

Plan Change 1 to the Natural Resources Plan for the Wellington Region

Section 42A Hearing Report Hearing Stream 1

Topic: Beds of Lakes and Rivers

Process: Freshwater Planning Process and Schedule 1, Part 1 Process

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Executive Summary

1. This report considers submissions received by Greater Wellington Regional Council ('the Council') in relation to the provisions of Plan Change 1 to the Natural Resources Plan for the Wellington Region ('PC1') as they apply to Beds of Lakes and Rivers.
2. The provisions in this topic are following the Freshwater Planning Process and Schedule 1, Part 1 Process of the Resource Management Act 1991 ('the RMA').
3. A total of 52 submission points and 73 further submission points were received on this topic. The submissions on this topic were narrow in focus, addressing the miscellaneous amendments to the Beds of Lakes and Rivers Chapter. The following key issues are raised in submissions and are covered by this report. The details of the issues and who the submitters are is set out in Appendix 2:
 - Amending General Conditions 5.4.4
 - Amendments to Rule R128: New structures (permitted) and associated changes to Rule R145: All other uses of river and lakes beds (discretionary)
 - Amendments to Rule R132: Minor sand and gravel extraction (permitted)
 - Amendments to Rule R133: Gravel extraction for flood protection purposes (discretionary)
 - Amendments to Rule R151A: Ongoing diversion of a river (permitted)
 - Adding references to National Environmental Standards for Electricity Transmission Activities) Regulations 2009
4. Other issues raised by submitters in relation to this topic are also covered in the report.
5. As a result of analysing the submissions, I have recommended a number of amendments to the PC1 provisions to address issues raised. These amendments can be summarised as follows:
 - Minor clarity amendments
 - Assisting plan users by updating references to other legislation
6. These recommended changes are set out in Appendix 3 of this report.
7. I have also undertaken a section 32AA evaluation for the amendments I have recommended, and this is attached to this report as Appendix 4.
8. For the reasons outlined in the section 32AA evaluation in Appendix 5 and outlined in this report, I consider that the proposed rules with the recommended amendments, are the most appropriate.

Interpretation

9. This report utilises a number of abbreviations and should be read in conjunction with the document 'Plan Change 1 to the Natural resources Plan – List of Abbreviations of Terms and Submitter Names' available on the Plan Change 1 website.

1.0 Introduction

1.1 Purpose

10. This report is prepared under section 42A of the RMA. The purpose of this report is to provide the Freshwater Hearings Panel and the Part 1, Schedule 1 Hearings Panel ('the Hearing Panels') with an analysis of submissions received by the Council in relation to the Beds of Lakes and Rivers topic of PC1. I make recommendations as to whether or not those submissions should be accepted/accepted in part or rejected/rejected in part or where I make no recommendation and where appropriate, provide recommendations for amendments to the PC1 provisions.
11. This report should be read in conjunction with the section 42A report 'Overarching' which provides the background to PC1, the statutory context, scope of the plan change, the approach to the categorisation of provisions, and administrative matters relating to PC1.

1.2 Scope of this Report

12. PC1 has been notified via two plan-making processes under Schedule 1 of the RMA:
 - The Freshwater Planning Process (FPP) under Part 4, Schedule 1 for the provisions that form the Freshwater Planning Instrument. These provisions are marked in the PC1 document with the freshwater icon.
 - The standard plan-making process in Part 1, Schedule 1 ('P1S1').
13. This report addresses submission points and provisions under both the FPP and P1S1 processes.
14. The provisions of PC1 that are addressed by this report are set out in Appendix 1. That table also includes the relevant page number in the notified plan change document, the relevant plan change process for each provision (FPP or P1S1), and the number of submissions received for each provision.

1.3 Author

15. My name is Samuel Nicholas O'Brien, and I am employed by the Council as an Environmental Policy Advisor in the Environmental Policy team. I hold a Master of Planning and Bachelor of Applied Science from the University of Otago. I am a Graduate member of the New Zealand Planning Institute.
16. I have one year of experience in resource management and planning, working in local government. During this time, I have specialised in policy planning working across a range of resource management issues.
17. I have been involved in the development of the provisions for PC1 and also contributed to the Section 32 evaluation report.
18. I have read the Code of Conduct for Expert Witnesses contained in the Practice Note 2023 issued by the Environment Court. I have complied with that Code when preparing this evidence and I agree to comply with it when I give any oral evidence.

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19. The scope of my evidence relates to Beds of Lakes and Rivers. Other than when I state that I am relying on the evidence of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise.
20. Any data, information, facts and assumptions I have considered in forming my opinions are set out. Where I have set out opinions in my evidence, I have given reasons for those opinions.
21. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

1.4 Key Issues

22. A number of submitters raised issues with the provisions relating to Beds of Lakes and Rivers. A total of 52 submission points and 73 further submission points were received on the provisions relating to this topic.
23. The following are considered to be the key issues in contention:
 - Amending General Conditions 5.4.4
 - Amendments to Rule R128: New structures (permitted) and associated changes to Rule R145: All other uses of river and lakes beds (discretionary)
 - Amendments to Rule R132: Minor sand and gravel extraction (permitted)
 - Amendments to Rule R133: Gravel extraction for flood protection purposes (discretionary)
 - Amendments to Rule R151A: Ongoing diversion of a river (permitted)
 - Adding references to National Environmental Standards for Electricity Transmission Activities) Regulations 2009
24. This report addresses each of these key issues, as well as any other issues raised by submissions.
25. The following issues in relation to this topic are being addressed in other reports:
 - Target Attribute States in Hearing Stream 2 which covers the relevant objectives.

1.5 Pre-hearing Meetings

26. At the time of writing this report there has not been any pre-hearing meetings, Schedule 1, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.

2.0 Statutory Considerations

2.1 Resource Management Act 1991

27. PC1 has been prepared in accordance with the RMA and in particular, the requirements of:
 - Part 2 Purpose and principles
 - Section 30 Functions of regional councils
 - Section 32 Requirements for preparing and publishing evaluation reports
 - Section 32AA Requirements for undertaking and publishing further evaluations
 - Section 63 Purpose of regional plans
 - Section 64 Preparation and change of regional coastal plans

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- Section 65 Preparation and change of other regional plans
- Section 66 Matters to be considered by regional council (plans)
- Section 67 Contents of regional plans
- Section 68 Regional rules
- Section 69 Rules relating to water quality
- Section 70 Rules about discharges
- Section 80A Freshwater planning process
- Part 1 and Part 4 of Schedule 1

2.2 National Direction

28. The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F) are regulations made under the RMA and which regulate certain activities that pose risks to freshwater and freshwater ecosystems. Anyone carrying out these activities will need to comply with the standards. Each of New Zealand's regional councils are responsible for the consenting and consent monitoring associated with these regulations. The latest version of the NES-F came into effect on 21 September 2023. Reference to these regulations is made within the PC1 provisions *Rule R128 New Structures* and *Rule R125: All other uses of river and lake beds* of the Beds of Lakes and Rivers Chapter.
29. The National Policy Statement for Freshwater Management 2020 (NPS-FM) sets the direction for management of natural and physical resources to achieve healthy waterbodies and freshwater ecosystems. In doing so, it seeks to improve the management of freshwater quality and quantity in New Zealand. The NPS-FM is relevant to the PC1 provisions in the Beds of Lakes and Rivers chapter
30. The Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 (NES-CF) were subject to amendments which took effect on 03 November 2023. These included renaming the Regulations from the Resource Management (National Environmental Standards for Plantation Forestry) Regulations (NES-PF). The NES-CF regulates commercial forestry activities for both carbon and timber production (plantation) forests. Reference to these regulations is made within the PC1 provisions *Beds of lakes and rivers general conditions*, *Rule R128 New Structures*, and *Rule R132 Minor sand and gravel extraction* of the Beds of Lakes and Rivers Chapter.

2.3 Regional Policy Statement for the Wellington Region (Operative)

31. The RPS sets out the framework and priorities for resource management in the Wellington Region. The RMA requires regional councils to produce an RPS for their region and review it every 10 years. The RPS was made operative on 24 April 2013. The RPS identifies the regionally significant issues around the management of the region's natural and physical resources and sets out what needs to be achieved (objectives) and the way in which the objectives will be achieved (policies and methods). The RPS is relevant to the PC1 provisions in the Beds of Lakes and Rivers chapter including *Policy 12: Management purposes for surface water bodies* and *Policy 18: Protecting aquatic ecological function of water bodies – regional plans*

2.4 Proposed Change 1 to the Regional Policy Statement for the Wellington Region

32. Proposed Change 1 to the Regional Policy Statement (RPS Change 1) was notified on 19 August 2022. RPS Change 1 makes changes to the operative RPS primarily in anticipation of significant increases in urban development activity as the National Policy Statement on Urban Development (NPS-UD) and the medium density residential standards (MDRS) take effect in the Region. The Council sought to take an integrated approach to managing resource management issues associated with this increase in urban development activity and RPS Change 1 includes a number of amended and new policies relating to climate change adaptation and resilience, freshwater management, and indigenous biodiversity.
33. As a proposed regional policy statement, section 66(1)(a) of the RMA requires regard to be had to it.
34. The PC1 provisions in the Beds of Lakes and Rivers Chapter have regard to Proposed Change 1 to the Regional Policy Statement for the Wellington Region in particular Policy 18 Protecting and restoring ecological health of waterbodies – regional plans.

2.5 Approach to identifying the freshwater planning instrument

35. The process the Council followed in determining which provisions should be notified as part of the FPI and which provisions should be part of the P1S1 process is set out in section 6.1 of the Section 32 report that was prepared in support of PC1³.
36. I have assessed each provision addressed by this report according to the tests that were applied to categorise each provision in PC1 to either the FPP or to the P1S1 process at the time of notification, consistent with the Council's understanding of section 80A at the time.
37. The result of my assessment is provided in Appendix 3. In summary,
38. Beds of lakes and rivers general conditions and Rule R145 have the coastal icon, are part of the Regional Coastal Plan and therefore, were categorised as P1S1 provisions. Rules R128, R132, R133 and R151A all relate to freshwater, and the Council has decided that they should form part of the FPI.

2.6 Section 32AA

39. I have undertaken an evaluation of my recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with section 32AA of the RMA.
40. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to this topic is set out in Appendix 5.
41. The section 32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the amendments that have been recommended in this report. Recommendations on editorial, minor and consequential changes that improve the effectiveness of provisions without changing the policy approach or intent are not re-evaluated.

2.7 Trade Competition

42. Trade competition is not considered relevant to this topic within PC1.
43. There are no known trade competition issues raised within the submissions.

3.0 Consideration of Submissions and Further Submissions

3.1 Report Structure

44. The issues raised in submissions are addressed by sub-topics within this report. Some submissions cross several sub-issues and are therefore addressed under more than one sub-topic heading. Appendix 2 provides a description of the matters raised for each issue in table format, along with the relevant submission point references.
45. The RMA allows Hearing Panels to address submissions by grouping them either by the provisions to which they relate, or the matters to which they relate.¹ On this basis, I have undertaken my analysis and evaluation on an issues and provisions-based approach, rather than a submission-by-submission approach.
46. Appendix 4 sets out the amendments I am recommending to PC1 as a result of my analysis of submissions. These recommended amendments are supported by an evaluation in accordance with section 32AA of the RMA, which is also provided in Appendix 4.
47. This report should be read in conjunction with the submissions and the summary of those submissions as published on the Council's website². Appendix 6 includes a table setting out all submission points relevant to this hearing topic. In that table I have identified whether I recommend accepting/accepting in part or rejecting/rejecting in part the relief sought by submitters, or make no recommendation. My reasons for these recommendations are explained in the body of this report.

3.2 Issue 1: Amending General Conditions 5.4.4

3.2.1 Analysis

PC1 seeks to amend the beds of lakes and rivers general condition 5.4.4(n) to also protect birds identified in Schedule F2a and F2b that don't have a critical period for nesting, roosting, and foraging. The only change proposed in PC1 to the general conditions was the wording of this condition (n).

Appropriateness of General Condition (n)

48. Submitters are split on the amendments to 5.4.4(n) that broaden the scope of general condition (n) to all nesting, roosting and foraging birds listed in Schedule F2a and F2b, protecting birds without a critical period. This amendment is supported by 3 submitters and opposed by 4 submitters. Submitters opposing the amendment seek clarity regarding the operation of condition (n), and requirements for plan users under this condition. They raise concerns with the potential for the amendment to impact the ability to undertake works.
49. I agree with submitters that this amendment will limit permitted activity status in situations where the named birds are identified at the work site. I consider this is appropriate to ensure an adequate assessment can be done by an ecologist to determine the effect of the activity on these birds and consider the necessary protection and mitigation measures. That some birds do not have critical periods was an oversight in the drafting of the original wording of

¹ Clause 49(4)(c) of Schedule 1, Part 4 of the RMA for the Freshwater Hearings Panel and Clause 10(3) of Schedule 1, Part 1 of the RMA for the P1S1 Hearings Panel.

² [Greater Wellington — Proposed Change 1 to the Natural Resources Plan Submissions \(gw.govt.nz\)](https://www.gw.govt.nz/propose/changes-to-rules/plan-change-1-to-the-natural-resources-plan-submissions)

this condition. The proposed PC1 provision seeks to clarify the existing safeguards for significant habitats for indigenous birds. These provisions only apply to a limited number of scheduled river and lake areas. These safeguards give effect to Objective O28, Policy P30, and Policy P42 of the NRP. I also note that many of the structures and disturbances that are likely to contravene this condition are activities that will require resource consent for other matters under the current rule framework.

50. With respect to specific concerns raised by submitters around the potential of the amendments to restrict emergency works, section 330 of the RMA provides for emergency works regardless of the wording of this general condition. As such, emergency works will still be able to be undertaken in accordance with the emergency works provisions of the RMA.
51. I consider that the condition could be improved by amending the wording to clarify that birds may be identified as nesting, roosting, 'or' foraging rather than the status quo 'and' which implies the birds would be undertaking all three of those behaviours at the same time in any location. I recommend that 'and' is replaced with 'or' in condition general condition 5.4.4(n).
52. PF Olsen Ltd [S18.013] considers that there are sizeable financial implications of the provision and seeks that forestry activities are excluded from general condition (n). I disagree that forestry activities should be excluded, as the potential effects of these activities on indigenous birds is high. As noted above, the condition only applies to a limited number of scheduled river and lake areas. No changes are recommended as a result of this submission point.

General Submissions on the General Conditions

53. Water New Zealand [S246.024] seeks that the general conditions are re-written to allow ponding above an intake to encourage a 'making room for the rivers approach'. I consider that the relief and wording sought by the submitter are unclear. I also consider this approach is likely not appropriate to be achieved through the general conditions. No changes are recommended as a result of this submission point.
54. I note the submission point from Wellington Fish and Game Regional Council [S188.010] states that restoring silted streams should be a priority and restoration/monitoring should show this restoration over time but no relief was sought in the submission. No changes are recommended as a result of this submission point.

Schedule C

55. With respect to the requests from Rangitāne o Wairarapa [S85.003] for protection for Schedule C sites and consultation with mana whenua, I consider that the Beds of Lakes and Rivers chapter provides adequate protection, with many activities required to be located outside of Schedule C sites to achieve permitted activity status. For restricted discretionary activities, the effects on Schedule C sites is listed as a matter of discretion. In addition, consultation with mana whenua for Schedule C sites is required by Policy P19 and Policy P48 of the NRP. In particular, Policy P48 requires any more than minor adverse effects of activities on the significant mana whenua values of a Schedule C site to be evaluated through a cultural impact assessment undertaken by the relevant mana whenua. No changes are recommended as a result of this submission point.

3.2.2 Recommendations

56. I recommend that the Beds of Lakes and Rivers general condition 5.4.4(n) is amended as shown in Appendix 4.

57. I recommend that the submissions and further submissions be accepted, rejected, or noted as no recommendation, as detailed in Appendix 6.

3.3 Issue 2: Amendments to Rule R128 New Structures (permitted) and associated changes to Rule R145 All other uses of the beds of lakes and rivers (discretionary)

3.3.1 Analysis

PC1 proposed amendments to *R128: New Structures* to limit the extent of the listed permitted structures and remove references to erosion protection structures from the permitted activity rule, instead being managed through a consent under Rule R145: All other uses of river and lake beds.

