

APPENDIX 1 stakeholder comment summary

Strategic Planning Comments

- Recognise key purpose – flood protection for the Hutt Valley
- Desire for integrated project – now is chance to get it right
- Cross agency funding – coordinated investment - understand plans
- Need long range optioneering – 100 + years?
- Clarity of options – what considered + what tradeoffs?
- Need agreed ‘vision’ design objectives to test options

Design – Environment Comments

- Aim for stormwater quality improvements – wetlands/streams
- Manage impact on the fish habitat
- Making Places – significant opportunities for the city
- Potential flexibility in Daly Street/stop bank connection
- Car parking on floodplain forecloses other options
- Linear park concept still relevant – urban character
- Balance investment in amenity structures/flood damage/obstacles
- Monitor before and after effects
- Cultural values assessment needed

Design – Use

- Recreation use reasonably well understood
- Movement along corridor - transport and recreation
- Place – based activities in areas – dog exercise
- Access for fishing and swimming – place – based
- Lateral connections from city to river important

APPENDIX 2 Hutt River Floodplain Management Plan Policies

Policy 8: Requiring High Flood Protection Standards

Issue

By using high design and construction standards for new and upgraded flood protection structures, the threat to the safety and lives of Hutt Valley floodplain residents can be significantly diminished.

Policy

Flood protection structures must be built to the highest standards practicable, particularly in cases where the protected area cannot be evacuated and failure could lead to lives being lost. However, it needs to be recognised that failsafe structures are impossible to construct and there will always be a risk of failure.

Policy 9: Acquiring Land for Structural Works

Issue

In some instances the Regional Council will need to acquire land for structural works.

Policy

The Regional Council will acquire management rights to all public land needed for structural works, preferably at no cost (other than conveyance costs). Some privately owned land will also be needed. Land may be gained through land exchange, and will be purchased only as the final option.

Policy 10: Minimising the Adverse Effects of Physical Works

Issue

Constructing structural works can result in a range of short- to long-term adverse effects on the river environment. Physical construction works or the presence of completed structures may cause these effects. Effects can be managed using a number of tools.

Policy

Physical works will be appropriately managed to ensure that adverse environmental effects are minimised. Requirements for managing construction works will include:

- planning and employing sensible and environmentally responsible construction methods
- setting environmental performance standards from the resource consent process
- monitoring the effects of physical works to improve practices, where it is possible and practical to improve them.

Opportunities to enhance the river environment, to compensate for unavoidable negative effects, will be taken when the Regional Council carries out any structural works. This will largely be driven by the Environmental Strategy for the Hutt River.

Policy 11: Managing the Channel to Protect River Alignments and Flood Defences

Issue

Flood defences can only be effective if the river channel edge is maintained.

Policy

Bank edge works must be constructed to provide:

- a river alignment that can be maintained to permit the safe passage of floods
- protection to flood defences, such as stopbanks, and to nearby development.

Where practicable, bank-edge works and adjoining berm areas should be designed to be reasonably secure from erosion where:

- they protect the flood defence foundations
- failure of the flood defences could lead to lives being lost.

At times it will be necessary to carry out work in the riverbed to protect the river edge.

Policy 12: Maintaining the Flood Protection System Free from Encroachment

Issue

The Regional Council needs to be able to operate and maintain flood protection assets effectively, free from encroachment by unauthorised vegetation and structures.

Policy

The Regional Council will maintain the flood protection system free from encroachment by unauthorised activities. Practices and approaches to control encroachment include, but are not limited to:

- removing vegetation that affects stopbanks
- removing unauthorised structures from flood protection assets and river corridor land managed by the Regional Council.

Policy 13: Dealing with Undesirable Activities

Issue

The Regional Council needs to be able to deal with ongoing undesirable or nuisance activities that can have a significant effect on public safety, the river environment, and the Council's assets. Until now the Regional Council has had mixed results trying to control these activities.

Policy

The Regional Council will promote a range of tools to help curb undesirable activities, including using a river ranger and producing new by-laws. Undesirable activities include, but are not limited to, adverse vehicle use, vandalism, rubbish dumping and uncontrolled animals.

