

## Appendix 4: 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)
	2 - Definitions	Earthworks	For <u>Whaitua</u> Te Whanganui-a-Tara and Te Awarua-o-Porirua <u>Whaitua</u> only: The alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, <u>cultivation</u> , and disturbance of land for the installation of fence posts. Except that, for the purposes of Rules WH.R20, <del>WH.R21</del> and P.R19, <del>P.R20</del> , <u>forestry-related</u> 'earthworks' has the same meaning as given in section 3 of the <i>Resource Management (National Environmental Standards</i>	<p><b>Effectiveness and efficiency</b></p> <p>The amendment to this definition is efficient and effective because it refers to the most recent National Environmental Standards for Commercial Forestry. The National Environmental Standards for Plantation Forestry (NES-PF) came into effect on 1 May 2018. The NES-PF changed on 3 November 2023. This also included changing the name to the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2023 (NES-CF).</p>

			<p><i>for <del>Plantation Forestry Commercial Forestry</del> Regulations 2023<del>17</del>:</i></p> <p><u>For all other whaitua:</u></p> <p>The disturbance of a land surface from the time soil is first disturbed on a site until the time the site is <b>stabilised</b>. <b>Earthworks</b> includes blading, contouring, ripping, moving, removing, placing or replacing soil or earth, by excavation, or by cutting or filling operations, or by root raking. <b>Earthworks</b> do not include:</p> <p>(a) <b>cultivation</b> of the soil for the establishment of crops or pasture, and</p> <p>(b) the harvesting of crops, and</p> <p>(c) thrusting, boring, trenching or mole ploughing associated with cable or pipe laying and maintenance, and</p> <p>(d) the construction, repair, <b>upgrade</b> or maintenance of:</p> <ul style="list-style-type: none"> <li>(i) pipelines, and</li> <li>(ii) electricity lines and their support structures, including the <b>National Grid</b>, and</li> <li>(iii) telecommunication structures or lines, and</li> <li>(iv) radio communication structures, and</li> <li>(v) firebreaks or fence lines, and</li> <li>(vi) a <b>bore</b> or geotechnical investigation <b>bore</b>, and</li> </ul>	
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			<p>(e) repair or maintenance of existing roads and tracks, and airfield runways, taxiways, and parking aprons for aircraft, and</p> <p>(f) maintenance of orchards and shelterbelts, and</p> <p>(g) domestic gardening, and</p> <p>(h) repair, sealing or resealing of a road, footpath, driveway, and</p> <p>(i) discharge of <b>cleanfill material</b> to a cleanfill area</p>	
		<p>Policies WH.P29 and P.P27: Management of earthworks sites</p>	<p>The <b>risk adverse effects</b> of sediment discharges from <b>earthworks</b> shall be managed by:</p> <p>(a) <u>requiring retention of <b>uncontrolled</b> soil and sediment on the land using <b>good management practices</b> for erosion and sediment control measures that are appropriate to the scale and nature of the activity, and in accordance with the <i>GWRC Erosion and Sediment Control Guideline for the Wellington Region (2021)</i>, for the duration of the land disturbance, and</u></p> <p>(b) <u>limiting the amount of land disturbed at any time, and</u></p> <p>(c) <u>designing and implementing <b>earthworks</b> with knowledge of the existing environmental site constraints, specific engineering requirements and implementation of controls to limit the discharge of sediment to receiving environments, and</u></p> <p>(d) <u>requiring erosion and sediment control measures to be installed prior to, and during <b>earthworks</b> and ensuring those controls remain</u></p>	<p><b>Effectiveness and efficiency</b></p> <p>The recommended amendments to Policies WH.P29 and P.P27 (Management of earthworks) gives effect to NPS-FM Policies 3 and 5 to ensure the adverse effects of the use and development of land on a whole-of-catchment basis is managed in a way in which the effects on the receiving environment are minimised. The amendments improve the effectiveness of the policy in implementing Objective WH.O2, WH.O3, P.O2 and P.O3, while providing practicable guidance to plan users for the assessment of earthwork activities that may result in discharges to freshwater and coastal water.</p> <p><b>Costs and Benefits</b></p> <p>There are no additional costs and costs are likely to be the same. There are benefits for the community for the revised policy as it is clearer about what effects will be managed. Other benefits are clearer guidance to plan users for</p>