Permitted Structures

58. Submitters raise concerns that some new structures may not have permitted activity status under the amendments to the rule. They have stated in submissions the structures that they seek should remain as permitted. Other submitters seek that some structures that remain permitted are excluded from this rule. I respond individually to each of the structures raised in individual and across several submissions below.
59. Rule R128 intends to provide a permitted activity pathway for structures that will have few adverse effects on natural character, form, and function consistent with Objective O14 “*The natural character of the coastal marine area, natural wetlands, and rivers, lakes and their margins is preserved and protected from inappropriate use and development.*”.
60. The majority of inlet and outfall structures are provided for as an ancillary culvert structure under *Rule R126: Culverts and ancillary culvert structures* and have permitted status through this rule if the conditions are met. Other inlet and outfall structures that are not covered by Rule R126 would be a discretionary activity. Rule R126 anticipates the placement of these structures that have known effect appropriate to be considered as permitted activities. Other structures may have unknown adverse effects on Beds of Lakes and Rivers that need to be considered through a resource consent process and therefore discretionary activity status is appropriate. I do not recommend changes in response to these submission points.
61. Sediment retention weirs are provided for in *Rule R128* and weirs are provided for in *Rule R125: River crossing structures* and have permitted activity status through this rule. I do not recommend changes in response to this submission point.
62. I consider that fish passage screens and fish passage devices can have adverse effects if not designed appropriately. I therefore consider they should be a discretionary activity to ensure the structure is designed and installed appropriately, limiting any adverse effects. I do not recommend changes in response to this submission point.
63. I consider that navigational aid structures should be assessed as a discretionary activity to ensure their appropriateness and consider any effects. I do not recommend changes in response to this submission point.
64. I disagree that temporary structures should be provided for as a permitted activity. Temporary structures cover a broad range of structures that could have adverse effects on beds of lakes and rivers which should be managed through a resource consent. If temporary

- structures were permitted in Rule R128 additional conditions would be required to manage the effects. I do not recommend changes in response to this submission point.
65. Submitters question the changes to Rule R128 that make 'pipelines' rather than 'pipes' a permitted structure. While I agree with the submitters that 'pipes' and 'pipelines' have different definitions, I disagree that both structures should be provided for as a permitted activity. The rule intends to permit smaller pipelines while excluding pipes that require management through a resource consent. In addition, culverts are provided for as permitted activity under Rule R126 and the inclusion of pipes in Rule R128 could cause confusion as to which rule applies. I do not recommend changes in response to this submission point.
66. With respect to submissions seeking that debris arrestor structures do not have permitted activity status, I consider that the effects on natural character and habitat of rivers are limited. The rule framework provides for the removal of accumulated debris to manage any effects of this process in the *Beds of Lakes and Rivers general conditions* and Rule R122: Maintenance, repair, replacement, upgrade or use of existing structures (excluding the Barrage Gates). Debris arrestor structures ensure downstream structures and habitat are protected from damage. I consider that maintaining permitted activity status with the associated conditions constitutes the most effective and efficient option. I do not recommend changes in response to this submission point.
67. I consider that the permitted activity pathway currently in place is appropriate for structures associated with vegetative edge protection. I consider that the effect of these structures on natural form and character is low relative to hard engineering erosion protection structure. Structures typically used to fix vegetative elements in place are typically minor and are usually placed on the bank rather than in the river. Structures associated with vegetative bank edge protection also enhance habitat diversity by shading, woody inputs to the stream, and niche instream habitat provided by tree roots. I do not recommend changes in response to this submission point.
68. Transpower New Zealand Ltd [S177.017] considers that reference to 'cable' in Rule R128 is not sufficient to provide for national grid transmission lines as a permitted activity. I consider that the structures necessary for the operation of the National Grid within the Beds of Lakes and Rivers are provided for by the inclusion of "cable". National grid transmission lines that are not located within the Beds of Lakes and Rivers would not require a consent under Rule R128.
69. In response to Wairarapa Federated Farmers submission point to retain reference to structures permitted by Rules R125, R126, and R127 within Rule R128 I consider that this is not required as the rule structure has been amended to remove the word "including". As such, structures permitted by those rules no longer need to be excluded from Rule R128. I do not recommend changes in response to this submission point.
70. Generally, I consider that Rule R128 – New Structures provides for an appropriate permitted pathway for key structures that have a functional or operational need to locate in the beds of lakes and river, while also ensuring that river and lake values are protected or maintained.

Target Attribute States

71. I consider that submission points requesting the introduction of Target Attribute States for habitat, natural form and character in the NRP should be moved to Hearing Stream 2 which covers the relevant objectives.
72. In response to the submissions that sought to introduce a new condition of rule R128 in the general conditions that requires compliance with Target Attribute States (TAS), I do not

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consider this appropriate. Target Attribute States are measures of freshwater ecosystem health, to be achieved over time through the cumulative management of activities which may affect water quality. This is not intended to be achieved by requiring immediate compliance with the TAS through a rule. I do not recommend changes in response to this submission point.

Schedule C

73. With respect to the requests for protections for Schedule C sites and consultation with mana whenua I consider that the existing provisions of the Beds of Lakes and Rivers chapter provide adequate protection. Rule R128(g) states that permitted activity status is contingent on the activity not occurring within a site identified in Schedule C, excluding adding pipelines or cables to an existing structure or providing for fish refuge. In addition, consultation with mana whenua for Schedule C sites is required by Policy P19 and Policy P48 of the NRP. In particular, Policy P48 requires any more than minor adverse effects of activities on the significant mana whenua values of a Schedule C site to be evaluated through a cultural impact assessment undertaken by the relevant mana whenua. I do not recommend changes in response to this submission point.

National Environmental Standard

74. China Forest Group Company New Zealand Ltd [S288.032] seek that the current reference to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 National Environmental standard be amended to reference the latest legislation. I note that any reference to the NES-PF in the NRP or PC1 is already required to be read as a reference to the updated the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (NES-CF, Schedule 1, Part 2, Clause 1). I have also assessed the Beds of Lakes and Rivers rules and consider that they remain appropriate given that the changes to the National Environmental Standards do not pertain to activities managed in this chapter. Consequently, to avoid confusion for plan users I do not recommend that the reference to the NES is updated in this provision, unless all references in the NRP are also updated, following analysis for any potential implications of doing so. If there are no potential implications, this is something the Council can do as a clause 16 change as this legislation is referenced in other chapters of the plan including in the definition section.

Rule R145: All other uses of rivers and lake beds

75. Forest & Bird [S261.038] seek to change the activity status of passive flaps gates from non-complying to prohibited. Rule R145 includes a note that makes plan users aware that passive flap gates are non-complying activity regulated by the Resource Management (National Environment Standards for Freshwater) Regulations 2020. I consider that the non-complying status consistent with the NES-FW provides suitable protections for the Beds of Lakes and rivers. I do not recommend changes in response to this submission point.

3.3.2 Recommendations

76. I recommend that Rule R128 is amended as shown in Appendix 4. I recommend no changes to Rule R145.
77. I recommend that the submissions and further submissions be accepted, rejected, or noted as no recommendation as detailed in Appendix 6.

3.4 Issue 3: Amendments to Rule R132: Minor sand and gravel extraction (permitted)

3.4.1 Analysis

78. The proposed amendments in PC1 to Rule R132 remove reference to deposition on the bed of a lake from Rule R132, which clarifies the wording of the rule and makes the interpretation and function of the rule more certain.

Target Attribute States

79. I consider that submission points requesting the introduction of Target Attribute States for habitat, natural form and character into Rule R132 should be moved to Hearing Stream 2 that covers the relevant objectives.

80. As stated above, I do not consider it appropriate to introduce a condition that requires compliance with Target Attribute States. Target Attribute States are measures of freshwater ecosystem health, to be achieved over time through the cumulative management of activities which may affect water quality. This is not intended to be achieved by requiring immediate compliance with the TAS through a rule. I do not recommend changes in response to this submission point.

Schedule C

81. With respect to the requests for protections for Schedule C sites and consultation with mana whenua I consider that the Beds of Lakes and Rivers chapter provides adequate protections. Rule R132(j) states that permitted status is contingent on the activity not occurring within a site identified in Schedule C excluding adding pipelines or cables to an existing structure or providing for fish refuge. In addition, consultation with mana whenua for Schedule C sites is required by Policy P19 and Policy P48 of the NRP. In particular, Policy P48 requires any more than minor adverse effects of activities on the significant mana whenua values of a Schedule C site to be evaluated through a cultural impact assessment undertaken by the relevant mana whenua. I do not recommend changes in response to this submission point.

National Environmental Standard

82. I agree with the submitter that the current reference to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 National Environmental standard should be amended to reference the latest legislation. I note that any reference to the NES-PF in the NRP or PC1 is already required to be read as a reference to the updated the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (NES-CF, Schedule 1, Part 2, Clause 1). I have also assessed the Beds of Lakes and Rivers rules and consider that they remain appropriate given that the changes to the National Environmental Standards do not pertain to activities managed in this chapter. Consequently, to avoid confusion for plan users I do not recommend that the reference to the NES is updated in this provision, unless all references in the NRP are also updated, following analysis for any potential implications of doing so. If there are no potential implications, this is something the Council can do as a clause 16 change as this legislation is referenced in other chapters of the plan including in the definition section.

3.4.2 Recommendations

83. I do not recommend any changes to Rule R132.

84. I recommend that the submissions and further submissions be accepted, rejected, or noted as no recommendation as detailed in Appendix 5.

3.5 Issue 4: Amendments to Rule R133: Gravel extraction for flood purposes (discretionary)

3.5.1 Analysis

85. The amendments to the Rule R133 in PC1 change the wording 'destruction, damage' to 'excavation, deposition' to make the wording of Rule R133 more consistent with the activities controlled by s13 (Restriction on certain uses of beds of lakes and rivers) of the RMA.

Activity Status

86. I disagree with Wairarapa Federated Farmers [S193.046] and Fulton Hogan Ltd [S43.005] that the activity status of Rule R133 should be changed to controlled or restricted discretionary respectively. The benefits of gravel extraction for flood management are already provided for through this Rule R133 that provides discretionary activity status, relative to other gravel extraction that is a non-complying activity under Rule R93. I therefore do not recommend any changes to this rule.

Hard Infrastructure

87. I do not consider it appropriate to consider adding hard infrastructure improvements in Rule R133 as requested by Zealandia Te Māra a Tāne [S113.004]. This rule relates to the extraction of gravel. The placement of hard infrastructure which does not meet the permitted activity conditions of Rule R128 is appropriately dealt with as a discretionary activity for the reasons stated in Issue 2. I do not recommend changes in response to this submission point.

Schedule A

88. Submitters seek that reference to Schedules A1-A3 are included in the Rule R133 to give effect to the NPSFM. Gravel extraction for flood protection or erosion mitigation in the Outstanding Schedules A1, A2, and A3 where there is discharge of sediment to water is not subject to this rule and is instead subject to rule R145 and non-complying Rule R93 in relation to the associated discharge of sediment. This provides for the protection of waterbodies in these scheduled areas that is requested by submitters. Adding Schedule A into Rule R133 would make gravel extraction in these areas more permissive. I therefore do not recommend any changes to this rule.

Schedule C

89. With respect to the requests for protections for Schedule C sites and consultation with mana whenua I consider that the Beds of Lakes and Rivers chapter provides adequate protections. Rule R133 is a discretionary activity specifically providing oversight through the consent process for gravel extraction in Schedule C sites. In addition, consultation with mana whenua for Schedule C sites is required by Policy P19 and Policy P48 of the NRP. In particular, Policy P48 requires any more than minor adverse effects of activities on the significant mana whenua values of a Schedule C site to be evaluated through a cultural impact assessment undertaken by the relevant mana whenua. I do not recommend changes in response to this submission point.

3.5.2 Recommendations

90. I do not recommend any changes to Rule R133.
91. I recommend that the submissions and further submissions be accepted, rejected, or noted as no recommendation as detailed in Appendix 6.

3.6 Issue 5: Ongoing diversion of a river (permitted)

3.6.1 Analysis

The proposed new rule *R151A: Ongoing Diversion of Water* allows for surface water to continue to be diverted once the permanent diversion has been lawfully established by a resource consent.

New Rule R151A

92. I disagree with the concern of submitters that this permitted rule will lead to inappropriate structures with adverse effects. The scope of the rule is limited to existing consented permanent diversions (e.g. via a naturalised, relocated stream channel) and does not relate to diversions associated with existing structures. In addition, only consented diversions that comply with all of the conditions of their resource consent are able to meet the conditions of this rule. I consider that this provides appropriate controls for managing any adverse effects. After the 10-year period set out in the rule, the stream is likely to have naturalised, and any new resource management issues should be managed through the plan. I therefore do not recommend any amendments in response to these submissions.
93. Woodridge Holdings Ltd [S255.019] considers the rule is overly complicated and does not see the reason for differentiating between existing diversions associated with a structure and existing diversions not associated with a structure. Rule R122 which relates to the maintenance, repair, replacement, upgrade or use of existing structures already provides for any associated diversion of water as a permitted activity subject to meeting the conditions. Consequently, it is proposed that Rule R151A only relates to diversions that are not related to structures and the purpose of this rule is to provide a similar permitted pathway as provided for by Rule R122. The current rules require a consent holder to reapply for a water permit to divert, once their existing consent has expired, even though the stream diversion may have become naturalised and part of the existing environment. Given this, I disagree with the submitter on this point. I do however agree with the submitter that the rule would benefit from the inclusion of the specific date the rule becomes operative to provide clarity for plan users going forward. I therefore recommend an amendment to include the operative date in Rule R151A. I note that this date is unknown, so I have inserted a placeholder text in the recommended amendments in Appendix 4.

3.6.2 Recommendations

94. I recommend that Rule R151A is amended as shown in Appendix 4.
95. I recommend that the submissions and further submissions be accepted, accepted in part, rejected, or noted as no recommendation as detailed in Appendix 6.

3.7 Issue 6: National Environment Standards for Electricity Transmission Activities Regulations 2009

3.7.1 Analysis

NESETA

96. Transpower New Zealand Limited [S177.016] seek reference to the National Environment Standards for Electricity Transmission Activities Regulations 2009 in a note in the interpretations section to highlight to plan users that these regulations apply for particular activities. I agree with Transpower that the interpretation section of the Beds of Lakes and Rivers chapter would benefit from having reference to NESETA to assist plan users in understanding the interaction between the plan and NESETA. I recommend it is included as a clause 16 amendment given that these regulations already apply to the Beds of Lakes and Rivers chapter and the statement serves as an information note.

3.7.2 Recommendations

97. I recommend that the Interpretation section of the Bed of Lakes and Rivers chapter is amended as shown in Appendix 4.
98. I recommend that the submissions and further submissions be accepted, accepted in part, rejected, or noted as no recommendation as detailed in Appendix 6.

4.0 Conclusions

99. A range of submissions have been received in support of, and in opposition to the provisions relating to Bed of Lakes and Rivers of PC1.
100. After considering all the submissions and reviewing all relevant statutory documents, I recommend that PC1 is amended as set out in Appendix 4 of this report.
101. I consider that the amended provisions will be the most appropriate in achieving the purpose of the RMA, the relevant objectives of PC1 and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken.

Recommendations:

I recommend that:

1. PC1 is amended in accordance with the changes recommended in Appendix 4 of this report; and
2. The Hearing Panels accept/accept in part, or reject/reject in part submissions (and associated further submissions) as outlined in Appendix 6 of this report.

Appendix 1: Table of Provisions within Beds of Lakes and Rivers topic and supporting information

Provision	Page number in PC1 Document	Process (FPP or P1S1)	Number of submission points
5.4.4 Uses of beds of lakes and rivers general conditions	44	P1S1	36
Rule R128: New structures – permitted activity	46	FPP	28
Rule R132: Minor sand and gravel extraction – permitted activity	48	FPP	10
Rule R133: Gravel extraction for flood protection purposes or erosion mitigation inside sites of significance – discretionary activity	49	FPP	20
Rule R145: All other uses of river and lake beds – discretionary activity	50	P1S1	6
Rule R151A: Ongoing diversion of a river – permitted activity	50	FPP	25

Appendix 2: Description of matters raised by Submitters (by issue)

Issue 1: Amending General Conditions 5.4.4

Sub-issue(s)	Description of matters raised by submitters	Submission reference(s)
Appropriateness of condition (n)	<p>Zealandia Te Māra a Tāne [supported by Forest & Bird], Wellington Fish and Game Regional Council [supported by Manor Park Golf Club, Manor Park and Haywards Residents Community Incorporated, and opposed by New Zealand Farm Forestry], and Forest and Bird [supported by Manor Park and Haywards Residents Community Incorporate and opposed by New Zealand Farm Forestry Association] support the amendments.</p> <p>PF Olsen Ltd are concerned with the financial implications for forestry activities and seek that they are excluded from the general condition (n).</p> <p>Wellington Water Ltd [opposed by Forest & Bird] and Civil Contractors New Zealand [supported by Goodman Contractors Limited and Multi Civil Contractors Limited] consider the amendments to be unclear and seek clarity that a third-party assessment is not required. PCL Contracting Ltd also support Civil Contractors New Zealand and consider the amendment will impact on the ability to undertake emergency works or result in non-conformance.</p> <p>Upper Hutt City Council [opposed by Forest & Bird] oppose the amendments, considering that they imply that at no point are works able to be undertaken if identified birds are roosting and nesting even outside the critical period. Woodridge Holdings Ltd provided a further submission in response to Upper Hutt City Council considering that the amendment may prevent the maintenance or construction of significant infrastructure even outside the critical period.</p> <p>Yvonne Weeber [supported by Manor Park and Haywards Residents Community Incorporated] is neutral.</p>	<p>Zealandia Te Māra a Tāne [S113.003], Forest and Bird [FS23.1513] Wellington Fish and Game Regional Council [S188.022] Manor Park Golf Club Incorporated [FS21.027] Manor Park and Haywards Residents Community Incorporated [FS27.1111] New Zealand Farm Forestry [FS9.022] Forest & Bird [FS23.1178], Forest and Bird [S261.034] Manor Park and Haywards Residents Community Incorporate [FS27.653] New Zealand Farm Forestry Association [FS9.361] PF Olsen Ltd [S18.013] Wellington Water Ltd [S151.047] Forest & Bird [FS23.1374] Civil Contractors New Zealand [S285.013] Goodman Contractors Limited [FS35.013] Multi Civil Contractors Limited [FS49.013] PCL Contracting Ltd [FS32.005] Upper Hutt City Council [S225.050], Forest & Bird [FS23.878] Woodridge Holdings Ltd [FS16.061] Yvonne Weeber [S183.157] Manor Park and Haywards Residents Community Incorporated [FS27.157]</p>
General Submissions on the General Conditions	<p>Water New Zealand queries the general conditions should be re-written to allow ponding above an intake encourage a making room for the rivers approach.</p> <p>Wellington Fish and Game Regional Council supported by Manor Park Golf Club, Forest & Bird, Manor Park and Haywards Residents Community Incorporated and opposed by New Zealand Farm Forestry Association] considers restoring silted streams should be a priority and restoration/monitoring should show this restoration over time.</p>	<p>Water New Zealand [S246.024] Wellington Fish and Game Regional Council [S188.010] Manor Park Golf Club [FS21.015] Forest & Bird [FS23.1166] Manor Park and Haywards Residents Community Incorporated [FS27.1099] New Zealand Farm Forestry Association [FS9.010]</p>
Schedule C	<p>Rangitāne o Wairarapa [supported by Ātiawa ki Whakarongotai Charitable Trust, Forest & Bird, and Ngā Hapū o Ōtaki] supports the proposed changes but are concerned sites of significance to mana whenua not identified in Schedule C will not be protected and seek amendments for consultation.</p>	<p>Rangitāne o Wairarapa [S85.003] Ātiawa ki Whakarongotai Charitable Trust [FS2.048] Forest & Bird [FS23.457] Ngā Hapū o Ōtaki [FS37.003]</p>

Issue 2: Amendments to Rule R128 New Structures (permitted) and associated changes to Rule R145 R145 All other uses of the beds of lakes and rivers (discretionary)

