



# Shaping Whanganui

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**WHANGANUI DISTRICT COUNCIL**

**DISTRICT PLAN REVIEW**

**Plan Change 48, Part 3: Surface of Water**

**ISSUES, OBJECTIVES AND OPTIONS**

**DISCUSSION PAPER**

April 2017

# 1 Introduction

The Whanganui District Council's (WDC) responsibility to consider the surface of water comes from section 31(e) of the RMA.

*(1) Every territorial authority [Whanganui District Council] shall have the following functions for the purpose of giving effect to this Act in its district:*

...

*(e) the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*

Relevant RMA definitions to consider when reading this section include:

**water**—

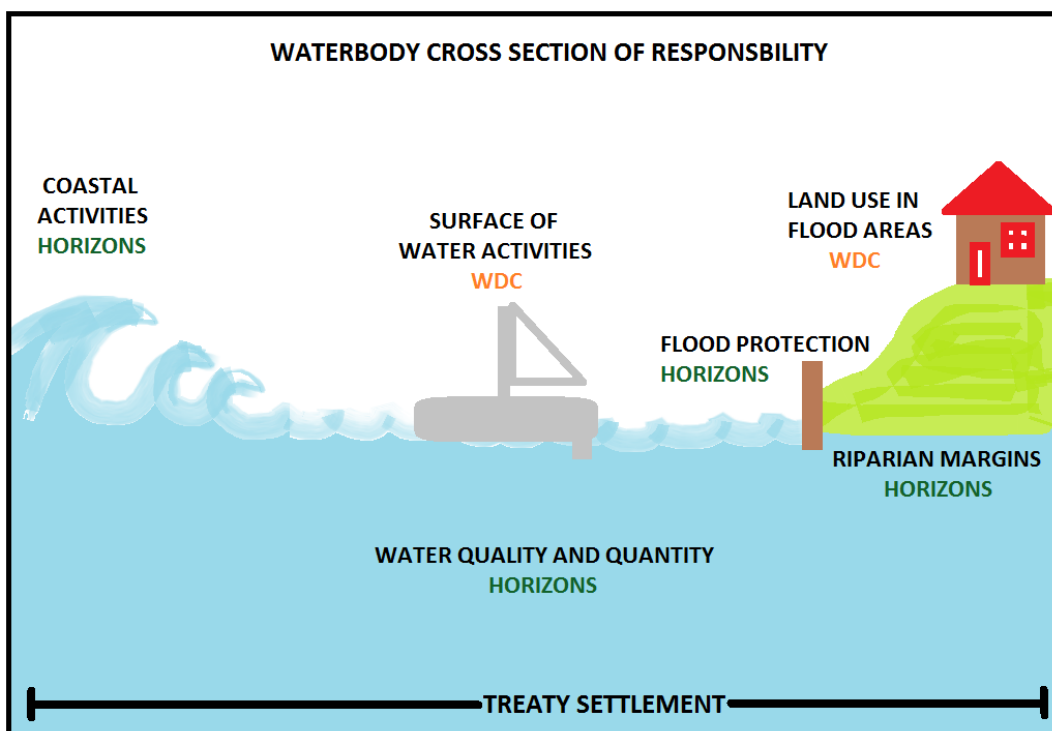
*(a) means water in all its physical forms whether flowing or not and whether over or under the ground:*

*(b) includes fresh water, coastal water, and geothermal water:*

*(c) does not include water in any form while in any pipe, tank, or cistern*

**water body** means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area

The responsibility for managing the effects on waterbodies is shared with Horizons Regional Council, who manage their functions through the One Plan.



## 2 Background

- 2.1 The Regional Council has the requirement to develop objectives, policies and methods (including rules) to establish a region-wide approach to manage the use of and on water. It has done this by the adoption of the One Plan.
- 2.2 The One Plan provides a table outlining the management values and objectives for surface water (Policy 5.4.1 and Table 5.2). The ones relevant to WDC are the recreational and cultural values. The rules in the One Plan are aimed at maintaining enough of a surface flow to provide for recreation and cultural values. The activities themselves are managed by Whanganui District Council via the District Plan. The health and quantity of water is managed by the Regional Council.
- 2.3 The operative District Plan issues, objectives and policies relating to the surface of water have recently been moved from Chapter 10- Natural Environment to Chapter 8 –Reserves and Open Spaces. This was because the only rule relating to the surface of water was in this zone (Commercial Activities on the Whanganui River being a permitted activity).

## 3 Plan Change 48 – Surface of Water

### 3.1 Existing Plan Provisions relating to Surface of Water

*See Appendix 1 for full operative text*

Issue 8.1.3	Surface of Water.
Objective 8.2.2	To manage the activities on the surface of water to ensure that amenity values, water quality and the natural values associated with water bodies are sustained.
Policy 8.3.2	Develop an agreed management regime for the surface of water in the Whanganui River and other water bodies where there is pressure for increased recreational use.
Rule 8.4.1	Permitted Activities – Commercial Activities on the Whanganui River for recreation or transport purposes

### Comment

The current provisions are very lengthy (headings only shown above) and only identify the issues. They identify the environmental effects as being noise, the effects of spillages of hydrocarbons on the surface of water, the safety of other surface of water users and the effects on river banks from 'wash' created by recreational crafts. They also state that further consultation with Tangata Whenua is

required, especially in relation to the Whanganui River. In the meantime, non-regulatory methods should be used to manage the adverse effects of activities (which are not listed).