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			<p>in place and are maintained until the land is <b>stabilised</b> against erosion, and</p> <p><u>(e) minimising works required during the close-down period (from 1<sup>st</sup> June to 30<sup>th</sup> September each year).</u></p>	<p>the effects of earthworks and associated discharges on the receiving environment.</p> <p><b>Risk of acting or not acting</b></p> <p>There is a risk in not acting. The amendment to “adverse effects” ensures the policy is contributing to achieving the purpose of the RMA. It is considered impractical to retain all soil on site, some low-risk activities under 0.3ha are required to remove soil from sites in a controlled manner. Amending to “uncontrolled” sediment as opposed to all sediment provides clarity to plan users, and ensures that activities assessed under chapter 8.3.5, are able to undertake the activity in a manner which is consistent with this policy.</p> <p><b>Recommendation about most appropriate option</b></p> <p>The amendment gives effect to the NPS-FM. It is considered to be more appropriate in achieving the purpose of the RMA than the notified version of Policies WH.P29 and P.P27.</p>
		<p>Policy WH.P30: Discharge Standard for earthworks sites</p>	<p>The discharge of sediment from <b>earthworks</b> over an area greater than 3,000m<sup>2</sup> shall:</p> <p>(a) <u>not exceed <del>100g/m<sup>3</sup></del> 170 Nephelometric Turbidity Units (NTU) at the point of discharge where the discharge is to a <b>surface water body</b>, coastal water, (including via a <b>stormwater network</b>) or to an artificial watercourse, except that when the discharge is to a river with background total suspended solids that exceed 100g/m<sup>3</sup>, the discharge shall not, after the <b>zone of reasonable</b></u></p>	<p><b>Effectiveness and efficiency</b></p> <p>The recommended amendments to Policies WH.P30 and P.P28 provide clarity to plan users that the discharge limit is applicable to all discharges which ultimately reach surface water bodies and coastal water, including those discharging to stormwater networks and artificial waterbodies as a means of conveyance.</p>

			<p><u>mixing, decrease the visual clarity in the receiving water by more than:</u></p> <ul style="list-style-type: none"> <li>(i) <u>20% in River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</u></li> <li>(ii) <u>30% in any other river, and</u></li> <li>(b) <u>be managed using <b>good management practices</b> in accordance with the <i>GWRC Erosion and Sediment Control Guidelines for the Wellington Region (2021)</i>, to achieve the discharge standard in (a), and</u></li> <li>(c) <u>be monitored by a suitably qualified person, and the results reported to the Wellington Regional Council.</u></li> </ul>	<p>The amendment of the discharge standard to NTU as a unit of measure, as opposed to TSS is effective and efficient for the reasons set out in chapter 3.5 of this report.</p> <p><b>Costs and Benefits</b></p> <p>There are no additional costs and costs are likely to be the same. There are benefits for the environment for the revised policy as it is clearer regarding the scope of discharges. Other benefits are clearer guidance to plan users for the effects of earthworks on the freshwater and coastal environment.</p> <p><b>Risk of acting or not acting</b></p> <p>There are no additional risks in 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>P.P28: Discharge Standard for earthworks sites</p>		<p>The discharge of sediment from <b>earthworks</b> over an area greater than 3,000m<sup>2</sup> shall:</p> <ul style="list-style-type: none"> <li>(a) <u>not exceed <del>a discharge standard of 100g/m<sup>3</sup></del> <b>170 Nephelometric Turbidity Units (NTU)</b> at the point of discharge where the discharge is to a <b>surface water body</b>, coastal water, <del>(including via a stormwater network)</del> or to an artificial watercourse, except that when the discharge is to a river with background total suspended solids that exceed 100g/m<sup>3</sup>, the discharge shall not, after the <b>zone of reasonable mixing</b>, decrease the visual clarity in the receiving water by more than:</u></li> <li>(iii) <u>20% in River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</u></li> </ul>	<p><b>Recommendation about most appropriate option</b></p> <p>The amendment gives effect to the NPS-FM. It is considered to be more appropriate in achieving the purpose of the RMA than the notified version of Policies WH.P30 and P.P28.</p>

