

Proposed Selwyn District Plan



Section 42A Report

Report on submissions and further submissions

Activities on the Surface of Water

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30 March 2022

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List of submitters and further submitters addressed in this report

Submitter ID	Submitter Name	Abbreviation
DPR-0032	Christchurch City Council	CCC
DPR-0260	Canterbury Regional Council (Environment Canterbury)	CRC
DPR-0295	Jet Boating New Zealand	JBNZ
DPR-0301	Upper Waimakariri/Rakaia Group (UWRG)	UWRG
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	Forest & Bird
DPR-0427	Lou Sanson, Director-General of Conservation	DOC
DPR-0448	New Zealand Defence Force	NZDF

Please refer to **Appendix 1** to see where each submission point is addressed within this report.

Abbreviations

Abbreviations used throughout this report are:

Abbreviation	Full text
CRPS	Canterbury Regional Policy Statement 2013
IMP	Mahaanui Iwi Management Plan 2013
Planning Standards	National Planning Standards
NPS-UD	National Policy Statement on Urban Development
NPS-UDC	National Policy Statement on Urban Development Capacity
PDP	Proposed Selwyn District Plan
RMA or Act	Resource Management Act 1991
SDP	Operative Selwyn District Plan
Wildlife Act	Wildlife Act 1953

1. Purpose of report

- 1.1 This report is prepared under s42A of the RMA in relation to the Activities on the Surface of Water Chapter in the PDP. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on this topic and to make recommendations on either retaining the PDP provisions without amendment or making amendments to the PDP in response to those submissions.
- 1.2 The recommendations are informed by both the technical information provided by Dr Des Smith (see **Appendix 3**) and the evaluation undertaken by myself as the planning author. In preparing this report I have had regard to the:
 - [Overview](#) s42A report that addresses the higher order statutory planning and legal context, prepared by Mr Robert Love
 - [Strategic Directions](#) s42A report prepared by Mr Robert Love;
 - [Part 1](#) s42A report prepared by Ms Jessica Tuilaepa;
 - [Energy and Infrastructure](#) s42A report prepared by Ms Vicki Barker
- 1.3 The conclusions reached and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

2. Qualifications and experience

- 2.1 My full name is Rachael Margaret Carruthers. I am employed by the Council as a Strategy and Policy Planner. My qualifications include Master of Social Science (Hons) and Post Graduate Diploma in Resource and Environmental Planning, both from the University of Waikato. I am an Intermediate member of the New Zealand Planning Institute.
- 2.2 I have 17 years of experience as a planner with Selwyn District, with my experience including monitoring and compliance of consent conditions, processing and reporting on resource consent applications and private plan change requests, district plan formulation and policy advice for the Council. My role as part of the District Plan Review Team includes consultation, research and reporting. I am the Topic Lead for the *Natural Hazards, Subdivision, Public Access and Designations* chapters of the PDP, while I have also become the Topic Lead for the *Ecosystems and Indigenous Biodiversity* and *Activities on the Surface of Waterbodies* chapters in time to prepare the relevant s42A reports.
- 2.3 I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. Having reviewed the submitters and further submitters relevant to this topic I advise there are no conflicts of interest that would impede me from providing independent advice to the Hearings Panel.

3. Scope of report and topic overview

- 3.1 This report considers the submissions and further submissions that were received in relation to the *Activities on the Surface of Waterbodies* chapter.
- 3.2 Recommendations are made to either retain provisions without amendment, or delete, add to or amend the provisions. All recommended amendments are shown by way of strikeout and underlining in **Appendix 2** to this Report. Footnoted references to a submitter number, submission point and the abbreviation for their title provide the scope for each recommended change. Where no amendments are recommended to a provision, submissions points that sought the retention of the provision without amendment are not footnoted.
- 3.3 Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. A number of alterations have already been made to the PDP using cl.16(2) and these are documented in reports available on the Council's website. Where a submitter has requested the same or similar changes to the PDP that fall within the ambit of cl.16(2), then such amendments will continue to be made and documented as cl.16(2) amendments and identified by way of a footnote in this s42A report.

