) A farmer may choose not to comply with NZ Gap in which case the provisions of the existing Rule 13-1 would apply. Where the activity cannot meet the Permitted Activity conditions it would be considered as a Controlled Activity under Rule 13-1.

## CORRECTIONS TO ORIGINAL S42A REPORT

28. There are a number of recommendations which replace those recommendations made in the S42A Planning Evidence and Recommendations report. A number of those recommendations result in changes to the tracked changed document while others are to correct statements made in the S42A report.
29. Mr Roygard in Part Four of his evidence has stated that the core allocation limits in Schedule B need to be expressed as daily limits rather than instantaneous take rates. Mr Roygard outlines the reasons why the change is required.
30. As a result of further work undertaken by the Science Team it was noted that the Kahuterawa Stream and tributaries Site of Significance – Aquatic was missing Koaro in Table D-5 in Schedule D (now table Ba12 in Schedule Ba). The GIS layer had the species identified but it was omitted from the table. It is recommended that Koara is added. The critical time period for Koara migration and spawning align with that of the Banded Kokopu which is already included in the table. The impacts on activities will not be different but the Plan will be more accurate.
31. At WAT 142, pp.320 there is a discussion of the submissions of Federated Farmers, Trust Power and Meridian who all seek to have Rule 16.2 restricted to only water bodies which have water conservation orders. On re-reading this section it is noted the comment made was incorrect and should be corrected as follows:
- Federated Farmers, Trust Power and Meridian seek to restrict rule 16-2 ~~this rule~~ only to water bodies which have Water Conservation Orders. As discussed above the intent of this rule is to provide for the values recognised through both the National Water Conservation Orders and the Local Water Conservation Notices and thus this rule has been written to ensure the protection of important values such as fishery, aesthetics, riparian values and recreational values – all of which are recognised in Schedule Ba. Within these areas it is expected that only minor adverse effects from activities would occur. Depending on the values present it is likely that activities such as drilling, tunnelling and removal of gravel will have a significant impact. ~~my ideal recommendation would be to restrict this rule to the National Water Conservation Notices as outlined above, but unfortunately these submission points do not provide scope to allow the creation of a new rule (as outlined above) to still provide some protection for the other rivers listed.~~



## Reference to the Beds of Lakes and Wetlands

32. In response to the evidence of David Le Marquand on behalf of Transpower it was recognised that the rules in Chapters 12 or 16, as notified, along with the provisional determination for Chapter 12, are silent on disturbances to the beds of lakes and wetlands (also classes as a rare or threatened habitat in Schedule E).
33. Consequentially it is recommended that a condition be inserted for rare and threatened habitats into the Permitted Activity rules to help clarify for Plan users that if their activity were to disturb the bed of a lake classed as a rare or threatened habitat in Schedule E, then consent would be required.
34. In response to the comments made by Mr Le Marquand it is accepted that the use of Genesis' submission 268/48 may not be adequate to provide scope for the above noted change. Having reassessed the rules and the submissions it is considered that the following submissions provide scope for a change to the policies and rules in Chapter 16 to reflect the need for a consent if activities are undertaken in the beds of wetlands or lakes classed as a rare or threatened habitat:
  - Taranaki/ Whanganui Conservation Board (374/16) regarding the removal of soil, gravel and sand from rare and threatened habitats, along with
  - Sustainable Whanganui (176/21) which requests the *'prohibition of... land disturbance within rare and threatened habitats'* and the submission from the Royal Forest and Bird Protection Society of New Zealand (460/60) stating that *"It should be explicitly stated that areas of significance or outstanding value do not exist in isolation, but within a wider ecological context. The scope of the chapter needs to encompass landscape scale ecological values e.g. small or degraded bush fragments may not be significant in isolation, but collectively they play a significant ecological role."*
35. Having reassessed the condition placed into rules 16-8, 16-10, 16-11, 16-12, 16-12(a), 16-15, 16-16, 16-17 and 16-18 it is recommended that the condition should be re-written as follows: "The activity shall not take place in any Lake or wetland classed as a rare habitat\* or threatened habitat\* listed in Schedule E." This alteration will assist in clarifying for Plan users that it applies to the bed of a water body as opposed to land disturbance within an area of trees classed as rare or threatened.
36. Having also reassessed clause (f) added to Policy 16-1 it is recommended that the clause be re-written as follows: (f) in relation to the beds^ of lakes^ or wetlands^ that are rare habitats\* or threatened habitats\* when assessed in accordance with Schedule E, have regard to the biodiversity policies in Chapter 12

## Rule 16-1



37. The scope of Rule 16-1 has been significantly broadened by the change recommended in the S42A Planning Evidence and Recommendations report. As explained in the officers' report (section 4.141.3, pp.315) all of the rivers listed in clauses (a) to (i) are also recognised in Schedule D (Now Ba) as holding the value of Aesthetic. This change was recommended to try and bring the rule into line with other rules which use the Schedule D (now Ba) framework – such as Rule 16-4.
38. On review of this rule it has been noted that the Aesthetic value is slightly broader than the description contained in Rule 16-1 to the extent that it includes the tributaries of the Pohangina River, Makuri River and Oroua River and this was never the intention of the change.

39. In my opinion, this change could potentially have the unintended consequence of prohibiting damming on tributaries where it would previously have been permitted. It is therefore recommended that the deletion of clauses (a) to (i) is reversed and reference to the aesthetic value is removed.

**Rule 16.2**

40. After discussing Rule 16.2 with some submitters it is understood there is some confusion regarding the reasoning for the changes made in the S42A Planning Evidence and Recommendations report to the rule – including the development of Rule 16.2a.

41. Attached is a table (refer to Appendix 4) which details the differences between the rules in the original water conservation notices and orders, the operative plans, the Proposed One Plan and the recommendation. In summary, the changes to Rule 16-2 are recommended to make the rule consistent with the water conservation notices and orders and in my opinion, the Operative Beds of Rivers and Lakes Plan takes the correct approach.

 <hr/> <p>Clare Barton <b>Senior Consultant Planner</b></p>	 <p>Natasha James <b>Policy Analyst</b></p>
--	--

**23 November 2009**

## APPENDIX 1

### OUTLINE OF CHANGES RECOMMENDED THROUGH THE SUPPLEMENTARY REPORT AND CONTAINED WITHIN THE TRACK CHANGE VERSION OF THE WATER PROVISIONS – AND COMMENT IN RELATION TO MATTERS THAT WERE NOTED TO BE RETURNED TO IN THE OFFICERS REPORT

CHANGE	COMMENT
<b>Chapter 6</b>	
Links between Objectives and Issues within Chapter 6. Links between Policies and Issues and Objectives.	Cross references have been added beneath each Objective and Policy in Chapter 6 to the relevant Issue or Objective that the provision relates to. This change will achieve consistency with the cross references made within other Chapters of Part I of the Plan.
Chapter 6. A number of changes to the wording within the Issues section in particular.	There are a number of wording changes within Chapter 6 which do not change the intent of the provisions but rather seek to provide greater clarity of intent and more legally robust wording.
Table 6.2. Within the Individual Values column alter “Native Fishery” to “Whitebait Migration”.	Kate McArthur addresses this change in her report. Whitebait Migration is a term that more accurately defines the value at issue.
Table 6.2. Delete the reference to Drainage within the Social and Economic Value Group.	Drainage has been added as a value in association with Flood Control. The reference to Drainage is then no longer necessary otherwise it would appear twice within the Table.