The current approach is unclear and confusing to Plan users. The 'zoning' of waterbodies is not clear, therefore it is difficult to find the one rule relating to the surface of water activities. Without a zoning, theoretically all activities are currently permitted as they are not expressly restricted by a rule in the Plan (Section 9, RMA).

The issue reads like assessment criteria and the objective and policy read like an issue, setting out the community's concerns. There is little guidance in the current provisions on how to assess activities on the surface of water.

The current provisions do recognise that restrictions regarding the surface of water need to be developed in partnership with Tangata Whenua, however further consideration seems to have been delayed due to recently confirmed treaty settlement for Te Awa Tupua. Given the River Settlement and the fact that we have two other iwi who have also settled and have mana whenua over other water bodies in the District, these provisions should be updated.

### **3.2 Options**

*Options for addressing Surface of Water activities:*

- (a) Status quo – Only control non-commercial activities on the Whanganui River and continue to wait for the Treaty Settlement process to conclude for all iwi in the District.
- (b) Create new provisions that manage the potential and actual adverse effects of activities of the surface of water and recognise cultural values of mana whenua.
- (c) Remove the existing District Plan provisions and rely on the One Plan provisions to recognise and protect water quality only (limited recreational/amenity values protected).
- (d) Undertake research to develop a schedule of waterbodies and develop associated provisions to control potential and actual adverse effects of those identified waterbodies only and recognise cultural values of mana whenua.

### **Recommendation**

Identify the actual and potential effects in relation to activities on the surface of water, with identified stakeholders (particularly Iwi representatives and Horizons) to determine which methods we as a community want implement (no option selected at this stage).

## **Appendix 1 – Operative District Plan Text**

### **Issue 8.1.3 Surface of water.**

Activities which take place on the surface of water have the potential to create effects which impact adversely on the natural environment and people's appreciation of it. In particular, the Whanganui River, Lake Wairua and coastal water come under particular pressure. The adverse effects which have been identified as requiring management are:

- a. The effects of noise from motorised recreational craft on residents living in close proximity to water bodies, particularly the Whanganui River.
- b. The effects of spillages of hydrocarbons (oil/petrol/diesel) on the surface of water, in particular the potential reduction in water quality, reduction in visual amenity and the adverse impact on natural values (flora and fauna).
- c. The effects on safety of people using the surface of water for a variety of recreational, sporting and leisure pursuits.
- d. The effects on the river banks and margins from 'wash' created by recreational crafts.

The issue has not been widely discussed with Tangata Whenua. Issues surrounding the Whanganui River and the manner of future ownership, control and management will impact on the methods adopted to address this issue. Discussions and agreements need to be undertaken and resolved.

It is important to realise that under the Act both the District Council and the Regional Council have integrated responsibilities in this area. The Regional Council is responsible for water quality and soil and water conservation matters. Methods for addressing these issues are identified through separate plans. The District Council is responsible for amenity matters, natural environment protection, and the control of adverse effects of activities on the surface of water.

### **Objective 8.2.2 To manage the activities on the surface of water to ensure that amenity values, water quality and the natural values associated with water bodies are sustained.**

Recreational activities such as motorised sport and leisure pursuits (jet boating, skiing, jet skiing) have the potential to impact on the health of waterways and residents living in close proximity to these. Increasing pressure to use the Whanganui River and lake environments in the District for these purposes has raised the

question of how to ensure activities do not impact adversely, and how to establish sustainable levels of use.

In the interim, the adverse effects of activities on the surface of water will be managed through a series of methods identified in the District Plan, focusing on a non-regulated approach.

**Policy 8.3.2 Develop an agreed management regime for the surface of water in the Whanganui River and other water bodies where there is pressure for increased recreational use.**

The Whanganui River has been identified as the water body most under pressure for recreational activities. Because of its size, location, existing and potential recreational opportunities and historical/spiritual significance the Whanganui River is often regarded as the only body of water where the need for managing the effects of activities is evident. It is the most visible water body and is also where the potential for conflict between activities is greatest.

However, the River is currently subject to a number of ownership and management issues outside of the resource management framework. The Council is committed to the development of a working partnership with Tangata Whenua and understands the reluctance by Tangata Whenua for involvement and decision making affecting the Whanganui River, before the claim has been settled. It therefore seeks to ensure that an interim process is put in place which allows a working partnership to develop over time, and 'holds' the position until agreements are reached. The Council is also committed to ensuring adequate and effective community consultation.

**Rule 8.4.1 Permitted Activities.**

All activities shall comply with Performance Standards of this zone as well as any other relevant chapters.

The following are permitted activities in the Reserves and Open Space zone:

...

g. Commercial activities on the Whanganui River for transport or water based recreation purposes excluding houseboats.