

RIPARIAN MANAGEMENT AND PUBLIC ACCESS

Many waterways within the District are significant to the district community. Traditionally they have been a source of food, a place for recreation, a medium for transport, and a source of scenic and spiritual value. The waterways also have a number of other social and economic values.

Section 6 of the Act requires as a matter of national importance, the preservation of the natural character of wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development. The Council must recognise this matter in its District Plan. In recognising this matter the Council is mindful that the use of regulation may not be the most effective and efficient method available in all situations.

The Proposed Regional Policy Statement for Manawatu-Wanganui, as changed by decisions on submissions (May 1995), describes the issue of “adverse effects of land use activities on surface water quality and biota” as:

Land use activities leading to accelerated erosion, subsidence, excavation or sedimentation can have adverse effects on water quality. These include discolouration and smothering of habitat by fine sediments. This is wide spread where poor land use or management practices occur.

Increased concentrations of nutrients and suspended solids can occur from activities such as cultivation, tracking, roading, excavation or inappropriate stocking. General agricultural land use also has effects on water quality. The concentrations of animal and plant wastes and use of agricultural fertilisers and chemicals on land can result in heavy nutrient loads and stormwater run off. Organic nutrients can cause algae and fungal growths that smother habitats and visually degrade rivers.

Run-off from intensively used land, particularly dairy land can also result in bacterial contamination of rivers and streams and may reduce their value for contact recreation. Products such as pesticides and herbicides can also run off to water. Their effects are largely unknown, partly because they are very difficult to detect and the effects may be subtle and cumulative.

Where there is runoff from land which will affect water quality these effects can be reduced by appropriate riparian management practices. Such practices include plantings and restricting stock access to watercourses. Vegetation along riparian margins acts as interceptors of sediments and nutrients, trapping them and slowing the flows to waterways. Restricting stock access to waterways can protect the stability of river margins and the existing vegetation along those margins. It also avoids the direct input of animal wastes into the waterway.

Introducing good riparian management practices may have a cost to the individual landowner where the land is taken out of production. It may also require fencing, planting and the construction of alternative stock crossings.

The maintenance and enhancement of public access to and along lakes and rivers is also a matter that the Council must recognise and provide for. Presently within the District access to waterways is obtained by a number of mechanisms, including existing reserves, marginal strips, legal roads (formed and unformed), across public land, and by agreement with landowners.

The District has many waterways which are significant for recreation activities such as rafting, fishing and walking. The most significant recreational waterways have been specified in the Plan. For these waterways it is the priority to ensure that maximum opportunities for gaining public access are provided. There are also a number of other waterways in the District where public access is desired, however this may only be on certain areas of a waterway. These areas have not been identified in the Plan. It is envisaged that these will be addressed on a case by case basis. Where these areas are identified, the Council will seek to secure some rights of access them areas through direct negotiation with landowners.

RP 1.0 ISSUE

- (a) **Loss of values associated with the margins of wetlands, and lakes and rivers caused by human actions.**

RP 1.1 OUTCOME

- (a) **Retention of the natural character of the margins of wetlands, and lakes and rivers.**

RP 1.2 OBJECTIVE

- (a) **Preservation of the natural character of the margins of wetlands, and lakes and rivers and the protection of those margins from inappropriate subdivision, use and development.**

RP 1.3 POLICY

- (a) **To promote land management practices along the margins of wetlands, and lakes and rivers that:**
 - (i) **provide for the preservation of the natural character of those margins.**
 - (ii) **provide for the protection of the ecological, cultural, intrinsic and amenity values from inappropriate subdivision, use and development.**
 - (iii) **are consistent with the purpose of the Act.**

Explanation of Policy

This policy seeks to retain the natural character of the margins of wetlands and lakes and rivers by promoting the protection of these through sustainable land management practices.