CHANGE Chapter 6	COMMENT
<p>Policy Shifts between Part I and Part II of the Plan.</p>	<p>The Officers Report noted that the Supplementary Report would return to the matter of moving the Policies from Part I to Part II of the Plan. The track changes document shows where the changes are proposed (Appendix 2 summarises the Policy shifts and the re-location reference numbering).</p> <p>The Policy shift is in response largely to the submissions from the Territorial Authorities, who considered that the Policies which guided resource consent decision making should be located within Part II of the Plan. Part I now contains the higher level Policy guidance and more specific Policy which assists resource consent decision making sits within Part II. The Policy sitting within Part II also supports more appropriately the rules which follow. The re-location will also mean that any Policy sitting within Part II can be altered by way of Plan Change if this proves appropriate in the future.</p> <p>Consequential wording changes are recommended to ensure that each Policy is able to stand on its own and be clear and robust.</p>
<p>Policy 6-21. Reference to Groundwater Management Zones being mapped within Schedule C.</p>	<p>It is recommended that a clause be added to Policy 6-21 providing guidance that the Groundwater Management Zones are mapped within Schedule C.</p>
<p>Policy 6-27 (now policy 16-3). Changes to refer to Natural Character.</p>	<p>In response to the submissions from Fish and Game and the Minister of Conservation it is recommended that Policy 6-27 (now 16-3) be altered to provide greater clarity around the term natural character.</p>
<p>Section 6.5 Methods. Within the “Links to Policy” row within each table the wording has been altered to state <i>“the method implements the policy”</i> rather than <i>“links to the policy”</i>.</p>	<p>The wording changes provide consistency with the wording used within other Chapters of the Plan.</p>

CHANGE Glossary	COMMENT
Definition of Cropping.	Wording changes are recommended to the definition for cropping to provide greater clarity as to what the term means.
Definition of Dairy Farming.	Wording changes are recommended to the definition for dairy farming to provide greater clarity as to what the term means.
Definition of Feedpad.	Wording changes are recommended to the new definition for feedpad to provide greater clarity as to what the term means.
Definition of Intensive Sheep and Beef Farming	Wording changes are recommended to the definition to provide greater clarity as to what the term means.
Definition of Public Water Supply	Wording changes to refer to community water supply and remove the reference to the water supply having to connect two buildings on separate titles.
Definition of Untreated Human Effluent	Wording changes are recommended to the definition to provide greater clarity as to what the term means.
Definition for Water Body	A new definition is recommended for the term water body. Water body is used through out the Water Chapters and was added to provide consistency of the use of the term and consistency with the provisional Determinations. The definition of water body in the Resource Management Act 1991 only deals with water not any other part of the river, lake or wetland. The references to water body within the Water Chapters also deal with the beds of rivers and the proposed definition seeks to encompass both the water and bed to provide clarity as to what is meant by the term in the context of the Plan.

CHANGE Chapter 13	COMMENT
A new objective.	An objective is recommended within Chapter 13 to then be specifically linked by the supporting policy framework.
Policies 13-1 and 13-2.	It is recommended to add a clause within both policies to refer to consideration being given to any industry standard relevant to the activity. The policies deal with consent decision making for discharges to water and land. The additional clause supports the rule framework that follows which includes reference to industry standards e.g. the Code of Practice for Nutrient Management.
“Grand parenting” policy.	An additional policy is recommended to be included within Chapter 13 to set out what would need to be considered in a resource consent process where the nitrogen leaching/run off values could not be met. The policy specifically recognises it may be more difficult within higher land use capability soils and in high rainfall areas.
Policy to set out a framework for transferring Nitrogen.	The submission from Fonterra sought an additional policy within the Plan to recognise that Nitrogen transfers within the same catchment can be considered. An additional policy is recommended within Chapter 13 to cover this matter.

CHANGE	COMMENT
<b>Chapter 13</b>	
Insertion and amendment of policies from Chapter 6.	As noted above there has been a re-arrangement of the policy framework with policies having been moved from Part I to Part II of the Plan.
Rule 13-1.	Rule 13-1 has been re-written to provide greater clarity over the conditions that apply and the matters over which control is reserved.
Rule 13-2.	Rule 13-2 has been discussed with the fertiliser companies and some changes will be recommended after final agreement has been reached.
Rule 13-3.	Clause (a) has been altered to provide for clearer wording of the condition relating to stock feed and feed pads.
Rule 13-4.	Clause (d) has altered as it is recommended to delete the separation distance requirements to residences and property boundaries. Clause (f) within the covering the discharge not resulting in any offensive or objectionable odour adequately covers potential adverse effects beyond the boundary and the setback requirements are therefore unnecessary.  A new clause is recommended to be added to refer to the application of grade Aa biosolids being in accordance with the Guidelines for the Safe Application of Biosolids to land in New Zealand.
Rule 13-11.	Replace the term “ <i>winter groundwater</i> ” with “ <i>permanent water table</i> ” within clauses (f)(i) and (g)(i). The wording is then consistent with Note 5 of Table 2.2 of Version 2 of the Manual for On-Site Wastewater Systems.
Rule 13-26.	Clause (f) within Rule 13-26 has been recommended to be deleted. The clause states: “ <i>the discharge shall not cause any detectable reduction in the quality of groundwater.</i> ” As a Permitted Activity condition the clause is uncertain and therefore it is recommended that it be deleted.
<b>Chapter 15</b>	
A new objective.	An objective is recommended within Chapter 15 to then be specifically linked by the supporting policy framework.

CHANGE	COMMENT
<b>Chapter 15</b>	
Policy 15-5.	An error is proposed to be rectified within Policy 15-5. It is recommended that the words “ <i>except municipal takes – long term which will be reviewed rather than expired on catchment dates.</i> ” This change was not recommended in any of the Officer reports and it is unclear how it was included within the track change document. The wording should not have been included and it is recommended that it be deleted.
Policy 15-10	Alter clause (a) to refer to 20% of the natural flow rather than 10% of the flow in relation to water that can be taken by way of supplementary allocation. This reflects the assessment undertaken by the Science Team as to what is appropriate and sustainable.
Policy 15-11	The references to low flow are proposed to be changed to minimum flow which accords with the accepted terminology and what is used else where in the Plan.
Rules 15-1 and 15-2.	Delete the wording “ <i>except where the water take is controlled under Rule 13-1.</i> ” The changes already recommended for Rule 13-1 would mean that water takes are not controlled through that rule and therefore would need to be considered within the framework of Chapter 15.
Rule 15-6.	The inclusion of reference to the term use to make the rule consistent with the terminology within Rule 15-1.
<b>Chapter 16</b>	
A new objective.	An objective is recommended within Chapter 16 to then be specifically linked by the supporting policy framework.
Policy 16-3.	Additional wording is recommended to deal with the matter of cumulative effects and natural character in relation to the management of river and lake beds.
Policy 16-8.	Additional clauses are recommended in relation to the gravel extraction policy. The changes aim to provide clarity around matters that need to be considered where rivers or reaches are not specified in the annual allocable volume table (6.4).
Rules 16-8 and 16-9.	The word ‘lawfully’ has been added to the rule guide for rules 16-8 to 16-9 to make it clear that it applies to structures once they are lawfully established. This change also makes the rule guide consistent with the rules within the Chapter.



CHANGE Chapter 16	COMMENT
<p>Table 16.1. The value for life supporting capacity.</p>	<p>The changes would delete the reference to a 24 hour period in which the horizontal visibility provisions would apply within clause (d). Clause (c) imposes the time constraints by restricting the discharge of sediment to no more than 5 consecutive days or for no more than 12 hours on any one of those 5 days.</p> <p>Clause (d) has been altered to refer to the change in horizontal visibility being no greater than the standard set in the clarity % change column of Schedule Ba. Currently the standard specifies 30%. Within Schedule Ba the standard alters for each area and therefore it is more appropriate to have the standards align with each other.</p> <p>It is recommended that clause (k) covering permanent straightening or channeling refer to a 10 year period rather than 12 months. The change would be more restrictive and seeks to ensure that there are not cumulative changes to the river alignment where one 2 kilometre stretch will be changed one year and the adjoining 2 kilometre stretch the following year.</p>
<p>Table 16.1 and various rules within Chapter 16. Various references.</p>	<p>It is recommended that the references within the value column of Table 16.1 refer to sites within water bodies rather than all water bodies. Changes are also recommended within various rules to refer to the reach of a water body rather than the entire water body.</p> <p>The intent is that the values that apply are those relevant to a particular site or reach within a water body not in relation to the entire water body. The additional wording seeks to clarify the intent of the value statements.</p>
<p>Rule 16-8.</p>	<p>Clause (c) is proposed to be amended to include reference to “<i>natural ground level</i>” in relation to determining the 3 metre depth of water for a small dam. The additional wording provides greater clarity to assist in interpreting the condition. It is also recommended that rules 16-8 and 16-9 include rule guidance referring to takes for consumptive use and cross referencing Chapter 15. This change is linked to recommendation WTR 149.</p>