Sub-issue(s)	Description of matters raised by submitters	Submission reference(s)
Permitted Structures	<p>Horokiwi Quarries Ltd, Transpower New Zealand Ltd [opposed by Forest & Bird], Winstone Aggregates, Rosco Ice Cream Ltd, and Graeme Iain Shellard, Sarah Elizabeth Shellard, Cameron Anthony Shellard, Finlay David Shellard, Graeme Shellard oppose the amendments the considering they limit the number of key structures that can be undertaken as a permitted activity without requiring a resource consent.</p> <p>Wellington Water Ltd [opposed by Forest & Bird] and Civil Contractors Zealand [supported by Goodman Contractors Limited, PCL Contracting Ltd, and Multi Civil Contractors Limited] New Zealand seek that the rule is amended to refer to both ‘pipes’ and ‘pipelines’ as they have different definitions.</p> <p>Transpower New Zealand Ltd is also concerned with how National Grid Transmission lines will be managed under the amended rule.</p> <p>Wairarapa Federated Farmers [opposed by Forest & Bird] seek that the exclusion for structures permitted by rules R125, R126, and R127 is retained as per the pNRP mediated agreement.</p> <p>Forest and Bird [supported by Manor Park and Haywards Residents Community Incorporate and opposed by New Zealand Farm Forestry Association] seek that permitted activity status is removed for "debris arrestor structures" and "structures associated with vegetative edge protection" to ensure these activities are managed in a way that maintains and restores physical habitat in riverbeds and natural form and character.</p> <p>Environmental Defence Society Inc. [supported by Forest & Bird, Manor Park and Haywards Residents Community Incorporated and opposed by Wellington Water Ltd and New Zealand Farm Forestry Association] request that activities avoid the loss of river extent and values and that habitats of indigenous species are protected. Wellington Water consider the amendment to onerous for council water infrastructure.</p> <p>Yvonne Weeber [supported by Manor Park and Haywards Residents Community Incorporated] is neutral on R128 and R145.</p>	<p>Horokiwi Quarries Ltd [S2.014] Transpower New Zealand Ltd [S177.017], Forest & Bird [FS23.760] Winstone Aggregates [S206.030] Rosco Ice Cream Ltd [220.009] Graeme Iain Shellard , Sarah Elizabeth Shellard, Cameron Anthony Shellard, Finlay David Shellard, Graeme Shellard [S202.006] Wellington Water Ltd [S151.048] Forest & Bird [FS23.1375] Civil Contractors [S285.014] Goodman Contractors Limited [FS35.014] Multi Civil Contractors Limited [FS49.014] PCL Contracting Ltd [FS32.006] Transpower New Zealand Ltd [S177.017] Wairarapa Federated Farmers [S193.045] Forest & Bird [FS23.1001] Forest and Bird [S261.035] Manor Park and Haywards Residents Community Incorporated [FS27.654], New Zealand Farm Forestry Association [FS9.362] Environmental Defence Society Inc. [S222.013] Forest & Bird [FS23.169] Manor Park and Haywards Residents Community Incorporated [FS27.905] Wellington Water Ltd [FS.39.001] New Zealand Farm Forestry Association [FS9.194] Yvonne Weeber [S183.158], [S183.161] Manor Park and Haywards Residents Community Incorporated [FS27.158, FS27.161]</p>
Target Attribute States	<p>Forest & Bird [supported by Manor Park and Haywards Residents Community Incorporate and opposed by New Zealand Farm Forestry Association] seek the inclusion of a condition of the rule (in the general conditions) that requires compliance with Target Attributes States.</p> <p>Environmental Defence Society Inc. request that activities avoid the loss of river extent and values</p>	<p>Forest and Bird [S261.035] Manor Park and Haywards Residents Community Incorporated [FS27.654] New Zealand Farm Forestry Association [FS9.362]</p>
Schedule C	<p>Rangitāne o Wairarapa [supported by Forest & Bird, and Ngā Hapū o Ōtaki] the proposed changes but are concerned sites of significance to mana whenua not identified in Schedule C will not be protected and seek amendments for consultation.</p>	<p>Rangitāne o Wairarapa [S85.004, S85.008] Forest & Bird [FS23.458, FS23.462] Ngā Hapū o Ōtaki [FS37.004]</p>
National Environmental Standard	<p>China Forest Group Company New Zealand Ltd [opposed by Forest & Bird] seek that the reference to the National Environmental Standard is aligned.</p>	<p>China Forest Group Company New Zealand Ltd [S288.032] Forest & Bird [FS23.056]</p>
Rule R145: All other uses of rivers and lake beds	<p>Forest & Bird [supported by Manor Park and Haywards Residents Community Incorporated and opposed by Waka Kotahi NZ Transport Agency and New Zealand Farm Forestry Association] seek the removal of the word ‘note’ and that the placement of a passive flap gate is made a prohibited activity.</p>	<p>Forest and Bird [S261.038] Manor Park and Haywards Residents Community Incorporated [FS27.657] Waka Kotahi NZ Transport Agency [FS28.066] New Zealand Farm Forestry Association [FS9.365]</p>

Issue 3: Amendments to Rule R132: Minor sand and gravel extraction (permitted)

Sub-issue(s)	Description of matters raised by submitters	Submission reference(s)
Target Attribute States	<p>Forest & Bird [supported by Manor Park and Haywards Residents Community Incorporated and opposed by Wellington Water Ltd and New Zealand Farm Forestry Association] seek that target states for habitat and natural form and character are included.</p> <p>Wellington Water considers that the target attribute states are already complex and highly aspirational.</p> <p>Yvonne Weeber supported by Manor Park and Haywards Residents Community Incorporated is neutral on Rule R132.</p>	<p>Forest & Bird [S261.036]</p> <p>Manor Park and Haywards Residents Community Incorporated [FS27.655, F27.159]</p> <p>Wellington Water Ltd [FS39.033][FS39.056]</p> <p>New Zealand Farm Forestry Association [FS9.363]</p> <p>Yvonne Weeber [S183.159]</p>
Schedule C	Rangitāne o Wairarapa supported by [Forest and Bird and Ngā Hapū o Ōtaki] supports the proposed changes but are concerned sites of significance to mana whenua not identified in Schedule C will not be protected and seek amendments for consultation.	<p>Rangitāne o Wairarapa [S85.005]</p> <p>Forest & Bird [FS23.459]</p> <p>Ngā Hapū o Ōtaki [FS37.005]</p>
National Environmental Standard	China Forest Group Company New Zealand Ltd seek that the reference to the National Environmental Standard is aligned.	China Forest Group Company New Zealand Ltd [S288.032]

Issue 4: Amendments to Rule R133: Gravel extraction for flood protection purposes (discretionary)

Sub-issue(s)	Description of matters raised by submitters	Submission reference(s)
Support	Donald Skerman supports the amendment considering that disturbances to the riverbed should be minimised to reduce sediment, and work should be limited around periods where recreational use is most likely.	Donald Skerman [S37.002]
Activity Status	<p>Fulton Hogan Ltd seek that the activity status is changed to restricted discretionary to recognise the benefits of gravel extraction for flood management.</p> <p>Wairarapa Federated Farmers opposed by Forest & Bird consider that effects be managed through conditions as a controlled activity.</p>	<p>Fulton Hogan Ltd [S43.005]</p> <p>Wairarapa Federated Farmers [S193.046]</p> <p>Forest & Bird [FS23.1002]</p>
Hard Infrastructure	Zealandia Te Māra a Tāne supported by Forest & Bird requests that the gravel extraction activity considers hard infrastructure improvements required to dechannelise riverbanks.	Zealandia Te Māra a Tāne [113.004], Forest & Bird [FS23.1514]
Schedule A	Environmental Defence Society Inc [supported by Forest & Bird and and Manor Park and Haywards Residents Community Incorporated and opposed by New Zealand Farm Forestry Association] and Forest and Bird [supported by Manor Park and Haywards Residents Community Incorporated and opposed by New Zealand Farm Forestry Association] seek that Schedules A1-A3 are included in the rule to give effect to the NPSFM.	<p>Environmental Defence Society Inc [S222.014]</p> <p>Forest and Bird [S261.037, FS23.170], Manor Park and Haywards Residents Community Incorporated [FS27.906, FS27.656]</p> <p>New Zealand Farm Forestry Association [FS9.195, FS9.364]</p>
Schedule C	Rangitāne o Wairarapa [supported by Forest & Bird and Ngā Hapū o Ōtaki] supports the proposed changes but are concerned sites of significance to mana whenua not identified in Schedule C will not be protected and seek amendments for consultation.	<p>Rangitāne o Wairarapa [S85.006-S85.007]</p> <p>Forest & Bird [FS23.460, FS23.461]</p> <p>Ngā Hapū o Ōtaki [FS37.006]</p>
Neutral	Yvonne Weeber [supported by Manor Park and Haywards Residents Community Incorporated] is neutral.	<p>Yvonne Weeber [S183.160]</p> <p>Manor Park and Haywards Residents Community Incorporated [FS27.160]</p>

Issue 5: Ongoing diversion of a river (permitted)

Sub-issue(s)	Description of matters raised by submitters	Submission reference(s)
New Rule R151A	<p>Horokiwi Quarries Ltd, Fulton Hogan Ltd, Wellington Water Ltd [opposed by Forest and Bird], and Winstone Aggregates support the new rule.</p> <p>Lynn Cadenhead and Neil Deans seek discretion to require fish passage where practical for activities which have existed for 10 years or more.</p> <p>Te Awarua o Porirua Harbour and Catchments Community Trust & Guardians of Pāuatahanui Inlet consider that the new rule should be made a discretionary activity to provide for fish passage for dams including those that have existed for more than 10 years.</p> <p>Wellington Fish and Game Regional Council [supported by Manor Park Golf Club, Forest & Bird, and Manor Park and Haywards Residents Community Incorporated and opposed by Wellington Water Ltd and New Zealand Farm Forestry Association] considers that river diversions should be discretionary or restricted discretionary as permitted activity status risk resulting in inappropriate structures with adverse effect to waterbody characteristics and fish passage.</p> <p>Wellington Fish and Game Regional Council [supported by Manor Park Golf Club, Forest & Bird, and Manor Park and Haywards Residents Community Incorporated and opposed by Wellington Water Ltd and New Zealand Farm Forestry Association], Forest and Bird [supported by Manor Park and Haywards Residents Community and opposed by New Zealand Farm Forestry], and Rangitāne o Wairarapa [supported by Forest and Bird and Ngā Hapū o Ōtaki] oppose the new rule considering that a diversion should be subject to assessments through consenting to manage effects. Ātiawa ki Whakarongotai Charitable Trust oppose Rangitāne o Wairarapa but seek agree that Proposed Rule 151A is inappropriate as it removes the mechanism to review the consent conditions over a long term (i.e. beyond 10 years) and whether the diversion remains appropriate.</p> <p>Woodridge Holdings Ltd consider the rule to be overly complicated and do not see the reason for differentiating between existing diversions associated with a structure and existing diversions not associated with a structure. They also seek that the specific date the rule becomes operative is included to assist plan users.</p> <p>Yvonne Weeber [supported by Manor Park and Haywards Residents Community] is neutral.</p>	<p>Horokiwi Quarries Ltd [2.015] Fulton Hogan Ltd [S43.006] Wellington Water Ltd [S151.049],[FS39.276] Winstone Aggregates [S206.031] Lynn Cadenhead [S22.018] Neil Deans [S29.005] Te Awarua o Porirua Harbour and Catchments Community Trust & Guardians of Pāuatahanui Inlet [S176.007] Wellington Fish and Game Regional Council [S188.023] Forest and Bird [S261.039] Manor Park and Haywards Residents Community [FS27.658], [FS27.162], [FS27.1112], [FS27.1112] Manor Park Golf Club [FS21.028], New Zealand Farm Forestry Association [FS9.366], [FS9.023] Rangitāne o Wairarapa [S85.001] Forest and Bird [FS23.455, FS23.1376, FS23.1179] Ngā Hapū o Ōtaki [FS37.001] Ātiawa ki Whakarongotai Charitable Trust [FS2.046] Woodridge Holdings Ltd [S255.019] Yvonne Weeber [S183.162]</p>

Issue 6: National Environment Standards for Electricity Transmission Activities Regulations 2009

Sub-issue(s)	Description of matters raised by submitters	Submission reference(s)
NESTA	Transpower New Zealand Limited opposed by Forest & Bird seek reference to NESETA to highlight to plan users and assist with plan interpretation.	Transpower New Zealand Limited [S177.016] Forest and Bird [FS23.759]

Appendix 3: Assessment of the categorisation of provisions in the Freshwater Planning Instrument component of PC1

Provision in FPI	S32 report justification	S42A author assessment on categorisation of notified provision
Beds of lakes and rivers general conditions, Rule R145	As part of Plan Change 1 amendments are proposed to some of the existing beds and lakes of rivers rules. These rules have the coastal icon and form part of the Regional Coastal Plan.	I agree with the S32 justification.
Rules R128, R132, R133 and R151A	These rules all relate to freshwater and the Council has decided that they should form part of the FPI.	I agree with the S32 justification.

Appendix 4: Recommended Amendments to Provisions

Provisions as notified are shown in black text. Additions are underlined and deletions are ~~struck through~~.


Section 42A recommended amendments are shown in red text. Additions are underlined and deletions are ~~struck through~~.

5.4 Wetlands and beds of lakes and rivers

Interpretation

If an activity is covered by more than one rule, then the rule that applies is the rule that is more specific for the relevant activity, area or resource, rather than a more general rule. Where a proposal includes a number of activities which trigger separate specific rules, all of the relevant rules are considered when assessing the proposal. An activity needs to comply with all relevant rules in the Plan, including those in the **whaitua** Chapters 7 – 11.

For the purposes of these rules, ‘water’ means both fresh water and coastal water.

As noted in Section 2.1 provisions relevant to the coastal marine area are identified by this icon 

Many activities relating to the operation, maintenance, upgrading, relocation or removal of an electricity transmission line and ancillary structures that existed prior to 14 January 2010 are controlled by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA), separate to this Plan. Where the provisions of this Plan conflict with the requirements of the NESETA, the provisions of the NESETA apply.

The following table is intended as a guide only and does not form part of the Plan. Refer to specified rules for detailed requirements.

5.4.4 Uses of beds of lakes and rivers general conditions



Beds of lakes and rivers general conditions

Beds of lakes and rivers general conditions for uses of the beds of lakes and rivers that apply as specified in Rules R122 to R129:

- (a) except where the discharge is expressly allowed by the activity description of a rule in this chapter there shall be no discharge of contaminants (including but not limited to oil, petrol, diesel, paint, solvent, heavy metals or other toxicants) to water or the bed, except where this is the result of the

disturbance of sediment and other materials already existing in the water or bed, and

- (b) no cleaning or refuelling of machinery or equipment, or storage of fuel shall take place in, or within 10m of, a river or lake bed, or at any location where fuel can enter any water body, and
- (c) all machinery, equipment and materials used for the activity shall be removed from the river or lake bed every night and on completion of the activity. This includes any excess material from the construction operation, any materials used during construction of any structure but not part of that structure, and any material removed or demolished from any structure, and
- (d) structures are designed, installed and maintained, and activities are carried out in a manner to ensure that fish passage is maintained at all times, except:
 - (i) as required for the operation of backflow devices during heavy rainfall events, or
 - (ii) a temporary restriction of no more than 48 hours is required for construction or maintenance activities,

unless the structure is a culvert or weir, other than a customary weir, installed after 2 September 2020, then

- (iii) the placement, use, alteration, extension or reconstruction of the culvert or weir in, on, over or under the bed of any river or connected area must provide for the same passage of fish upstream and downstream as would exist without the structure, except as required to carry out the construction works.

The design, installation, maintenance and use of all structures shall avoid any aggradation or scouring of the bed of the river or lake that may inhibit fish passage, and

- (e) in any part of the river bed identified as inanga spawning habitat in Schedule F1 (rivers/lakes), no bed disturbance, diversions of water or sediment discharge shall occur between 1 January and 31 May, except that material accumulated at the outlet of a **stormwater** discharge pipe may be removed between 1 January and 1 March, so long as there is no associated trimming or removal of vegetation (including weeds) on the bed or banks, and
- (f) in any part of the river or lake bed covered by water, which is identified as trout spawning waters in Schedule I (trout habitat), disturbance of the bed or diversions of water shall not take place during the spawning period of between 31 May and 31 August, and

- (g) all reasonable steps shall be taken to **minimise** the generation and release of sediment from the activity, and the discharge of any sediment to water from any activity in, on, over or under the bed of a river or lake must not, after reasonable mixing, result in any conspicuous change in the colour of water in the receiving water or change in horizontal visibility of greater than 30%, and
- (h) car bodies or demolition rubble shall not be used for any purpose on the bed of any river or lake, and
- (i) all reasonable steps shall be taken to **minimise** the duration of the diversion of water, and any diversion of water required to undertake the activity shall:
 - (i) only be temporary and for a period no longer than that required to complete the activity, and
 - (ii) must not involve a lake, and
 - (iii) any diversion channel required must have sufficient capacity to carry the same flow as the original channel, so as not to cause flooding or erosion of any neighbouring **property**, and
- (j) the activity shall not result in erosion or scour of the river banks or shall not result in flooding of any neighbouring **property**, and
- (k) any structure, other than a **stormwater** intake structure or debris arrestor, shall be designed so that it does not reduce the ability of the river to convey flood flows. All structures shall be maintained to manage **flood debris** accumulated against the structure and the conveyance of flood flows, and
- (l) any structure shall not alter the natural course of the river, including any diversion of water from the natural course during floods. Tree planting or **vegetative bank edge protection** works that are limited to the banks of the river and do not extend into the active channel are not considered to alter the course of the river for the purpose of this condition, and
- (m) the river or lake bed shall not be disturbed to a depth or an extent greater than that required to undertake the activity, and
- (n) in any part of a river or lake bed identified in Schedule F2a (birds-rivers) or Schedule F2b (birds-lakes), no structure shall be constructed, and no disturbance shall take place, ~~during the critical period~~ if the named birds identified in Schedule F2a (birds-rivers) or Schedule F2b (birds-lakes) if the named birds are identified as nesting, roosting ~~and/or~~ foraging at the work site, and
- (o) beds of lakes and rivers general conditions (a) to (m) that apply as specified in Rule R127 to R137 do not cover any activities regulated by Sub-Part 4 – River crossings and Sub-Part 10 – General provisions in the *Resource*

Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

Note

Any activity that results in fish passage being impeded may require approval from the Director General of Conservation under the *Freshwater Fisheries Regulations 1983*.

