

11. Water and Surface of Water

The District's environment includes many water resources: major rivers such as the Manawatu and Ohau Rivers, streams, inland lakes such as Lakes Horowhenua and Papaitonga, wetlands, and groundwater aquifers. Water is essential to sustain the District's human communities and natural habitats and fauna.

The RMA specific responsibility for managing the quality and quantity of surface water and groundwater falls substantially to the Horizons Regional Council. The District Council has an important role to play in the management of activities on the surface of water and ensuring the important values of waterways are effectively protected. These values are both physical and spiritual and waterways have a particular significance to Māori who respect waterways as living entities with their own life force (Mauri).

Note: The cultural and natural values of the freshwater environment are addressed within the "Matters of Importance to Tangata Whenua" (Chapter 1) and the "Natural Features and Values" (Chapter 3).

Statutory Responsibilities

Under the RMA, provides for a variety of responsibilities to ensure the integrated management of resources such as water.

Both the Horizons Regional Council (Section 30(1)(a)) and District Council (Section 31(1)(a)) have responsibility for the "establishment, implementation, and review of objectives, policies, and methods to achieve integrated management" of natural resources (which include land and water).

The functions of Horizons Regional Council specifically include:

- Control over activities, structures, excavations, drilling, planting, drainage and reclamation of any lake or river bed (Section 13); and
- Control of the use of land for purposes including the maintenance and enhancement of the quality and quantity of water in water bodies (Section 30(1)(c)); and
- Control of the taking, use, damming, and diversion of water; and the quantity level, and flow of water in any water body (Sections 14 and 30(1)(e)); and
- Control of discharges of contaminants and water into or onto land or water; and discharges of water into water (Sections 15 and 30(1)(f)); and

The functions of District Council include:

- Control of any actual or potential effects of the use, development, or protection of land (Sections 9 and 31(1)(b)); and
- Control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes (Section 31(1)(e)).

The functions of the Horowhenua Lake Domain Board include:

- Control of Waipunahau (Lake Horowhenua) and the Hokio Stream Domain (Section 18 Reserves and Other Land Disposal Act 1956).

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Regional Policy Statement and Regional Plans

Many of the direct controls on water quality and/or quantity (e.g. discharges to land or water or abstraction of surface water or groundwater) fall within the specific jurisdiction of the Regional Council. The Regional Council has prepared a combined Regional Policy Statement (RPS) and Regional Plan, (The Proposed One Plan) which seeks to integrate the use of water at a regional and local level through the application of policies relating to water quality and water quantity and rules to control the quality and quantity of water.

A Restoration Plan for Waipunahau (Lake Horowhenua) has been recently prepared for Horizons Regional Council by the National Institute of Water and Atmospheric Research Ltd to address the water quality in Waipunahau (Lake Horowhenua) and the Hokio Stream Catchment.

District Plan

Section 75(3)(c) of the RMA requires that district plans must give effect to any regional policy statement. Section 75(4)(b) of the RMA requires that district plans must not be inconsistent with the objectives, policies and rules in regional plans. Section 74(2A)(a) of the RMA states that the district plan, must have regard to any relevant document recognised by an Iwi authority affected by the district plan.

The District Plan sets out the water issues which are considered to be important to the community and environment of the District, and the Council's policy response to those issues. It must be noted that, given the framework of the law, many of the methods that have been identified for dealing with water issues involve actions by Horizons Regional Council, as set out in the Proposed One Plan, whose functions enable it to have more direct influence over activities involving water.

It should be noted that the "water" issue below is principally concerned with the land use effects on water and the surface of the water. It is acknowledged that Horizons Regional Council is principally responsible for the quality and quantity of water within Horowhenua.

Issue 11.1 ACTIVITIES ON SURFACE OF WATER

The effects that activities on the surfaces of rivers and lakes can have on the intrinsic, ecological, natural habitat, landscape, spiritual, cultural and recreational values of lakes, rivers, and their margins.

ISSUE DISCUSSION

The District's rivers and lakes are valuable landscape and ecological resources. They are also valuable to Tangata Whenua as natural resources, food sources, and taonga.