## APPENDIX 2

### PLANNING POLICY SHIFTS – SUMMARY TABLE

<b>Location in Proposed One Plan</b>	<b>Location as recommended in Supplementary Planning Evidence and Recommendations Report</b>
Issue 6-1	No Change
Issue 6-2	No Change
Issue 6-3	No Change
Objective 6-1	No Change
Objective 6-2	No Change
Objective 6-3	No Change
Objective 6-4	No Change
Policy 6-1	No Change
Policy 6-2	No Change
Policy 6-3	No Change
Policy 6-4	No Change
Policy 6-5	No Change
Policy 6-6	No Change
Policy 6-7	No Change
Policy 6-8	Policy 6-8 has been shifted in part. Clause (a) remains in Chapter 6 while the rest of the policy (a)(i) to (a)(iv) and all of (b) has been shifted to Chapter 13, new Policy 13-6
Policy 6-9	Chapter 13, new Policy 13-7
Policy 6-10	Policy 6-10 has been split and shifted to two areas. The opening clause remains in Chapter 6 and is incorporated into Policy 13-6 while the rest of the policy (a) to (c) has been shifted to Chapter 13, new Policy 13-8
Policy 6-11	Chapter 13, new Policy 13-9
Policy 6-12	Policy 6-8 has been shifted in part. The first sentence remains in Chapter 6 as Policy 6-12, while the rest of the policy has been shifted to Chapter 15, new Policy 15-7
Policy 6-13	Policy 6-10 has been split and shifted to two areas. The first half of the opening clause up to the comma remains in Chapter 6 and is incorporated into Policy 6-12 while the rest of the policy, including the heading, has been shifted to Chapter 15, new Policy 15-8
Policy 6-14	Chapter 15, new Policy 15-9
Policy 6-15	No Change
Policy 6-16	No Change
Policy 6-17	No Change
Policy 6-18	Chapter 15, new Policy 15-10
Policy 6-19	Chapter 15, new Policy 15-11
Policy 6-20	Chapter 15, new Policy 15-12
Policy 6-21	No Change
Policy 6-22	Chapter 15, new Policy 15-13
Policy 6-23	Chapter 15, new Policy 15-14
Policy 6-24	Chapter 15, new Policy 15-15
Policy 6-25	Chapter 15, new Policy 15-16
Policy 6-26	Chapter 15, new Policy 15-17

Policy 6-27	Policy 6-27 has been split and shifted in part to chapter 16. The opening paragraph and clauses (a) and (d) stay in Chapter 6 as Policy 6-27 and clauses (b), (c), (e), (f), (g) and (h) are all move to Chapter 16, new Policy 16-3 – General management of River and Lake Beds
Tables 6.3 and 6.4	Table 6.3 was deleted in part and moved in part to Table 6.4 at the planning recommendations stage. At the supplementary stage Table 6.4 has been moved to Chapter 16 to become Table 16.1a while Table 6.3 has been left, fully deleted, in Chapter 6
Policy 6-28	Chapter 16, new Policy 16-4
Policy 6-29	Chapter 16, new Policy 16-5
Policy 6-30	Chapter 16, new Policy 16-6
Policy 6-31	Chapter 16, new Policy 16-7
Policy 6-32	Chapter 16, new Policy 16-8

**APPENDIX 3****SUMMARY OF MATTERS RAISED BY SUBMITTERS AND AREAS OF AGREEMENT OR DISAGREEMENT**

<b>Matter raised by submitters expert</b>	<b>Expert</b>	<b>Degree of agreement</b>	<b>Explanation/ outcome</b>	<b>S42A Planning Report Reference</b>
<b>Winstone Pulp International Limited</b>				
Water Quality Standards – Schedule D. WPI seeks the deletion of Schedule D or amend the Schedule as applied particularly to the Upper Whangaehu	Carmen Taylor	Disagree	Recommend the retention of Schedules Ba and D as a tool to enable values to be articulated and identify surface water management values. The standards do not apply if the natural levels are already breached. The report of Kate McArthur deals with this matter	
Policies 6-3 to 6-5 and 6-8. WPI do not accept the policy approach focusing on the water quality standards in Schedule D as a management tool. Seek the re-wording of Policy 6-1 and the deletion or amalgamation of Policies 6-3 to 6-5 and the deletion of Policy 6-8(a)(ii).	Carmen Taylor	Disagree	The removal of the references in the Policies to all water quality standards in Schedule D would weaken the Policy framework.	
Policies 13-4 and 15-4. Concerned with the specificity in the policies regarding	Carmen Taylor	Disagree	WPI consider that the Proposed NES for the Measurement of Water Takes sets standards that establish minimum requirements for water measurement but does not specify the type of device or specify meters are required as are	

Matter raised by submitters expert	Expert	Degree of agreement	Explanation/ outcome	S42A Planning Report Reference
<p>monitoring requirements for water takes and discharges.</p>			<p>specified in the Policies. WPI considers the Policies are prescriptive, inappropriate and impractical.</p> <p>The Policies reflect what the Regional Council requires through consent decisions and provides a clear indication of what is required. The information and the means of obtaining the data supports the water quality and quantity approach taken in the Plan. As noted in the Planning Report the Policies include the words “<i>shall generally be subject to</i>” meaning alternative methods could be used. If alternative technology is developed in the future then if required a Plan Change could be undertaken to refer to different technology.</p> <p>Mr Roygard has outlined in his evidence the provisions of the NES for water metering.</p>	
<p>Rules 15-5 and 15-6. No certainty as to how information on the volume of core water allocation is to be made publicly available. Rule 15-6 should be Discretionary not Non-Complying.</p>	<p>Carmen Taylor</p>	<p>Agree in part</p>	<p>Mr Roygard address the availability of data on water allocation in his evidence. It is recommended that there be a link to the Council web page to provide data on core allocations and volumes available. The reference is included within Schedule B.</p> <p>The consent category of Non-Complying for takes not complying with core allocations provides for a thorough consideration of the effects of the activities and an assessment against the objectives and policies in the Plan. No change is recommended.</p>	
<p><b>Genesis Energy Limited</b></p>				
<p>Various Policies, Table 6.2 and Schedule Ba.</p>	<p>Richard Matthews</p>	<p>Agree in Apart</p>	<p>The approach taken to water allocation is that the core allocation limits were determined after discounting water that is abstracted as a result</p>	

Matter raised by submitters expert	Expert	Degree of agreement	Explanation/ outcome	S42A Planning Report Reference
Existing hydro-electricity generation be identified as a value.			<p>of existing hydro electricity takes.</p> <p>I recommend the inclusion of a footnote within Schedule B to clarify that the limits do not apply to existing hydro electricity generation.</p> <p>Table 6.2 specifically identifies Existing Infrastructure as a Social and Economic Value. No further change is recommended.</p>	
New Controlled Activity Rule for discharges of water to water and takes and use of water from existing hydro electricity scheme infrastructure.	Richard Matthews	Disagree	<p>It is appropriate that when an application for “renewal” is made for an existing hydro electricity generation scheme that the issue of discharges of water to water and the takes and use of water can be considered carefully. By providing for this activity as a Controlled Activity consent would have to be approved. No change is recommended.</p>	
Rule 15-5. Adverse effects of an activity meeting core allocation requirements on the ability of an existing user to take water.	Richard Matthews	Agree in Part	<p>It is recommended that wording be added to Schedule B. This is a matter we are discussing further with the submitter to seek agreement. The proposed wording for all Water management Zones affected by existing hydro electricity takes would be as follows (or similar):</p> <p><i>“Core allocation volumes are only available downstream of takes for existing diversions for hydro electricity generation purposes as located at map reference XX.”</i></p> <p>This wording has not yet been added to the track changes document as the exact map reference locations for existing hydro electricity generation diversions have to be defined.</p>	

