

SURFACE OF WATER

One of the Council's functions under the Act is the control of any actual or potential effects of activities in relation to the surface of water, including rivers and lakes.

There are a large number of waterways within the District. However, the Whanganui River is the only waterway where there are a significant number of activities occurring on the surface of water. These activities presently include; commercially guided canoe tours, freedom canoeing, commercial jet boat operations, freedom jet boat operations, motorised tour operations, and jet boat races, to name a few.

With respect to the Whanganui River, Central Government has, by regulation, extended the life of the Whanganui River Control Bylaws 1991 until March 2003 in accordance with Section 424(3) of the Act.

The Council recognises that there are a number of other authorities who have management roles with respect to water bodies in the District. The Council does not seek to duplicate any of the existing controls, or the roles of other authorities. At present the other principal authority is the Ministry of Transport (Maritime Safety Division) which administers the Water Recreation Regulations 1979.

As a general principle, regulation should only be utilised when there are adverse environmental effects which need to be avoided, remedied or mitigated and it is the most efficient and effective method available. While the Council has the ability to regulate it does not consider that the resource consent process is an effective form of control in this instance. Many of the issues associated with activities on the surface of water are safety related which are more appropriately addressed by requiring registration of boats and guides, and controlling behaviour. These matters cannot be effectively addressed in a resource consent and to a degree are addressed in the Water Recreation Regulations 1979 and the Whanganui River Control Bylaws 1991.

The Whanganui River is recognised as an important cultural resource. Any management regime developed must recognise and provide for the relationship of Maori with their culture and traditions with their ancestral water.

The Whanganui River Maori Trust Board has a claim which has been heard by the Waitangi Tribunal. A recommendation has recently been made. When Government will make a decision on the recommendation is not known. It is acknowledged that any management regime for the Whanganui River which is acceptable to both parties cannot be formulated in time for the notification of this District Plan. However, the Council must fulfil its functions under the Act.

It is acknowledged that in the future a more comprehensive management regime may be necessary to control activities on the surface of water. In order to ensure that the Council has enough information to make an informed decision on this matter it is important that appropriate information be collected.

For the purpose of clarification the provisions contained in the Rural Zone do not apply to activities in relation to the surface of water.

SW 1.0 ISSUE

- (a) The need to clearly identify the roles of the Council and other agencies in the management of the effects of activities on the surface of water.**

SW 1.1 OUTCOME

- (a) **Integrated management of the effects of activities in relation to the surface of water.**

SW 1.2 OBJECTIVE

- (a) **Management responsibilities of different agencies for activities in relation to the surface of water are understood by the public.**

SW 1.3 POLICIES

- (a) **To recognise other agencies role in the management of the effects of activities in relation to the surface of water.**
- (b) **To promote community understanding of the management responsibilities of different agencies relating to activities in relation to the surface of water.**

Explanation of Policies

These policies recognise that there are a number of agencies, including the Council, managing the effects of activities in relation to the surface of water. The Council seeks to promote community understanding of the role of the agencies involved, thereby promoting integrated management.

SW 2.0 ISSUES

- (a) **Activities on the surface of water compromising the social and cultural wellbeing of people and the community and their health and safety.**
- (b) **Activities on the surface of water degrading the quality of the environment.**

SW 2.1 OUTCOMES

- (a) **Social and cultural wellbeing and health and safety of people and the community.**
- (b) **Quality of the environment maintained.**

SW 2.2 OBJECTIVE

- (a) **Sustainable management of the effects of activities in relation to the surface of water enabling people and the community to provide for their social and cultural wellbeing and for their health and safety while maintaining the quality of the environment.**

SW 2.3 POLICIES

- (a) **To recognise and provide for the relationship of Maori and their culture and traditions with their ancestral water.**
- (b) **To promote the health and safety of people undertaking activities in relation to the surface of water.**

- (c) **To require that adverse environmental effects of activities occurring in relation to the surface of water are avoided, remedied or mitigated.**
- (d) **To ensure activities in relation to the surface of water safeguard the life supporting capacity of water and ecosystems and the adverse environmental effects are avoided, remedied or mitigated.**
- (e) **To recognise that the surface of water is a finite resource.**

Explanation of Policies

The policies seek to ensure that the surface of water is managed sustainably. This management recognises the relationship of Maori with the surface of water and the value Maori place on water, and in particular the Whanganui River.

The health and safety of individuals participating in activities on the surface of water is an important consideration. Within the Ruapehu District there are a number of tourism related activities occurring on the surface of water, and this number may increase.

SW 3.0 METHODS

- (1) To promote the provision of information detailing the roles of different agencies that have functions in the management of activities in relation to the surface of water.
- (2) To promote the provision of information on the safe operation of activities on the surface of water, including prudent behaviour.
- (3) To collect and disseminate information on the effects of activities on the surface of water.
- (4) To support voluntary actions to promote positive environmental outcomes in relation to activities on the surface of water.
- (5) To promote the participation of nga iwi and hapu in monitoring activities on the surface of water.
- (6) To explore the appropriate transfer of functions to nga iwi under Section 33 of the Act.
- (7) To investigate the carrying capacity of the Whanganui River in relation to activities on the surface of water.
- (8) To monitor the effects of activities on the surface of water, particularly the Whanganui River, on the finite characteristics of the resource.
- (9) To, where appropriate, implement the Whanganui River Control Bylaws 1991.
- (10) To examine the merits of the preparation of a comprehensive management plan for the entire Whanganui River.

Principal Reasons for Adopting the Objectives, Policies and Methods

The principal reason for adopting the objectives, policies and methods is to promote the sustainable management of the effects of activities in relation to the surface of water. The approach adopted recognises existing regulatory controls in relation to the surface of water, being the Water Recreation Regulations 1979 and the Whanganui River Control Bylaws

1991. With respect to the Whanganui River, the Water Recreation Regulations 1979 have been superseded by the Whanganui River Control Bylaws 1991. Section 424(3) of the Act provides that, unless the Council takes action to the contrary, these bylaws will lapse in 2003.

Further, with respect to the Whanganui River, the Whanganui Iwi have made a claim to the Waitangi Tribunal for the return of the river, including the water, into their ownership. This claim included a demand that the Act, and therefore the Council's functions, powers and duties in accordance with the Act, cease to apply to the Whanganui River. The Council is therefore reluctant, and does not see the need, to place additional regulatory controls on activities in relation to the surface of water on the Whanganui River in this Plan. Finally, it is recorded that in all of the Council's consultation with tangata whenua with respect to this Plan, there was no meaningful consultation regarding the Whanganui River due to the reluctance of tangata whenua to discuss this issue with anyone other than its treaty partner, being the Crown.

In the preparation of this plan the management of activities affecting the beds of lakes and rivers have been considered as the function of the Manawatu-Wanganui Regional Council, and particularly in accordance with Section 13 of the Act. Accordingly, this Plan has not attempted to control the actual or potential effects of the development or protection of land that is the bed of a lake or river.

