

# Errata to staff reply report

November 2018

Date: 6/11/2018

Author: Northland Regional Council

Version: Final

## Purpose of the report

1. The purpose of this report is to correct errors and omissions in the *Staff Reply Report* and the *Reply Report Tracked Changes Version of the Plan*.

## Corrections

### Definition – functional need

Author: Michael Day

2. It has come to my attention that the text in paragraph 189 of the *Staff Reply Report* does not align with the definition of functional need in the '*Reply Report Tracked Changes Version of the Plan*'. I have accepted the evidence from Transpower (and Northpower), referring to an activity or network being dependent on a particular location to operate or being required to operate in a particular location due to its technical or operational requirements.
3. However, I retain my position that for the purposes of this plan, the definition of functional need should only apply to the coastal marine area (for the reasons outlined in paragraph 189 of the staff reply report). Reference to the coastal marine area had inadvertently been 'struck out' in the track changes version of the Plan.
4. The (revised) recommended definition is set out below:

<i>Functional need</i>	<p>When an activity <b>or network</b> (including structures) is dependent <b>on a particular location to operate, or is required to traverse, locate or operate in a particular environment due to its technical or operational requirements, on having its location in the coastal marine area to operate. For the purposes of this plan, this is restricted to the coastal marine area.</b> <del>This excludes, but is not limited to, dwellings and guest houses, hotels, motels, cafes, restaurants and shops.</del><sup>1</sup></p> <p><i>Note: This <del>therefore excludes but is not limited to: dwellings and guest houses, hotels, motels, cafes, restaurants and shops.</del></i><sup>(49) (50)</sup></p>
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<sup>1</sup> Transpower, Whitney, para 60; Northpower, Dines, para 4.8; NZTA, Heppelthwaite, para 8.16; Also from Draft NP Standards

## Rule C.1.1.6

Author: Michael Day

5. It has come to my attention that the text in paragraph 192 of the *Staff Reply Report* does not align with the revised wording of rule C.1.1.6 in the *Reply Report Tracked Changes Version of the Plan*.
6. The recommended rule is outlined below, which includes the new clause 1a):

### C.1.1.6 Monitoring and sampling equipment – permitted activity

Monitoring or sampling equipment in the coastal marine area is a permitted activity, provided:

- 1) it is not for an aquaculture activity activities, and<sup>(29)</sup>
- 1a) it is not located in a mapped regionally significant anchorage (refer I Maps)<sup>2</sup>
- 2) it does not exceed a two metre vertical projection above mean high water springs the surface of the water or the foreshore, and
- 3) it does not exceed (excluding any anchor(s) and anchor line(s)):
  - a) three square metres, or
  - b) 10 square metres and is not in place for a period exceeding a total of 365 days or part days during a two year period, inclusive of the placement and removal, and
- 4) it does not obstruct access by water to any wharf, landing place, boat ramp, slipway, navigational channel or mooring, and

## Rule C.1.2.2

Author: Michael Payne

7. It has come to our attention that there is are two errors in “Appendix 1 Ricky Eyre – Expert Opinion” of the *Staff Reply Report*.
8. Paragraph 13 should state;

*C.1.2.2 (2) and ~~(4)~~(5) are easily enforceable with fixed cameras, as described above, and GPS positioning.*

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<sup>2</sup> Yachting New Zealand

9. Paragraph 15 should state;

*In regard to C.1.2.2(4)(3) (c), I agree with paragraph 43(c) of YNZ's submission that it would be impractical for a vessel owner to provide electronic records of movement and any written evidence provided to council is open for misrepresentation.*

### **Rule C.2.1.12**

Author: James Griffin

10. It has come to my attention there is an error in the Staff Reply Report paragraph 552, which should read:

~~Northland Fish and Game Council~~ *I agree with Northland Fish and Game Council request to amend text so that it better aligns with RPS Policy 4.7.1 (j) regarding public access.*

### **Rule C.6.7.2(2)**

Author: Michael Payne

11. It has come to my attention that there is an error C.6.7.2(2). I recommend the following change:

*2) a copy of the risk assessment is lodged with the ~~Southland~~ Northland Regional Council.*

### **Rule C.8.1.1**

Author: Ben Tait

12. It has come to my attention that paragraph 257 of the *Staff Reply Report* does not seem to align with the revised wording of C.8.1.1 regarding īnanga spawning sites in the tracked changes version of the Proposed Plan.

13. I stated, in paragraph 257, that:

*"...I consider that the Proposed Plan provides adequate protection for īnanga spawning sites and an additional condition in Rule C.8.1.1 or a standalone rule [to protect spawning sites] is not warranted."*

14. Yet, I recommended, in the *Reply Report Tracked Changes Version of the Plan*, a new condition (2A) be added to Rule C.8.1.1 that states "...livestock are effectively excluded from inanga spawning sites". This was a mistake and Condition 2A should be deleted.

## **Policy D.4.19**

Author: Ben Tait

15. It has come to my attention that the revised wording in paragraph 132 of the *Staff Reply Report* regarding Policy D.4.19 differs from that in the *Reply Report Tracked Changes Version of the Plan*. This is a mistake. To be clear, the revised wording in paragraph 132 should be included in the Proposed Plan. Policy D.4.19 should state:

### ***D.4.19 Minimum flows and levels***

1) *For the purposes of assisting with the achievement of Objective F.0.2 of this Plan, ensure that the minimum flows and levels in H.6 'Environmental flows and levels' apply to activities that require water permits pursuant to rules in this Plan.*

2) *Notwithstanding the general requirement in clause 1, this plan sets an alternative minimum flow for rivers (comprising the minimum flow set in H.6 'Environmental flows and levels' less a specified rate of flow particular to an activity) that may be applied where the water is to be taken, dammed or diverted for:*

*(a) the health of people as part of a registered drinking water supply, or*

*(b) [root stock survival water](#), or*

*(c) an individual's reasonable domestic needs or the reasonable domestic needs of a person's animals for drinking water that is, or is likely, having an adverse effect on the environment and is not permitted by a rule in this Plan, or*

*(d) a [non-consumptive take](#).*

3) *Notwithstanding clauses 1 and 2, an application for a water permit:*

*(a) to replace an existing water permit with a different minimum flow or level to the relevant minimum flow or level in H.6 'Environmental flows and levels' or a flow or level set under clause 2, or*

*(b) for a water permit for a take above or below an existing take with a different minimum flow or level to the relevant flow or levels in H.6 'Environmental flows and levels' or a flow or level set under clause 2 –*

*may be granted with an alternative minimum flow to the relevant flow or levels in H.6 'Environmental flows and levels' or flow or level set under clause 2 provided:*

*(c) downstream low flows and flow variability continue to safeguard aquatic ecosystem health, and*

*(d) more than minor adverse effects on the reliability of existing lawfully established water takes are avoided.*