Policy 14: Protecting Regional Council Assets

Issue

The Regional Council relies on certain tools to safeguard flood protection assets, including regional plan rules, notice boards, education, and owning land. Requirements set out in the Hutt River Asset Management Plan, and Utilities and Services policies contained in this Floodplain Management Plan, also reinforce the protection of assets. Regional rules are a particularly effective and enforceable way of protecting assets. A number of land-use rules to protect flood protection assets are contained in the Regional Council's Transitional Regional Plan. The Transitional Regional Plan will eventually be revoked because provisions in the Regional Freshwater and Soil Plans largely supersede it. However, revoking the Transitional Regional Plan could partly remove the Regional Council's ability to help prevent flood protection assets from being illegally interfered with, excavated and vandalised.

Policy

The Regional Council will:

- review the repealed rules
- determine the scope within existing legislation to protect flood protection assets, including producing by-laws
- develop new by-laws or other effective approaches to protect flood protection assets, where the need arises
- look at alternative ways to manage this issue, such as targeted education campaigns and employing a river ranger
- look at the supporting role that asset management plans and other Plan policies can play.

Policy 15: Replacing Bridges

Issue

Some bridge crossings do not have the floodway capacity to pass the design standard flood, nor the ability to withstand high flood debris loads.

Policy

Bridges, and their associated floodways, must be improved to pass a 2800 cumec flood when the bridge owners decide to replace them. The early replacement of substandard bridge waterways will be actively encouraged through joint venture proposals, whereby the Regional Council facilitates the river works improvements in the vicinity of any bridge. This policy also applies to new bridge crossings, but excludes Akatarawa Bridge.

Policy 16: Considering Flood Detention Dams**Issue**

Flood detention dams in the upper catchment would have the potential to reduce peak flood levels. However, dams also produce indirect flood protection costs and effects for the wider community downstream, which were considered during the development of structural measures for the Hutt Valley.

Policy

Detention dams will not be included as a flood mitigation measure in the Plan. Dams should be considered only if their net economic benefits are significantly greater than those for other measures that manage the flood risk within the affected community. Any benefit must also be weighed against the indirect costs

Policy 17: Managing Riverbed Levels**Issue**

The Hutt Valley community has conflicting views on how the Hutt Riverbed levels should be managed. Opinions range from a belief that disturbing the riverbed should be minimised for environmental reasons, to a wish to see the return to wide-scale gravel extraction to increase the river's flood capacity. These views co-exist despite good riverbed monitoring information being made available to the public.

Policy

The Regional Council will produce riverbed level management guidelines for the Hutt River. The guidelines will influence how the Council manages bed levels on a day-to-day basis. The Regional Council will also seek to improve the public's understanding and awareness of:

- how gravel extraction and bed levels relate to river bank erosion
- how gravel extraction affects river ecology
- riverbed monitoring information, including regularly publicising monitoring results.

Policy 18: Managing Gravel Extraction for Flood Protection**Issue**

Gravel extraction, including that done at the Hutt River mouth, remains an important method to reduce potential flooding effects on floodplain occupants.

Policy

The Regional Council will use gravel extraction as a flood management method where:

- continuing aggradation (gravel build-up) in the lower river mouth area is likely to cause significant increases in upstream river flooding levels
- significant localised riverbed aggradation is occurring.

Extraction can only be realistically considered where adverse effects on the community and environment will not be significant.

Policy 19: Accounting for Stormwater Flooding**Issue**

Flooding from stormwater systems and small streams is a common occurrence in floodplain areas. Some areas can experience more significant and frequent stormwater flooding than others, and damages over time can be substantial.

Residents need to know more about stormwater and river flooding, in terms of both how they differ and how they are connected. There is also some confusion in the community regarding the roles of the regional and city councils in managing stormwater flooding. The behaviour of stormwater flooding can be very complex because of the urban environment's highly modified nature, and the councils are still improving their own understanding of stormwater floods.

Policy

The Regional Council will give technical assistance to the city councils, where requested, to help upgrade their understanding of stormwater flooding. The Regional Council will also continue to provide the public with information on stormwater and river flooding, including:

- the differences between river and stormwater flooding
- how storm events can simultaneously cause river and stormwater flooding
- how river and stormwater flooding can affect each other.