RP 1A.0 ISSUE

- (a) **Poor riparian management causing the degradation of water quality in lakes and rivers resulting from the adverse effects of the use, development or protection of land.**

RP 1A.1 OUTCOME

- (a) **Enhanced water quality in lakes and rivers.**

RP 1A.2 OBJECTIVE

- (a) Management of the riparian margins of lakes and rivers that promotes the avoidance, remedying and mitigation of the adverse effects of land use on water quality.

RP 1A.3 POLICY

- (a) To promote land management practices along the margins of lakes and rivers that avoid, remedy or mitigate the adverse effects of land use on water quality, including:
 - (i) the retention and planting of riparian vegetation.
 - (ii) the retirement from grazing of riparian margins while giving due consideration to the benefit of flood management.
- (b) To include, as appropriate, conditions on resource consents requiring methods to be implemented to achieve the Objective RP 1A.2(a).

Explanation of Policies

These policies provide a framework for action involving individuals, community groups and the Council to improve the management of riparian margins thereby reducing the adverse effects on water quality caused by various land uses.

RP 2.0 ISSUE

- (a) Lack of public access to waterways.

RP 2.1 OUTCOME

- (a) Public access to identified waterways secured.

RP 2.2 OBJECTIVE

- (a) Maintenance and enhancement of public access to and along lakes and rivers.

RP 2.3 POLICIES

- (a) To provide access to esplanade reserves or strips by negotiating access strips.
- (b) To provide esplanade strips in strategically important areas where land is not subject to a subdivision by negotiating with the appropriate landowners.
- (c) To provide for the maintenance and enhancement of conservation values, the provision of appropriate public access, and public recreation by obtaining esplanade reserves or esplanade strips when subdivisions or road closures take place on strategically important recreational rivers. In this context the following rivers are considered to be strategically important:
 - (i) Whanganui River
 - (ii) Manganui o te ao River
 - (iii) Whakapapa River
 - (iv) Hautapu River
 - (v) Ongarue River
 - (vi) Mangawhero River
 - (vii) Retaruke River

- (viii) Ohura River within 1.0 kilometre of its confluence with the Whanganui River
- (ix) Pungapunga Stream
- (x) Taringamotu River
- (xi) Mangakahu Stream
- (xii) Waimiha River
- (xiii) Waione River
- (xiv) Maramataha River
- (xv) Piopio Stream
- (xvi) Makatote River
- (xvii) Mangaturuturu Stream
- (xviii) Mangateitei Stream
- (xix) Mangatepopo Stream
- (xx) Waimarino Stream
- (xxi) Taonui River
- (xxii) Makotuku River
- (xxiii) Tokiahuru River
- (xxiv) Waitaiki River
- (xxv) Orautoha River

- (d) To recognise and promote other voluntary methods available to provide secure public access to waterways.

Explanation of Policies

The policies seek to provide for public access and recreational values to, and along, significant waterways within the District, where this is consistent with conservation values.

RP 3.0 METHODS

- (1) To advocate sustainable land management practices be undertaken along the margins of wetlands, and lakes and rivers that have no formal protection.
- (2) To identify areas of lakes and rivers that in the opinion of the Council are strategically important for public access and recreation. In this context strategically important means:
 - (a) there is an identifiable demand for public access that will benefit a wide cross-section of the community, or
 - (b) public access will further the relationship of Maori and their cultural and traditions with ancestral land, water, sites waahi tapu, and other taonga, or
 - (c) public access will further the recognition and protection of heritage values of sites, buildings, places or areas

and

 - (d) there is no alternative secure means of public access

unless restrictions are necessary to:

 - (i)safeguard ecological, cultural, intrinsic or recreational attributes of rivers and lakes; or
 - (ii)protect the public safety and health, including the integrity of river control works; or