Matter raised by submitters expert	Expert	Degree of agreement	Explanation/ outcome	S42A Planning Report Reference
<p>Rule 15-6. New hydro electricity generation activities be made a Discretionary Activity.</p>	<p>Richard Matthews</p>	<p>Disagree</p>	<p>New hydro electricity schemes would be unable to meet the core allocation limits and would therefore fall for consideration as a Non-Complying Activity.</p> <p>The consent category of Non-Complying for takes not complying with core allocations provides for a thorough consideration of the effects of the activities and an assessment against the objectives and policies in the Plan.</p> <p>No change is recommended.</p>	
<p>Rule 15-9. Diversions between different catchments to not be specified as a Permitted Activity condition in relation to the Tongariro Power Scheme.</p>	<p>Richard Matthews</p>	<p>Disagree</p>	<p>Diversions between catchments needs to be considered carefully, to essentially permit the activity is inappropriate.</p>	
<p>Rule 16-4. Delete as the submitter considers it to be an onerous test that could discourage new hydro electricity generation</p>	<p>Richard Matthews</p>	<p>Disagree</p>	<p>I disagree with Mr Matthews. As discussed in the S42A report it is appropriate to place a higher test on activities which will which are likely to have a more than minor effect on important values (for more information about these values please see the evidence of Kate McArthur, paragraphs 27 and 31 – 35).</p> <p>As Mr Matthews discusses in his evidence the Proposed One Plan identifies the sites of importance clearly in Schedule D (now Ba) however I dispute the assertions that it is onerous. Analysis of the sites shows that between Natural State, SOS-A and SOS-R the total length is 23% of the regions rivers, 18% of which is Natural State (also DOC estate) which means that only 5% if the rivers, outside of</p>	<p>WTR 144 (268/40)</p>

Matter raised by submitters expert	Expert	Degree of agreement	Explanation/ outcome	S42A Planning Report Reference
			<p>DOC estate hold the value of SOS-A or SOS-R.</p> <p>In my opinion it is an appropriate set of values to be considered.</p>	
<p>A new controlled activity which applies when an applicant can not meet one or more conditions of permitted activity rules 16-6, 16-7, 16-10, 16-11, 16-12 and 16-12A.</p>	<p>Richard Matthews</p>	<p>Disagree</p>	<p>I disagree with Mr Matthews. As discussed in the S42A report it is appropriate to allow council to have full discretion over activities which do not meet one or more conditions of a permitted activity.</p> <p>By way of example Rule 16-11 governs the installation of piping in terms of diverting a stream e.g. over a distance of 500 metres which has been applied for here at the Council in the past. Using this example the Permitted Activity condition requiring a culvert length of no more than 20 metres would not be met and it is appropriate that it is assessed as a Discretionary Activity because the effects of this length of piping on in stream ecology and potential flooding risk need to be carefully considered and technical assessments made.</p> <p>The opportunity should also be available for the Council to decline an application which would not be possible for a Controlled Activity. The changes Mr Matthews suggests would not allow the council to decline the application.</p> <p>Therefore, in my opinion, it is appropriate that activities which do not meet the conditions of rules stated by Mr Matthews above, should be assessed as a Discretionary activity.</p>	<p>WTR 152 (268/44)</p>
<p><b>AgResearch Limited and Livestock Corporation Limited</b></p>				
<p>Rule 13-1 and Table</p>	<p>Graeme</p>	<p>Disagree</p>	<p>Concerns are raised by the submitters</p>	



Matter raised by submitters expert	Expert	Degree of agreement	Explanation/ outcome	S42A Planning Report Reference
<p>13.2. Opposes potential restrictions on agricultural research programmes.</p>	<p>Mathieson</p>		<p>regarding the appropriateness of the maximum leaching/run-off values and the effects on research farms. The submitters state that potentially a resource consent for a Discretionary Activity under Rule 13-27 would be required for future agricultural research activities. The submitter seeks that Rule 13-1 not apply to agricultural research activities and instead they be Permitted Activities with no restriction regarding Nitrogen application.</p> <p>There is validity in the concerns raised by the submitters and the detail of amended rules is being worked through with the submitter.</p>	
<b>King Country Energy Limited</b>				
<p>Objective 6-3. Seek a new objective to give specific recognition to hydro electricity takes, uses, damming and diversion.</p>	<p>David Schumacher</p>	<p>Disagree</p>	<p>I do not recommend the inclusion of a specific objective that gives particular regard to the benefits of hydro electricity generation. I consider the provisions of Chapter 3 of the Plan explicitly recognise the benefits of renewable energy. Objective 6-3 sets out the water quantity and allocation approach taken for surface water and groundwater. It does not focus on the benefits of any particular activity. To the extent that the allocation framework recognises the water already taken by existing hydro electricity schemes then the provisions of this section do explicitly recognise the benefits of renewable energy generation.</p> <p>Where any application for a new hydro electricity scheme was mooted then the provisions of Chapter 3 dealing with the benefits of renewable energy would be considered along with the provisions of</p>	

Matter raised by submitters expert	Expert	Degree of agreement	Explanation/ outcome	S42A Planning Report Reference
			<p>Chapter 6 Water.</p> <p>No change is recommended.</p>	
<p>Policy 6-1 and Table 6.2. Seek a specific value for hydro electricity generation within the Water Use value group.</p>	<p>David Schumacher</p>	<p>Disagree.</p>	<p>Table 6.2 specifically identifies Existing Infrastructure as a Social and Economic Value and this would include infrastructure associated with an existing hydro electricity scheme. Mr Schumacher notes that the Bay of Plenty Regional Land and Water Regional Plan specifically provides for existing hydro electricity schemes. With the Existing Infrastructure value listed in Table 6.2 in conjunction with the proposed additional wording in Schedule B regarding existing hydro electricity takes I consider the Plan appropriately recognises existing hydro electricity generation.</p> <p>In terms of new hydro electricity generation I continue to consider that Industrial Abstraction as a general value would provide for the consideration of hydro.</p> <p>No change is recommended.</p>	
<p>Policies 6-12 and 6-13. Seek specific recognition for hydro electricity by recognising the continued availability of water and exempting hydro power from water audits.</p>	<p>David Schumacher</p>	<p>Disagree</p>	<p>The proposed addition of new wording to Schedule B recognises that water for existing hydro electric power has been taken into account.</p> <p>Water audits and water budget requirements as outlined in Policy 6-13(a) can be applied as appropriate. The requirements for specific consents including for hydro electric power should be considered on a case by case basis through the consent process.</p>	

Matter raised by submitters expert	Expert	Degree of agreement	Explanation/ outcome	S42A Planning Report Reference
<p>Policy 15-1. Oppose the policy as it refers to Schedule D. Seek the addition of the word “particular” in clause (c). Seek the addition of two specific clauses referring to the benefits of renewable energy.</p>	<p>David Schumacher</p>	<p>Disagree</p>	<p>Clause (c) requires regard to be had to the objectives and policies of Chapter 3. I do not consider that the inclusion of the words “particular regard” is necessary as this implies that the provisions of Chapter 3 are in some way more important than other relevant objectives and policies and may elevate section 7 provisions above others.</p> <p>Chapter 3 provisions adequately deal with the benefits of renewable energy.</p> <p>No change is recommended.</p>	
<p>Policy 15-5. Opposed.</p>	<p>David Schumacher</p>	<p>Disagree</p>	<p>I do not consider that existing hydro schemes are somehow penalised by Policy 15-5. There is no implied mandatory redistribution of water through the policy and indeed current resource consents that are expiring are given some priority which should address the concerns raised by the submitter.</p> <p>In terms of common expiry dates the changes recommended to the Administration Chapters of the Plan signal that the shortest term does not apply but rather that consents may be reviewed on the first common catchment expiry date.</p>	
<p>Section 6.5 Methods. The inclusion of a revised method 6-1 for Large Water Abstractors to cover hydro electric power.</p>	<p>David Schumacher</p>	<p>Disagree</p>	<p>Method 6-1 covers large water abstractors or the irrigation industry. It is not intended to cover hydro electric power. No change is recommended.</p>	
<p>Policy 16-1. Seeks specific</p>	<p>David Schumacher</p>	<p>Agree</p>	<p>An additional cross reference clause (e) has been added to Policy 16-1 to make the cross</p>	

