

Proposed Wairarapa Combined District Plan
Decision Report pursuant to Clause 10 of the First Schedule
of the Resource Management Act 1991

Subject: Chapter 12 - Freshwater

In Reference to:

- ***Freshwater Provisions 12.1 – 12.4***
 - ***District Wide Rule 21.1.8***
 - ***Assessment Criteria 22.1.8***
 - ***Appendix 1.9***
-

12.0 General

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
431.6	Wairarapa Branch and National Office of the NZ Forest and Bird Society	FS85 Federated Farmers of NZ (Inc) FS112 D Riddiford	Oppose Oppose

Discussion

The **Wairarapa Branch and National Office of the NZ Forest and Bird Society** (431.6) support the Policies and Methods of Chapter 12 of the Plan but request that more emphasis be placed on protecting freshwater biodiversity, including guidelines and regulations relating to the prevention of siltation due to erosion, diffuse pollution, habitat loss and the like. **Federated Farmers of NZ (Inc)** (FS85) and **D Riddiford** (FS112) opposed this submission.

Evidence Heard

Federated Farmers of NZ (Inc) (FS85) spoke in support of their submission opposing the amendments sought by Wairarapa Branch and National Office of the NZ Forest and Bird Society.

Commissioners' Deliberations

The Commissioners noted the general support from the submitters for the Freshwater Zone. In respect of the request for more emphasis on protecting freshwater biodiversity, the Commissioners note the holistic nature of the document and Section 11.3.7 of the Plan which lists Methods to implement indigenous biodiversity policies. Therefore, the Commissioners adopt the Section 42A Report recommendation which retains the existing approach.

Decision

Submission Reference: 431.6	Reject
FS85	Accept
FS112	Accept

Reasons

This decision is made for the following reasons:

- The purpose of the Freshwater provisions is to promote the sustainable management of the freshwater environment. A balance is required between the sustainable management of land use and subdivision, while avoiding, remedying and mitigating the adverse effects. The existing chapter achieves this, subject to the specific amendments outlined below.

12.1 Introduction

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.41	Department of Conservation	-	-
498.5	Wairarapa Public Health	-	-
496.2	Wellington Fish and Game Council	FS85 Federated Farmers of NZ (Inc) FS112 D Riddiford	Oppose Oppose

Discussion

The **Department of Conservation** (525.41) seeks that paragraph 7 of 12.1 be amended to recognise that activities on the surface of waterbodies have potential to impact on natural values. **Wairarapa Public Health** (498.5) seeks that the Introduction be amended to include a statement regarding the protection of water supply catchments. **Wellington Fish and Game Council** (496.2) advises that the maintenance and enhancement of public access to waterways is required under section 6(b) of the Act. The submission seeks that paragraph 6 of 12.1 be amended to recognise that, while it is relevant to consider the impact on adjoining landowners when creating new public access to waterways, it is not appropriate where public legal access is already established. **Federated Farmers of NZ (Inc)** and **D Riddiford** oppose this submission.

Evidence Heard

The **Department of Conservation** (525.41) spoke in support of their submission and expressed support for the amended provision recommended in the Section 42A Report relating to increased scale and intensity of activities. **Wairarapa Public Health** (498.5) did not appear as they advised all their issues had been addressed in the Section 42A Report. **Wellington Fish and Game Council** (496.2) spoke in support of their submission regarding public access. **Federated Farmers of NZ (Inc)** (FS85) spoke in support of their submission and support for the Section 42A Report recommending those submissions that call for more restrictive measures be rejected.

Commissioners' Deliberations

The Section 42A Report made recommendations on amendments to Section 12.1 Introduction. The Commissioners note the support from submitters in relation to the amendments. In respect of the submission seeking amendments to Paragraph 6 of 12.1, the Commissioners support the comments made in the Section 42A Report relating to access. The Commissioners support the adoption of the Section 42A Report recommendation and proposed amendments.

Decision

Submission Reference 525.41	Accept
498.5	Accept
496.2	Reject
FS85	Accept
FS112	Accept

Decision Amendment: 12.1 Introduction

Amend paragraph 7 of '12.1 Introduction' as follows:

*"The surface of waterbodies in the Wairarapa is used for a range of activities, mainly recreational, and some food gathering. ~~In themselves, these activities rarely have any adverse effects on the waterbodies;~~ The potential for conflict is often between such activities: for example, between jet boating and fishing. **Although such activities may not currently have significant effects on natural values, increased activity such as jet boat use can also adversely effect wildlife.** However, such issues are, as yet, not significant, as the level of such activities currently is relatively low."*

Amend paragraph 8 of '12.1 Introduction' as follows:

*"Activities on land near water bodies can adversely affect the water if not properly managed. Such activities and their potential effects include pollution from sewage disposal systems and septic tanks, nutrient escape from primary production, discharges from industry and increased runoff and siltation from land cleared of vegetation. **Such effects are particularly important when managing water supply catchment areas.** While many of these matters are managed by the Regional Council, the effects of subdivision and development...."*

Reasons

This decision is made for the following reasons:

- The purpose of the Freshwater provisions is to promote the sustainable management of the freshwater environment. A balance is required between protecting freshwater biodiversity and enabling activities. The amended paragraphs better describes the activities associated with freshwater environments and their potential adverse effects.

