

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

Provisions in FPI	Process (as notified)	S32 report justification	S42A author assessment on categorisation of notified provision	S42A author recommendation
<p>Policies WH.P21, WH.P22, WH.P23, WH.P24, WH.P25, WH.P26, WH.P27, P.P20, P.P21, P.P22, P.P23, P.P24, P.P25.</p> <p>Rules WH.R26, WH.R27, WH.R28, WH.R29, WH.R30, WH.R32, P.R25, P.R26, P.R27, P.R28, P.R29.</p> <p>Definitions: annual stocking rate, effective hectares, intensive grazing, recognised nitrogen risk assessment tool, registration, Sacrifice paddocks, small stream riparian programme, stocking rate, stock unit, erosion and sediment management plan, erosion risk treatment plan, harvesting, highest erosion risk land (pasture), high erosion risk land (pasture),</p> <p>Methods M42,</p> <p>Schedules 33, 34, 35 and 36</p>	FPI	The policies, rules, method and supporting definitions, schedule and maps focus on the management of rural land use activities. These provisions seek to manage the use of land to achieve freshwater outcomes. They relate to objectives that give effect to the NPS-FM	I agree with the section 32 assessment. The policies, rules and methods all give effect to the NPS-FM and the associated definitions and maps relate to these objectives. Consistent with section 80A(2)(d), they must follow the FPP.	Retain provisions in the FPI process

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Provisions in FPI	Process (as notified)	S32 report justification	S42A author assessment on categorisation of notified provision	S42A author recommendation
Maps 90, 93, 96, 97				
Method M44	P1S1	These methods relate to the improvement of urban and rural waterbodies and coastal areas and therefore form part of the Regional Coastal Plan.	I agree with the section 32 assessment. The Method specifically refers to supporting programmes that relate to harbours and estuaries and hence seeks to apply with the CMA which makes it, in part, a coastal plan method as drafted.	Retain the provisions in the P1S1 process
Disapplication of Policies P70, P71 and P74	P1S1	These objectives, policies and rules have the coastal icon and form part of the Regional Coastal Plan.	I agree with the section 32 assessment. The coastal icon means they are coastal plan provisions	Retain the provisions in the P1S1 process
Disapplication of Policies P72, P73 and P76 and Rules R110, R111 and R112	FPI	These policies and rules relate to freshwater and the Council has decided that they should form part of the FPI.	I agree with the section 32. The absence of the coastal icon and the focus of these rules on managing diffuse discharges to freshwater and accordingly could be treated as part of the FPI process	Retain the provisions in the FPI process