5.4.5

Damming and diverting water

FW Rule R151A: Ongoing diversion of a river – permitted activity

The diversion of a river as a result of:

- (a) an existing permanent diversion, that is not associated with existing structures, that was lawfully established by way of a resource consent as at the date of this rule becoming operative **on (insert date)**, or
- (b) a permanent diversion, that is not associated with existing structures, that has been lawfully established by way of a resource consent after the operative date of this rule,

is a permitted activity subject to the following conditions:

- (c) the permanent diversion has been in place for at least 10 years, and
- (d) all of the conditions of the resource consent to lawfully establish the diversion have been complied with.

Note

Diversion of water in association with existing structures is subject to permitted activity rule R122 (Maintenance, repair, replacement, **upgrade** or use of existing structures (excluding the Barrage Gates) – permitted activity).


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

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

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

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

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

			<p>assessing the proposal. An activity needs to comply with all relevant rules in the Plan, including those in the whaitua Chapters 7 – 11.</p> <p>For the purposes of these rules, ‘water’ means both fresh water and coastal water.</p> <p>As noted in Section 2.1 provisions relevant to the coastal marine area are identified by this icon </p> <p><u>Many activities relating to the operation, maintenance, upgrading, relocation or removal of an electricity transmission line and ancillary structures that existed prior to 14 January 2010 are controlled by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA), separate to this Plan. Where the provisions of this Plan conflict with the requirements of the NESETA, the provisions of the NESETA apply.</u></p> <p>The following table is intended as a guide only and does not form part of the Plan. Refer to specified rules for detailed requirements.</p>	<p>Risk of acting or not acting There is sufficient information on the costs to the environment, and benefits to people and communities to justify the amendment to the policy.</p> <p>Recommendation about most appropriate option The recommended amendments to the interpretation section are the most appropriate option.</p>
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S261.034	5.4	Beds of lakes and rivers general conditions	<p>Beds of lakes and rivers general conditions</p> <p>Beds of lakes and rivers general conditions for uses of the beds of lakes and rivers that apply as specified in Rules R122 to R129:</p> <p>(a) except where the discharge is expressly allowed by the activity description of a rule in this chapter there shall be no discharge of contaminants (including but not limited to oil, petrol, diesel, paint, solvent, heavy metals or other toxicants) to water or the bed, except where this is the result of the disturbance of sediment and other materials already existing in the water or bed, and</p> <p>(b) no cleaning or refuelling of machinery or equipment, or storage of fuel shall take place in, or within 10m of, a river or lake bed, or at any location where fuel can enter any water body, and</p> <p>(c) all machinery, equipment and materials used for the activity shall be removed from the river or lake bed every night and on completion of the activity. This includes any</p>	<p>Effectiveness and efficiency</p> <p>The recommended amendments to the Beds of Lakes and Rivers are effective in giving effect to Objective O28, Policy P30, and Policy P42 of the NRP. The amendments strengthen the existing safeguards for significant habitats for indigenous birds. The amendments require an assessment by an ecologist to determine the effect of the activity on the scheduled birds, improving the effectiveness of the condition. I consider that this is the most efficient way to provide the adequate protections required.</p> <p>Costs and Benefits</p> <p>The environmental benefits are high as the condition ensures the effect on the Scheduled bird habitat can be determined and the necessary protection and mitigation measures can be implemented. There are costs associated with resource consent required under this</p>
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			<p>excess material from the construction operation, any materials used during construction of any structure but not part of that structure, and any material removed or demolished from any structure, and</p> <p>(d) structures are designed, installed and maintained, and activities are carried out in a manner to ensure that fish passage is maintained at all times, except:</p> <p>(i) as required for the operation of backflow devices during heavy rainfall events, or</p> <p>(ii) a temporary restriction of no more than 48 hours is required for construction or maintenance activities,</p> <p>unless the structure is a culvert or weir, other than a customary weir, installed after 2 September 2020, then</p> <p>(iii) the placement, use, alteration, extension or</p>	<p>amendment. I consider that with many activities, resource consent would already be required, limiting the cost.</p> <p>Risk of acting or not acting There is sufficient information on the costs to the environment, and benefits to people and communities to justify the amendment to the policy.</p> <p>Recommendation about most appropriate option The recommended amendments to the Beds of Lakes and Rivers are the most appropriate option as they give effect to Objective O28, Policy P30, and Policy P42 of the NRP.</p>
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			<p>reconstruction of the culvert or weir in, on, over or under the bed of any river or connected area must provide for the same passage of fish upstream and downstream as would exist without the structure, except as required to carry out the construction works.</p> <p>The design, installation, maintenance and use of all structures shall avoid any aggradation or scouring of the bed of the river or lake that may inhibit fish passage, and</p> <p>(e) in any part of the river bed identified as inanga spawning habitat in Schedule F1 (rivers/lakes), no bed disturbance, diversions of water or sediment discharge shall occur between 1 January and 31 May, except that material accumulated at the outlet of a stormwater discharge pipe may be removed between 1 January and 1 March, so long as there is no associated trimming or</p>	
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			<p>removal or vegetation (including weeds) on the bed or banks, and</p> <p>(f) in any part of the river or lake bed covered by water, which is identified as trout spawning waters in Schedule I (trout habitat), disturbance of the bed or diversions of water shall not take place during the spawning period of between 31 May and 31 August, and</p> <p>(g) all reasonable steps shall be taken to minimise the generation and release of sediment from the activity, and the discharge of any sediment to water from any activity in, on, over or under the bed of a river or lake must not, after reasonable mixing, result in any conspicuous change in the colour of water in the receiving water or change in horizontal visibility of greater than 30%, and</p> <p>(h) car bodies or demolition rubble shall not be used for any purpose on the bed of any river or lake, and</p> <p>(i) all reasonable steps shall be taken to minimise the duration of the diversion of water, and any diversion</p>	
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			<p>of water required to undertake the activity shall:</p> <ul style="list-style-type: none"> (i) only be temporary and for a period no longer than that required to complete the activity, and (ii) must not involve a lake, and (iii) any diversion channel required must have sufficient capacity to carry the same flow as the original channel, so as not to cause flooding or erosion of any neighbouring property, and <p>(j) the activity shall not result in erosion or scour of the river banks or shall not result in flooding of any neighbouring property, and</p> <p>(k) any structure, other than a stormwater intake structure or debris arrestor, shall be designed so that it does not reduce the ability of the river to convey flood flows. All structures shall be maintained to manage flood debris accumulated</p>	
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			<p>against the structure and the conveyance of flood flows, and</p> <p>(l) any structure shall not alter the natural course of the river, including any diversion of water from the natural course during floods. Tree planting or vegetative bank edge protection works that are limited to the banks of the river and do not extend into the active channel are not considered to alter the course of the river for the purpose of this condition, and</p> <p>(m) the river or lake bed shall not be disturbed to a depth or an extent greater than that required to undertake the activity, and</p> <p>(n) in any part of a river or lake bed identified in Schedule F2a (birds-rivers) or Schedule F2b (birds-lakes), no structure shall be constructed, and no disturbance shall take place, during the critical period <u>if the named birds</u> identified in Schedule F2a (birds-rivers) or Schedule F2b (birds-lakes) if the named birds are</p>	
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			<p>identified as nesting, roosting and/or foraging at the work site, and</p> <p>(o) beds of lakes and rivers general conditions (a) to (m) that apply as specified in Rule R127 to R137 do not cover any activities regulated by Sub-Part 4 – River crossings and Sub-Part 10 – General provisions in the <i>Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017</i>.</p>	
S255.019	5.4	Rule R151A: Ongoing diversion of a river – permitted activity	<p>Damming and diverting water</p> <p>Rule R151A: <u>Rule R151A: Ongoing diversion of a river – permitted activity</u></p> <p><u>The diversion of a river as a result of:</u></p> <p>(a) <u>an existing permanent diversion, that is not associated with existing structures, that was lawfully established by way of a resource consent as at the date of this rule becoming operative on (insert date),</u> <u>or</u></p>	<p>Effectiveness and efficiency The recommended amendments to Rule R151A provide clarity to plan users, increasing the effectiveness and efficiency of the plan.</p> <p>Costs and Benefits There are no additional costs associated with this change.</p> <p>Risk of acting or not acting There is sufficient information on the costs to the environment, and benefits to people and</p>

			<p><u>(b) a permanent diversion, that is not associated with existing structures, that has been lawfully established by way of a resource consent after the operative date of this rule,</u></p> <p><u>is a permitted activity subject to the following conditions:</u></p> <p><u>(c) the permanent diversion has been in place for at least 10 years, and</u></p> <p><u>(d) all of the conditions of the resource consent to lawfully establish the diversion have been complied with.</u></p> <p><u>Note</u> <u>Diversion of water in association with existing structures is subject to permitted activity rule R122 (Maintenance, repair, replacement, upgrade or use of existing structures (excluding the Barrage Gates) – permitted activity).</u></p>	<p>communities to justify the amendment to the policy.</p> <p>Recommendation about most appropriate option The recommended amendments to Rule R151A are the most appropriate option.</p>
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Appendix 6: Summary Recommendation Table

Original Submitter	Original Submission Point (SP)	Further Submitter (FS)	FS number	Plan section	Provision	SP Position	FS Position	Reasons	Decision Requested	FS decision sought	Officer recommendation
Zealandia Te Māra a Tāne (S113)	S113.003			5.4 Beds of lakes and rivers	5.4.4 Uses of beds of lakes and rivers general conditions.	Support		Supports the protection of beds of lakes and rivers, with specific considerations for the protection of inanga.	Not stated		Accept
Zealandia Te Māra a Tāne (S113)		Forest & Bird	FS23.1513	5.4 Beds of lakes and rivers	5.4.4 Uses of beds of lakes and rivers general conditions.		Support	Submission points will help maintain, protect, and restore indigenous biodiversity and waterways throughout Wellington and are consistent with higher order documents, including the NPS-FM, the NPS-IB, the NZCPS, and the RMA (including s6).	Allow	Support the whole of the submission and all relief sought be unless otherwise stated or where points are inconsistent with Forest & Bird's submission points and specific relief.	Accept
Transpower New Zealand Limited (S177)	S177.016			5.4 Beds of lakes and rivers	5.4.4 Uses of beds of lakes and rivers general conditions.	Amend		Seeks reference to NESETA to highlight to plan users and assist with plan interpretation. Considers it relevant given the potential difference in standards and activity status.	Insert the following to the Interpretation section of the chapter: Many activities relating to the operation, maintenance, upgrading, relocation or removal of an electricity transmission line and ancillary structures that existed prior to 14 January 2010 are controlled by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA), separate to this Plan. Where the provisions of this Plan conflict with the requirements of the NESETA, the provisions of the NESETA apply. 		Accept
Transpower New Zealand Limited (S177)		Forest & Bird	FS23.759	5.4 Beds of lakes and rivers	5.4.4 Uses of beds of lakes and rivers general conditions.		Oppose	Submission points would likely result in the further loss of indigenous biodiversity and degradation of waterways throughout Wellington and be inconsistent with higher order documents, including the NPS-FM, the NPS-IB, the NZCPS, and the RMA (including s6).	Disallow	Oppose the whole of the submission and all relief sought unless otherwise stated or where points are consistent with Forest & Bird's submission points and specific relief.	Reject
PF Olsen Ltd (S18)	S18.013			5.4 Beds of lakes and rivers	5.4.4 Uses of beds of lakes and rivers general conditions.	Amend		Concerned with financial implications of (n) for forestry activities, noting that the s32 report states that economic impact will be low to moderate. States that the NES-CF has not been considered, namely with management plan requirements.	Amend to exclude forestry activities of compliance with the general condition (n).		Reject
Wellington Fish and Game Regional Council (S188)	S188.022			5.4 Beds of lakes and rivers	5.4.4 Uses of beds of lakes and rivers general conditions.	Support		Not stated	Not stated		Accept
Wellington Fish and Game Regional Council (S188)		New Zealand Farm Forestry Association (NZFFA)	FS9.022	5.4 Beds of lakes and rivers	5.4.4 Uses of beds of lakes and rivers general conditions.		Oppose	Not stated	Disallow	Not stated	Reject
Wellington Fish and Game Regional Council (S188)		Manor Park Golf Club (Incorporated) (MPGC)	FS21.027	5.4 Beds of lakes and rivers	5.4.4 Uses of beds of lakes and rivers general conditions.		Support	In keeping with the sanctuary environment status that the MPGC has established and is looking to maintain.	Allow	Not stated	Accept
Wellington Fish and Game Regional Council (S188)		Forest & Bird	FS23.1178	5.4 Beds of lakes and rivers	5.4.4 Uses of beds of lakes and rivers general conditions.		Support	Submission points will help maintain, protect, and restore indigenous biodiversity and waterways throughout Wellington and are consistent with higher order documents, including the NPS-FM, the NPS-IB, the NZCPS, and the RMA (including s6).	Allow	Support the whole of the submission and all relief sought be unless otherwise stated or where points are inconsistent with Forest & Bird's submission points and specific relief.	Accept
Wellington Fish and Game Regional Council (S188)		Manor Park and Haywards Residents	FS27.1111	5.4 Beds of lakes and rivers	5.4.4 Uses of beds of lakes and rivers general conditions.		Support	Our natural environment should be protected or improved where it is degraded or risks being degraded, especially our remaining native bush areas and all streams	Allow	Not stated	Accept

Section 42A Report – Hearing Stream 1 – Beds of Lakes and Rivers – 3 October 2024

Original Submitter	Original Submission Point (SP)	Further Submitter (FS)	FS number	Plan section	Provision	SP Position	FS Position	Reasons	Decision Requested	FS decision sought	Officer recommendation
		Community Incorporated ("MPHRCI")						and rivers in the Dry Creek Catchment and surrounding area. MPHRCI supports retention of provisions (and plan amendments) that will help achieve this outcome, and opposes provisions that will not help achieve or will frustrate this outcome. 30 Benmore Street had, until very recently, relatively high natural character and ecological values, open space values, and rural amenity values. Recent substantial vegetation clearance and earthworks activities on the site have resulted in significant adverse environmental effects which should be remedied and mitigated. There is substantial community objection to this land being rezoned from rural to urban. MPHRCI does not agree with Waste Management New Zealand Limited that "planning for the site to be used for a resource recovery park is well advanced, with several expert assessments undertaken that demonstrate the use is suitable and environmental effects and as such it should be considered part of the 'planned / existing urban area'". This is a disingenuous and arrogant statement to make. There is considerable community concern about, and opposition to, 30 Benmore Street being considered as a potentially appropriate site for urban development, let alone being considered appropriate for industrial and waste management land uses. MPHRCI does not agree with the relief sought by those submitters seeking to facilitate the rezoning of 30 Benmore Street to an urban zone. Similarly, MPHRCI does not agree with the submitters reasoning. 30 Benmore Street is rural land zoned for rural purposes and in no way should it be considered as urban or as 'planned urban'. A prohibited activity status to prevent urban land uses on this site, or discharges to water from activities on this site, is appropriate.			
Water New Zealand (S246)	S246.024			5.4 Beds of lakes and rivers	5.4.4 Uses of beds of lakes and rivers general conditions.	Amend		Questions whether this should be re-written to allow ponding above an intake and encourage a making room for rivers approach. Notes such an approach is only encouraged where appropriate and doesn't increase flood inundation risk to people, property or infrastructure. Considers making room for water allows land to flood safely, while providing a range of benefits such as aquatic and riparian habitat, wetland restoration, carbon sequestration and increased groundwater recharge. It also offers to restore mana whenua connections with their local water. Where streams, wetland and floodplain remain in natural state, they should be prioritised for protection and providing natural hazard mitigation.	Amend to allow ponding above an intake and encourage a making room for rivers approach.		Reject
Rangitāne o Wairarapa (S85)	S85.003			5.4 Beds of lakes and rivers	5.4.4 Uses of beds of lakes and rivers general conditions.	Amend		Supports proposed changes to beds of lakes and rivers rules to improve clarity. Concerned sites of significance to mana whenua not identified in Schedule C will not be protected.	Amend to include requirement to consult with tangata whenua for activities in the beds of lakes and rivers.		Reject

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Original Submitter	Original Submission Point (SP)	Further Submitter (FS)	FS number	Plan section	Provision	SP Position	FS Position	Reasons	Decision Requested	FS decision sought	Officer recommendation
Rangitāne o Wairarapa (S85)		Ātiawa ki Whakaron gotai Charitable Trust	FS2.048	5.4 Beds of lakes and rivers	5.4.4 Uses of beds of lakes and rivers general conditions.		Support	Support in principle. Support partnership with mana whenua.	Allow	Supports proposed changes to beds of lakes and rivers rules to improve clarity. Concerned sites of significance to mana whenua not identified in Schedule C will not be protected. Amend to include requirement to consult with tangata whenua.	Reject
Rangitāne o Wairarapa (S85)		Forest & Bird	FS23.457	5.4 Beds of lakes and rivers	5.4.4 Uses of beds of lakes and rivers general conditions.		Support	Submission points will help maintain, protect, and restore indigenous biodiversity and waterways throughout Wellington and are consistent with higher order documents, including the NPS-FM, the NPS-IB, the NZCPS, and the RMA (including s6).	Allow	Support the whole of the submission and all relief sought unless otherwise stated or where points are inconsistent with Forest & Bird's submission points and specific relief.	Reject
Rangitāne o Wairarapa (S85)		Ngā Hapū o Ōtaki	FS37.003	5.4 Beds of lakes and rivers	5.4.4 Uses of beds of lakes and rivers general conditions.		Support	NHoŌ agrees with the proposed amendments as they improve clarity and provide certainty for the protection of named birds identified in Schedule F2a (birds-rivers) or Schedule F2b (birds-lakes) at all times, rather than only during critical periods.	Allow	Allow the submission point.	Reject
Graeme Iain Shellard, Sarah Elizabeth Shellard, Cameron Anthony Shellard, Finlay David Shellard, Graeme Shellard (S202)	S202.006			5.4 Beds of lakes and rivers	5.4.5 Uses of beds of lakes and rivers.		Oppose	Consider this unnecessarily limiting to prevent scouring increasing and there are many situations where planting is not appropriate. Notes gabions and concrete blocks are used throughout the Hutt and Mangaroa valley since in many situations they are appropriate.	Reinstate the use of erosion protection structures.		Reject
Lynn Cadenhead (S22)	S22.018			5.4 Beds of lakes and rivers	5.4.8 Damming and diverting water		Amend	Considers issues around fish passage are not addressed (Rule R151A). Seeks for discretion to be available to require fish passage for activities which have existed for 10 years or more, where practical.	Enable discretion to require fish passage where practical.		Reject
Neil Deans (S29)	S29.005			5.4 Beds of lakes and rivers	5.4.8 Damming and diverting water		Amend	Considers issues around fish passage are not addressed (Rule R151A). Seeks for discretion to be available to require fish passage for activities which have existed for 10 years or more, where practical.	Enable discretion to require fish passage where practical.		Reject
Rangitāne o Wairarapa (S85)	S85.001			5.4 Beds of lakes and rivers	5.4.8 Damming and diverting water		Oppose	Considers long term consents for permanent diversion allows for review of the consent and effects, including consultation with mana whenua and other parties to ensure the diversion remains appropriate.	Delete proposed rule.		Reject
Rangitāne o Wairarapa (S85)		Ātiawa ki Whakaron gotai Charitable Trust	FS2.046	5.4 Beds of lakes and rivers	5.4.8 Damming and diverting water		Oppose	Support in principle.	Disallow	Considers long term consents for permanent diversion allows for review of the consent and effects, including consultation with mana whenua and other parties to ensure the diversion remains appropriate.	Accept
Rangitāne o Wairarapa (S85)		Forest & Bird	FS23.455	5.4 Beds of lakes and rivers	5.4.8 Damming and diverting water		Support	Submission points will help maintain, protect, and restore indigenous biodiversity and waterways throughout Wellington and are consistent with higher order documents, including the NPS-FM, the NPS-IB, the NZCPS, and the RMA (including s6).	Allow	Support the whole of the submission and all relief sought unless otherwise stated or where points are inconsistent with Forest & Bird's submission points and specific relief.	Reject
Rangitāne o Wairarapa (S85)		Ngā Hapū o Ōtaki	FS37.001	5.4 Beds of lakes and rivers	5.4.8 Damming and diverting water		Support	NHoŌ agree with Rangitāne o Wairarapa that Proposed Rule 151A is inappropriate as it removes the mechanism to review the consent conditions over a long term (i.e. beyond 10 years) and whether the diversion remains appropriate.	Allow	Allow the submission point and relief sought to delete the proposed rule.	Reject