- (iii) protect the rights of property owners; or
 - (iv) minimise conflicts between competing users; or
 - (v) comply with provisions of other legislation.
- (3) To promote public access to, and along, the lakes and rivers by direct negotiation with the affected landowners.
 - (4) To promote the protection of conservation values of the margins of wetlands, and rivers and lakes by negotiating protection with the affected landowners.
 - (5) To disseminate information prepared by other organisations on riparian management issues.
 - (6) To keep, maintain, and make publicly available a register of esplanade strips and reserves required and provided under the provisions of this Plan.
 - (7) To encourage the use of other methods to promote riparian management and provide for public access.
 - (8) To explore the use of appropriate financial incentives for the retirement of riparian strips. Such incentives may include rate rebates and fencing loans.
 - (9) To prepare and agree a concept plan to guide the reduction and waiver of esplanade reserves adjacent to the Mangateitei Stream in the Residential Low Zone in Ohakune while achieving continuity of public access.

RP 4.0 RULES

RP 4.1 Allotments of Less than 4.0 Hectares

In respect of any subdivision of land in which any allotment of less than 4.0 hectare is created, the following rules shall apply:

- (a) If any allotment of less than 4.0 hectare in area is created when land is subdivided and that allotment abuts any part of a river set out in Rule RP 4.6 then an esplanade reserve shall be required to be set aside.
- (b) Any such esplanade reserve shall be 20 metres in width.

RP 4.1.1 Circumstances in which Esplanade Strips may be created

- (a) An esplanade strip shall be created on any subdivision occurring outside any urban zone.
- (b) Notwithstanding the above matters the Council may impose a condition of consent to require an esplanade strip is provided instead of an esplanade reserve within an identified urban zone under one or more of the following circumstances:
 - (i) Where the river bank or lake margin may, or has a credible potential to, change position due to erosion or deposition or permanent changes in water level; or

- (ii) Where the retention of ownership of the land subject to an esplanade reserve by the adjoining landowner is desirable to maintain, or promote, the efficient and effective use of the adjoining land, provided the purposes of the esplanade reserve under Section 229 of the Act will not be significantly diminished by the creation of an esplanade strip instead of an esplanade reserve;

or

 - (iii) Where public access to the river in question is unlikely to be facilitated or promoted by the creation of an esplanade reserve.
- (c) Where an esplanade strip has been created instead of an esplanade reserve its width shall be 20 metres unless altered by a condition of a resource consent.

RP 4.1.2 Circumstances in which Esplanade Reserves or Esplanade Strips may be waived

The requirements for an esplanade reserve or esplanade strip under Rule 4.1 may be waived under the following circumstances:-

- (i) Where those matters set out in Section 229 of the Act will not be achieved by the reserve or strip; or
- (ii) Where there are other suitable mechanisms implemented to achieve the same outcome; or
- (iii) Where there are public safety issues associated with the waterway, or risks from plant, machinery or structures, which outweigh the public benefits of having a reserve or strip; or
- (iv) Where the natural values of the area may be adversely affected by the creation of the reserve or strip; or
- (v) Where the public costs of the provision and maintenance of an esplanade reserve or esplanade strip, including the costs of compensation for any increased width, are greater than the public benefits in respect to the purposes of esplanade reserve or esplanade strip set out in Section 229 of the Act.

RP 4.1.3 Circumstances in which the width of Esplanade Reserves or Esplanade Strips may be varied

The width of an esplanade reserve or esplanade strip required under Rule 4.1 may be varied under the following circumstances:

- (i) Where special values warrant a wider or narrower esplanade reserve or esplanade strip; or
- (ii) When topography or the siting of any building or other feature renders the 20 metre width inadequate or excessive in regard to meeting the purposes for an esplanade reserve or esplanade strip under Section 229 of the Act; or
- (iii) Where access to an existing or potential future reserve or feature of public significance would be enhanced by the extra width; or

- (iv) Where provision of access to areas of importance to Maori will be maintained or enhanced; or
- (v) When the public costs of the provision and maintenance of a 20 metre wide esplanade reserve or esplanade strip, including the costs of compensation, are greater than the public benefits in respect of the purposes of esplanade reserve or esplanade strip; or
- (vi) Where the creation of a 20 metre wide esplanade reserve or esplanade strip would create economic hardship or risks to public safety from plant, machinery, or structures which outweigh the benefit of having the reserve or strip of 20 metres; or
- (vii) Where a reduction in width could achieve the same purpose as a 20 metre wide esplanade reserve or esplanade strip