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			<p>(iv) <u>30% in any other river, and</u></p> <p>(b) <u>be managed using <b>good management practices</b> in accordance with the <i>GWRC Erosion and Sediment Control Guidelines for the Wellington Region (2021)</i>, to achieve the discharge standard in (a), and</u></p> <p><u>be monitored by a suitably qualified person, and the results reported to the Wellington Regional Council.</u></p>	
		<p>Policies P.P29 and WH.P31: Winter shutdown of earthworks</p>	<p><del><b>Earthworks over 3000m<sup>2</sup> in area shall:</b></del></p> <p><del>(a) Be shutdown from 1 June to 30<sup>th</sup> September each year, and</del></p> <p><del>(b) Prior to shutdown, be <b>stabilised</b> against erosion and have sediment controls in place using <b>good management practices</b> in accordance with the <i>GWRC Erosion Sediment Control Guideline for the Wellington Region</i>.</del></p>	<p><b>Effectiveness and efficiency</b></p> <p>The deletion of this policy is efficient and effective as the potential adverse effects resulting from earthworks undertaken during the winter shutdown period can be managed through the rule framework for the reasons set out in Chapter 3.5 of this report.</p> <p><b>Costs and Benefits</b></p> <p>There are no additional costs, costs are for those within FMUs where target attribute states are not met are likely to be the same. Costs for those undertaking earthworks activities within FMUs where target attribute states are being met may be less as a result of potentially being able to continue some works over the winter period, subject to consent conditions.</p> <p><b>Risk of acting or not acting</b></p> <p>The amendment recognises the diversity of different sites and catchments. The risk in not acting may result in a delay in land</p>

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				<p>development activities across the region, for no environmental benefit.</p> <p>There is sufficient information on the costs to the environment, and benefits to people and communities to justify the deletion of this policy as set out in Chapter 3.5 of this report.</p> <p><b>Recommendation about most appropriate option</b></p> <p>The amendment gives effect to the NPS-FM. It is considered to be more appropriate in achieving the purpose of the RMA than the notified version of Policies WH.P31 and P.P29.</p>
		<p>Rules WH.R23 and P.R22</p>	<p><u>Earthworks and the associated discharge of sediment and/or flocculant into a surface water body or coastal water or onto or into land where it may enter a surface water body or coastal water, including via a stormwater network, is a permitted activity, provided the following conditions are met:</u></p> <ul style="list-style-type: none"> <li>(a) <u>the earthworks are to implement an action in the erosion risk treatment plan for the farm, or</u></li> <li>(b) <u>the earthworks are to implement an action in the farm environment plan for the farm, or</u></li> <li>(c) <u>the area of earthworks does not exceed 3,000m<sup>2</sup> per property in any consecutive 12-month period, and</u> <ul style="list-style-type: none"> <li>(i) <u>the earthworks shall not occur within 5m of a surface water body or the coastal marine area, except for earthworks</u></li> </ul> </li> </ul>	<p><b>Effectiveness and efficiency</b></p> <p>The recommended amendments to Rules WH.R23 and P.R22 provide clarity to plan users that the discharge limit is applicable to all discharges which ultimately reach surface water bodies and coastal water, including those discharging to stormwater networks and artificial waterbodies as a means of conveyance.</p> <p>The amendment also recognises that it is unpracticable to require no discharges from a site, best practise guidelines for earthworks of this scale do not stipulate this outcome. Technical reports for PC1 references studies specifying that the sediment removal from devices are less than 100%, and that sediment discharge occurs even when the earthworks is stabilised.</p> <p>The amendment recognises that while there may be some discharge of sediment from</p>