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Original Submitter	Original Submission Point (SP)	Further Submitter (FS)	FS number	Plan section	Provision	SP Position	FS Position	Reasons	Decision Requested	FS decision sought	Officer recommendation
Wellington Water Ltd (S151)	S151.047			5.4 Beds of lakes and rivers	Beds of lakes and rivers general conditions.	Amend		Supports the protection of native bird species habitat and the outcome general condition 5.4.4(n) seeks to achieve but is concerned the proposed amendment would require an ecologist to determine when the named birds are roosting, nesting, or foraging and this work would take significant time which has the potential for adverse effects on the environment while this work is underway. Considers there needs to be more certainty to plan users as to when works can occur, and when they cannot, and less reliance on a third party to confirm if a condition can be met.	Provide more certainty to plan users in general condition (n) so that a third party is not required to assess when named birds are identified as nesting, roosting and foraging, at the work site. Other relief as may be required to address the issues identified, including relief that is alternative, additional or consequential.		Reject
Wellington Water Ltd (S151)		Forest & Bird	FS23.1374	5.4 Beds of lakes and rivers	Beds of lakes and rivers general conditions.		Oppose	Submission points would likely result in the further loss of indigenous biodiversity and degradation of waterways throughout Wellington and be inconsistent with higher order documents, including the NPS-FM, the NPS-IB, the NZCPS, and the RMA (including s6).	Disallow	Oppose the whole of the submission and all relief sought except for where points are consistent with Forest & Bird's submission points and specific relief.	Accept
Yvonne Weeber (S183)	S183.157			5.4 Beds of lakes and rivers	Beds of lakes and rivers general conditions.	Neutral		Not stated	Not stated		No recommendation
Yvonne Weeber (S183)		Manor Park and Haywards Residents Community Incorporated ("MPHRCI")	FS27.157	5.4 Beds of lakes and rivers	Beds of lakes and rivers general conditions.		Support	Our natural environment should be protected or improved where it is degraded or risks being degraded, especially our remaining native bush areas and all streams and rivers in the Dry Creek Catchment and surrounding area. MPHRCI supports retention of provisions (and plan amendments) that will help achieve this outcome, and opposes provisions that will not help achieve or will frustrate this outcome. 30 Benmore Street had, until very recently, relatively high natural character and ecological values, open space values, and rural amenity values. Recent substantial vegetation clearance and earthworks activities on the site have resulted in significant adverse environmental effects which should be remedied and mitigated. There is substantial community objection to this land being rezoned from rural to urban. MPHRCI does not agree with Waste Management New Zealand Limited that "planning for the site to be used for a resource recovery park is well advanced, with several expert assessments undertaken that demonstrate the use is suitable and environmental effects and as such it should be considered part of the 'planned / existing urban area'". This is a disingenuous and arrogant statement to make. There is considerable community concern about, and opposition to, 30 Benmore Street being considered as a potentially appropriate site for urban development, let alone being considered appropriate for industrial and waste management land uses. MPHRCI does not agree with the relief sought by those submitters seeking to facilitate the rezoning of 30 Benmore Street to an urban zone. Similarly, MPHRCI does not agree with the submitters reasoning. 30 Benmore Street is rural land zoned for rural purposes and in no way should it be considered as urban or as 'planned urban'. A prohibited activity status	Allow	Not stated	No recommendation

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Original Submitter	Original Submission Point (SP)	Further Submitter (FS)	FS number	Plan section	Provision	SP Position	FS Position	Reasons	Decision Requested	FS decision sought	Officer recommendation
								to prevent urban land uses on this site, or discharges to water from activities on this site, is appropriate.			
Upper Hutt City Council (S225)	S225.050			5.4 Beds of lakes and rivers	Beds of lakes and rivers general conditions.	Oppose		Concerned with significant change to activities in (n). Amended wording implies that at no point are works able to be undertaken if identified birds are roosting and nesting even outside the critical period. Notes there are some birds which may nest year-round, on potentially significant infrastructure such as bridges which require maintenance.	Retain as operative, do not amend as proposed.		Reject
Upper Hutt City Council (S225)		Woodridge Holdings Ltd	FS16.061	5.4 Beds of lakes and rivers	Beds of lakes and rivers general conditions.		Not stated	The amendment to point (n) implies that works could not be undertaken if identified birds are in the area for any purpose. As some birds may nest year round this clause may prevent the maintenance or construction of significant infrastructure even outside the critical period.	Allow	Retain as operative, do not amend as proposed.	Reject
Upper Hutt City Council (S225)		Forest & Bird	FS23.878	5.4 Beds of lakes and rivers	Beds of lakes and rivers general conditions.		Oppose	Submission points would likely result in the further loss of indigenous biodiversity and degradation of waterways throughout Wellington and be inconsistent with higher order documents, including the NPS-FM, the NPS-IB, the NZCPS, and the RMA (including s6).	Disallow	Oppose the whole of the submission and all relief sought unless otherwise stated or where points are consistent with Forest & Bird's submission points and specific relief.	Accept
Forest & Bird (S261)	S261.034			5.4 Beds of lakes and rivers	Beds of lakes and rivers general conditions.	Support		Supports greater clarity.	Retain as proposed.		Accept
Forest & Bird (S261)		New Zealand Farm Forestry Association (NZFFA)	FS9.361	5.4 Beds of lakes and rivers	Beds of lakes and rivers general conditions.		Oppose	Not stated	Disallow	Not stated	Reject
Forest & Bird (S261)		Manor Park and Haywards Residents Community Incorporated ("MPHRCI")	FS27.653	5.4 Beds of lakes and rivers	Beds of lakes and rivers general conditions.		Support	Our natural environment should be protected or improved where it is degraded or risks being degraded, especially our remaining native bush areas and all streams and rivers in the Dry Creek Catchment and surrounding area. MPHRCI supports retention of provisions (and plan amendments) that will help achieve this outcome, and opposes provisions that will not help achieve or will frustrate this outcome. 30 Benmore Street had, until very recently, relatively high natural character and ecological values, open space values, and rural amenity values. Recent substantial vegetation clearance and earthworks activities on the site have resulted in significant adverse environmental effects which should be remedied and mitigated. There is substantial community objection to this land being rezoned from rural to urban. MPHRCI does not agree with Waste Management New Zealand Limited that "planning for the site to be used for a resource recovery park is well advanced, with several expert assessments undertaken that demonstrate the use is suitable and environmental effects and as such it should be considered part of the 'planned / existing urban area'". This is a disingenuous and arrogant statement to make. There is considerable community concern about, and opposition to, 30 Benmore Street being	Allow	Not stated	Accept

Section 42A Report – Hearing Stream 1 – Beds of Lakes and Rivers – 3 October 2024

Original Submitter	Original Submission Point (SP)	Further Submitter (FS)	FS number	Plan section	Provision	SP Position	FS Position	Reasons	Decision Requested	FS decision sought	Officer recommendation
								considered as a potentially appropriate site for urban development, let alone being considered appropriate for industrial and waste management land uses. MPHRCI does not agree with the relief sought by those submitters seeking to facilitate the rezoning of 30 Benmore Street to an urban zone. Similarly, MPHRCI does not agree with the submitters reasoning. 30 Benmore Street is rural land zoned for rural purposes and in no way should it be considered as urban or as 'planned urban'. A prohibited activity status to prevent urban land uses on this site, or discharges to water from activities on this site, is appropriate.			
Civil Contractors New Zealand (S285)	S285.013			5.4 Beds of lakes and rivers	Beds of lakes and rivers general conditions.	Amend		Considers urgent works may not be able to wait for an ecologists assessment and clause (n) may lead to poor environmental outcomes.	Provide more certainty to plan users in general condition (n) so that a third party is not required to assess when named birds are identified as nesting, roosting and foraging, at the work site.		Reject
Civil Contractors New Zealand (S285)		Goodman Contractor s Limited	FS35.013	5.4 Beds of lakes and rivers	Beds of lakes and rivers general conditions.		Support	I also support the rest of the points made in the Civil Contractors New Zealand submission, and ask you to consider the impacts this plan change will have on horizontal construction across the region, which will increase costs across the board, including housing, transport and water construction. Overall, I feel direct consultation with the civil construction industry has been absent in the creation of this plan, and is required to make sure the Natural Resources Plan is fit for purpose. I also feel that the consultation process is very difficult to follow, ruling most contractors out of having a say. Accordingly, I request the plan change does not go ahead.	Allow	Plan change 1 does not go ahead	Reject
Civil Contractors New Zealand (S285)		PCL Contracting Ltd as part of CCNZ	FS32.005	5.4 Beds of lakes and rivers	Beds of lakes and rivers general conditions.		Support	Will impact on the ability to undertake emergency works or result in non-conformance	Allow	Considers urgent works may not be able to wait for an ecologist's assessment and clause (n) may lead to poor environmental outcomes.	Reject
Civil Contractors New Zealand (S285)		Multi Civil Contractor s Ltd	FS49.013	5.4 Beds of lakes and rivers	Beds of lakes and rivers general conditions.		Support	Not stated	Allow	Request that plan change does not go ahead	Reject
Wellington Fish and Game Regional Council (S188)	S188.010			General comments	General comments - water bodies	Not Stated		Notes research indicates that ~2% of New Zealand waterways are naturally soft-bottomed, but due to sediment inputs into waterways, currently ~ 20% of New Zealand rivers and streams now have soft sediment beds, rather than natural hard-bottomed, stony beds they historically displayed (Clapcott et al, 2011). Considers restoring silted streams should be a priority and restoration/monitoring should show this restoration over time.	Not stated		No recommendation
Wellington Fish and Game Regional Council (S188)		New Zealand Farm Forestry Association (NZFFA)	FS9.010	General comments	General comments - water bodies		Oppose	Not stated	Disallow	Not stated	No recommendation
Wellington Fish and Game Regional Council (S188)		Manor Park Golf Club (Incorporated) (MPGC)	FS21.015	General comments	General comments - water bodies		Support	In keeping with the sanctuary environment status that the MPGC has established and is looking to maintain.	Allow	Not stated	No recommendation

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Original Submitter	Original Submission Point (SP)	Further Submitter (FS)	FS number	Plan section	Provision	SP Position	FS Position	Reasons	Decision Requested	FS decision sought	Officer recommendation
Wellington Fish and Game Regional Council (S188)		Forest & Bird	FS23.1166	General comments	General comments - water bodies		Support	Submission points will help maintain, protect, and restore indigenous biodiversity and waterways throughout Wellington and are consistent with higher order documents, including the NPS-FM, the NPS-IB, the NZCPS, and the RMA (including s6).	Allow	Support the whole of the submission and all relief sought be unless otherwise stated or where points are inconsistent with Forest & Bird's submission points and specific relief.	No recommendation
Wellington Fish and Game Regional Council (S188)		Manor Park and Haywards Residents Community Incorporated ("MPHRCI")	FS27.1099	General comments	General comments - water bodies		Support	Our natural environment should be protected or improved where it is degraded or risks being degraded, especially our remaining native bush areas and all streams and rivers in the Dry Creek Catchment and surrounding area. MPHRCI supports retention of provisions (and plan amendments) that will help achieve this outcome, and opposes provisions that will not help achieve or will frustrate this outcome. 30 Benmore Street had, until very recently, relatively high natural character and ecological values, open space values, and rural amenity values. Recent substantial vegetation clearance and earthworks activities on the site have resulted in significant adverse environmental effects which should be remedied and mitigated. There is substantial community objection to this land being rezoned from rural to urban. MPHRCI does not agree with Waste Management New Zealand Limited that "planning for the site to be used for a resource recovery park is well advanced, with several expert assessments undertaken that demonstrate the use is suitable and environmental effects and as such it should be considered part of the 'planned / existing urban area'". This is a disingenuous and arrogant statement to make. There is considerable community concern about, and opposition to, 30 Benmore Street being considered as a potentially appropriate site for urban development, let alone being considered appropriate for industrial and waste management land uses. MPHRCI does not agree with the relief sought by those submitters seeking to facilitate the rezoning of 30 Benmore Street to an urban zone. Similarly, MPHRCI does not agree with the submitters reasoning. 30 Benmore Street is rural land zoned for rural purposes and in no way should it be considered as urban or as 'planned urban'. A prohibited activity status to prevent urban land uses on this site, or discharges to water from activities on this site, is appropriate.	Allow	Not stated	No recommendation
Wellington Water Ltd (S151)	S151.048			5.4 Beds of lakes and rivers	Rule R128: New structures – permitted activity.	Amend		Notes the inclusion of 'pipeline' removes 'pipes' from this Rule, as they have different dictionary definitions. Considers pipes have lesser effects than pipelines and should be specifically mentioned.	Amend to refer to both pipes and pipelines Other relief as may be required to address the issues identified, including relief that is alternative, additional or consequential.		Reject
Wellington Water Ltd (S151)		Forest & Bird	FS23.1375	5.4 Beds of lakes and rivers	Rule R128: New structures – permitted activity.		Oppose	Submission points would likely result in the further loss of indigenous biodiversity and degradation of waterways throughout Wellington and be inconsistent with higher order documents, including the NPS-FM, the NPS-IB, the NZCPS, and the RMA (including s6).	Disallow	Oppose the whole of the submission and all relief sought except for where points are consistent with Forest & Bird's submission points and specific relief.	Accept

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Original Submitter	Original Submission Point (SP)	Further Submitter (FS)	FS number	Plan section	Provision	SP Position	FS Position	Reasons	Decision Requested	FS decision sought	Officer recommendation
Transpower New Zealand Limited (S177)	S177.017			5.4 Beds of lakes and rivers	Rule R128: New structures – permitted activity.	Amend		<p>Considers removal of reference to “structure” from chapeau significantly reduces range of structures permitted and it is unclear whether National Grid transmission lines traversing rivers or lakes will be permitted under rule. Considers reference to “cable” in rule is not sufficient to provide for National Grid, as National Grid cables are generally transmission lines located below ground (not those lines above ground).
Seeks either the reference to “new structure” in chapeau is retained, or specific reference to National Grid transmission lines is provided for in rule, wherever the term “cable” is mentioned.
Alternatively, considers matter would be addressed by reinstating words “structure, including” to chapeau of rule.
Notes minor error in chapeau, where “structure associated with vegetative bank edge protection” should be amended to refer to structure in singular (rather than plural).</p>	<p><p>Reinstating the words “structure, including” to the chapeau of the rule.</p><p>Alternatively, amend the rule as follows:</p><p>Rule R128: New structures – permitted activity</p><p>The placement of a new structure, including sediment retention weirs, pipelines (such as a natural gas pipeline), ducts, cables, National Grid transmission line, hydrological and water quality monitoring equipment, fences, erosion protection structures, debris arrestor structures or a and structures associated with vegetative bank edge protection except a structure permitted by Rules R125, R126 and R127 and passive flap gates, that is fixed in, on, under, or over the bed of any river or lake, excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 except general condition 5.4.4(n), including any associated:</p><p>(a) disturbance of the river or lake bed, and</p><p>(b) deposition on the river or lake bed, and</p><p>(c) diversion of water, and (d) discharge of sediment to water, and</p><p>(e) temporary damming of water,</p><p>excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 except when general condition 5.4.4(n) applies,</p><p>is a permitted activity, provided the following conditions are met:</p><p>(f) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.4.4, and</p><p>(g) the activity does not occur within a site identified in Schedule C (mana whenua), excluding adding pipelines, or cables, or National Grid transmission lines to an existing structure or providing for fish refuge, and</p><p>(h) the activity does not occur in or on any part of the river bed identified as inanga spawning habitat in Schedule F1 (rivers/lakes), and</p><p>(i) the structure does not occupy a bed area any greater than 10m², except for where the structure is associated with vegetative bank edge protection, or a pipeline, duct, fence, or cable, or National Grid transmission line which is located over or under the bed where no bed occupancy limits apply, and</p><p>(j) the catchment upstream of any sediment retention weir is not greater than 200ha, and</p><p>(k) the height of any sediment retention weir from the upstream base to the crest of the weir at the time of construction shall be no more than 0.5m, and</p><p>(l) the placement of a weir</p>		Reject