Matter raised by submitters expert	Expert	Degree of agreement	Explanation/ outcome	S42A Planning Report Reference
reference to the objectives and policies of Chapter 3.			referencing consistent across the Water Chapters.	
<b>Ravensdown Fertiliser Co-operative Limited</b>				
Oppose the FARM Strategy workbook and seek the investigation of alternative methods for dealing with the issues.	Christopher Hansen	Disagree	Meetings are still being held with the submitter and other interested parties to see if this issue can be resolved but it may remain an issue in contention.	
Oppose the use of LUC soil data in that it may be inaccurate and that the update of the data should be at no cost to farmers. Oppose the leaching values in Table 13-2.	Christopher Hansen	Disagree	Meetings are still being held with the submitter and other interested parties to see if this issue can be resolved but it may remain an issue in contention.	
Section 6.1.4. Seek more specific reference to the rivers of concern.	Christopher Hansen	Disagree	The provisions of section 6.1.4 outline in general terms that there are rivers across the Region where water quality is poor. The objectives and policies then provide further detail regarding water quality culminating in Table 13.1 which identifies the priority catchments i.e. those with the poorest water quality. I do not consider any further detail needs to be added to section 6.1.4.	
Policy 6-7 and Rule 13-1. Concerns regarding the Controlled Activity status for farming.	Christopher Hansen	Disagree	The need for regulation associated with Rule 13-1 has been set in the original evidence. I have also read the evidence of Corina Jordan and Mr Botha for Fish and Game New Zealand which further supports the need for regulation to manage the effects of the intensification of agricultural and horticultural land uses.	

Matter raised by submitters expert	Expert	Degree of agreement	Explanation/ outcome	S42A Planning Report Reference
			Changes are recommended to the wording of Rule 13-1 to make the rule more certain in its intent and interpretation. I am not recommending the removal of Rule 13-1 or alterations to Policy 6-7.	
Policy 13-1. Fertiliser may get caught by the definition of contaminant and therefore be a Discretionary Activity.	Christopher Hansen	Disagree	Meetings are still being held with the submitter and other interested parties to see if this issue can be resolved but it may remain an issue in contention.	
Rule 13-2. How will aerial top dressing be provided for under the rule in terms of possible discharges to water.	Christopher Hansen	Disagree	Meetings are still being held with the submitter and other interested parties to see if this issue can be resolved but it may remain an issue in contention.	
Glossary – Definition for Intensive Sheep and Beef Farming. What does part of the farm irrigated mean in the definition?	Christopher Hansen	Agree	The definition for Intensive Sheep and Beef Farming has been altered to remove the reference to part of the farm being irrigated.	
<b>Fish and Game New Zealand</b>				
Policy 6-27. Seek changes to Policy 6-27 to refer to natural character.	Corina Jordan	Agree	After discussions with the submitter it has been agreed that changes to Policy 16-3 are recommended to provide greater clarity in the policy around the term natural character.	
Concerned that the references to water bodies in Chapter 16 only encompass the water and not the bed.	Corina Jordan	Agree	The definition of water body within the RMA only refers to water and not the bed of a water body. To enable the terminology used in the Plan to be consistent throughout and allow for the consideration of both the water and the bed it is recommended that a specific definition of water body be added to the Plan.	

Matter raised by submitters expert	Expert	Degree of agreement	Explanation/ outcome	S42A Planning Report Reference
<p>Table 16-1. Propose changes to clauses (c), (d) and (k).</p>	<p>Corina Jordan</p>	<p>Agree in part</p>	<p>It is recommended to alter the order of clauses (c) and (d) within the Life Supporting Capacity section of Table 16.1. The changes will mean there will be no reference within clause (d) to providing for a 24 hour period in which the horizontal visibility provisions would apply. Rather clause (c) will impose the time constraints by restricting the discharge of sediment to no more than 5 consecutive days or for no more than 12 hours on any one of those 5 days.</p> <p>It is not recommended that the clause covering permanent straightening or channeling refer to a 10 year period rather than 12 months. The change would be more restrictive and unreasonable.</p>	
<p><b>Meridian Energy Limited</b></p>				
<p>The addition of a policy framework that specifically provides for takes, uses, damming and diversion activities associated with hydro electricity.</p>	<p>Catherine Clarke</p>	<p>Disagree</p>	<p>I do not recommend the inclusion of specific policies that give particular regard to the benefits of hydro electricity generation. I consider the provisions of Chapter 3 of the Plan explicitly recognise the benefits of renewable energy. To the extent that the allocation framework recognises the water already taken by existing hydro electricity schemes then the provisions of this section do explicitly recognise the benefits of renewable energy generation.</p> <p>Where any application for a new hydro electricity scheme was mooted then the provisions of Chapter 3 dealing with the benefits of renewable energy would be considered along with the provisions of Chapter 6 Water.</p>	

Matter raised by submitters expert	Expert	Degree of agreement	Explanation/ outcome	S42A Planning Report Reference
			No change is recommended.	
<p>Policy 6-1, 6-12 and Table 6-2. Seek to have hydro electricity generation specifically included within the Industrial Management Abstraction Value.</p>	Catherine Clarke	Disagree	I do not consider it necessary to specifically identify hydro electricity generation as an industrial abstraction value. I consider the value to be broad enough to encapsulate hydro electricity generation.	
<p>Policy 15-1. Seek to have clause (c) refer to a reference to “<i>that particular regard</i>” be inserted rather than “<i>have regard to</i>” when referencing Chapter 3.</p>	Catherine Clarke	Disagree	Section 7 of the RMA refers to “ <i>have particular regard to the benefits to be derived from the use and development of renewable energy</i> ”. The wording proposed by the submitter then is consistent with the terminology used in section 7. Chapter 3 of the Proposed One Plan however, covers infrastructure, energy and waste matters not just renewable energy. In making a generic reference to Chapter 3 I consider the wording that currently exists i.e. “ <i>have regard to</i> ” is appropriate.	
<p>Policies 15-2 and 16-1. Seek an additional clause to state “<i>have particular regard to Chapter 3 to the extent relevant to the activity.</i>”</p>	Catherine Clarke	Agree in part	To provide consistency across the policies I have recommended a cross reference to Chapter 3 within Policies 15-2 and 16-1. The wording recommended is that used within Policy 15-1 i.e. “ <i>have regard to</i> ” rather than “ <i>have particular regard to</i> ”.	
<p>An alternative allocation and minimum flow regime.</p>	Catherine Clarke	Disagree	The policy framework aims to set clear guidance as to what the allocation and minimum flow regime is. Any deviation from this framework can be considered through a resource consent application process albeit	

Matter raised by submitters expert	Expert	Degree of agreement	Explanation/ outcome	S42A Planning Report Reference
			there are no specific policies to provide guidance.	
Policy 15-5 and Table 11.2. Oppose common catchment expiry dates	Catherine Clarke	Disagree	As was outlined to the Hearing Panel in relation to Chapter 2 – Administration the common catchment expiry dates are setting dates for both expiry and review dates. The changes recommended to the Hearing Panel if accepted will clarify that the date for consent duration will be set for as long a period as possible with the common catchment dates also being able to be used as review dates.  No change is recommended.	
Policy 15-5. Concerns regarding the priority approach taken within the policy. Specifically how water will be allocated between competing users.	Catherine Clarke	Disagree	If the Policy framework were removed as is proposed by the submitter I consider there would be less certainty regarding allocation between competing users. I consider the policy establishes a base line against which consent applications can be assessed with specific mechanisms for determining priority e.g. between takes within the same clause being able to be determined through the consent process.  No change is recommended.	
Policies 6-3, 6-4 and 6-5. Zone of reasonable mixing.	Catherine Clarke	Disagree	The submitter seeks a policy to cover reasonable mixing. Reasonable mixing is set as a standard and reflected within Table 16.1 and within Schedule Ba by way of the clarity % change column and is defined in the Plan. The water quality objectives and policies whilst not specifically mentioning the term reasonable mixing provides a clear framework as to what is sought with regard to water	



