



RIPARIAN MANAGEMENT AND PUBLIC ACCESS – RULES

RP3.1 Rule Statement

The following rules, shall apply to road stopping undertaken in the District. These rules shall be read in conjunction with all other rules in the plan.

The general conditions will apply to subdivision, and the creation of access strips. If an activity is unable to comply with one or more of these conditions then the activity status may change, the activity status is established within the rules part of each zone section of the Plan.

Where an activity is unable to comply with any of the following conditions or a resource consent is required, Council will assess the application against the relevant assessment criteria and shall have regard to the relevant Objectives and Policies of the District Plan in particular the Riparian Management and Public Access – Policy section. Consideration to the Objectives and Policies of the relevant zone and the subdivision section of the plan may also be necessary.

RP3.2 Rules

RP3.2.1 Permitted Activities

The following activities are Permitted Activities provided they comply with the relevant Specific Conditions outlined in section RP3.4 below.

- (a) Any road or part of a road along:
 - (i) The bank of any river with an average width of 3 metres or more, or
 - (ii) The margin of any lake with an area of 8 hectares that is stopped, shall be vested in Ruapehu District Council as an esplanade reserve.

RP3.2.2 Discretionary Activities

The following activities are Discretionary Activities.

Applications will be assessed against but not limited to, the relevant Assessment Criteria outlined in section RP3.5.

- (a) Any road or part of a road along the bank of any river with an average width of 3 metres or more, or the margin of any lake with an area of 8 or more hectares, that is stopped, vested in Ruapehu District Council as an esplanade strip.
- (b) Any road or part of a road along the bank of any river with an average width of 3 metres or more, or the margin of any lake with an area of 8 or more hectares, that is stopped but not vested in Ruapehu District Council as an esplanade reserve or esplanade strip.
- (c) Any activities that are provided for as a Permitted Activity by Rule RP3.2.1, but fail to meet one or more of the Specific Conditions outlined in section RP3.4:
Relevant Objectives and Policies RP2.2 and RP2.4



RP3.3 General Conditions

RP3.3.1 Subdivision Of Land In Which Any Allotment Of Less Than 4.0 Hectares Is Created

- (a) Circumstances in which Esplanade Reserves may be created (discretion as to whether an esplanade reserve shall be created lies with Council)
- (i) In respect of any subdivision of land within any urban zone, in which that allotment abuts any part of a river set out in Schedule of Identified Waterways in section RP3.6 then an esplanade reserve may be required to be set aside.
 - (ii) Any such esplanade reserve shall be 20 metres in width.
 - (iii) Notwithstanding the above, Council may impose a condition of consent to require an esplanade strip to be provided instead of an esplanade reserve within an identified urban zone under one or more of the following circumstances:
 - (1) 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
 - (2) 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
 - (3) Where public access to the river in question is unlikely to be facilitated or promoted by the creation of an esplanade reserve.
- (b) Circumstances in which Esplanade Strips may be created (discretion as to whether an esplanade reserve shall be created lies with Council).
- (i) In respect of any subdivision of land outside of any urban zone, in which that allotment abuts any part of a river set out in Schedule of Identified Waterways in section RP3.6 then an esplanade strip may be required to be set aside.
 - (ii) Where an esplanade strip has been created its width shall be 20 metres.
- Relevant Assessment Criteria: RP3.5.1, RP3.5.2 RP3.5.4 and RP3.6

Advice Note:

It is recommended that subdividers consult with Council's property staff prior to the lodgement of an application where this condition triggers the potential for the creation of an esplanade strip or esplanade reserve.

RP3.3.2 Subdivision of Land in Which any Allotment of 4.0 Hectares or More is Created

- (a) Circumstances in which Esplanade Reserves or Esplanade Strips may be created (discretion as to whether an esplanade reserve shall be created lies with Council).
- (i) An esplanade reserve may be created in regard to any subdivision of land which includes or adjoins any part of a river specified in the Schedule of Identified Waterways in section RP3.6 of this Plan and which is located within an urban zone.
 - (ii) An esplanade strip may be created in regard to any subdivision of land which includes or adjoins any part of a river specified in Schedule of Identified Waterways in section RP3.6 of this Plan and which is located in any zone other than an identified urban zone.
 - (iii) Any esplanade reserve or strip required in RP3.3.2(a) (i) or (ii) above, shall be 20 metres in width.
 - (iv) The requirement for an esplanade reserve of esplanade strip will be waived where the subdivision is for a boundary adjustment.

Relevant Assessment Criteria: RP3.5.1, RP3.5.2 RP3.5.4 and RP3.6



Advice Note:

It is recommended that subdividers consult with Council's property staff prior to the lodgement of an application where this condition triggers the potential for the creation of an esplanade strip or esplanade reserve.

RP3.3.3 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.
- Relevant Assessment Criteria: RP3.5.3

RP3.4 Specific Conditions

RP 3.4.1 Creation of Esplanade Reserve on Road Stopping

- (a) Any such esplanade reserve created as a result of road stopping shall be either:
 - (i) A strip of land forming part of the land that ceases to be road not less than 20 metres wide along the bank of any river or the margin of any lake; or
 - (ii) The full width of the land which ceases to be roadWhichever is the lesser.
- Relevant Assessment Criteria: RP3.5.5

RP3.5 Assessment Criteria

RP3.5.1 General

- (a) The requirements for an esplanade reserve or esplanade strip 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.

**RP3.5.2 Width**

- (a) The width of an esplanade reserve or esplanade strip required 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 Māori 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

RP3.5.3 Vesting of the Bed of a River or Lake in Council

- (a) The vesting of the bed of a river or lake in Council may be waived where the conservation values, public access or public recreational values relating to the river will not be adversely affected by the waiver.

RP3.5.4 Access Strip

- (a) 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.

RP3.5.5 Road Stopping

- (a) The requirement for esplanade reserve may be waived under the following circumstances:
- (i) When the waterway is not specified in RP3.6 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.



- (b) 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 Māori 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
- (c) Where there is a requirement for an esplanade reserve this may be replaced by an esplanade strip when the land concerned is not contained within an identified urban zone.

RP3.6 Schedule of Identified Waterways

- (a) Whanganui River
- (b) Manganui o te Ao River
- (c) Whakapapa River
- (d) Hautapu River
- (e) Ongarue River
- (f) Mangawhero River
- (g) Retaruke River
- (h) Ohura River within 1.0 km of its confluence with the Whanganui River
- (i) Pungapunga Stream
- (j) Taringamotu River
- (k) Mangakahu Stream
- (l) Waimiha River
- (m) Waione River
- (n) Maramataha River
- (o) Piopotea Stream
- (p) Makatote River
- (q) Mangaturuturu Stream
- (r) Mangateitei Stream
- (s) Mangatepopo Stream
- (t) Waimarino Stream
- (u) Taonui River
- (v) Makotuku River
- (w) Tokiahuru River
- (x) Waitaiki River
- (y) Orautoha River
- (z) Whangaehu River