Policy 20: Designing for Climate Change and Earthquakes**Issue**

The flood protection system will, on average, be designed to withstand floods that have a 1 in 440-year frequency. The system must also be designed to withstand natural hazards and other phenomena that occur on a similar time-scale, or even more frequently. Earthquakes and climate change are two phenomena that can significantly and dramatically affect the flood protection system. Climate change scenarios for the next 35 years, provided by the National Institute of Water and Atmospheric Research, predict that:

- flooding will occur more frequently
- equivalent flow return periods may halve (for example, a 1 in 100-year flood may become a 1 in 50-year event)
- the sea level will rise between 0 and 0.5 metres.

These changes could substantially lessen the flood protection system's effectiveness in the future. A major earthquake on the Wellington Fault, bordering the Hutt Valley, will occur on average once every 500 years. A major quake could cause wide-scale land subsidence or uplift throughout the Hutt

Valley, affecting the relative height of flood defences in relation to the river and sea levels. Ground shaking from such an earthquake could seriously damage stopbanks and other protection works. Both effects may render the flood protection system less effective. The last major earthquake to affect the Hutt Valley occurred on the Wairarapa Fault in 1855. It caused land in the lower valley to rise downstream of Taita Gorge, and shifted the Hutt River mouth about 2 kilometres east to its present position.

Policy

The Regional Council will account for climate change and the earthquake hazard by:

- supporting the Institute of Geological and Nuclear Sciences to investigate fault rupture on the Wellington and Wairarapa faults, and at the Pacific and Australian plate boundaries
- incorporating earthquake investigation outcomes into flood protection work designs, where appropriate
- incorporating climate change scenarios by designing major stopbanks to 2800 construction standards
- providing the city councils and the public with information about the potential effects of climate change and earthquakes on the flood protection system.

Policy 21: Removing Existing Services**Issue**

Services in stopbanks or the river corridor can increase the chances of the stopbanks failing and river berms being eroded during floods.

Policy

Existing services will be removed from stopbanks and, where possible, relocated outside the river corridor during stopbank, river corridor or service upgrading.

Policy 22: Locating New Services in the River Corridor**Issue**

Services in stopbanks or the river corridor can increase the chances of the stopbanks failing and river berms being eroded during floods.

Policy

New services will not be located in or under a stopbank. New services can be located in other areas of the river corridor (excluding stopbanks) only with the prior approval of the Regional Council.

Policy 23: Rationalising Existing and New Stormwater Outlets

Issue
Stormwater outlets can initiate failure of stopbanks, berms and bank-edge protection works. The risk of failure needs to be minimised.

Policy
The number, location and design of existing and new stormwater outlets should be rationalised during stopbank or stormwater service upgrading.

Issue
Service crossing points produce a weakness in stopbanks, and can initiate their failure during floods.

Policy
Services will only cross the river at approved or designated service crossings.

Policy 24: Protection Benefits for Services

Issue
Service assets within the river corridor are at risk of damage from floods. The flood protection system does not directly provide for their protection.

Policy
The structural measures are constructed to provide flood protection for the Hutt Valley community. Any protection this provides to utilities or services is secondary, unless individual agreements with service owners provide for a specific protection benefit.

Policy 25: Protecting Key Network Facilities

Issue
Key utility network facilities within the river corridor could experience flood damage, which may put their ongoing functioning of related services in jeopardy during a flood.

Policy
Key utility network facilities should be protected to a 1900 cumec standard and have contingency plans to cope with the loss of their services in a major flood.

Policy 26: Upgrading the Melling Substation

Issue
The Melling Substation is located in the river corridor, which exposes it to a high risk of flooding and erosion.

Policy
The Melling Substation is a special case, and a strategy for maintaining and upgrading this facility within the river corridor has been agreed with the owner.