			<p>undertaken in association with Rules R122, R124, R130, R131, R134, R135, and R137, and</p> <p>(ii) <u>soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, including via a stormwater network, and</u></p> <p>(iii) <u>the area of earthworks must be stabilised within six months after completion of the earthworks, and</u></p> <p><del>(iv) — there is no the discharge of sediment from earthworks and/or flocculant into a surface water body, the coastal marine area, or onto land that may enter a surface water body or the coastal marine area, including via a stormwater network, and</del></p> <p>(v) <u>erosion and sediment control measures shall be used to prevent a discharge of sediment where a preferential flow path connects with a surface water body or the coastal marine area, including via a stormwater network.</u></p>	<p>earthwork activities, the volume is minimised and erosion sediment control measures are used to prevent any uncontrolled discharge of sediment.</p> <p><b>Costs and Benefits</b></p> <p>There are no additional costs and costs are likely to be the same. There are benefits for the environment as the rule provides for and manages discharges associated with earthworks related activities. If the rule did not authorise this, the discharges would be assessed under R91 (Minor Discharges) of the NRP which is not written specific to earthworks activities. Other benefits are clearer guidance to plan users for the effects of earthworks related discharges on coastal and fresh waterbodies.</p> <p><b>Risk of acting or not acting</b></p> <p>The amendment recognises impracticalities of requiring no discharges from a site. The risk in not acting may result in a large number of non-compliances occurring across the region even when operating in accordance with the best practise guidelines.</p> <p>There is sufficient information on the costs to the environment, and benefits to people and communities to justify the amendment to the policy.</p> <p><b>Recommendation about most appropriate option</b></p> <p>The amendment gives effect to the NPS-FM while recognising the limitations to retaining all</p>
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				<p>sediment on site from earthworks activities. It is considered to be more appropriate in achieving the purpose of the RMA than the notified version of Rules P.R22 and WH.R23.</p>
		<p><u>Rule WH.R23A – Minor earthworks associated with infrastructure and Rule P.R22A Minor earthworks associated with infrastructure</u></p>	<p><u>Earthworks and the associated discharge of sediment and/or flocculant into a <b>surface water body</b> or coastal water or onto or into land where it may enter a <b>surface water body</b> or coastal water, including via a <b>stormwater network</b>, associated with:</u></p> <p><u>(a) thrusting, boring, trenching or mole ploughing associated with cable or pipe laying and maintenance, and</u></p> <p><u>(b) the construction, repair, <b>upgrade</b> or maintenance of:</u></p> <p><u>(i) pipelines, and</u></p> <p><u>(ii) electricity lines and their support structures, including the <b>National Grid</b>, and</u></p> <p><u>(iii) telecommunication structures or lines, and</u></p> <p><u>(iv) radio communication structures, and</u></p> <p><u>(v) firebreaks or fence lines, and</u></p> <p><u>(c) repair or maintenance of existing roads and tracks, and airfield runways, taxiways, and parking aprons for aircraft;</u></p> <p><u>is a permitted activity provided the following conditions are met:</u></p>	<p><b>Effectiveness and efficiency</b></p> <p>The insertion of this rule provides for a number of activities to be undertaken in as a permitted activity provided various conditions are met. The activities authorised to be undertaken under this rule were previously not considered earthworks under the NRP definition of earthworks, and therefore not specifically provided for in the rule framework.</p> <p>Activities provided for under this rule are largely linear in nature, considered low risk and/or are required for the continued maintenance of lifeline utilities, and infrastructure.</p> <p><b>Costs and Benefits</b></p> <p>There are no additional costs and costs are likely to be the same. There are benefits for the environment for with the insertion of this rule as it is clearer about how the effects of the activities provided for in this rule will be managed. There is wider benefit to the local and regional community as the rule provides a clear pathway for upgrades and maintenance to lifeline utility structures and RSI.</p> <p><b>Risk of acting or not acting</b></p> <p>The risk of not acting is the potential for delay of maintenance and upgrades to RSI and lifeline utility structures due to consenting processes.</p>

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			<p>(a) <u>the earthworks shall not occur within 5m of a surface water body or the coastal marine area, and</u></p> <p>(b) <u>soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, including via a stormwater network, and</u></p> <p>(c) <u>the area of earthworks must be stabilised within six months after completion of the earthworks, and</u></p> <p>(d) <u>there is no discharge of sediment from earthworks and/or flocculant into a surface water body, the coastal marine area, or onto land that may enter a surface water body or the coastal marine area, including via a stormwater network, and erosion and sediment control measures shall be used to prevent a discharge of sediment where a preferential flow path connects with a surface water body or the coastal marine area, including via a stormwater network.</u></p>	<p>There is sufficient information on the costs to the environment, and benefits to people and communities to justify the amendment to the policy.</p> <p><b>Recommendation about most appropriate option</b></p> <p>The amendment gives effect to the NPS-FM while providing for the continued maintenance of lifeline utilities and infrastructure, It is considered to be more appropriate in achieving the purpose of the RMA than being assessed under the Rule WH.R23 and P.R22 (Permitted Activity earthworks) and recognises the linear nature of these activities.</p>
		<p>Rule WH.R24</p>	<p>Rule WH.R24: Earthworks – Restricted Discretionary</p> <p><u>Earthworks and the associated discharge of sediment and/or flocculant into a surface water body or coastal water or onto or into land where it may enter a surface water body or coastal water including via a stormwater network, that does not comply with Rule P.R22 is a restricted discretionary activity, provided the following conditions are met:</u></p>	<p><b>Effectiveness and efficiency</b></p> <p>The recommended amendments to Rule P.R23 and WH.R24 are effective and efficient as they reflect the deletion of Policies WH.P31 and P.P29 and amendments to Policies P.P28 and WH.P30 and give effect to achieving the NPS-FM limits framework for sediment while recognising that some earthworks can be undertaken within the winter shut down period with discharges managed affectively. This</p>