4. Statutory requirements and planning framework

Resource Management Act 1991

- 4.1 The PDP must be prepared in accordance with the Council's functions under section 31 of the RMA; Part 2 of the RMA; the requirements of sections 74 and 75, and its obligation to prepare, and have particular regard to, an evaluation report under section 32 of the RMA, any further evaluation required by section 32AA of the RMA; any national policy statement, the New Zealand coastal policy statement, national planning standards; and any regulations¹. Regard is also to be given to the CRPS, any regional plan, district plans of adjacent territorial authorities, and the IMP.
- 4.2 As set out in the [‘Overview’ Section 32 Report](#), and [‘Overview’ s42a Report](#), there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the PDP. These documents are discussed in more detail within this report where relevant to the assessment of submission points. This report also addresses any definitions that are specific to this topic, but otherwise relies on the s42A report that addresses definitions more broadly.
- 4.3 The assessment of submission points is made in the context of the Section 32 reports already undertaken with respect to this topic, being:
- [Section 32: Overview](#)
 - [Strategic Directions](#)
 - [Ecosystems and Indigenous Biodiversity](#)
 - [Natural Character, and Activities on the Surface of Water](#)
 - [Coastal Environment](#)

¹ Section 74 RMA

- 4.4 All recommended amendments to provisions since the initial s32 evaluation was undertaken must be documented in a subsequent s32AA evaluation and this has been undertaken for each sub-topic addressed in this report.

National Policy Statements

National Policy Statement for Freshwater Management 2020.

- 4.5 The National Policy Statement for Freshwater Management 2020 (NPS-FM) sets out an objective and policies that focus on:
- Managing freshwater in a way that ‘gives effect’ to Te Mana o te Wai (the integrated and holistic well-being of a freshwater body) in the management of fresh water;
 - Prioritising the health and wellbeing of water bodies and freshwater ecosystems, followed by the health needs of people, followed by the ability of people and communities to provide for their social, economic and cultural well-being, now and in the future;
 - Avoiding overallocation, improving and maximising efficient allocation and use of water and safeguarding its life-supporting capacity;
 - Improving integrated management of fresh water and the use and development of land;
 - Establishing a national objectives framework, monitoring progress, and accounting for freshwater takes and contaminants; and
 - Providing for the active involvement of tangata whenua in freshwater management and that Maori freshwater values are identified and provided for.
- 4.6 While many of the objectives and policies relate to the functions of regional councils, those covering integrated management, and tangata whenua roles and interests are of relevance to the PDP. Provisions relating to the management of the use and development of land to safeguard water will also be relevant to the PDP, but will need to be implemented in close co-ordination with Canterbury Regional Council in order to avoid overlap and duplication.

New Zealand Coastal Policy Statement 2010

- 4.7 Work under the Coastal Environment District Plan topic to define the coastal environment has included the whole of Te Waihora/Lake Ellesmere and its margins within the coastal environment. As such, while activities on the surface of Te Waihora/Lake Ellesmere are subject to this chapter, activities on the margins of the lake will also be subject to the provisions of the *Coastal environment* chapter and so integration of the chapters is required.

National Water Conservation Orders

- 4.8 Two national water conservation orders apply to waterbodies in Selwyn District – the National Water Conservation (Te Waihora/Lake Ellesmere) Order 1990 and the National Water Conservation (Rakaia River) Order 1988. Both water conservation orders identify particular values that are considered to be outstanding for each waterbody. Most of the provisions of the two water conservation orders relate to regional council functions, but both also include a clause stating that a resource consent shall not be granted under section 9 of the Act (relating to land use) if the effect would be that the provisions of the water conservation order could not be observed. Implicitly therefore, consents that would not ensure that the values listed for Te Waihora/Lake Ellesmere and the Rakaia River were protected could not be issued by the Council. If the Hearings Panel recommend the inclusion of

provisions managing activities on the surface of Te Waihora/Lake Ellesmere, then the National Water Conservation (Te Waihora/Lake Ellesmere) Order 1990 would be taken into account in making consent decisions.

National Planning Standards

- 4.9 As set out in the [PDP Overview s42A Report](#), the Planning Standards were introduced to improve the consistency of council plans and policy statements. The Planning Standards were gazetted and came into effect on 5 April 2019. The PDP must be prepared in accordance to the Planning Standards.
- 4.10 The Planning Standards require that, if relevant, a chapter addressing *Activities on the surface of water*, be included within the District wide matters section of the Plan. If provisions for managing activities on the surface of water are included in the Plan, they must be included in this chapter.