Policy 27: Services Crossing the River Corridor

APPENDIX 3 planning consent requirements

District Plan – City of Lower Hutt

Rule Reference and Activity	Rule	Activity Status	Comment
River Recreation Zone – includes the Hutt River and land adjacent to this water body. Refer to District Plan Maps C3 and D4			
7C 2.1 Permitted Activities	<p>(a) Works necessary for the management of any river or stream by the Wellington Regional Council or the Hutt City Council and maintenance activities within reserves by Wellington Regional Council or Hutt City Council.</p> <p>(b) All recreation and leisure activities, but excluding motorised activities.</p> <p>(c) Landscape furniture.</p> <p>(d) On the land identified in DP 72284 but excluding that area identified as 'G' and shown on Appendix River Recreation 1, extraction activities limited to extraction, processing, storage, removal, ancillary earthworks, removal and deposition of overburden and rehabilitation works, and ancillary administrative activities</p>	Permitted	<p>The management of any river or stream by the Wellington Regional Council is permitted, subject to conditions on outdoor lighting and lux levels at neighbouring dwellings, and the 'General Rules set out in Section 14 of the District Plan. The General Rules provide for matters such as traffic, signs, noise, hazardous facilities, significant natural, cultural and archaeological resources, heritage buildings and structures, trees, natural hazards, earthworks and temporary activities. A detailed assessment of these matters would be required to ascertain compliance and whether land use consent under the District Plan was required.</p> <p>Gravel extraction activities are also permitted along the Hutt River, excluding the area shown as "G" which is situated closer and parallel to the Petone foreshore. All extraction activities are subject to conditions including the hours of operation and overall duration of activities, limits on the height of stockpiles and machinery, ensuring communication with neighbouring properties, managing dust nuisance and visual effects. A detailed assessment against these conditions would be required to ascertain compliance and whether land use consent under the District Plan was required for any river widening works that involved gravel extraction.</p>
7C2.2.1 Permitted Activity Conditions	<p>(a) Lighting: Any activity which requires outdoor areas to be lit must ensure that direct or indirect illuminance does not exceed 8 lux at the window of a dwelling on a neighbouring site.</p> <p>(b) General Rules: Compliance with all General Rules - see Chapter 14.</p> <p>(c) On the land identified in DP 72284 but excluding that area identified as 'G' and shown on Appendix River Recreation 1 the following Permitted Activity Conditions shall apply:</p> <p>(i) Any permitted extraction activity may only occur for a maximum of 21 days, but not necessarily consecutive, in a 90 day period. The operator shall maintain and make available to Council on request, records of the dates on which extraction</p>		See above

	<p>activities occur.</p> <p>(ii) Except for structures and equipment associated with processing activities, the maximum height shall be 8.0m. For structures and equipment associated with processing activities, the maximum height shall be 12.0m. Formed stockpiles shall not exceed a maximum height of 12.0m.</p> <p>(iii) Landowners and adjacent landowners shall be advised of the activity at least one week in advance of the commencement of the activity.</p> <p>(iv) All activities shall be undertaken in a way that avoids creation of a dust nuisance at or beyond the boundary of the area identified by DP 72284 but excluding that area identified as 'G'.</p> <p>(v) For all activities:</p> <ul style="list-style-type: none"> • 6.00am – 6.00pm Monday to Friday (excl public holidays) and • 6.00am – 1.00pm Saturday (excl public holidays) <p>(vi) Structures and equipment shall be removed from the area following the completion of each phase of the extraction activity.</p> <p>(vii) The area shall be managed and maintained in a tidy and safe manner at all times. Any accumulated non-alluvial materials associated with the extraction activity shall be removed from the area at least once every six month period.</p> <p>(viii) Waste alluvial material shall be spread over the extraction area at the completion of each phase of extraction activity.</p>		
<p>7C2.2.2 Discretionary Activities</p>	<p>(a) Motorised recreation activities on the surface of rivers.</p> <p>(b) Buildings and structures not associated with flood protection measures or river works.</p> <p>(c) Hutt River Mouth, Part Section 1 SO 36292 (identified in Appendix River Recreation 2), the processing (crushing, screening, washing and blending), storage, distribution and sale of aggregates, ancillary earthworks, rehabilitation works, and associated</p>	<p>Discretionary</p>	<p>A discretionary resource consent may be required, should the flood protection works and gravel extraction activities not comply with any of the permitted activity conditions.</p>

