

# *SUMMARY*

## *Draft Issues and Options for Bay of Plenty Regional Natural Resources Plan Beds of Water Bodies chapter*



The Beds of Water Bodies Issues and Options paper concerns a chapter of the Regional Natural Resources Plan that controls activities that occur in the beds of waterbodies. The beds of waterbodies can be wet or dry and activities covered by this review include gravel removal and constructing stop banks, bridges and culverts.

Although a majority of the activities affecting the beds of waterbodies are in the BW chapter some near-identical activities are found in other chapters – including the Natural Hazards (NH) chapter. One consequence of this review was that related provisions from other plan sections are recommended to be integrated and housed in the BW chapter, provided they clearly relate to activities in the bed of waterbodies.

On the whole, the BW chapter review revealed many of the original issues are still relevant and the objectives and policies generally remain appropriate. Like reviews for other chapters, this one highlighted the need for amendments to implement the National Policy Statement for Freshwater Management 2020 (NPSFM) including carefully integrating Te Mana o te Wai throughout the plan.

The main challenge relates to giving effect to clause 3.24(1) of the NPSFM which requires **no loss of extent or values of rivers unless** there is a functional need for an activity to locate in a river and an **effects management hierarchy** is applied. This may require some activities to carry a more restrictive activity status in order to be more fully considered and to manage their effects appropriately. Under the NPSFM activities with a functional need to locate in a river, that have residual adverse effects (that can't be avoided or minimised) will need to deliver offset mitigation or compensation to ensure no more than minor (net) effects occur. Some currently permitted activities related to river engineering for flood protection may need to more comprehensively assessed to achieve this, while still recognising the importance of flood protection. The extent to which this is so hasn't been clarified in case law yet.

The BW chapter needs to be amended to align with the National Environmental Standards for Freshwater, and stock exclusion regulations (removing duplication or conflicting provisions). Consideration is being given to more stringent requirements relating to stock access to beds of rivers and this is discussed more in the Water Quality Issues and Options Paper.

The review revealed opportunities to streamline and simplify the content of this and related chapters. The number of activities and activity classifications managed is recommended to be reduced. Unless there is a valid reason, special activity status for Council, NZTA and other large asset managers is also recommended to be removed. Permitted activity standards, which are repeated throughout the chapter – and in places differ slightly in wording between chapters and even within one chapter, are now recommended to sit within the one table. A range of issues associated with structures in the beds of lakes (including moorings, retaining walls, navigation markers etc.) were identified.

It is recommended that relevant parts of the Regional River Gravel Management Plan (the Gravel Management Plan) are included in the BW chapter of the RNRP. That plan was reviewed in 2011 with recommendations that it be simplified and tangata whenua be more involved in gravel management. Gravel Management Plan policies and rules are recommended for inclusion in the RNRP, and other parts of the Gravel Management Plan will sit outside the RNRP in a guidance document.

Under the NPSFM, Council must actively involve tangata whenua in the freshwater planning process to the extent they wish to be involved, enable the application of Mātauranga Māori to freshwater management, identify Māori freshwater values, and provide for mahinga kai values. Council has made efforts, and continues these efforts, to engage with tangata whenua to deliver on these NPSFM requirements. Notwithstanding this, the scope and quantity of work to implement the NPSFM within the statutory deadline of December 2024 is very large, and issues and options papers on all topics have had to progress while tangata whenua engagement is being sought or progressing. Existing information about tangata whenua values has been relied on. Policy options and assessments will be amended as appropriate in response to engagement in the next year leading up to decision making.