			<p>(a) <del>the water quality concentration of total suspended solids</del> in the discharge from the <b>earthworks</b> shall not exceed <del>170 Nephelometric Turbidity Units (NTU) 100g/m3</del> except that, <del>where the discharge is to freshwater,</del> if at the time of the discharge the <del>concentration of total suspended solid</del> the water quality in the receiving water at or about the point of discharge exceeds <del>100g/m3</del> <b>170 Nephelometric Turbidity Units (NTU)</b>, the discharge shall not, after the <b>zone of reasonable mixing</b>, decrease the visual clarity in the receiving water by more than:</p> <p>(i) <u>20% in <b>River class 1</b> and in any river identified as having high macroinvertebrate community health in Schedule F1(rivers/lakes), or</u></p> <p>(ii) <u>30% in any other river, and</u></p> <p>(b) <b>earthworks</b> shall not occur between 1<sup>st</sup> June and 30<sup>th</sup> September in any year <del>where works are located within a <b>Part Freshwater Management Unit</b> where the target attribute state for suspended fine sediment in Table 8.4 is not met,</del></p> <p><i>Matters for Discretion:</i></p> <ol style="list-style-type: none"> <li><u>The location, area, scale, volume, duration and staging and timing of works</u></li> <li><u>The design and suitability of erosion of sediment control measures including consideration of hazard mitigation and</u></li> </ol>	<p>amendment will allow for earthworks to be undertaken in the winter shut down period as a restricted discretionary activity in part FMUs where the TAS for suspended sediment is met.</p> <p>“The proportion of unstabilised land in the catchment” has been removed as a matter of discretion as it is not implementable or able to be considered adequately during the consenting process. There is no existing ‘allocation’ data available, nor do we have the ability to determine when permitted activity earthworks or those authorised by consents will commence.</p> <p><b>Costs and Benefits</b></p> <p>There are no additional costs, costs are for those within FMUs where target attribute states are not met are likely to be the same. Costs for those undertaking earthworks activities within FMUs where target attribute states are being met may be less as a result of potentially being able to continue some works over the winter period as the discretion of the council. There are benefits for the environment for the revised policy as it is clearer about how the effects will be managed.</p> <p><b>Risk of acting or not acting</b></p> <p>The amendments recognise the diversity of different sites and catchments. The risk in not acting may result in a delay in land development activities across the region, for no environmental benefit.</p> <p>There is sufficient information on the costs to the environment, and benefits to people and</p>
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			<p><u>the risk of accelerated soil erosion associated the staging of works and progressive stabilisation</u></p> <p>3. <u>The placement and treatment of stockpiled materials on the site, including requirements to remove material if it is not to be reused on the site</u></p> <p>4. <del><u>The proportion of unstabilised land in the catchment</u></del></p> <p>5. <u>The adequacy and efficiency of stabilisation devices for sediment control</u></p> <p>6. <u>Any adverse effects on:</u></p> <p>(i) <u>groundwater, <b>surface water bodies</b> and their margins, particularly <b>surface water bodies</b> within sites identified in Schedule A (outstanding water bodies), Schedule B (Ngā Taonga Nui a Kiwa), Schedule C (mana whenua), Schedule F (ecosystems and habitats with indigenous biodiversity), Schedule H (contact recreation and Māori customary use) or Schedule I (important trout fishery rivers and spawning waters)</u></p> <p>(ii) <u><b>group drinking water supplies and community drinking water supplies</b></u></p> <p>(v) <u><b>mauri</b>, water quality (including water quality in the coastal marine area), aquatic and marine ecosystem health, aquatic and riparian habitat quality, indigenous biodiversity values.</u></p>	<p>communities to justify the amendment to the rule.</p> <p><b>Recommendation about most appropriate option</b></p> <p>The amendment gives effect to the NPS-FM. It is considered to be more appropriate in achieving the purpose of the RMA than the notified version of Rules WH.R24 &amp; P.R23, while recognising that earthworks within FMUs where suspended sediment loads are above baselines, pose lesser risk to impact overall environmental outcomes than those within FMUS's currently not meeting target attribute states.</p>
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			<p><u>mahinga kai</u> and critical life cycle periods for indigenous aquatic species</p> <p>(vi) <u>the natural character</u> of lakes, rivers, <u>natural wetlands</u> and their margins and the coastal environment</p> <p>(vii) <u>natural hazards, land stability, soil erosion, sedimentation and flood hazard management including the use of natural buffers</u></p> <p>7. <u>Duration of consent</u></p> <p>8. <u>Preparation required for the close-down period (from 1st June to 30<sup>th</sup> September each year) and any maintenance activities required during this period</u></p> <p>9. <u>Monitoring and reporting requirements</u></p>	
		Rule P.R23	<p>Rule P.R23: <u>Earthworks – Restricted Discretionary Earthworks</u> and the associated discharge of sediment and/or flocculant into a <u>surface water body</u> or coastal water or onto or into land where it may enter a <u>surface water body</u> or coastal water including via a <u>stormwater network</u>, that does not comply with Rule P.R22 is a restricted discretionary activity, provided the following conditions are met:</p> <p>(a) <u>the water quality concentration of total suspended solids</u> in the discharge from the <u>earthworks</u> shall not exceed <u>170 Nephelometric Turbidity Units (NTU) 100g/m3</u> except that, <u>where the discharge is to freshwater</u>, if at the time of the discharge the <u>concentration of total suspended solid the water quality in</u></p>	