	buildings and structures. (d) Except where stated in the General Rules, any Permitted Activity which fails to comply with any of the relevant Permitted Activity Conditions, or relevant requirements of Chapter 14 - General Rules.		
7C 2.2.3 Non-Complying Activities	(a) All other activities not listed as a Permitted or Discretionary Activity.	Non-Complying	This category would only be relevant if there were works and activities proposed, that were not related or associated with the flood protection upgrade.
Rule Reference and Activity	Rule	Activity Status	Comment
General Residential Zone – the western end of Mills Street			
4A2.5	(a) All other activities not listed as a Permitted, Controlled, Restricted Discretionary, or Discretionary Activity	Non-Complying	The works and activities required to provide flood protection structures are not specifically provided for in the Residential Zone, therefore works and activities on land at the end of Mills Road would be a non-complying activity. It is noted that the General Residential Zone recognises and provides for flood hazard risk based on a 1:100 year flood. The provisions restrict building size and location, or require floor level heights based on properties located within the primary or secondary river corridors, and those not afforded protection by stopbanks.
Rule Reference and Activity	Rule	Activity Status	Comment
Central Commercial Zone – the western end of Melling Link, Rutherford Street (Harvey Norman and Repco)			
5A2.2	(b) The construction, alteration of, and addition to buildings and structures over 12 metres in height (except for those works permitted under Rules 5A 2.1(b) and (c)) and where any part of the building or structure fronts a street, pedestrian mall, pedestrian walkway, or other public space identified in Appendix Central Commercial 5 – Wind Protection.	Restricted Discretionary	The rules do not specifically provide for the construction, operation and maintenance of flood protection structures, but does provide for the generic construction, alteration of and additional to buildings and structures, as a Restricted Discretionary Activity and subject to conditions. A detailed assessment against these conditions would be required to ascertain compliance and whether a restricted discretionary or full discretionary consent under the District Plan would be required for any stopbank works within the Central Commercial Zone. It is noted the Central Commercial Zone recognises the relationship to the Hutt River and seeks to managing activities and development along the river frontage in conjunction with flood protection works (Policy 5A1.1.5(a)). Policy(b) seeks to ensure activities and development does not adversely affect the stability of the flood protection works, limit public access to the river to impact on the amenity, natural and recreational values of the area.
Rule Reference and Activity	Rule	Activity Status	Comment
Designations			

WRC 11 : The Boulcott Hutt Stopbank Project	Designation for: Flood protection purposes: To enable the construction, upgrading and maintenance of stopbanks and associated works necessary to support stopbanks.	n/a	The Boulcott Hutt Stopbank Project is a recently approved designation to the District Plan. The designation has 71 conditions covering a wide range of matters. No other existing Wellington Regional Council stopbank in the Hutt Valley is protected or enabled through use of designations.
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Regional Freshwater Plan for the Wellington Region (December 1999, updated January 2012)

Rule Reference and Activity	Rule	Activity Status	Comment
6.1 Water Quantity and the Taking, Use, Damming or Diversion of Fresh Water			
[Rule 9A Diversion of water from an artificial watercourse or drain	<p>The diversion of water from an artificial watercourse or drain, including any associated disturbance of the drain bed or deposition on the drain bed during construction of the diversion; is a permitted activity, provided that it complies with the conditions specified below:</p> <p>(1) All material used to construct the diversion but which is not part of any diversion structure shall be removed from the artificial watercourse or drain and disposed of in an appropriate manner.</p> <p>(2) All reasonable steps shall be taken to minimise the release of sediment to water during construction.</p> <p>(3) There shall be no adverse effects on the availability of water supply for upstream or downstream water users other than for a temporary period during construction of no more than 24 hours.</p> <p>(4) There shall be no flooding of land, including neighbouring land, on properties upstream or downstream of the diversion.</p> <p>(5) The ability of the artificial watercourse or drain to convey flood flows shall not be reduced.</p> <p>(6) There shall be no lowering of water levels in any river, lake, or wetland.</p> <p>(7) Fish passage shall not be impeded other than for a temporary period during construction of no more than 24 hours.</p> <p><i>Note: For the purpose of this rule, "drain" means a highly modified watercourse or river that is channelled to such an extent that it has the characteristics of a farm drainage</i></p>	Permitted Activity	This rule would be applicable if the project involved the diversion of any drain during the construction of the project.