Matter raised by submitters expert	Expert	Degree of agreement	Explanation/ outcome	S42A Planning Report Reference
			<p>quality. The specifics regarding what constitutes reasonable mixing appropriately sit within the rule framework.</p>	
<b>Palmerston North City Council (PNCC)</b>				
<p>Standards applying to the Manawatu River are inappropriate and will result in significant costs to PNCC. No consideration has been given to whether the standards are effective and efficient. Are the values, management objectives and standards contained within Schedule D standards pursuant to section 69 of the RMA?</p>	<p>Andrew Bashford</p>	<p>Noted</p>	<p>I note the comments made by PNCC regarding the economic and social costs associated with potentially having to comply with much higher standards in regards to water quality.</p> <p>The concern appears to centre on how the provisions of Schedule D will be applied. I understand that where the provisions of Schedule D are referred to within a Permitted Activity rule then they are standards. Where they are referred to in relation to an activity requiring resource consent or within the policy framework then they are matters that are taken into account and can be used as a guide.</p> <p>I understand that the concern is also that the standards may come into force in relation to an existing consented activity where these activities are being reviewed under section 128 of the RMA. I note the proposed wording put forward by Mr Bashford in relation to Rule 13-27 as follows:</p> <p><i>“This rule does not apply to consented discharges existing at the date of notification of this Plan and shall only apply to those consents upon expiry of such consents or from 2030, whatever occurs earliest.”</i></p> <p>This is a matter which I wish to talk through</p>	

Matter raised by submitters expert	Expert	Degree of agreement	Explanation/ outcome	S42A Planning Report Reference
			further with the submitter and seek legal advice. I will return to this matter at the Hearing.	
Deletion of rules 13-17 and 13-23 in terms of their reference to natural lakes or wetlands. Or schedule the lakes and wetlands that are rare or threatened wetland habitat.	Andrew Bashford	Agree in part	Andrew Bashford considers that the rules should not refer to natural lakes or wetlands as these matters are covered under rules 12-7 and 12-8 (now rule 12-6). I consider the rule guide under rule 13-17 makes it clear that rules 12-7 and 12-8 apply. In relation to rule 13-23 it is recommended that the reference to wetland be removed as this matter will be covered by Chapter 12. Ms Maseyk provided evidence as to why the schedule of sites is not appropriate.	
Turitea water supply. Minimum flows.	Andrew Bashford	Agree	Minimum flows and core allocations in Schedule B have been revised following caucusing.	
<b>Ministry of Education</b>				
Seeks to have Policy 15-10 rank hospitals and other medical facilities above schools and educational facilities.	Brenda O'Shaughnessy	Disagree	The policy states that minimum flow restrictions will not apply for takes for the reasonable needs of hospitals, other medical facilities, marae, schools and educational facilities amongst others. All of these activities are within the same sub-clause meaning that one activity is not given any priority over the other activities and all of these activities will be allowed to continue regardless of river flow.  No change is recommended.	
Discharges from schools in excess of 2,000 litres per day.	Brenda O'Shaughnessy	Noted	A resource consent application would be required for these activities as a Discretionary Activity under Rule 13-27. The amended policy framework acknowledges that there may be a variety of alternatives that can be	

Matter raised by submitters expert	Expert	Degree of agreement	Explanation/ outcome	S42A Planning Report Reference
			<p>considered in relation to discharges. I understand that school discharges in the Region are to land rather than water and the effects of these activities can be managed.</p> <p>No change is recommended.</p>	
<b>Mighty River Power</b>				
Clarify if provisions apply to whole areas or site specific section of a Water Management Sub Zone	Richard Peterson and Andrew Collins	Agree	I agree with the points Mr Peterson has raised and agree that it will be help to clarify the plan and whether or not the rule applies to whole sections or site specific areas of a Water Management Sub Zone. These changes have been made within the rules.	
The inclusion of the phrase “as far as reasonably practicable” within various policies.	Richard Peterson and Andrew Collins	Disagree	<p>I consider the phrase “as far as reasonably practicable” adds uncertainty in terms of interpreting and understanding a policy.</p> <p>No change is recommended.</p>	
Various changes to Chapter 6 to specifically reference the take and use of water for power generation and recognition of the benefits of this activity.	Richard Peterson and Andrew Collins	Disagree	<p>If such specific references were included then there would be the need to recognise the effects including benefits of other activities e.g. water takes for public water supplies.</p> <p>Cross references to Chapter 3 are provided.</p> <p>No change is recommended.</p>	
Table 6-2a Surface Water Depletion. And Rule 15-2. The inclusion of additional wording to cover catchments	Richard Peterson and Andrew Collins	Disagree	It is understood that within this Region this would not occur given the particular hydro geology of the Region.	

Matter raised by submitters expert	Expert	Degree of agreement	Explanation/ outcome	S42A Planning Report Reference
containing downstream hydro-electricity generation storage reservoirs.				
Provide for new takes for hydro-electricity generation not meeting core allocation as a Discretionary Activity.	Richard Peterson and Andrew Collins	Disagree	The effects of a new hydro electricity scheme, where core water allocations are not met need to be considered carefully, just as for other water takes e.g. for a public water supply.  No change is recommended.	
Delete clause (a) within Rule 15-9 which does not allow the diversion or discharge to occur within different sub-zones.	Richard Peterson and Andrew Collins	Disagree	As a Permitted Activity condition it is appropriate that any diversion or discharge from a lawfully established diversion not be within a different sub-zone. This gives effect to the changes in Chapter 4 which specifically identifies diversion between zones as an area of cultural concern which needs to be managed carefully.	
<b>Oil Companies</b>				
Policies 13-1 to 13-4. Refer to industry standards and codes of practice.	David Le Marquand	Agree in part	It is recommended that the following wording be added to Policies 13-1 and 13-2:  <i>Any industry standard that is relevant to the activity in accordance with Policy 13-5.</i>  I have not recommended the addition of the wording to policies 13-3 and 13-4 as these are more specific policies and the references within the more general policies is adequate to enable a consideration of industry standards and the inclusion of references to the applicable standard within the rule framework.	
Concerned that discharges of	David Le Marquand	Disagree	The rule framework provides that where a discharge of stormwater to land does not meet	

Matter raised by submitters expert	Expert	Degree of agreement	Explanation/ outcome	S42A Planning Report Reference
stormwater to land is a Discretionary Activity and discharges to water are Restricted Discretionary Activities (Rules 13-15, 13-16 and 13-17).			the Permitted Activity conditions it becomes a Controlled Activity and then if it cannot meet the provisions of that rule it becomes Discretionary. A discharge of stormwater to water not meeting the Permitted Activity conditions becomes a Restricted Discretionary Activity. I consider the rule structure to be appropriate. No change is recommended.	
<b>Transpower NZ Limited</b>				
Mr Le Marquand has raised the insertion of a new condition into a number of permitted activity rules within Chapter 16 regarding the erection or placement of a structure in a rare or threatened habitat and the scope used by the officer in order to make this insertion.	David Le Marquand	Disagree	I have provided a detailed answer to this matter in the main section of this report.	WTR 159, pp.357
<b>Higgins Group Limited</b>				
Policy 6-32. Amend to clarify how table 6.3 (now 16.8) should be used through the consenting process when better or alternative information was available.	Nathan Baker	Agree	Mr Baker has met with the reporting officers on one occasion and had a number of subsequent discussions after. We came to an agreement on the wording of Policy 6-32 (now 16-8) which is detailed in the attached track changes.	WTR 3 (153/7 and 153/8)
An additional Policy. To cover the link between gravel	Nathan Baker	Disagree	Higgins seeks to provide a link between the provisions of Chapter 3 and Chapter 6 through an explicit policy that would require the	

Matter raised by submitters expert	Expert	Degree of agreement	Explanation/ outcome	S42A Planning Report Reference
<p>extraction and its end use in particular infrastructure and energy development.</p>			<p>Regional Council and territorial authorities to recognise and provide for the benefits derived from the final use of the gravel. I consider that issues surrounding the “strategic” benefits of the gravel resource are matters best dealt with outside of the Regional Plan. For example, the need to consider aggregate extraction in close proximity to the infrastructure project to reduce the carbon footprint are matters that could appropriately be dealt with directly with the Operations Department of the Regional Council.</p>	
<b>New Zealand Defence Force</b>				
<p>Dam rules (16-9, 16-10). A number of issues regarding clarity. As well as being discussed in her evidence it was also discussed at length in our pre-hearing meeting</p>	Emily Grace	Agree in part	<p>After much discussion on this matter we have come to the conclusion that:</p> <p>“The following sentence from the Rule Guide for rules 16-8 to 16-9 ... included as part of the rule guide for rules 16-5 to 16-7: <i>“This means that the Regional Council has decided to accept the presence of existing dam structures (and has declined to give itself the discretionary as to whether an existing dam structure should remain)”</i>. This sentence explains rules 16-5 to 16-7, not rules 16-8 to 16-9, so should be included in that rule guide”</p> <p>I agree with this and have made a recommendation to move that sentence of the rule guide to the rule guide below section 16.4</p>	
<p>Temporary bridges. Either a new rule be inserted or rule 16-12 be amended to allows this. As well as being discussed in Ms</p>	Emily Grace	Disagree	<p>Despite having a length discussion with Ms Grace at our pre-hearing meeting I still feel that my discussion in section WTR 135, pp. 300 of my s42A officers’ report stands.</p>	WTR 135