5. Procedural matters

- 5.1 At the time of writing this s42A report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.

6. Consideration of submissions

Overview of submissions

- 6.1 Fifteen submission points and 12 further submission points were received in relation to the *Activities on the Surface of Water* chapter. The submission points relate to the restriction of activities on some lakes, with submissions seeking additional activities on high country lakes and additional restrictions on Te Waihora Lake Ellesmere.

Structure of this report

- 6.2 The report first addresses the higher order framework that affects the whole chapter, followed by the rule within the PDP. Consideration of ASW-R1 is broken into three disparate parts. Activities on listed high country lakes of significant habitat to the crested grebe is discussed first, followed by the management of motorised water craft on Te Waihora Lake Ellesmere. Other provisions within ASW-R1 are discussed last.
- 6.3 The assessment of submissions generally follows the following format: Submission Information; Analysis; and Recommendation and Amendments.

7. ASW-O1

Introduction

- 7.1 This section responds to the submission points relating to ASW-O1.

Submissions

- 7.2 Two submissions points and one further submission point were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	131	Support	Retain as notified.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0295	JBNZ	001	Support In Part	Amend as follows: Activities on the surface of water bodies do not have an <u>a more than minor</u> adverse effect on ecological values.
DPR-0407	Forest & Bird	FS021	Oppose	Reject the submission

Analysis

- 7.3 JBNZ² request that the objective be amended to allow activities that have minor adverse effects on ecological values. The preservation of the natural character of water bodies and the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna are s6 matters of national importance, and in my view the requested amendment would dilute Council's ability to recognise and provide for them. However, I consider that it would be appropriate to amend the objective to prevent adverse effects on significant ecological values, rather than all ecological values, which would result in better consistency with s6(c) RMA and may provide for a level of effect as sought by the submitter. I therefore recommend that the submission point be accepted in part.
- 7.4 CRC³ request that the objective be retained as notified. In light of my recommendation above, I recommend that the submission point be accepted in part.

Recommendations

- 7.5 I recommend, for the reasons given above, that the Hearings Panel amend ASW-O1 as shown in **Appendix 2** to provide better alignment with s6(c) RMA.
- 7.6 I recommend that submissions and further submissions are accepted in part as shown in **Appendix 1**.
- 7.7 The scale of the recommended change does not require a s32AA evaluation.

8. ASW-P1

- 8.1 This section responds to the submission points relating to ASW-P1.

Submissions

- 8.2 Four submissions points and four further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0032	CCC	033	Oppose In Part	Amend as follows: Enable the use of motorised and non-motorised watercraft on the surface of water bodies while controlling motorised watercraft on the surface of the District's high country lakes <u>and Te Waihora/Lake Ellesmere</u> to manage adverse effects on threatened indigenous fauna

² DPR-0295.001 JBNZ

³ DPR-0260.131 CRC

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0407	Forest & Bird	FS024	Support	Accept the submission
DPR-0260	CRC	132	Support In Part	Amend as follows: Enable the use of motorised and non-motorised watercraft on the surface of water bodies while controlling motorised watercraft on the surface of the District's high country lakes <u>where appropriate</u> to manage adverse effects on threatened indigenous fauna.
DPR-0407	Forest & Bird	FS028	Support	Accept the submission
DPR-0295	JBNZ	002	Support In Part	Amend as follows: Enable the use of motorised and non-motorised watercraft on the surface of water bodies while controlling motorised watercraft on the surface of the District's high country lakes to manage <u>more than minor</u> adverse effects on threatened indigenous fauna.
DPR-0407	Forest & Bird	FS022	Oppose	Reject the submission
DPR-0407	Forest & Bird	054	Support In Part	Amend as follows: Enable the use of motorised and non-motorised watercraft on the surface of water bodies while controlling motorised watercraft on the surface of the District's high country lakes to manage adverse effects on threatened indigenous fauna.
DPR-0301	UWRG	FS132	Support	Allow in full