	<i>canal (see section 3 of the Plan).</i>		
Rule 16 Taking, use, damming or diversion of water, or the transfer to another site of any water permit to take or use water	<p>The taking, use, damming, or diversion of any fresh water, or the transfer to another site of any water permit to take or use water:</p> <ul style="list-style-type: none"> • that is not specifically provided for in any other rules in this Plan; and • which cannot meet the requirements of those rules; and • that, for takes of water from the Lower Hutt Groundwater Zone (Taita Alluvium/Waiwhetu aquifers), would not cause the maximum rate of takes authorised by resource consents to exceed 32.85 million cubic metres per year; and • which is not a non-complying activity in Rules 17, 18, [19, 19A or 19B] 	Discretionary	This rule provides for the water diversion during a flood event. Enquiry with the Regional Council's Regulatory team is advised to understand the relationship with the consented water take for the Boulcott stopbank project, as the flood water would be transferred down from Boulcott to the City Centre flood plain.
7.1 Use of the Beds of Rivers and Lakes and Development on the Floodplain			
Rule 22 Maintenance, repair, replacement, extensions, additions and alterations to structures (excluding extensions of linear rock protection and over head cables)	<p>The maintenance, repair, replacement, extension, addition to, or alteration of any existing lawful structure or any part of an existing lawful structure (excluding extensions of linear rock protection (Rule 23) and excluding the erection, use, maintenance, alteration, replacement, or addition of over-head cables (Rule 32)) that is fixed in, on, under, or over the bed of any river or lake, including any associated:</p> <ul style="list-style-type: none"> • disturbance of river or lake bed; or • deposition on the river or lake bed; or • temporary diversion of water; which <p>(1) is contained within the form of the existing structure; or</p> <p>(2) adds no more than whichever is the lesser of;</p> <ul style="list-style-type: none"> • 5% to the plan or cross-sectional area of the structure; or <p>Use of Beds of Rivers and Lakes and Development on the Floodplain 117</p> <ul style="list-style-type: none"> • 1 metre in horizontal projection and 1 metre in vertical projection; measured from the structure as it was on 25 January 1997 (the date the Proposed Plan was publicly notified); and (3) disturbs sand, shingle, gravel, or other natural river or lake bed material over an area less than 2 square metres per lineal metre of structure measured along the length or breadth of the structure; 	Permitted	<p>This rule may be relevant should there be any minor works to structures within the Hutt River bed associated with the project. The rule specifically excludes works associated with linear rock protection and this work is provided in Rule 23 or 49.</p> <p>Note: The Hutt River from NZMS 260 R26 899 118 to R27 700 985 is identified as a Water Bodies with Important Trout Habitat (including spawning areas) - Water Quality to be Managed for Fishery and Fish Spawning Purposes. The project area is not within this identified section of the Hutt River.</p>

	<p>Conditions</p> <p>(1) No contaminants (including but not limited to oil, petrol, diesel, paint, or solvent) shall be released to water from equipment being used for the operation, and no refuelling of equipment shall take place on any area of river or lake bed.</p> <p>(2) All material removed or demolished from the structure (or any part of the structure), and any excess material from the construction operation, shall be removed from the river or lake bed and disposed of in an appropriate manner.</p> <p>(3) Fish passage shall be maintained during any construction activities and all works shall be undertaken in a manner that will provide for fish passage.</p> <p>(4) In any part of the river or lake bed covered by water in any water body identified in Policy 4.2.14 (Appendix 4 - Water bodies with important trout habitat), the activity shall not take place between 31 May and 31 August.</p> <p>(5) All reasonable steps shall be taken to minimise the release of sediment to water during construction.</p> <p>(6) Car bodies or demolition rubble shall not be used as a structural material.</p> <p>(7) Water is only diverted for the period that is necessary to carry out the works.</p>		
<p>Rule 40 Removal of vegetation</p>	<p>The trimming and removal of vegetation[including any associated;</p> <ul style="list-style-type: none"> • disturbance of any lake or river bed; or • deposition on the river or lake bed; or • temporary diversion;] • from the bed of any river or lake; • to avoid or mitigate the adverse effects of flooding or erosion, or • for the purpose of protecting structures; <p>which is not in a river or lake bed identified in Policy 4.2.10 (Appendix 2 – water bodies with a high degree of natural character) is a Permitted Activity provided it complies with the conditions listed below.</p> <p>Conditions</p> <p>(1) No contaminants (including but not limited to oil, petrol, diesel, paint, or solvent) shall be released to the river bed from equipment being used for the operation, and no</p>	<p>Permitted</p>	<p>This rule is relevant for the proposed widening works to the Hutt River banks. If compliance with this rule and conditions cannot be achieved a discretionary activity consent under Rule 49 is required.</p> <p>Note: The Hutt River from NZMS 260 R26 899 118 to R27 700 985 is identified as a Water Bodies with Important Trout Habitat (including spawning areas) - Water Quality to be Managed for Fishery and Fish Spawning Purposes. The project area is not within this identified section of the Hutt River.</p>