Matter raised by submitters expert	Expert	Degree of agreement	Explanation/ outcome	S42A Planning Report Reference
Grace’s evidence it was also discussed at length in our pre-hearing meeting.				
Amend the definition for public water supply.	Emily Grace	Agree	Amending the definition of public water supply to remove the reference to separate titles and the inclusion of the term community provides for a clear definition. The change ensures that NZ Defence water supplies which include supplying Waiouru township are not excluded from the definition.	
<b>New Zealand Fertiliser Manufacturers Research Association and Balance Agri-Nutrients Ltd</b>				
Nutrient Management.	Greg Sneath and Nigel Sadlier	Disagree	Meetings are still being held with the submitter and other interested parties to see if this issue can be resolved but it may remain an issue in contention.	
<b>New Zealand Pharmaceuticals Ltd</b>				
Seek a policy framework that allows for long term adaptive resource consents.	Dr Richard Garland and Andrew Lewis	Noted	I consider the policy framework within the Plan does not preclude resource consent application decisions that allow for adaptive management mechanisms to be adopted and in many places provides for changes and upgrades to be made over time as well as scheduled reviews (in relation to common catchment expiry dates).	
<b>Poultry Industry Association of NZ and Tegel Foods Limited</b>				
Rule 13-6. Does the rule cover wash down water?	Gemma Moleta	Agree in part	Rule 13-6 outlines that any discharge of farm animal effluent including from dairy sheds and poultry farms is considered as a Controlled Activity. Where effluent is contained within wash down water which it would be then the wash down water is also triggered under the provisions of this rule.  No change is recommended.	

Matter raised by submitters expert	Expert	Degree of agreement	Explanation/ outcome	S42A Planning Report Reference
Fertiliser.	Gemma Moleta	Disagree	The rule structure provides for the discharge of untreated poultry litter to land as a Controlled Activity. If composted chicken litter was to be registered as a fertiliser by the likes of FertMark then it would be Permitted under Rule 13-2.	
<b>Minister of Conservation</b>				
Policy 6-27. Seek changes to Policy 6-27 to refer to natural character.	Julian Watts	Agree in part	After discussions with the submitter it has been agreed that changes to Policy 16-3 are recommended to provide greater clarity in the policy around the term natural character.	
Code of Practice	Julian Watts	Agree in Part	<p>Matters regarding the code of practice for rivers works have been addressed in the supplementary report of Allan Cook and James Lambie.</p> <p>Some changes have been made to the Code of Practice for River works document in response to concerns raised by the submitter and therefore I recommend that Rule 16-13 is updated to reference the November 2009 version.</p>	WTR 155 (372/165)
<b>TrustPower</b>				
The points raised in the submission from TrustPower reflect the changes sought by the other hydro electricity generators.	Robert Schofield	As above	Refer to the comments made in relation to other hydro electricity companies for recommended changes.	
<b>Tanenuiarangi Manawatu Incorporated</b>				
Reference changes to the Environmental Code of Practice for	Paul Horton	Disagree	Whilst the submitter is seeking changes to the Environmental Code of Practice for River Protection Works rather than the Plan I will	



Matter raised by submitters expert	Expert	Degree of agreement	Explanation/ outcome	S42A Planning Report Reference
River Works. Seek provisions to protect eel and tuna migrations.			comment on the changes sought in general terms. Table 16-1 includes a number of conditions applying to Permitted Activities including matters that deal with sediment release, maintaining fish passage and the discharge of contaminants. All of these provisions serve to protect eel migration. In addition, eels tend to migrate at night and the activities that may create effects are generally undertaken during the day thereby not adversely affecting eel migration.	
<b>Fonterra Co-Operative Group Ltd</b>				
The inclusion of the phrase “as far as reasonably practicable” within various policies.	Gerard Willis	Disagree	I consider the phrase “as far as reasonably practicable” adds uncertainty in terms of interpreting and understanding a policy.  No change is recommended.	
An additional policy to cover water quality standards and intensive agricultural land use activities.	Gerard Willis	Agree in part	An additional policy is recommended (policy 13-8) to specifically address those farms unable to meet the nitrogen leaching/run-off values within high rainfall areas and on poorer quality soils. The intent of the additional policy is to recognise the potential difficulties some activities may have in particular areas in meeting the values.  The resource consent application process is then able to assess what other alternatives are being proposed to reduce the nitrogen leaching effects.	
Deferring the regulatory approach by five years for the application of the nitrogen leaching	Gerard Willis	Disagree	The dates specified within Table 13.1 are staggered with the latest date being 2015 and the first date being 2011. The Plan was notified in May 2007. Effectively there will be a four year period before the rule has effect within the	

Matter raised by submitters expert	Expert	Degree of agreement	Explanation/ outcome	S42A Planning Report Reference
provisions and Rule 13-1.			<p>first catchments. A potential further five year period is considered onerous. The need for regulation has been covered by Greg Carlyon in evidence. A deferral of the implementation of the rule erodes the potential improvements that can be made to water quality. It also pushes the implementation of any farm changes to the time when the rule may be reviewed. If the rule has not been implemented it will not be possible to assess its effectiveness at that time.</p> <p>No change is recommended.</p>	
Rule 13-1. Provide for dairy farming as a Permitted Activity.	Gerard Willis	Disagree	<p>I have outlined above that a Permitted Activity rule is being considered in relation to cropping activities. The Permitted Activity rule being proposed by Fonterra relies on the development of a nutrient budget that demonstrates that nitrogen leaching is occurring at a rate no greater than the values specified in Table 13.2. As a Permitted Activity it is unclear how there can be a demonstration of compliance when no documentation needs to be provided to any authority for confirmation of compliance.</p>	

## APPENDIX 4

### EXPLANATION OF RULES 16-2 AND 16-2A

The following table compares the original water conservation notices and orders, the operative Beds of Rivers and Lakes Plan, the Proposed One Plan and the recommendation so that readers can gain a better understanding of why the changes to Rule 16-2 were recommended in the S42A Planning Evidence and Recommendations Report.

Key:

ü = Yes it is specifically controlled by this plan/provision

? = Not specifically stated

0 = No it is not specifically controlled by this plan/provision (i.e. it is controlled by a general rule)

River/ Activity	Water Conservation Order and Notices	Operative Beds of Rivers and Lakes plan	Proposed One Plan – Rule 16-2	Recommended Rule 16-2 and 16-2A
Manganui O Te Ao				
• Gravel extraction	? - Gravel extraction not specifically mentioned. Section 7(2)(iii) states that this notice shall not prevent activities undertaken pursuant to the Soil Conservation and Rivers Control Act 1941	ü - Rule 13, Non complying – all of the area covered by the Order is included.	ü - Rule 16-2, Non complying – all of the area covered by the Order is included.	ü - Rule 16-2A, Non complying – all of the area covered by the Order is included.
• Placement of structures in the bed (other than dams)	? - Bed disturbance and structures not specifically mentioned (apart from dams and maintenance of named infrastructure). The order is however clear that any authorisation should not cause a breach of the water standards set out in the Order – in my opinion this would include	0 - Rule 11, Permitted if conditions are met, otherwise Rule 12, Discretionary	ü - Rule 16-2, Non complying – all of the area covered by the Order is included.	0 - No longer covered by Rule 16-2 or 16-2A. Structures are assessed as either a Discretionary activity if they meet the conditions of rule 16-4 or otherwise permitted by rule 16-12
• Other bed disturbance not associated with gravel or structures		ü - Rule 16, Non Complying - all of the area covered by the order is included	ü - Rule 16-2, Non complying – all of the area covered by the Order is included.	ü - Rule 16-2, Non complying – all of the area covered by the Order is included.