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			<p>the receiving water at or about the point of discharge exceeds <del>100g/m3</del> <b>170 Nephelometric Turbidity Units (NTU)</b>, the discharge shall not, after the <b>zone of reasonable mixing</b>, decrease the visual clarity in the receiving water by more than:</p> <p>(i) <u>20% in <b>River class 1</b> and in any river identified as having high macroinvertebrate community health in Schedule F1(rivers/lakes), or</u></p> <p>(ii) <u>30% in any other river, and</u></p> <p>(b) <b>earthworks</b> shall not occur between 1<sup>st</sup> June and 30<sup>th</sup> September in any year where works are located within a <b>Part Freshwater Management Unit</b> where the target attribute state for suspended fine sediment in Table 9.2 is not met.</p> <p>...</p>	
		<p>Rule WH.R25 and P.R24</p>	<p><b>Earthworks</b>, and the associated discharge of sediment into a <b>surface water body</b> or coastal water or onto or into land where it may enter a <b>surface water body</b> or coastal water, including via a <b>stormwater network</b>, that does not comply with Rule P.R23 is a <b>non-complying activity discretionary activity</b>.</p>	<p><b>Effectiveness and efficiency</b></p> <p>The recommended amendments to the activity status of Rule P.R23 and WH.R24 are effective and efficient as they reflect the deletion of Policy P.P29 and WH.P31 and consequently the risk the activity poses to the environment. The discretionary activity status recognises that earthworks activities unable to meet WH.R24 and P.R23 are capable of generating a wide range of effects gives the council the ability to exercise full discretion as to whether or not to</p>

				<p>grant consent and as to what conditions to impose on the consent.</p> <p><b>Costs and Benefits</b></p> <p>There are no additional costs and costs are likely to be the same. There is wider benefit to the local and regional community as the rule provides a clear pathway for activities of this nature while recognising that they should be undertaken in a manner in which effects of the activity are able to mitigate to a level in which effects are less than minor.</p> <p><b>Risk of acting or not acting</b></p> <p>If the activity status for earthworks unable to be undertaken in accordance with P.R23 and WH.R24 were to remain non-complying, this would result in a large number of activities being considered non-complying activities, however this would not be reflective of the actual and potential risk the activity poses to the environment.</p> <p><b>Recommendation about most appropriate option</b></p> <p>This amendment is considered to be the most appropriate option. It is considered to be more appropriate in reflecting the potential adverse effects activities of this nature pose to the environment.</p>
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