Analysis

- 8.3 CCC, CRC, JBNZ and Forest & Bird all support the policy in part, with different amendments requested. CCC⁴ and CRC⁵ each request that the policy be amended so that it is more widely applicable, with CCC requesting that it be extended to include Te Waihora/Lake Ellesmere, and CRC requesting that the policy apply to all lakes within the district, where appropriate.
- 8.4 As noted by Dr Smith in **Appendix 3**, Te Waihora/Lake Ellesmere is New Zealand's largest coastal lagoon (and fifth largest lake). It is an internationally recognised wetland, and a significant bird habitat, with 167 bird species known to the lake, including several Threatened species. This is the highest recorded number of bird species for any wetland in New Zealand. For some species, large proportions of the total New Zealand population are estimated to reside on the lake at certain times of the year.
- 8.5 Lakeside Domain at the southwestern end of the lake has an Aquatic Club and lanes for jet skis and water skiing. The Ellesmere Aquatic Club have advised Dr Smith that summer boating activity can range from a few to 20 boats per weekend (depending on weather), and that generally power boats scout the lake and are not limited to its western side. The Christchurch Water Sports Club and the

⁴ DPR-0032.033 CCC

⁵ DPR-0260.132 CRC

Canterbury Water Ski Association have advised that they do not typically use the lake for activities, and that power boat activity on the lake has declined substantially compared to 30-40 years ago.

- 8.6 Dr Smith is of the opinion that motorised watercraft have the potential to create severe disturbance to birds inhabiting the lake. Jet boating and water skiing would result in greater bird disturbance than other forms of boating that are generally slower or over shorter distances. He notes that although Australasian crested grebe are known to use Te Waihora/Lake Ellesmere they do not nest there.
- 8.7 Of the two submission points, I consider that the wording suggested by CRC would give better effect to the proposed wording of ASW-O1, and so I recommend that the CCC⁶ submission point be accepted in part and that the CRC⁷ submission point be accepted.
- 8.8 Forest & Bird⁸ request that the policy be extended to manage adverse effects on all indigenous fauna, not just those that are threatened. As noted by Dr Smith in **Appendix 3**, the requested amendment would better align with s6(c) and s31(b)(iii) RMA and the Wildlife Act, given the importance of Te Waihora/Lake Ellesmere as significant bird habitat. I therefore recommend that the submission point be accepted and ASW-P1 be amended to apply to all indigenous fauna.
- 8.9 When taken in conjunction with the recommended amendments arising from the CCC and CRC submission points, the amended proposed ASW-P1 would control motorised watercraft on the surface of the District's lakes where this is appropriate to manage adverse effects on indigenous fauna. This leaves the Hearing Panel with the scope to determine on which lakes it is appropriate to control motorized watercraft, and the nature of these controls.
- 8.10 Conversely, JBNZ⁹ request that the focus of the policy be narrowed, to allow a degree of adverse effects, so long as they are minor or less than minor. This envisages that a level of adverse effect is always acceptable, which is not always the case when it comes to habitat disturbance. As noted above, proposed amended ASW-P1 provides the Hearing Panel with scope to determine the nature of the controls required to appropriately manage motorized watercraft. I therefore recommend that the submission point be rejected.

Recommendations and amendments

- 8.11 I recommend, for the reasons given above, that the Hearings Panel amend ASW-P1 as shown in **Appendix 2** to provide better alignment with s6(c) and s31(b)(iii) RMA and the Wildlife Act.
- 8.12 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 8.13 The scale of change does not require a s32AA evaluation.

⁶ DPR-0032.033 CCC

⁷ DPR-0260.132 CRC

⁸ DPR-0407.054 Forest & Bird

⁹ DPR-0295.002 JBNZ

9. ASW-R1 – activities on high country lakes

9.1 This section responds to the submission points relating to those parts of ASW-R1.3 relating to the management of activities on listed high country lakes that are significant crested grebe habitat.

Submissions

9.2 Eight submissions points and six further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0295	JBNZ	003	Support In Part	Amend the activity status as follows: 4. When compliance with any of ASW-R1.3a is not achieved: PRO <u>NC</u>
DPR-0407	Forest & Bird	FS023	Oppose	Reject the submission
DPR-0427	DOC	063	Support	Amend as follows: 3. Use of motorised watercraft on the surface of the following High Country Lakes: ... iv. Biosecurity work carried out by the Canterbury Regional Council <u>and the Department of Conservation</u>
DPR-0301	UWRG	FS204	Support	Allow in full
DPR-0407	Forest & Bird	FS229	Support	Accept the submission
DPR-0448	NZDF	058	Oppose	Amend as follows: 3. Use of motorised watercraft on the surface of the following High Country Lakes: ... Where: a. The activity is for the purpose of: ... <u>v. Temporary military training activities.</u> or, alternatively amend iii. as follows: iii Emergency <u>services and</u> search and rescue work; or

Analysis

9.3 DOC¹⁰ and NZDF¹¹ each request that the activities permitted on the listed high country lakes be extended to allow their activities.