River/ Activity	Water Conservation Order and Notices	Operative Beds of Rivers and Lakes plan	Proposed One Plan – Rule 16-2	Recommended Rule 16-2 and 16-2A
	sediment discharge.			
<b>Rangitikei River (Upper)</b>				
• Gravel extraction	? - Gravel extraction not specifically mentioned. Section 5(3) states that this notice shall not prevent activities undertaken pursuant to the Soil Conservation and Rivers Control Act 1941	Ü - Rule 13, Non complying - all of the area covered by the Order is included.	Ü - Rule 16-2, Non complying – all of the area covered by the Order is included.	Ü - Rule 16-2A, Non complying – all of the area covered by the Order is included.
• Placement of structures in the bed (other than dams)	? - Bed disturbance and structures not specifically mentioned (apart from dams and maintenance of named infrastructure). The order is however clear that any authorisation should not cause a breach of the water standards set out in the Order – in my opinion this would include sediment discharge.	Ø - Rule 11, Permitted if conditions are met, otherwise Rule 12, Discretionary	Ü - Rule 16-2, Non complying – all of the area covered by the Order is included.	Ø - no longer covered by Rule 16-2 or 16-2A. Structures are assessed as either a discretionary activity if they meet the conditions of rule 16-4 or otherwise permitted by rule 16-12
• Other bed disturbance not associated with gravel or structures		Ü - Rule 16, Non Complying	Ü - Rule 16-2, Non complying – all of the area covered by the Order is included.	Ü - Rule 16-2, Non complying – all of the area covered by the Order is included.
<b>Rangitikei River (Middle)</b>				
• Gravel extraction	? - Gravel extraction not specifically mentioned. Section 5(3) states that this notice shall not prevent activities undertaken pursuant to the Soil Conservation and Rivers Control Act – 1941	Ø - no specific restrictions	Ø - no specific restrictions	Ø - no specific restrictions
• Placement of structures in the bed (other than dams)		Ø - Rule 11, Permitted if conditions are met, otherwise Rule 12, Discretionary	Ø - Not included in Rule 16-2. Structures are assessed as either a discretionary activity if they meet the conditions of rule 16-4 or otherwise	Ø - Structures are assessed as either a discretionary activity if they meet the conditions of rule 16-4 or otherwise permitted by rule 16-12

River/ Activity	Water Conservation Order and Notices	Operative Beds of Rivers and Lakes plan	Proposed One Plan – Rule 16-2	Recommended Rule 16-2 and 16-2A
			permitted by rule 16-12	
<ul style="list-style-type: none"> <li>Other bed disturbance not associated with gravel or structures</li> </ul>	? - Bed disturbance and structures not specifically mentioned (apart from dams and maintenance of named infrastructure). The order is however clear that any authorisation should not cause a breach of the water standards set out in the Order – in my opinion this would include sediment discharge.	<b>0</b> - Rule 17, Restricted Discretionary	<b>0</b> - Rule 16-16, Permitted for small scale disturbance otherwise discretionary	<b>0</b> - Rule 16-16, Permitted for small scale disturbance otherwise discretionary
<b>Mangatainoka</b>				
<ul style="list-style-type: none"> <li>Gravel extraction</li> </ul>	<b>ü</b> - Gravel extraction is allowed so long as it is not from the wetted channel and water quality requirements are met.	<b>0</b>	<b>0</b>	<b>0</b>
<ul style="list-style-type: none"> <li>Placement of structures in the bed (other than dams)</li> </ul>	? - Bed disturbance and structures not specifically mentioned (apart from dams and maintenance of named infrastructure). The order is however clear that any authorisation should not cause a breach of the water standards set out in the Order – in my opinion this would include sediment discharge.	<b>0</b> - Rule 11, Permitted if conditions are met, otherwise Rule 12, Discretionary	<b>0</b> - Not included in Rule 16-2. Structures are assessed as either a discretionary activity if they meet the conditions of rule 16-4 or otherwise permitted by rule 16-12	<b>0</b> - Structures are assessed as either a discretionary activity if they meet the conditions of rule 16-4 or otherwise permitted by rule 16-12
<ul style="list-style-type: none"> <li>Other bed disturbance not associated with gravel or structures</li> </ul>	? - Bed disturbance and structures not specifically mentioned (apart from dams and maintenance of named infrastructure). The order is however clear that any authorisation should not cause a breach of the water standards set out in the Order – in my opinion this would include sediment discharge.	<b>0</b> - Rule 17, Restricted Discretionary	<b>0</b> - Rule 16-16, Permitted for small scale disturbance otherwise discretionary	<b>0</b> - Rule 16-16, Permitted for small scale disturbance otherwise discretionary
<b>Hataupu</b>				
<ul style="list-style-type: none"> <li>Gravel extraction</li> </ul>	? - Gravel extraction not	<b>ü</b> - Rule 13, Non	<b>ü</b> - Rule 16-2, Non	<b>ü</b> - Rule 16-2A, Non

River/ Activity	Water Conservation Order and Notices	Operative Beds of Rivers and Lakes plan	Proposed One Plan – Rule 16-2	Recommended Rule 16-2 and 16-2A
	specifically mentioned. Section 5(3) states that this notice shall not prevent activities undertaken pursuant to the Soil Conservation and Rivers Control Act 1941	complying - only part of the area covered by the notice is included.	complying – only part of the area covered by the notice is included.	complying – only part of the area covered by the notice is included.
<ul style="list-style-type: none"> <li>Placement of structures in the bed (other than dams)</li> </ul>	? - Bed disturbance and structures not specifically mentioned (apart from dams). The order is however clear that any authorisation have an adverse effect on the features that the notice sets out to protect (trout fisheries)	<p>0 - Rule 11, Permitted if conditions are met, otherwise Rule 12, Discretionary</p>	<p>ü - Rule 16-2, Non complying – only part of the area covered by the notice is included</p>	<p>0 - no longer covered by Rule 16-2 or 16-2A. Structures are assessed as either a discretionary activity if they meet the conditions of rule 16-4 or otherwise permitted by rule 16-12</p>
<ul style="list-style-type: none"> <li>Other bed disturbance not associated with gravel or structures</li> </ul>		<p>0 - Rule 17, Restricted Discretionary</p>	<p>0 - Rule 16-16, Permitted for small scale disturbance otherwise discretionary</p>	<p>0 - Rule 16-16, Permitted for small scale disturbance otherwise discretionary</p>
<b>Makuri</b>				
<ul style="list-style-type: none"> <li>Gravel extraction</li> </ul>	ü - Gravel extraction is allowed so long as it is not from the wetted channel and water quality requirements are met.	ü - Rule 13, Non complying - only part of the area covered by the notice is included.	ü - Rule 16-2, Non complying – only part of the area covered by the notice is included.	ü - Rule 16-2A, Non complying – only part of the area covered by the notice is included.
<ul style="list-style-type: none"> <li>Placement of structures in the bed (other than dams)</li> </ul>	? - Bed disturbance and structures not specifically mentioned (apart from dams and maintenance of named infrastructure). The order is however clear that any authorisation should not cause a breach of the water standards set out in the Order – in my opinion this would include sediment discharge.	<p>0 - Rule 11, Permitted if conditions are met, otherwise Rule 12, Discretionary</p>	<p>ü - Rule 16-2, Non complying – only part of the area covered by the notice is included</p>	<p>0 - no longer covered by Rule 16-2 or 16-2A. Structures are assessed as either a discretionary activity if they meet the conditions of rule 16-4 or otherwise permitted by rule 16-12</p>
<ul style="list-style-type: none"> <li>Other bed disturbance not associated with gravel or structures</li> </ul>		<p>0 - Rule 17, Restricted Discretionary</p>	<p>0 - Rule 16-16, Permitted for small scale disturbance otherwise discretionary</p>	<p>0 - Rule 16-16, Permitted for small scale disturbance otherwise discretionary</p>