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									other than a customary weir, in, on over or under the bed of any river or connected area must also comply with the following: (i) the fall height of the weir must be no more than 0.5m, and (ii) the slope of the weir must be no steeper than 1:30, and (iii) the face of the weir must have roughness elements that are mixed grade rocks of 150 to 200mm diameter and irregularly spaced no more than 90mm apart to create a hydraulically diverse flow structure across the weir (including any wetted margins), and (iv) the weir's lateral profile must be V-shaped, sloping up at the banks, and with a low-flow channel in the centre, with the lateral cross-section slope between 5° and 10°, and (m) for all new weirs (except customary weirs), non-passive flap gates, aprons and ramps, placed in rivers or connected areas, the information requirements of Regulations 62, 64, 65, and 68 as relevant for the structure, of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 shall be provided as set out in the regulations. Note The placement of a passive flap gate in, on, over or under the bed of any river or connected area is a non-complying activity regulated by the Resource Management (National Environment Standards for Freshwater) Regulations 2020.		
Transpower New Zealand Limited (S177)		Forest & Bird	FS23.760	5.4 Beds of lakes and rivers	Rule R128: New structures – permitted activity.		Oppose	Submission points would likely result in the further loss of indigenous biodiversity and degradation of waterways throughout Wellington and be inconsistent with higher order documents, including the NPS-FM, the NPS-IB, the NZCPS, and the RMA (including s6).	Disallow	Oppose the whole of the submission and all relief sought unless otherwise stated or where points are consistent with Forest & Bird's submission points and specific relief.	Accept
Yvonne Weeber (S183)	S183.158			5.4 Beds of lakes and rivers	Rule R128: New structures – permitted activity.	Neutral		Not stated	Not stated		No recommendation
Yvonne Weeber (S183)		Manor Park and Haywards Residents Community Incorporated ("MPHRCI")	FS27.158	5.4 Beds of lakes and rivers	Rule R128: New structures – permitted activity.		Support	Our natural environment should be protected or improved where it is degraded or risks being degraded, especially our remaining native bush areas and all streams and rivers in the Dry Creek Catchment and surrounding area. MPHRCI supports retention of provisions (and plan amendments) that will help achieve this outcome, and opposes provisions that will not help achieve or will frustrate this outcome. 30 Benmore Street had, until very recently, relatively high natural character and ecological values, open space values, and rural amenity values. Recent substantial vegetation clearance and earthworks activities on the site have resulted in significant adverse environmental effects which should be remedied and mitigated. There is substantial community objection to this land being rezoned from rural to urban. MPHRCI does not agree with Waste Management New Zealand Limited that "planning for the site to be used for a resource recovery park is well advanced,	Allow	Not stated	No recommendation

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Original Submitter	Original Submission Point (SP)	Further Submitter (FS)	FS number	Plan section	Provision	SP Position	FS Position	Reasons	Decision Requested	FS decision sought	Officer recommendation
								with several expert assessments undertaken that demonstrate the use is suitable and environmental effects and as such it should be considered part of the 'planned / existing urban area'. This is a disingenuous and arrogant statement to make. There is considerable community concern about, and opposition to, 30 Benmore Street being considered as a potentially appropriate site for urban development, let alone being considered appropriate for industrial and waste management land uses. MPHRCI does not agree with the relief sought by those submitters seeking to facilitate the rezoning of 30 Benmore Street to an urban zone. Similarly, MPHRCI does not agree with the submitters reasoning. 30 Benmore Street is rural land zoned for rural purposes and in no way should it be considered as urban or as 'planned urban'. A prohibited activity status to prevent urban land uses on this site, or discharges to water from activities on this site, is appropriate.			
Wairarapa Federated Farmers (S193)	S193.045			5.4 Beds of lakes and rivers	Rule R128: New structures – permitted activity.	Amend		Amend for clarity and certainty as per pNRP mediated agreement	Amend as follows: Retain "except a structure permitted by rules R125, R126 and R127" Make any consequential amendment(s) necessary to give effect to the relief sought.		Reject
Wairarapa Federated Farmers (S193)		Forest & Bird	FS23.1001	5.4 Beds of lakes and rivers	Rule R128: New structures – permitted activity.		Oppose	Submission points would likely result in the further loss of indigenous biodiversity and degradation of waterways throughout Wellington and be inconsistent with higher order documents, including the NPS-FM, the NPS-IB, the NZCPS, and the RMA (including s6).	Disallow	Oppose the whole of the submission and all relief sought unless otherwise stated or where points are consistent with Forest & Bird's submission points and specific relief.	Accept
Horokiwi Quarries Ltd (S2)	S2.014			5.4 Beds of lakes and rivers	Rule R128: New structures – permitted activity.	Oppose		Considers the removal of the reference to "structure" from the chapeau of the rule significantly reduces the range of structures that are permitted under the rule. States this change removes the ability to construct minor structures within the bed of a river without the need for resource consent and will make the following permitted structures a discretionary activity under R145: - Intake structures, - Outfall structures, - Weirs (excluding those used for sediment retention) - Fish screens, - Fish passage devices, - Navigational aid structure, and - temporary structures. Considers the existing rule appropriately provides for minor structures (less than 10 m2) through permitted conditions limiting the size of a structure. Considers the requirement to seek resource consent for the above activities is onerous, will result in unnecessary consenting costs, and is not efficient or effective. Considers this matter would be addressed by reinstating the words "structure, including" to the chapeau of the rule. States the Section 32 evaluation provided little explanation for the proposed change, other than the rule providing for a broad range of structures is inappropriate. States there is no acknowledgment of the efficiency of requiring resource consent for	Changes are rejected and Rule R128 is retained as operative		Reject

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Original Submitter	Original Submission Point (SP)	Further Submitter (FS)	FS number	Plan section	Provision	SP Position	FS Position	Reasons	Decision Requested	FS decision sought	Officer recommendation
								all minor structures that are no longer permitted. 			
Winstone Aggregates (S206)	S206.030			5.4 Beds of lakes and rivers	Rule R128: New structures – permitted activity.	Oppose		Considers the proposed change will remove the ability to construct minor structures within the bed of a river without the need for resource consent, noting examples of structures that would be come discretionary activities. Notes the existing rule provides for minor structures (less than 10m2) and considers discretionary activity status for such structures onerous. Considers insufficient explanation is provided for the change in the s32 evaluation.	Changes are rejected and Rule R128 is retained as operative.		Reject
Rosco Ice Cream Ltd (S220)	S220.009			5.4 Beds of lakes and rivers	Rule R128: New structures – permitted activity.	Oppose		Notes Rule R128 was originally promulgated to reduce the need to obtain permits for minor structures needed in the bed of a watercourse/lake provided the works met the general standards. Opposes the changes as they reduce the scope of activities that would be permitted.	Retain the operative rule R128.		Reject
Environmental Defence Society Inc. (S222)	S222.013			5.4 Beds of lakes and rivers	Rule R128: New structures – permitted activity.	Amend		To give effect to Policies 7 and 9 NPSFM and Policy 30 NRP.	Ensure that activities avoid the loss of river extent and values and that the habitats of indigenous species are protected. Introduce TAs for habitat, natural form and character which activities must achieve.		Reject
Environmental Defence Society Inc. (S222)		New Zealand Farm Forestry Association (NZFFA)	FS9.194	5.4 Beds of lakes and rivers	Rule R128: New structures – permitted activity.		Oppose	Not stated	Disallow	Not stated	Accept
Environmental Defence Society Inc. (S222)		Forest & Bird	FS23.169	5.4 Beds of lakes and rivers	Rule R128: New structures – permitted activity.		Support	Submission points will help maintain, protect, and restore indigenous biodiversity and waterways throughout Wellington and are consistent with higher order documents, including the NPS-FM, the NPS-IB, the NZCPS, and the RMA (including s6).	Allow	Support the whole of the submission and all relief sought unless otherwise stated or where points are inconsistent with Forest & Bird’s submission points and specific relief.	Reject
Environmental Defence Society Inc. (S222)		Manor Park and Haywards Residents Community Incorporated (“MPHRCI”)	FS27.905	5.4 Beds of lakes and rivers	Rule R128: New structures – permitted activity.		Support	Our natural environment should be protected or improved where it is degraded or risks being degraded, especially our remaining native bush areas and all streams and rivers in the Dry Creek Catchment and surrounding area. MPHRCI supports retention of provisions (and plan amendments) that will help achieve this outcome, and opposes provisions that will not help achieve or will frustrate this outcome. 30 Benmore Street had, until very recently, relatively high natural character and ecological values, open space values, and rural amenity values. Recent substantial vegetation clearance and earthworks activities on the site have resulted in significant adverse environmental effects which should be remedied and mitigated. There is substantial community objection to this land being rezoned from rural to urban. MPHRCI does not agree with Waste Management New Zealand Limited that “planning for the site to be used for a resource recovery park is well advanced, with several expert assessments undertaken that demonstrate the use is suitable and environmental effects and as such it should	Allow	Not stated	Reject

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Original Submitter	Original Submission Point (SP)	Further Submitter (FS)	FS number	Plan section	Provision	SP Position	FS Position	Reasons	Decision Requested	FS decision sought	Officer recommendation
								be considered part of the ‘planned / existing urban area’’. This is a disingenuous and arrogant statement to make. There is considerable community concern about, and opposition to, 30 Benmore Street being considered as a potentially appropriate site for urban development, let alone being considered appropriate for industrial and waste management land uses. MPHRCI does not agree with the relief sought by those submitters seeking to facilitate the rezoning of 30 Benmore Street to an urban zone. Similarly, MPHRCI does not agree with the submitters reasoning. 30 Benmore Street is rural land zoned for rural purposes and in no way should it be considered as urban or as ‘planned urban’. A prohibited activity status to prevent urban land uses on this site, or discharges to water from activities on this site, is appropriate.			
Environmental Defence Society Inc. (S222)		Wellington Water Ltd	FS39.001	5.4 Beds of lakes and rivers	Rule R128: New structures – permitted activity.		Oppose	This is too onerous for Council water infrastructure.	Disallow	Not stated	Accept
Forest & Bird (S261)	S261.035			5.4 Beds of lakes and rivers	Rule R128: New structures – permitted activity.	Amend		Supports the exclusion of “erosion protection structures”, however, notes the provision for “debris arrester structures” and “structures associated with vegetative edge protection” up to 10m2 can alter the natural character and habitat of rivers. Considers this frustrates the ability to achieve outcomes of NPSFM Policy 7 and 9; and NRP Policy 30.	Remove permitted status for “debris arrester structures” and “structures associated with vegetative edge protection” to ensure these activities are managed in a way that maintains and restores physical habitat in riverbeds and natural form and character. Introduce a condition of the rule (in the general conditions) that requires compliance with Target Attribute States. Any further consequential or alternative relief as may be necessary and appropriate to address concerns.		Reject
Forest & Bird (S261)		New Zealand Farm Forestry Association (NZFFA)	FS9.362	5.4 Beds of lakes and rivers	Rule R128: New structures – permitted activity.		Oppose	Not stated	Disallow	Not stated	Accept
Forest & Bird (S261)		Manor Park and Haywards Residents Community Incorporated (“MPHRCI”)	FS27.654	5.4 Beds of lakes and rivers	Rule R128: New structures – permitted activity.		Support	Our natural environment should be protected or improved where it is degraded or risks being degraded, especially our remaining native bush areas and all streams and rivers in the Dry Creek Catchment and surrounding area. MPHRCI supports retention of provisions (and plan amendments) that will help achieve this outcome, and opposes provisions that will not help achieve or will frustrate this outcome. 30 Benmore Street had, until very recently, relatively high natural character and ecological values, open space values, and rural amenity values. Recent substantial vegetation clearance and earthworks activities on the site have resulted in significant adverse environmental effects which should be remedied and mitigated. There is substantial community objection to this land being rezoned from rural to urban. MPHRCI does not agree with Waste Management New Zealand Limited that “planning for the site to be used for a resource recovery park is well advanced, with several expert assessments undertaken	Allow	Not stated	Reject

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								that demonstrate the use is suitable and environmental effects and as such it should be considered part of the 'planned / existing urban area'. This is a disingenuous and arrogant statement to make. There is considerable community concern about, and opposition to, 30 Benmore Street being considered as a potentially appropriate site for urban development, let alone being considered appropriate for industrial and waste management land uses. MPHRCI does not agree with the relief sought by those submitters seeking to facilitate the rezoning of 30 Benmore Street to an urban zone. Similarly, MPHRCI does not agree with the submitters reasoning. 30 Benmore Street is rural land zoned for rural purposes and in no way should it be considered as urban or as 'planned urban'. A prohibited activity status to prevent urban land uses on this site, or discharges to water from activities on this site, is appropriate.			
Civil Contractors New Zealand (S285)	S285.014			5.4 Beds of lakes and rivers	Rule R128: New structures – permitted activity.	Amend		Notes that inclusion of 'pipeline' excludes 'pipes' from this Rule as they have different dictionary definitions. Considers that pipes should be specifically mentioned.	Refer to both pipes and pipelines.		Reject
Civil Contractors New Zealand (S285)		Goodman Contractors Limited	FS35.014	5.4 Beds of lakes and rivers	Rule R128: New structures – permitted activity.		Support	I also support the rest of the points made in the Civil Contractors New Zealand submission, and ask you to consider the impacts this plan change will have on horizontal construction across the region, which will increase costs across the board, including housing, transport and water construction. Overall, I feel direct consultation with the civil construction industry has been absent in the creation of this plan, and is required to make sure the Natural Resources Plan is fit for purpose. I also feel that the consultation process is very difficult to follow, ruling most contractors out of having a say. Accordingly, I request the plan change does not go ahead.	Allow	Plan change 1 does not go ahead	Reject
Civil Contractors New Zealand (S285)		PCL Contracting Ltd as part of CCNZ	FS32.006	5.4 Beds of lakes and rivers	Rule R128: New structures – permitted activity.		Support	Not stated	Allow	Notes that inclusion of 'pipeline' excludes 'pipes' from this Rule as they have different dictionary definitions. Considers that pipes should be specifically mentioned	Reject
Civil Contractors New Zealand (S285)		Multi Civil Contractors Ltd	FS49.014	5.4 Beds of lakes and rivers	Rule R128: New structures – permitted activity.		Support	Not stated	Allow	Request that plan change does not go ahead	Reject
China Forest Group Company New Zealand Ltd (S288)	S288.032			5.4 Beds of lakes and rivers	Rule R128: New structures – permitted activity.	Amend		Considers there is misalignment with the NES-CF.	<p>Amend to: </p><p>has the same meaning as given in section 3 of the Resource Management (National Environmental Standards for Commercial Forestry Regulations 2023. </p>		Reject
China Forest Group Company New Zealand Ltd (S288)		Forest & Bird	FS23.056	5.4 Beds of lakes and rivers	Rule R128: New structures – permitted activity.		Oppose	Submission points would likely result in the further loss of indigenous biodiversity and degradation of waterways throughout Wellington and be inconsistent with higher order documents, including the NPS-FM, the NPS-IB, the NZCPS, and the RMA (including s6).	Disallow	Oppose the whole of the submission and all relief sought unless otherwise stated or where points are consistent with Forest & Bird's submission points and specific relief.	Accept
Rangitāne o Wairarapa (S85)	S85.004			5.5 Water allocation rules	Rule R128: New structures – permitted activity.	Amend		Supports proposed changes to beds of lakes and rivers rules to improve clarity. Concerned sites of significance to mana	Amend to include requirement to consult with tangata whenua for activities in the beds of lakes and rivers.		Reject

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								whenua not identified in Schedule C will not be protected.			
Rangitāne o Wairarapa (S85)		Forest & Bird	FS23.458	5.5 Water allocation rules	Rule R128: New structures – permitted activity.		Support	Submission points will help maintain, protect, and restore indigenous biodiversity and waterways throughout Wellington and are consistent with higher order documents, including the NPS-FM, the NPS-IB, the NZCPS, and the RMA (including s6).	Allow	Support the whole of the submission and all relief sought unless otherwise stated or where points are inconsistent with Forest & Bird’s submission points and specific relief.	Reject
Rangitāne o Wairarapa (S85)		Ngā Hapū o Ōtaki	FS37.004	5.5 Water allocation rules	Rule R128: New structures – permitted activity.		Support	NHoŌ supports the proposed amendments that improve certainty by identifying which activities the rule applies to. This ensures that other structures are not inadvertently captured by the rule and considered permitted activities. We agree with Rangitāne o Wairarapa that there is no protection for sites of significance to mana whenua that are not recorded (in a regional plan) are protected from new structures. We also agree that there are many reasons why mana whenua may choose not to include certain sites within a plan and our relationship with significant sites and the sites themselves should not be limited or adversely impacted as a result.	Allow	Allow the submission point and relief sought to amend the rule to include an additional mechanism to consult with mana whenua for activities in the beds of lakes and rivers.	Reject
Yvonne Weeber (S183)	S183.159			5.4 Beds of lakes and rivers	Rule R132: Minor sand and gravel extraction – permitted activity.	Neutral		Not stated	Not stated		No recommendation
Yvonne Weeber (S183)		Manor Park and Haywards Residents Community Incorporated (“MPHRCI”)	FS27.159	5.4 Beds of lakes and rivers	Rule R132: Minor sand and gravel extraction – permitted activity.		Support	Our natural environment should be protected or improved where it is degraded or risks being degraded, especially our remaining native bush areas and all streams and rivers in the Dry Creek Catchment and surrounding area. MPHRCI supports retention of provisions (and plan amendments) that will help achieve this outcome, and opposes provisions that will not help achieve or will frustrate this outcome. 30 Benmore Street had, until very recently, relatively high natural character and ecological values, open space values, and rural amenity values. Recent substantial vegetation clearance and earthworks activities on the site have resulted in significant adverse environmental effects which should be remedied and mitigated. There is substantial community objection to this land being rezoned from rural to urban. MPHRCI does not agree with Waste Management New Zealand Limited that “planning for the site to be used for a resource recovery park is well advanced, with several expert assessments undertaken that demonstrate the use is suitable and environmental effects and as such it should be considered part of the ‘planned / existing urban area’”. This is a disingenuous and arrogant statement to make. There is considerable community concern about, and opposition to, 30 Benmore Street being considered as a potentially appropriate site for urban development, let alone being considered appropriate for industrial and waste management land uses. MPHRCI does not agree with the relief sought by those submitters seeking to facilitate the rezoning of 30 Benmore Street to an urban zone.	Allow	Not stated	No recommendation