	<p>refuelling of equipment shall take place on any area of river or lake bed.</p> <p>(2) All reasonable steps shall be taken to minimise the release of sediment to water during the activity.</p> <p>(3) In any part of the river or lake bed covered by water in any water body identified in Policy 4.2.14 (Appendix 4 - Water bodies with important trout habitat), the activity shall not take place between 31 May and 31 August.</p> <p>(4) There shall be no disturbance to nesting Banded Dotterels (<i>Charadrius bicinctus</i>), Black Fronted Dotterels (<i>Charadrius melanops</i>), Black Billed Gulls (<i>Larus bulleri</i>), Pied Stilts (<i>Himantopus leucocephalus</i>), or Variable Oystercatchers (<i>Haematopus unicolor</i>) South Island Pied Oystercatcher (<i>Haematopus ostralegus</i>), Caspian Terns (<i>Sterna caspia</i>), White-Fronted Terns (<i>Sterna striata</i>), and Spur-Winged Plover (<i>Vanellus miles</i>).</p> <p>(5) Public access shall not be restricted more than is necessary to complete the removal of vegetation.</p> <p>(6) No machinery shall be left overnight in an area of river or lake bed covered by water.</p> <p>(7) All equipment and materials used for the removal of vegetation shall be removed from the river or lake bed on completion of the operation.</p> <p>Note: The spray application of agrichemicals over water bodies or over river and lake beds is addressed in the Regional Air Quality Management Plan.</p>		
<p>Rule 41 Planting</p>	<p>The deliberate introduction or planting of any plant except:</p> <ul style="list-style-type: none"> • crack willow (<i>Salix fragilis</i>); and grey willow (<i>Salix cinerea</i>); other than on the margins of rivers where they are already predominant; or • any introduced, submersed aquatic plant; or • any species listed in the Regional Pest Plant Management Strategy; • [including any associated; • disturbance of any lake or river bed; or • deposition on the river or lake bed; or • temporary diversion;] • in the bed of any river or lake to remedy or mitigate the 	<p>Permitted</p>	<p>This rule is relevant for the proposed tree protection on the Hutt River banks. If compliance with this rule and conditions cannot be achieved a discretionary activity consent under Rule 49 is required.</p> <p>Note: The Hutt River from NZMS 260 R26 899 118 to R27 700 985 is identified as a Water Bodies with Important Trout Habitat (including spawning areas) - Water Quality to be Managed for Fishery and Fish Spawning Purposes. The project area is not within this identified section of the Hutt River.</p>

	<p>adverse effects of flooding, erosion, or non-point source discharges of contaminants, or to restore habitat, is a Permitted Activity, provided it complies with the conditions below.</p> <p>Conditions</p> <p>(1) No contaminants (including but not limited to oil, petrol, diesel, paint, or solvent) shall be released to the river bed from equipment being used for the operation, and no refuelling of equipment shall take place on any area of river or lake bed.</p> <p>(2) All reasonable steps shall be taken to minimise the release of sediment to water during the activity.</p> <p>(3) In any part of the river or lake bed covered by water in any water body identified in Policy 4.2.14 (Appendix 4 - Water bodies with important trout habitat), the activity shall not take place between 31 May and 31 August.</p> <p>(4) There shall be no disturbance to nesting Banded Dotterels (<i>Charadrius bicinctus</i>), Black Fronted Dotterels (<i>Charadrius melanops</i>), Black Billed Gulls (<i>Larus bulleri</i>), Pied Stilts (<i>Himantopus leucocephalus</i>), or Variable Oystercatchers (<i>Haematopus unicolor</i>) South Island Pied Oystercatcher (<i>Haematopus ostralegus</i>), Caspian Terns (<i>Sterna caspia</i>), White-Fronted Terns (<i>Sterna striata</i>), and Spur-Winged Plover (<i>Vanellus miles</i>).</p> <p>(5) Public access shall not be restricted more than is necessary to complete the planting.</p> <p>(6) No machinery shall be left overnight in an area of river or lake bed covered by water.</p> <p>(7) All equipment and materials used for the removal of vegetation shall be removed from the river or lake bed on completion of the operation.</p>		
<p>Rule 48 Placement of impermeable erosion protection structures</p>	<p>The placement of any impermeable rock groyne, rock rip rap, or gabion, which is an integral part of any Floodplain Management Plan or River Control Scheme that is fixed in, on, or under, the bed of any river or stream, including any associated:</p> <ul style="list-style-type: none"> • disturbance of river bed; or • deposition on the river bed; or • diversion of water; 	<p>Controlled Activity</p>	<p>This rule is relevant for the proposed rock protection on the Hutt River banks and depending on how far the rock protection would extend into the river will determine the activity status. If compliance with this rule cannot be achieved, a discretionary activity consent under Rule 49 is required.</p> <p>Note: The Hutt River from NZMS 260 R26 899 118 to R27 700 985 is identified as a Water Bodies with Important Trout Habitat (including spawning areas) - Water Quality to be Managed for Fishery and Fish Spawning Purposes. The project area is not within this identified section of</p>