RP 4.2 Allotments of 4.0 Hectares or More

In respect of any subdivision of land in which any allotment of 4.0 or more hectares is created, the following provisions shall apply:

RP 4.2.1 Circumstances in which Esplanade Reserves or Esplanade Strips shall be Created

- (i) An esplanade reserve shall be created in regard to any subdivision of land which includes or abuts any part of a river specified in RP 4.6 of this Plan and which is located within an urban zone.
- (ii) An esplanade strip shall be created in respect to any subdivision of land which includes or adjoins any part of a river specified in RP 4.6 of this Plan and which is located in any zone other than an identified urban zone.
- (iii) Any esplanade reserve or strip required in RP 4.2.1 (i) or (ii) above, shall be 20 metres in width unless varied by a condition of resource consent.

RP 4.2.2 Circumstances in which an Esplanade Reserve or Esplanade Strip may be waived or varied.

In addition to Rule RP 4.2.1 above, the rules set out in Rule RP 4.1.2 and RP 4.1.3 relating to the waiver or variation of a reserve or strip shall apply for allotments of 4.0 hectares and over as it does for allotments under 4.0 hectares.

RP 4.3 Creation of Esplanade Reserve on Road Stopping

For road stopping, the waiving or varying of an esplanade reserve, or replacement of an esplanade reserve with an esplanade strip, the Council's discretion shall be exercised through the requirement for a land use consent for a discretionary activity.

RP 4.3.1 Locations or circumstances in which the requirement under Section 345 of the Local Government Act 1974 may be waived:

The requirements for an esplanade reserve may be waived under the following circumstances:

- (i) When the waterway is not specified in RP 4.6 of this Plan; or

- (ii) When the matters set out in Section 229 of the Act will not be achieved by the reserve or strip; or
- (iii) When there are other suitable mechanisms available and implemented to achieve the same outcome; or
- (iv) When there are public safety issues associated with the waterway which outweigh the public benefits of having a reserve or strip; or
- (v) If the environmental values of the area may be adversely affected by the creation of the reserve or strip

RP 4.3.2 Circumstances in which the requirement for an Esplanade Reserve under Section 345 of the Local Government Act 1974 may be varied

The width of an esplanade reserve or esplanade strip may be varied under the following circumstances:

- (i) Special values warrant a wider or narrower esplanade reserve or esplanade strip; or
- (ii) Topography or the siting of any building or other feature renders the 20 metre width inadequate or excessive in regard to meeting the purposes for esplanade reserve or esplanade strips under section 229 of the Act; or
- (iii) Access to an existing, or potential future, reserve or feature of public significance would be enhanced by the extra width; or
- (iv) The provision of access to areas of importance to Maori will be maintained or enhanced; or
- (v) The costs of the maintenance of a 20 metre wide esplanade reserve or esplanade strip is more than the public benefits in respect of the purposes of esplanade reserve or esplanade strip; or
- (vi) Where the creation of a 20 metre wide esplanade reserve or esplanade strip would create economic hardship or risks to public safety from plant, machinery or structures or
- (vii) A reduction in width could achieve the same purpose as a 20 metre esplanade reserve or esplanade strip.

RP 4.3.3 Requirement for Esplanade Reserve to be replaced with an Esplanade Strip on Road Stopping

Where there is a requirement for an esplanade reserve this may be replaced by an esplanade strip in the following circumstance:

- (i) When the land concerned is not contained within an identified urban zone.

RP 4.3.4 Width of Replacement

- (i) When an esplanade strip has been created instead of an esplanade reserve its width shall be 20 metres unless varied by a waiver or by a condition of a resource consent.