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								Similarly, MPHRCI does not agree with the submitters reasoning. 30 Benmore Street is rural land zoned for rural purposes and in no way should it be considered as urban or as 'planned urban'. A prohibited activity status to prevent urban land uses on this site, or discharges to water from activities on this site, is appropriate.			
Forest & Bird (S261)	S261.036			5.4 Beds of lakes and rivers	Rule R132: Minor sand and gravel extraction – permitted activity.	Amend		Notes compliance with target attribute states is required to give effect to NPSFM Policy 7 and 9; the requirement to manage water bodies to achieve all five components of ecosystem health; and NRP Policy 30.	Amend general conditions in accordance with relief sought for Rule R128. Include target states for habitat and natural form and character. Any further consequential or alternative relief as may be necessary and appropriate to address concerns.		Reject
Forest & Bird (S261)		New Zealand Farm Forestry Association (NZFFA)	FS9.363	5.4 Beds of lakes and rivers	Rule R132: Minor sand and gravel extraction – permitted activity.		Oppose	Not stated	Disallow	Not stated	Accept
Forest & Bird (S261)		Manor Park and Haywards Residents Community Incorporated ("MPHRCI")	FS27.655	5.4 Beds of lakes and rivers	Rule R132: Minor sand and gravel extraction – permitted activity.		Support	Our natural environment should be protected or improved where it is degraded or risks being degraded, especially our remaining native bush areas and all streams and rivers in the Dry Creek Catchment and surrounding area. MPHRCI supports retention of provisions (and plan amendments) that will help achieve this outcome, and opposes provisions that will not help achieve or will frustrate this outcome. 30 Benmore Street had, until very recently, relatively high natural character and ecological values, open space values, and rural amenity values. Recent substantial vegetation clearance and earthworks activities on the site have resulted in significant adverse environmental effects which should be remedied and mitigated. There is substantial community objection to this land being rezoned from rural to urban. MPHRCI does not agree with Waste Management New Zealand Limited that "planning for the site to be used for a resource recovery park is well advanced, with several expert assessments undertaken that demonstrate the use is suitable and environmental effects and as such it should be considered part of the 'planned / existing urban area'". This is a disingenuous and arrogant statement to make. There is considerable community concern about, and opposition to, 30 Benmore Street being considered as a potentially appropriate site for urban development, let alone being considered appropriate for industrial and waste management land uses. MPHRCI does not agree with the relief sought by those submitters seeking to facilitate the rezoning of 30 Benmore Street to an urban zone. Similarly, MPHRCI does not agree with the submitters reasoning. 30 Benmore Street is rural land zoned for rural purposes and in no way should it be considered as urban or as 'planned urban'. A prohibited activity status to prevent urban land uses on this site, or	Allow	Not stated	Reject

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Original Submitter	Original Submission Point (SP)	Further Submitter (FS)	FS number	Plan section	Provision	SP Position	FS Position	Reasons	Decision Requested	FS decision sought	Officer recommendation
								discharges to water from activities on this site, is appropriate.			
Forest & Bird (S261)		Wellington Water Ltd	FS39.033	5.4 Beds of lakes and rivers	Rule R132: Minor sand and gravel extraction – permitted activity.		Oppose	This term is broadly used but poorly understood, making it unclear what measures are needed to achieve the desired outcome	Disallow	Not stated	Accept
Forest & Bird (S261)		Wellington Water Ltd	FS39.056	5.4 Beds of lakes and rivers	Rule R132: Minor sand and gravel extraction – permitted activity.		Oppose	The target attribute states are already complex and highly aspirational. Further target attribute states are unnecessary and unhelpful. Setting interim target attribute states, or altering timelines will further complicate matters, particularly for sequencing and prioritisation of subcatchments.	Disallow	Not stated	Accept
Rangitāne o Wairarapa (S85)	S85.005			5.5 Water allocation rules	Rule R132: Minor sand and gravel extraction – permitted activity.	Amend		Supports proposed changes to beds of lakes and rivers rules to improve clarity. Concerned sites of significance to mana whenua not identified in Schedule C will not be protected.	Amend to include requirement to consult with tangata whenua for activities in the beds of lakes and rivers.		Reject
Rangitāne o Wairarapa (S85)		Forest & Bird	FS23.459	5.5 Water allocation rules	Rule R132: Minor sand and gravel extraction – permitted activity.		Support	Submission points will help maintain, protect, and restore indigenous biodiversity and waterways throughout Wellington and are consistent with higher order documents, including the NPS-FM, the NPS-IB, the NZCPS, and the RMA (including s6).	Allow	Support the whole of the submission and all relief sought unless otherwise stated or where points are inconsistent with Forest & Bird's submission points and specific relief.	Reject
Rangitāne o Wairarapa (S85)		Ngā Hapū o Ōtaki	FS37.005	5.5 Water allocation rules	Rule R132: Minor sand and gravel extraction – permitted activity.		Support	NHoŌ agrees with Rangitāne o Wairarapa that the proposed amendment to remove reference to the bed of a lake improves the clarity and interpretation of the rule and ensures that those activities are more appropriately dealt with under Rule R145. We agree with Rangitāne o Wairarapa that there is no protection for sites of significance to mana whenua that are not recorded (in a regional plan) from new structures. We also agree that there are many reasons why mana whenua may choose not to include certain sites within a plan and our relationship with significant sites and the sites themselves should not be limited or adversely impacted as a result. We note that gravel extraction from a waterbody and other activities that disturb the bed of a waterbody can have a direct impact on our relationship with the water and sites in, on or near the waterbody by restricting access to the waterbody or site, reducing water quality, disrupting natural flows and damaging sites or values associated with cultural practices. This negatively impacts our ability to uphold our inherited obligation as kaitiaki to protect and care for te taiao.	Allow	Allow the submission point and relief sought to amend the rule to include an additional mechanism to consult with mana whenua for activities in the beds of lakes and rivers.	Reject
Zealandia Te Māra a Tāne (S113)	S113.004			5.4 Beds of lakes and rivers	Rule R133: Gravel extraction for flood protection purposes or erosion mitigation inside sites of significance – discretionary activity.	Amend		Considers the Kaiwharawhara estuary may benefit from the installation of planter boxes alongside concrete walls as this would enhance inanga spawning habitat, provide flow variation alongside the stream and have overall positive environmental outcomes.	Amend rule to consider hard infrastructural improvements required to dechannelise river banks.		Reject
Zealandia Te Māra a Tāne (S113)		Forest & Bird	FS23.1514	5.4 Beds of lakes and rivers	Rule R133: Gravel extraction for flood protection purposes or erosion mitigation inside sites of significance – discretionary activity.		Support	Submission points will help maintain, protect, and restore indigenous biodiversity and waterways throughout Wellington and are consistent with higher order documents, including the NPS-FM, the NPS-IB, the NZCPS, and the RMA (including s6).	Allow	Support the whole of the submission and all relief sought be unless otherwise stated or where points are inconsistent with Forest & Bird's submission points and specific relief.	Reject

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Original Submitter	Original Submission Point (SP)	Further Submitter (FS)	FS number	Plan section	Provision	SP Position	FS Position	Reasons	Decision Requested	FS decision sought	Officer recommendation
Yvonne Weeber (S183)	S183.160			5.4 Beds of lakes and rivers	Rule R133: Gravel extraction for flood protection purposes or erosion mitigation inside sites of significance – discretionary activity.	Neutral		Not stated	Not stated		No recommendation
Yvonne Weeber (S183)		Manor Park and Haywards Residents Community Incorporated ("MPHRCI")	FS27.160	5.4 Beds of lakes and rivers	Rule R133: Gravel extraction for flood protection purposes or erosion mitigation inside sites of significance – discretionary activity.		Support	Our natural environment should be protected or improved where it is degraded or risks being degraded, especially our remaining native bush areas and all streams and rivers in the Dry Creek Catchment and surrounding area. MPHRCI supports retention of provisions (and plan amendments) that will help achieve this outcome, and opposes provisions that will not help achieve or will frustrate this outcome. 30 Benmore Street had, until very recently, relatively high natural character and ecological values, open space values, and rural amenity values. Recent substantial vegetation clearance and earthworks activities on the site have resulted in significant adverse environmental effects which should be remedied and mitigated. There is substantial community objection to this land being rezoned from rural to urban. MPHRCI does not agree with Waste Management New Zealand Limited that "planning for the site to be used for a resource recovery park is well advanced, with several expert assessments undertaken that demonstrate the use is suitable and environmental effects and as such it should be considered part of the 'planned / existing urban area'". This is a disingenuous and arrogant statement to make. There is considerable community concern about, and opposition to, 30 Benmore Street being considered as a potentially appropriate site for urban development, let alone being considered appropriate for industrial and waste management land uses. MPHRCI does not agree with the relief sought by those submitters seeking to facilitate the rezoning of 30 Benmore Street to an urban zone. Similarly, MPHRCI does not agree with the submitters reasoning. 30 Benmore Street is rural land zoned for rural purposes and in no way should it be considered as urban or as 'planned urban'. A prohibited activity status to prevent urban land uses on this site, or discharges to water from activities on this site, is appropriate.	Allow	Not stated	No recommendation
Wairarapa Federated Farmers (S193)	S193.046			5.4 Beds of lakes and rivers	Rule R133: Gravel extraction for flood protection purposes or erosion mitigation inside sites of significance – discretionary activity.	Amend		Considers effects can be managed through conditions on a controlled activity	Provide for gravel extraction in Schedule F1 rivers as a controlled activity Make any consequential amendment(s) necessary to give effect to the relief sought.		Reject
Wairarapa Federated Farmers (S193)		Forest & Bird	FS23.1002	5.4 Beds of lakes and rivers	Rule R133: Gravel extraction for flood protection purposes or erosion mitigation inside sites of significance – discretionary activity.		Oppose	Submission points would likely result in the further loss of indigenous biodiversity and degradation of waterways throughout Wellington and be inconsistent with higher order documents, including the NPS-FM, the NPS-IB, the NZCPS, and the RMA (including s6).	Disallow	Oppose the whole of the submission and all relief sought unless otherwise stated or where points are consistent with Forest & Bird's submission points and specific relief.	Accept

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Original Submitter	Original Submission Point (SP)	Further Submitter (FS)	FS number	Plan section	Provision	SP Position	FS Position	Reasons	Decision Requested	FS decision sought	Officer recommendation
Environmental Defence Society Inc. (S222)	S222.014			5.4 Beds of lakes and rivers	Rule R133: Gravel extraction for flood protection purposes or erosion mitigation inside sites of significance – discretionary activity.	Amend		To give effect to NPSFM.	Include Schedules A1 - A3 in Rule R133 so that activities inside a scheduled area require discretionary consent.		Reject
Environmental Defence Society Inc. (S222)		New Zealand Farm Forestry Association (NZFFA)	FS9.195	5.4 Beds of lakes and rivers	Rule R133: Gravel extraction for flood protection purposes or erosion mitigation inside sites of significance – discretionary activity.		Oppose	Not stated	Disallow	Not stated	Accept
Environmental Defence Society Inc. (S222)		Forest & Bird	FS23.170	5.4 Beds of lakes and rivers	Rule R133: Gravel extraction for flood protection purposes or erosion mitigation inside sites of significance – discretionary activity.		Support	Submission points will help maintain, protect, and restore indigenous biodiversity and waterways throughout Wellington and are consistent with higher order documents, including the NPS-FM, the NPS-IB, the NZCPS, and the RMA (including s6).	Allow	Support the whole of the submission and all relief sought unless otherwise stated or where points are inconsistent with Forest & Bird's submission points and specific relief.	Reject
Environmental Defence Society Inc. (S222)		Manor Park and Haywards Residents Community Incorporated ("MPHRCI")	FS27.906	5.4 Beds of lakes and rivers	Rule R133: Gravel extraction for flood protection purposes or erosion mitigation inside sites of significance – discretionary activity.		Support	Our natural environment should be protected or improved where it is degraded or risks being degraded, especially our remaining native bush areas and all streams and rivers in the Dry Creek Catchment and surrounding area. MPHRCI supports retention of provisions (and plan amendments) that will help achieve this outcome, and opposes provisions that will not help achieve or will frustrate this outcome. 30 Benmore Street had, until very recently, relatively high natural character and ecological values, open space values, and rural amenity values. Recent substantial vegetation clearance and earthworks activities on the site have resulted in significant adverse environmental effects which should be remedied and mitigated. There is substantial community objection to this land being rezoned from rural to urban. MPHRCI does not agree with Waste Management New Zealand Limited that "planning for the site to be used for a resource recovery park is well advanced, with several expert assessments undertaken that demonstrate the use is suitable and environmental effects and as such it should be considered part of the 'planned / existing urban area'". This is a disingenuous and arrogant statement to make. There is considerable community concern about, and opposition to, 30 Benmore Street being considered as a potentially appropriate site for urban development, let alone being considered appropriate for industrial and waste management land uses. MPHRCI does not agree with the relief sought by those submitters seeking to facilitate the rezoning of 30 Benmore Street to an urban zone. Similarly, MPHRCI does not agree with the submitters reasoning. 30 Benmore Street is rural land zoned for rural purposes and in no way should it be considered as urban or as 'planned urban'. A prohibited activity status to prevent urban land uses on this site, or discharges to water from activities on this site, is appropriate.	Allow	Not stated	Reject

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Original Submitter	Original Submission Point (SP)	Further Submitter (FS)	FS number	Plan section	Provision	SP Position	FS Position	Reasons	Decision Requested	FS decision sought	Officer recommendation
Forest & Bird (S261)	S261.037			5.4 Beds of lakes and rivers	Rule R133: Gravel extraction for flood protection purposes or erosion mitigation inside sites of significance – discretionary activity.	Amend		Considers the discretion provided by the rule should be provided to other water bodies, particularly Outstanding Waterbodies, to ensure consistency with NPSFM Policy 7 and 9; and NRP Policy 30.	Include Schedule A1, A2, and A3 in R133 as areas where excavation, deposition, or disturbance are discretionary activities. Any further consequential or alternative relief as may be necessary and appropriate to address concerns.		Reject
Forest & Bird (S261)		New Zealand Farm Forestry Association (NZFFA)	FS9.364	5.4 Beds of lakes and rivers	Rule R133: Gravel extraction for flood protection purposes or erosion mitigation inside sites of significance – discretionary activity.		Oppose	Not stated	Disallow	Not stated	Accept
Forest & Bird (S261)		Manor Park and Haywards Residents Community Incorporated (“MPHRCI”)	FS27.656	5.4 Beds of lakes and rivers	Rule R133: Gravel extraction for flood protection purposes or erosion mitigation inside sites of significance – discretionary activity.		Support	Our natural environment should be protected or improved where it is degraded or risks being degraded, especially our remaining native bush areas and all streams and rivers in the Dry Creek Catchment and surrounding area. MPHRCI supports retention of provisions (and plan amendments) that will help achieve this outcome, and opposes provisions that will not help achieve or will frustrate this outcome. 30 Benmore Street had, until very recently, relatively high natural character and ecological values, open space values, and rural amenity values. Recent substantial vegetation clearance and earthworks activities on the site have resulted in significant adverse environmental effects which should be remedied and mitigated. There is substantial community objection to this land being rezoned from rural to urban. MPHRCI does not agree with Waste Management New Zealand Limited that “planning for the site to be used for a resource recovery park is well advanced, with several expert assessments undertaken that demonstrate the use is suitable and environmental effects and as such it should be considered part of the ‘planned / existing urban area’”. This is a disingenuous and arrogant statement to make. There is considerable community concern about, and opposition to, 30 Benmore Street being considered as a potentially appropriate site for urban development, let alone being considered appropriate for industrial and waste management land uses. MPHRCI does not agree with the relief sought by those submitters seeking to facilitate the rezoning of 30 Benmore Street to an urban zone. Similarly, MPHRCI does not agree with the submitters reasoning. 30 Benmore Street is rural land zoned for rural purposes and in no way should it be considered as urban or as ‘planned urban’. A prohibited activity status to prevent urban land uses on this site, or discharges to water from activities on this site, is appropriate.	Allow	Not stated	Reject
Donald Skerman (S37)	S37.002			5.5 Water allocation rules	Rule R133: Gravel extraction for flood protection purposes or erosion mitigation inside sites of significance – discretionary activity.	Support		Disturbances to the riverbed should be minimised to reduce sediment, and work should be limited around periods where recreational use is most likely. The public should be notified when water is unsuitable for swimming due to these activities..	Retain as notified		Accept

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Original Submitter	Original Submission Point (SP)	Further Submitter (FS)	FS number	Plan section	Provision	SP Position	FS Position	Reasons	Decision Requested	FS decision sought	Officer recommendation
Fulton Hogan Ltd (S43)	S43.005			5.4 Beds of lakes and rivers	Rule R133: Gravel extraction for flood protection purposes or erosion mitigation inside sites of significance – discretionary activity.	Amend		Seeks to change the activity status from discretionary to restricted discretionary to recognise the benefits of gravel extraction for flood management.	Change the activity status to restricted discretionary		Reject
Rangitāne o Wairarapa (S85)	S85.006			5.5 Water allocation rules	Rule R133: Gravel extraction for flood protection purposes or erosion mitigation inside sites of significance – discretionary activity.	Amend		Supports proposed changes to beds of lakes and rivers rules to improve clarity. Concerned sites of significance to mana whenua not identified in Schedule C will not be protected.	Amend to include requirement to consult with tangata whenua for activities in the beds of lakes and rivers.		Reject
Rangitāne o Wairarapa (S85)		Forest & Bird	FS23.460	5.5 Water allocation rules	Rule R133: Gravel extraction for flood protection purposes or erosion mitigation inside sites of significance – discretionary activity.		Support	Submission points will help maintain, protect, and restore indigenous biodiversity and waterways throughout Wellington and are consistent with higher order documents, including the NPS-FM, the NPS-IB, the NZCPS, and the RMA (including s6).	Allow	Support the whole of the submission and all relief sought unless otherwise stated or where points are inconsistent with Forest & Bird's submission points and specific relief.	Reject
Rangitāne o Wairarapa (S85)		Ngā Hapū o Ōtaki	FS37.006	5.5 Water allocation rules	Rule R133: Gravel extraction for flood protection purposes or erosion mitigation inside sites of significance – discretionary activity.		Support	NHoŌ agrees with Rangitāne o Wairarapa that the proposed amendments improve clarity and remove incorrect cross-references to Schedules in the Coastal and Marine Area (CMA). We agree that there is no protection for sites of significance to mana whenua that are not recorded (in a regional plan) from excavation, deposition, or disturbance associated with gravel extraction for flood protection purposes or erosion mitigation. We support Rangitāne o Wairarapa whakaaro that there are many reasons why mana whenua may choose not to include certain sites within a plan and our relationship with significant sites and the sites themselves should not be limited or adversely impacted as a result. We note that gravel extraction from a waterbody and other activities at certain times or from particular locations that disturb the bed of a waterbody can have a direct impact on our relationship with the water and sites in, on or near the waterbody by restricting access to the waterbody or site, reducing water quality, disrupting natural flows and damaging sites or values associated with cultural practices. This negatively impacts our ability to uphold our inherited obligation as kaitiaki to protect and care for te taiao.	Allow	Allow the submission point and relief sought to amend the rule to include an additional mechanism to consult with mana whenua for activities in the beds of lakes and rivers.	Reject
Rangitāne o Wairarapa (S85)	S85.007			5.5 Water allocation rules	Rule R133: Gravel extraction for flood protection purposes or erosion mitigation inside sites of significance – discretionary activity.	Amend		Supports proposed changes to beds of lakes and rivers rules to improve clarity. Concerned that sites of significance to mana whenua not identified in Schedule C will not be protected.	Amend to include requirement to consult with tangata whenua for activities in the beds of lakes and rivers.		Reject
Rangitāne o Wairarapa (S85)		Forest & Bird	FS23.461	5.5 Water allocation rules	Rule R133: Gravel extraction for flood protection purposes or erosion mitigation inside sites of significance – discretionary activity.		Support	Submission points will help maintain, protect, and restore indigenous biodiversity and waterways throughout Wellington and are consistent with higher order documents, including the NPS-FM, the NPS-IB, the NZCPS, and the RMA (including s6).	Allow	Support the whole of the submission and all relief sought unless otherwise stated or where points are inconsistent with Forest & Bird's submission points and specific relief.	Reject
Yvonne Weeber (S183)	S183.161			5.4 Beds of lakes and rivers	Rule R145: All other uses of river and lake	Neutral		Not stated	Not stated		No recommendation