9.4 NZDF¹² request that ASW-R1.3 be amended to allow them to undertake temporary military training activities on these waterbodies, either by adding a new provision ASW-R1.3.v to expressly allow for them, or by amending ASW-R1.3.iii to allow all emergency services activities on these lakes.

9.5 The NZDF submission does not contain any detail about why temporary military training activities must occur on these lakes of significant crested grebe habitat, rather than any of the high country

¹⁰ DPR-0427.063 DOC

¹¹ DPR-0448.058 NZDF

¹² DPR-0448.058 NZDF

lakes where the restrictions do not apply. I therefore recommend that the part of the submission point requesting the insertion of ASW-R1.3.v be rejected.

- 9.6 As an alternative remedy, the NZDF submission requests that ASW-R1.3.iii be amended to allow for all emergency services activities to occur on these lakes, not just emergency search and rescue work. 'Emergency services' is a defined term within the PDP, meaning 'The New Zealand Police, Fire and Emergency New Zealand, Order of St John, and Civil Defence.' The submission point appears related to the NZDF submission point regarding the definition of 'emergency services', which was considered as part of the Energy and Infrastructure hearing. Ms Barker recommended that the NZDF submission point regarding the definition of 'emergency services' be rejected,¹³ and I concur with her recommendation. As a consequence, I recommend that the NZDF submission point¹⁴ be rejected, as it would not achieve the outcome sought by the submitter.
- 9.7 DOC¹⁵ note that they also undertake biosecurity work on and around these lakes, and that this work should be enabled in the same way that biosecurity work undertaken by the Canterbury Regional Council is provided for. I agree, and consider that their submission point should be accepted in part, with an amendment to the proposed wording to allow such work to be undertaken by either entity (the regional council or DOC), rather than requiring works to be a joint effort (the regional council and DOC).
- 9.8 JBNZ¹⁶ request that the status for non-compliance with ASW-R1.3 be amended from prohibited to non-complying, consistent with the SDP, as they consider that a prohibited status is excessive. A non-complying status was considered as an option for where compliance with ASW-R1.3 is not achieved. As set out in the s32 report,¹⁷ it was concluded that this would not be efficient to implement, and would provide a potentially misleading indication that it may be possible to gain consent, when the potential significance of the effects suggests otherwise. I therefore recommend that the submission point be rejected.

Recommendations and amendments

- 9.9 I recommend, for the reasons given above, that the Hearings Panel amend ASW-R1.3.iv to allow biosecurity work to be carried out by either the Canterbury Regional Council or the Department of Conservation.
- 9.10 The amendments recommended to ASW-R1.3 are set out in a consolidated manner in **Appendix 2**.
- 9.11 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 9.12 The scale of change does not require a s32AA evaluation.