RP 4.4 Circumstances in which the creation of an Access Strip would be appropriate when subdividing

The creation of an access strip may be appropriate where land being subdivided includes, adjoins or can provide enhanced public access to a significant:

- (a) Water body
- (b) Heritage Feature
- (c) Protected Area
- (d) Existing esplanade reserve or strip
- (e) Wetland

RP 4.5 Circumstances Regarding the Vesting of beds of rivers or lakes

- (a) The bed of a river or lake will vest in the Council where:
 - (i) An esplanade reserve is created; and
 - (ii) The allotment created is less than 4 hectares in area and situated in an Urban Zone.
- (b) The circumstances in which the vesting of the bed of a river or lake in Council may be waived is:
 - (i) The conservation values, public access or public recreational values relating to the river will not be adversely affected by the waiver.

RP 4.6 List of Identified Waterways:

- (i) Whanganui River
- (ii) Manganui o te ao River
- (iii) Whakapapa River
- (iv) Hautapu River
- (v) Ongarue River
- (vi) Mangawhero River
- (vii) Retaruke River
- (viii) Ohura River within 1.0 kilometre of its confluence with the Whanganui River
- (ix) Pungapunga Stream
- (x) Taringamotu River
- (xi) Mangakahu Stream
- (xii) Waimiha River
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- (xvi) Makatote River
- (xvii) Mangaturuturu Stream
- (xviii) Mangateitei Stream
- (xix) Mangatepopo Stream
- (xx) Waimarino Stream
- (xxi) Taonui River
- (xxii) Makotuku River
- (xxiii) Tokiahuru River
- (xxiv) Waitaiki River
- (xxv) Orautoha River

RP 4.7 Notwithstanding any of the previous rules the Council will not require an esplanade reserve or esplanade strips on a subdivision that is a permitted activity in this Plan.

RP 4.8 Notwithstanding any previous rules the Council will not require an esplanade reserve or esplanade strip on a balance area created by a subdivision where the identified river(s) does not abut, bisect and is not within 100 metres of any allotment created.

In this context balance area is defined as an allotment over 4 hectare in area that for survey purposes is not required to be shown on the survey plan approved by the Council under Section 223 of the Act.

Principal Reasons for Adopting Objectives, Policies and Methods

The principal reasons for adopting the objectives, policies and methods are to provide for:

- (a) public rights of access to, and along, significant waterways within the District;
- (b) the management of the riparian margins of lakes and rivers to promote the enhancement of water quality in those lakes and rivers; and
- (c) the preservation of the natural character of the margins of lakes and rivers.

There are a number of rivers which have important scenic, conservation and recreation values. The most significant of these are identified in the rules.

With respect to the Council's duty under Section 6(a) of the Act, the Council considers that the education and advocacy methods will more effectively and efficiently achieve the desired objective. The Council expects that these methods will be implemented in conjunction with a number of other agencies within the community. In developing the objectives, policies and methods, the Council has consulted with a number of agencies and has received support for these methods.

In settling on the approach used the Council considered the implementation of a "Riparian Zoning" technique that managed through rules a number of land uses. The Council determined that such an approach:

- (a) would not efficiently target the many different riparian management issues within the District;
- (b) could not be effectively implemented without the cooperation of land owners/managers; and
- (c) could not efficiently be enforced due to its wide application.

The Council also considered that relying on rules for a targeted list of rivers efficiently and effectively recognises and provides for the matters in Section 6(a), (c) and (d) of the Act. Utilising a "case by case" approach unfairly places an onus of proof on the landowner, may expose the Council to an unsustainable level of public expenditure, and would not effectively target the principal resource management issues in the District.

RP 5.0 CROSS REFERENCES

As a guide only, any person referring to the above should also refer to the parts of the District Plan addressing the following issues:

- Information Requirements
- Rural Zone
- Residential High Zone

- Residential Medium Zone
- Residential Low Zone
- Commercial Zone
- Industrial Zone
- Urban Settlement Zone
- Protected Areas Zone
- Subdivision