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Original Submitter	Original Submission Point (SP)	Further Submitter (FS)	FS number	Plan section	Provision	SP Position	FS Position	Reasons	Decision Requested	FS decision sought	Officer recommendation
					beds – discretionary activity.						
Yvonne Weeber (S183)		Manor Park and Haywards Residents Community Incorporated ("MPHRCI")	FS27.161	5.4 Beds of lakes and rivers	Rule R145: All other uses of river and lake beds – discretionary activity.		Support	Our natural environment should be protected or improved where it is degraded or risks being degraded, especially our remaining native bush areas and all streams and rivers in the Dry Creek Catchment and surrounding area. MPHRCI supports retention of provisions (and plan amendments) that will help achieve this outcome, and opposes provisions that will not help achieve or will frustrate this outcome. 30 Benmore Street had, until very recently, relatively high natural character and ecological values, open space values, and rural amenity values. Recent substantial vegetation clearance and earthworks activities on the site have resulted in significant adverse environmental effects which should be remedied and mitigated. There is substantial community objection to this land being rezoned from rural to urban. MPHRCI does not agree with Waste Management New Zealand Limited that "planning for the site to be used for a resource recovery park is well advanced, with several expert assessments undertaken that demonstrate the use is suitable and environmental effects and as such it should be considered part of the 'planned / existing urban area'". This is a disingenuous and arrogant statement to make. There is considerable community concern about, and opposition to, 30 Benmore Street being considered as a potentially appropriate site for urban development, let alone being considered appropriate for industrial and waste management land uses. MPHRCI does not agree with the relief sought by those submitters seeking to facilitate the rezoning of 30 Benmore Street to an urban zone. Similarly, MPHRCI does not agree with the submitters reasoning. 30 Benmore Street is rural land zoned for rural purposes and in no way should it be considered as urban or as 'planned urban'. A prohibited activity status to prevent urban land uses on this site, or discharges to water from activities on this site, is appropriate.	Allow	Not stated	No recommendation
Forest & Bird (S261)	S261.038			5.4 Beds of lakes and rivers	Rule R145: All other uses of river and lake beds – discretionary activity.	Amend		Considers prohibited activity status provides most certainty to achieve the policy direction of the NPSFM and RMA, including protection of fish passage.	Remove the word "note". Make placement of passive gates prohibited (i.e., strengthen rule beyond NES minimum). Any further consequential or alternative relief as may be necessary and appropriate to address concerns.		Reject
Forest & Bird (S261)		New Zealand Farm Forestry Association (NZFFA)	FS9.365	5.4 Beds of lakes and rivers	Rule R145: All other uses of river and lake beds – discretionary activity.		Oppose	Not stated	Disallow	Not stated	Accept
Forest & Bird (S261)		Manor Park and Haywards Residents	FS27.657	5.4 Beds of lakes and rivers	Rule R145: All other uses of river and lake beds – discretionary activity.		Support	Our natural environment should be protected or improved where it is degraded or risks being degraded, especially our remaining native bush areas and all streams	Allow	Not stated	Reject

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Original Submitter	Original Submission Point (SP)	Further Submitter (FS)	FS number	Plan section	Provision	SP Position	FS Position	Reasons	Decision Requested	FS decision sought	Officer recommendation
		Community Incorporated ("MPHRCI")						and rivers in the Dry Creek Catchment and surrounding area. MPHRCI supports retention of provisions (and plan amendments) that will help achieve this outcome, and opposes provisions that will not help achieve or will frustrate this outcome. 30 Benmore Street had, until very recently, relatively high natural character and ecological values, open space values, and rural amenity values. Recent substantial vegetation clearance and earthworks activities on the site have resulted in significant adverse environmental effects which should be remedied and mitigated. There is substantial community objection to this land being rezoned from rural to urban. MPHRCI does not agree with Waste Management New Zealand Limited that "planning for the site to be used for a resource recovery park is well advanced, with several expert assessments undertaken that demonstrate the use is suitable and environmental effects and as such it should be considered part of the 'planned / existing urban area'". This is a disingenuous and arrogant statement to make. There is considerable community concern about, and opposition to, 30 Benmore Street being considered as a potentially appropriate site for urban development, let alone being considered appropriate for industrial and waste management land uses. MPHRCI does not agree with the relief sought by those submitters seeking to facilitate the rezoning of 30 Benmore Street to an urban zone. Similarly, MPHRCI does not agree with the submitters reasoning. 30 Benmore Street is rural land zoned for rural purposes and in no way should it be considered as urban or as 'planned urban'. A prohibited activity status to prevent urban land uses on this site, or discharges to water from activities on this site, is appropriate.			
Forest & Bird (S261)		Waka Kotahi NZ Transport Agency	FS28.066	5.4 Beds of lakes and rivers	Rule R145: All other uses of river and lake beds – discretionary activity.		Oppose	Oppose due to lack of s32 assessment and a discretionary activity status is appropriate.	Disallow	Not stated	Accept
Rangitāne o Wairarapa (S85)	S85.008			5.4 Beds of lakes and rivers	Rule R145: All other uses of river and lake beds – discretionary activity.	Amend		Supports proposed changes to beds of lakes and rivers rules to improve clarity. Concerned sites of significance to mana whenua not identified in Schedule C will not be protected.	Amend to include requirement to consult with tangata whenua for activities in the beds of lakes and rivers.		Reject
Rangitāne o Wairarapa (S85)		Forest & Bird	FS23.462	5.4 Beds of lakes and rivers	Rule R145: All other uses of river and lake beds – discretionary activity.		Support	Submission points will help maintain, protect, and restore indigenous biodiversity and waterways throughout Wellington and are consistent with higher order documents, including the NPS-FM, the NPS-IB, the NZCPS, and the RMA (including s6).	Allow	Support the whole of the submission and all relief sought unless otherwise stated or where points are inconsistent with Forest & Bird's submission points and specific relief.	Reject
Wellington Water Ltd (S151)	S151.049			5.4 Beds of lakes and rivers	Rule R151A: Ongoing diversion of a river – permitted activity.	Support		Supports the rule, specifically the approach that the ongoing diversion can only be considered permitted if all of the conditions of the resource consent to lawfully establish the diversion have been complied with.	Retain as notified. Other relief as may be required to address the issues identified, including relief that is alternative, additional or consequential.		Accept
Wellington Water Ltd (S151)		Forest & Bird	FS23.1376	5.4 Beds of lakes and rivers	Rule R151A: Ongoing diversion of a river – permitted activity.		Oppose	Submission points would likely result in the further loss of indigenous biodiversity and degradation of waterways throughout Wellington and be inconsistent with higher	Disallow	Oppose the whole of the submission and all relief sought except for where points are consistent with	Reject

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								order documents, including the NPS-FM, the NPS-IB, the NZCPS, and the RMA (including s6).		Forest & Bird's submission points and specific relief.	
Te Awarua o Porirua Harbour and Catchments Community Trust & Guardians of Pāuatahanui Inlet (S176)	S176.007			5.4 Beds of lakes and rivers	Rule R151A: Ongoing diversion of a river – permitted activity.	Amend		Considers Rule 5.4.8 should be a discretionary activity to provide fish passage over artificial barriers such as dams even for those that have existed for 10 years or more – rather than reverting to permitted activity status. Considers if these are consented using permitted activity status, this will authorise a past decision which leaves a negative legacy and does not address the issues around fish passage that remain.	Make Rule R151A a discretionary activity		Reject
Yvonne Weeber (S183)	S183.162			5.4 Beds of lakes and rivers	Rule R151A: Ongoing diversion of a river – permitted activity.	Neutral		Not stated	Not stated		No recommendation
Yvonne Weeber (S183)		Manor Park and Haywards Residents Community Incorporated ("MPHRCI")	FS27.162	5.4 Beds of lakes and rivers	Rule R151A: Ongoing diversion of a river – permitted activity.		Support	Our natural environment should be protected or improved where it is degraded or risks being degraded, especially our remaining native bush areas and all streams and rivers in the Dry Creek Catchment and surrounding area. MPHRCI supports retention of provisions (and plan amendments) that will help achieve this outcome, and opposes provisions that will not help achieve or will frustrate this outcome. 30 Benmore Street had, until very recently, relatively high natural character and ecological values, open space values, and rural amenity values. Recent substantial vegetation clearance and earthworks activities on the site have resulted in significant adverse environmental effects which should be remedied and mitigated. There is substantial community objection to this land being rezoned from rural to urban. MPHRCI does not agree with Waste Management New Zealand Limited that "planning for the site to be used for a resource recovery park is well advanced, with several expert assessments undertaken that demonstrate the use is suitable and environmental effects and as such it should be considered part of the 'planned / existing urban area'". This is a disingenuous and arrogant statement to make. There is considerable community concern about, and opposition to, 30 Benmore Street being considered as a potentially appropriate site for urban development, let alone being considered appropriate for industrial and waste management land uses. MPHRCI does not agree with the relief sought by those submitters seeking to facilitate the rezoning of 30 Benmore Street to an urban zone. Similarly, MPHRCI does not agree with the submitters reasoning. 30 Benmore Street is rural land zoned for rural purposes and in no way should it be considered as urban or as 'planned urban'. A prohibited activity status to prevent urban land uses on this site, or discharges to water from activities on this site, is appropriate.	Allow	Not stated	No recommendation
Wellington Fish and Game Regional Council (S188)	S188.023			5.4 Beds of lakes and rivers	Rule R151A: Ongoing diversion of a river – permitted activity.	Oppose		Concerns permitted activity status for permanent diversions over 10 years risks resulting in inappropriate structures creating potential adverse effects to waterbody flow, form, and character, as well as potential fish	Retain river diversions as discretionary or restricted activities to allow for uptake of new river management systems, ideas, and materials as knowledge and technologies progress.		Reject

Section 42A Report – Hearing Stream 1 – Beds of Lakes and Rivers – 3 October 2024

Original Submitter	Original Submission Point (SP)	Further Submitter (FS)	FS number	Plan section	Provision	SP Position	FS Position	Reasons	Decision Requested	FS decision sought	Officer recommendation
								passage issues, which are contrary to Te Mana o te Wai, NPS-FM, and RMA.			
Wellington Fish and Game Regional Council (S188)		New Zealand Farm Forestry Association (NZFFA)	FS9.023	5.4 Beds of lakes and rivers	Rule R151A: Ongoing diversion of a river – permitted activity.		Oppose	Not stated	Disallow	Not stated	Accept
Wellington Fish and Game Regional Council (S188)		Manor Park Golf Club (Incorporated) (MPGC)	FS21.028	5.4 Beds of lakes and rivers	Rule R151A: Ongoing diversion of a river – permitted activity.		Support	In keeping with the sanctuary environment status that the MPGC has established and is looking to maintain.	Allow	Not stated	Reject
Wellington Fish and Game Regional Council (S188)		Forest & Bird	FS23.1179	5.4 Beds of lakes and rivers	Rule R151A: Ongoing diversion of a river – permitted activity.		Support	Submission points will help maintain, protect, and restore indigenous biodiversity and waterways throughout Wellington and are consistent with higher order documents, including the NPS-FM, the NPS-IB, the NZCPS, and the RMA (including s6).	Allow	Support the whole of the submission and all relief sought be unless otherwise stated or where points are inconsistent with Forest & Bird's submission points and specific relief.	Reject
Wellington Fish and Game Regional Council (S188)		Manor Park and Haywards Residents Community Incorporated ("MPHRCI")	FS27.1112	5.4 Beds of lakes and rivers	Rule R151A: Ongoing diversion of a river – permitted activity.		Support	Our natural environment should be protected or improved where it is degraded or risks being degraded, especially our remaining native bush areas and all streams and rivers in the Dry Creek Catchment and surrounding area. MPHRCI supports retention of provisions (and plan amendments) that will help achieve this outcome, and opposes provisions that will not help achieve or will frustrate this outcome. 30 Benmore Street had, until very recently, relatively high natural character and ecological values, open space values, and rural amenity values. Recent substantial vegetation clearance and earthworks activities on the site have resulted in significant adverse environmental effects which should be remedied and mitigated. There is substantial community objection to this land being rezoned from rural to urban. MPHRCI does not agree with Waste Management New Zealand Limited that "planning for the site to be used for a resource recovery park is well advanced, with several expert assessments undertaken that demonstrate the use is suitable and environmental effects and as such it should be considered part of the 'planned / existing urban area'". This is a disingenuous and arrogant statement to make. There is considerable community concern about, and opposition to, 30 Benmore Street being considered as a potentially appropriate site for urban development, let alone being considered appropriate for industrial and waste management land uses. MPHRCI does not agree with the relief sought by those submitters seeking to facilitate the rezoning of 30 Benmore Street to an urban zone. Similarly, MPHRCI does not agree with the submitters reasoning. 30 Benmore Street is rural land zoned for rural purposes and in no way should it be considered as urban or as 'planned urban'. A prohibited activity status to prevent urban land uses on this site, or discharges to water from activities on this site, is appropriate.	Allow	Not stated	Reject

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Wellington Fish and Game Regional Council (S188)		Wellington Water Ltd	FS39.276	5.4 Beds of lakes and rivers	Rule R151A: Ongoing diversion of a river – permitted activity.		Oppose	Permitted activity status is appropriate for diversions that come within the rule.	Disallow	Not stated	Accept
Horokiwi Quarries Ltd (S2)	S2.015			5.4 Beds of lakes and rivers	Rule R151A: Ongoing diversion of a river – permitted activity.	Support		Supports the inclusion of this rule which will negate the requirement for long term river diversions where that diversion is permanent.	Retain as notified.		Accept
Winstone Aggregates (S206)	S206.031			5.4 Beds of lakes and rivers	Rule R151A: Ongoing diversion of a river – permitted activity.	Support		Supports the rule as it will negate the requirement for long term river diversions where they are permanent.	Retain as notified		Accept
Woodridge Holdings Ltd (S255)	S255.019			5.4 Beds of lakes and rivers	Rule R151A: Ongoing diversion of a river – permitted activity.	Amend		Considers the rule is overly complicated and does not see the reason for differentiating between existing diversions associated with a structure and existing diversions which do not include structures, or the need to differentiate between diversions consented before or after PC1 became operative. Seeks for clause (a) the words “as at the date of this rule becoming operative” should be deleted, and a specific date inserted as the date at which the rule becomes operative will be harder to determine as time progresses. This change should be made where ever this or a similar reference is used.	Rule R151A: Ongoing diversion of a river – permitted activity An existing permanent diversion, that was lawfully established by way of a resource consent is a permitted activity [provided] all of the conditions of the resource consent which lawfully established the diversion have been complied with. Delete all use of the words “as at the date of this rule becoming operative” in PC1 and insert a specific date.		Accept in part
Forest & Bird (S261)	S261.039			5.4 Beds of lakes and rivers	Rule R151A: Ongoing diversion of a river – permitted activity.	Oppose		Considers the rule enables an established diversion to continue indefinitely, regardless of size or effects. Considers such diversion should be subject to assessments and consenting to manage effects on natural form, character and health; ecosystem health; and Te Mana o te Wai. Considers permitted activity status inappropriate and that greater scope is required to manage potential ongoing effects.	Make a discretionary activity. Any further consequential or alternative relief as may be necessary and appropriate to address concerns.		Reject
Forest & Bird (S261)		New Zealand Farm Forestry Association (NZFFA)	FS9.366	5.4 Beds of lakes and rivers	Rule R151A: Ongoing diversion of a river – permitted activity.		Oppose	Not stated	Disallow	Not stated	Accept
Forest & Bird (S261)		Manor Park and Haywards Residents Community Incorporated (“MPHRCI”)	FS27.658	5.4 Beds of lakes and rivers	Rule R151A: Ongoing diversion of a river – permitted activity.		Support	Our natural environment should be protected or improved where it is degraded or risks being degraded, especially our remaining native bush areas and all streams and rivers in the Dry Creek Catchment and surrounding area. MPHRCI supports retention of provisions (and plan amendments) that will help achieve this outcome, and opposes provisions that will not help achieve or will frustrate this outcome. 30 Benmore Street had, until very recently, relatively high natural character and ecological values, open space values, and rural amenity values. Recent substantial vegetation clearance and earthworks activities on the site have resulted in significant adverse environmental effects which should be remedied and mitigated. There is substantial community objection to this land being rezoned from rural to urban. MPHRCI does not agree with Waste Management New Zealand Limited that “planning for the site to be used for a resource recovery park is well advanced, with several expert assessments undertaken that demonstrate the use is suitable and environmental effects and as such it should	Allow	Not stated	Reject

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Fulton Hogan Ltd (S43)	S43.006			5.4 Beds of lakes and rivers	Rule R151A: Ongoing diversion of a river – permitted activity.	Support		Supports lawfully established activities as a permitted activity	Retain as notified		Accept