Rivers and lakes are also valued for recreation and have potential for commercial activities including tourism and recreation operations.

Some of the activities that could occur on the surfaces of rivers and lakes have few effects (e.g. occasional recreational boating or fishing or sailing). Other, more intensive, activities have the potential to generate adverse effects which could compromise important water values. For example, some activities involving motorised boats may cause noise and wave wash which has an adverse effect on the quiet amenities that might be valued in a reserve or picnic area. Some structures moored on the surface of water could have adverse effects on

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the landscape amenity of some water ways. Some activities may have potential for accidental spillage of hazardous chemicals and fuel to waterways which could adversely affect in-stream and habitat values. Other activities may have effects which offend the spiritual values of a waterway which are of particular importance to Tangata Whenua.

Some of the District's water bodies are managed as public or private protected areas. For example, the surface water of Waipunahau (Lake Horowhenua) has been declared a public domain and is under the control of the Horowhenua Lake Domain Board. Lake Papaitonga (also known as Lake Waiwiri) is managed by the Department of Conservation as part of the Papaitonga Scenic Reserve. Other small lakes are managed under Queen Elizabeth II Covenants and the Te Ture Whenua Act 1993 reserves. Other areas of Māori land in the district have Ngā Whenua Rahui kawenata or covenants under the Reserves and Conservation Acts.

The control over activities on water surfaces is an additional and separate function vested in the District Council by the RMA.

Objectives & Policies

Objective 11.1.1 Activities on Surface of Water

To allow for the recreational use of the surfaces of waterways while recognising and protecting the particular ecological, natural character, landscape, spiritual, cultural, and recreational values of lakes, rivers, and their margins from the adverse effects of activities occurring on them.

Policy 11.1.2

To enable the appropriate use of the surfaces of rivers and lakes whilst ensuring that significant values of those waterways and their margins are recognised and provided for by avoiding, remedying or mitigating adverse effects.

Policy 11.1.3

Promote access where appropriate, to or along the banks of those rivers and lakes which are used for recreational purposes, provided any adverse environmental effects of providing such access can be avoided, remedied or mitigated.

Policy 11.1.4

Minimise the potential for conflicts between the effects of different activities using the surfaces of rivers and lakes.

Explanation and Principal Reasons

Given the important values that rivers and lakes have as publicly-available resources, and their importance to Tangata Whenua, it is necessary that activities on water surfaces are carefully managed. It is reasonable to permit activities to use the surfaces of waterways, and activities which promote public access to rivers and lakes will be encouraged provided the activities do not compromise those important values or give rise to conflicts between users.

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Methods for Issue 11.1 & Objective 11.1.1

District Plan

- Permit activities on the surfaces of rivers and lakes provided they have no more than minor adverse environmental effects; and require resource consents for any activities which would involve more significant effects. Assessing consent applications in terms of likely effects on important values and encourage consultation with parties having an interest in the water body including Tangata Whenua.
- Rules which provide for esplanade reserves/strips and access strips and access strips to be created to and along water bodies.

It is reasonable for low-intensity activities like recreational boating and fishing to be permitted by the District Plan. More intensive activities, particularly commercial use of public water resources, should be individually assessed in terms of their environmental effects.

Asset Management

- Negotiate with private landowners the possibilities for enhanced public access based on the Open Space Strategy.

Other

- Council will encourage the preparation and lodgement of Iwi Management Plans by Tangata Whenua to assist in managing activities and potential conflicts between users on some sections of rivers and lakes.

The following private and public ~~Existing~~ management arrangements for ~~certain~~ Waipunahau (Lakes Horowhenua) and Waiwiri (Lake Papaitonga) would seem to operate quite effectively:-

- Horowhenua Lake Domain Board and the Horowhenua Lake Trustees; and
- Papaitonga Scenic Reserve, managed by DoC.

Duplication of roles under the RMA may be inappropriate.

ANTICIPATED ENVIRONMENTAL RESULTS

The environmental result for the control of activities on the surface of water which is anticipated to result from the combined implementation of the above policies and methods is as follows:

- 11(a) Use of water surfaces for recreational and other low-intensity activities without compromising the water quality or natural and landscape values of these water bodies.