	<p>(1) which is not in a water body, identified by policy 4.2.10 (Appendix 2 – Water bodies with a high degree of natural character); and</p> <p>(2) which extends into the available river bed width from the bank no more than whichever is the lesser of:</p> <ul style="list-style-type: none"> • 10% of the width of the water body; or • 10 metres; <p>is a Controlled Activity provided that it complies with the standards and terms specified below.</p> <p>Standards</p> <p>(1) No contaminants (including but not limited to oil, petrol, diesel, paint, or solvent) shall be released to water from equipment being used for the operation, and no refuelling of equipment shall take place on any area of river or lake bed.</p> <p>(2) Any excess material from the construction operation shall be removed from the river bed and disposed of in appropriate manner.</p> <p>(3) In any part of the river or lake bed covered by water in any water body identified in Policy 4.2.14 (Appendix 4 – Water bodies with important trout habitat), the activity shall not take place between 31 May and 31 August.</p>		<p>the Hutt River.</p>
<p>[Rule 48A Uses of land within the Waiohine River Floodway, the Lower Ruamahanga River Floodway, and the Hutt River Floodway</p>	<p>The use of land in a floodway, other than a use:</p> <ul style="list-style-type: none"> • that is consistent with the purpose of flood protection that the floodway was designed for, or • that is for the maintenance or repair of an existing structure, which does not extend, or add to, the external dimensions of any structure; or • that was lawfully established by a resource consent prior to 9 February 2002 (the date Plan Change 1 to the Regional Freshwater Plan was notified); within: <p>(2) the Hutt River Floodway², which:</p>	<p>Restricted discretionary activity.</p>	<p>This rule permits the use of land within the Hutt River floodway for the purpose of flood protection, but most other uses require a Restricted Discretionary Activity consent.</p> <p>There was some discussion over the jurisdiction of this rule in the Boulcott decision, as a result of matters raised by submitters. However the decision makers concluded that no land use consent from the Regional Council was required in terms of Section 9 of the RMA.</p>

² For the purposes of the Regional Freshwater Plan, the river corridor for the Hutt River is:

- (1) the river bed; and
- (2) the land area between any river bed and the stop bank adjacent to the river bed; and
- (3) in the following places, where there is no stopbank adjacent to the river bed;

	(a) Erects, places, or extends any structure that obstructs the flow of water; (b) Deposits more than 20 cubic metres of any substance;		
Rule 49 All remaining uses of river and lake beds	The use, of any river or lake bed; • which is not specifically provided for in Rules 22 to 48; and • which cannot meet the requirements of Rules 22 to 48; and • which is not a non-complying or prohibited activity in Rules 50 and 51	Discretionary activity	Depending on compliance with the aforementioned rules, a discretionary consent would be required for all works within, on, under or over the bed of the Hutt River.

- (a) from Melling Bridge to Moonshine Bridge, the land area between the river bed and State Highway 2 (but not including State Highway 2), other than any residential activity area identified in the Proposed District Plan for Hutt City or the Operative District Plan for Hutt City; and
- (b) from Pomare Bridge to the Silverstream Road Bridge, the land area between the river bed and the Eastern Hutt Road (but not including the Eastern Hutt Road); and
- (c) from the Silverstream Road Bridge to the Stopbank at Trentham Memorial Park, a 200 metre wide area of land adjacent to the river.]