¹³ [Energy and Infrastructure s42A report](#) Section 7

¹⁴ DPR-0448.058 NZDF

¹⁵ DPR-0427.063 DOC

¹⁶ DPR-0295.003 JBNZ

¹⁷ [Water s32 report](#) Section 6.6

10. ASW-R1 – activities on Te Waihora Lake Ellesmere

10.1 This section responds to the submission points regarding activities on the surface of Te Waihora Lake Ellesmere.

Submissions

10.2 Three submission points and three further submission point were received in relation to the management of activities on the surface of Te Waihora Lake Ellesmere.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0032	CCC	034	ASW-R1	Oppose In Part	Amend as follows: 1. Use of motorised watercraft on the surface of water bodies except where ASW-R1.3 or ASW-R1.x applies; or
DPR-0407	Forest & Bird	FS025	ASW-R1	Support	Accept the submission but add restrictions to limit motorised watercraft for recreational and commercial uses.
DPR-0032	CCC	051	New	Oppose In Part	Insert a new rule specific to Te Waihora/Lake Ellesmere which restricts the use of motorised watercraft on Te Waihora/Lake Ellesmere to activities associated with customary harvesting, commercial and recreational fishing, game bird shooting and lake management or conservation activities.
DPR-0407	Forest & Bird	FS026	New	Support	Accept the submission but add restrictions to limit motorised watercraft for recreational and commercial uses.
DPR-0260	CRC	133	ASW-R1	Support In Part	That Te Waihora/Lake Ellesmere is also included in the list of lakes where the activities on the surface of water are restricted. Mahinga kai activities should be enabled (in addition to the other permitted activities listed in ASW-R1.3a) on the surface of the lake but other recreational uses should be limited as far as practicable.
DPR-0407	Forest & Bird	FS029	ASW-R1	Support	Accept the submission

Analysis

10.3 CCC¹⁸ and CRC¹⁹ both request that the use of motorised watercraft be restricted on Te Waihora Lake Ellesmere, in recognition of the important habitat it provides. This is supported by the evidence of

¹⁸ DPR-0032.0034, DPR-0032.051 CCC

¹⁹ DPR-0260.133 CRC

Dr Smith (**Appendix 3**), and I agree that the protection of this habitat would align with the objective (ASW-O1).

- 10.4 The challenge arises in that s10 RMA protects existing uses of land (which, by definition, includes the surface of water bodies) where effects of the use are the same or similar in character, intensity, and scale as what existed before the activity stopped being a permitted activity. Section 10 does not require the activity to be undertaken by a person who was undertaking it while it was permitted, and so the existing level of motorised water craft activity on the lake could continue. This raises significant difficulties in monitoring and enforcement, such that any such rule would likely be ignored by the community to the extent that it was both ineffective and inefficient. While there would be environmental benefits to introducing controls on the use of the lake, there would be significant costs to Council in monitoring and enforcement, along with social and community costs associated with the loss of a recreational activity on New Zealand's fifth largest lake and resulting sense of a loss of connection with it.
- 10.5 Although it does so for public safety reasons, the Canterbury Regional Council Navigation Safety Bylaw 2016 controls the speed limits of vessels on water bodies in Canterbury, including those in the Selwyn District). Vessel speeds are therefore already restricted along the margins of Te Waihora Lake Ellesmere, where bird disturbance is likely to be greatest.
- 10.6 Given that regional plans have the ability to extinguish existing use rights in a way that district plans do not, I consider that a more effective and efficient way to protect the habitat of indigenous species at Te Waihora/Lake Ellesmere would be through regional provisions in accordance with s30(1)(ga) RMA.
- 10.7 I therefore recommend that the submission points of CCC²⁰ and CRC²¹ be rejected.

Recommendation

- 10.8 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.

11. ASW-R1 – other matters

- 11.1 This section responds to the submission points responding to ASW-R1 that have not already been addressed in this report.

Submissions

- 11.2 One submission point and one further submission point were received in relation to ASW-R1 in full.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0407	Forest & Bird	055	ASW-R1	Support	Retain as notified
<i>DPR-0301</i>	<i>UWRG</i>	<i>FS133</i>	<i>ASW-R1</i>	<i>Support</i>	<i>Allow in full</i>
DPR-0448	NZDF	056	ASW-R1	Support	Retain ASW-R1.1 as notified
DPR-0448	NZDF	057	ASW-R1	Support	Retain ASW-R1.2 as notified

²⁰ DPR-0032.034, DPR-0032.051 CCC

²¹ DPR-0260.133 CRC

Analysis

- 11.3 Forest & Bird²² request that ASW-R1 be retained as notified. On the basis of my recommendations in Sections 9 and 10 of this report, and because no further changes are requested in relation to this submission point, I recommend that the submission point be accepted in part.
- 11.4 NZDF support the retention of ASW-R1.1²³ and ASW-R1.2²⁴ on the basis that they may undertake training activities in this manner and such activity should be provided for. On the basis that no changes are requested, I recommend that these submission points be accepted.

Recommendation

- 11.5 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified, except where other changes are recommended in Sections 9 and 10 of this report.
- 11.6 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

12. Conclusion

- 12.1 For the reasons set out throughout this report, I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of this plan and other relevant statutory documents.

²² DPR-0407.055 Forest & Bird

²³ DPR-0448.056 NZDF

²⁴ DPR-0448.057 NZDF