12.2 Significant Resource Management Issues: Issue 2

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
496.3	Wellington Fish and Game Council	FS85 Federated Farmers of NZ (Inc) F112 D Riddiford	Oppose Oppose

Discussion

Wellington Fish and Game Council (496.3) seeks that Significant Resource Management Issue 2 be amended to recognise that, while it is relevant to consider the impact on adjoining land owners when creating new public access to waterways, it is not appropriate where public legal access is already established. **Federated Farmers of NZ (Inc)** and **D Riddiford** oppose this submission.

Evidence Heard

Wellington Fish and Game Council (496.2) spoke in support of their submission regarding public access. **Federated Farmers of NZ (Inc)** (FS85) spoke in support of their submission and endorsed the Section 42A Report recommendation that those submissions that call for more restrictive measures be rejected.

Commissioners' Deliberations

In respect of the submission seeking amendments to Significant Resource Management Issue 2, the Commissioners support the comments made in the Section 42A Report relating to access. It is not considered that activities occurring on existing legally established accessways along waterbodies are excluded of the duty under the Act to avoid, remedy or mitigate any adverse effects of activities. The Commissioners support the adoption of the Section 42A Report recommendation of retaining the existing issue Statement unchanged.

Decision

Submission Reference: 496.2	Reject
FS85	Accept
FS112	Accept

Reasons

This decision is made for the following reasons:

- The Resource Management Act requires that the adverse effects of activities be avoided, remedied or mitigated. Such a duty applies for existing and proposed accessways. As such it is considered appropriate the issue be retained.
- The issue of people's safety and wellbeing from activities on the accessway and the effects on and from the adjoining land is relevant where the public accessway is already legally established or whether it is a proposed accessway.

12.3.1 Objective Fwe1 – Environmental Quality

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
526.34	Wellington Regional Council	FS52 Horticulture NZ	Oppose

Discussion

Wellington Regional Council (526.34) seek that Objective Fwe1 be amended by adding 'ground-water' as one of the waterbodies to be maintained or enhanced, and for the detrimental effects of development and activities to be managed. **Horticulture NZ** oppose this submission.

Evidence Heard

Wellington Regional Council (526.34) presented evidence stating they accepted the Section 42A Report recommendation amending Objective Fwe1. It was noted that the recommended amendment did not include the words 'by managing' as requested by the submitter.

Commissioners' Deliberations

The effect of development and activities on the environmental quality of groundwater is recognised in the amendment to Objective Fwe1, as requested by Greater Wellington Regional Council. The Commissioners support the adoption of the Section 42A Report recommendation and believe the recommendation better reflects the effects of development and activities on waterbodies. Upon consideration of the further evidence provided at the hearing in relation to the insertion of the words "by managing", the Commissioners believe the inclusion of these words adds clarity to the intent of the Objective and therefore the Commissioners believe the insertion of the words "by managing" is appropriate.

Decision

Submission Reference: 526.34	Accept
FS52	Reject

Decision Amendment: 12.3.1 Objective Fwe1 – Environmental Quality

Amend Objective Fwe1 as follows:

*To maintain or enhance the environmental quality of the Wairarapa's rivers, lakes, and wetlands **and groundwater by managing** the detrimental effects of development and activities.*

Reasons

This decision is made for the following reasons:

- The potential detrimental effect of development and activities on the environmental quality of ground water is recognised and is considered appropriate for inclusion in Objective Fwe1.

12.3.2 Fwe1 Policies: Policy (b)

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
398.20	Wairarapa Inc/Go Wairarapa	-	-

Discussion

Wairarapa Inc/Go Wairarapa (398.20) consider that Policy (b) implies an ability to measure the positive and negative effects of land use on freshwater, questions who will provide the measurements, and suggests that there is an overlap with the Regional Freshwater Plan.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

The Commissioners support the comments made in the Section 42A Report relating to policy (b). It was noted that the focus of the District Plan is on managing the adverse effects of land use and subdivision on the District's natural and physical resources, including water resources, and that the role of the District Council is to achieve the integrated management of the effects of land use on natural and physical resources of the district. The Commissioners support the adoption of the Section 42A Report recommendation.

Decision

Submission Reference: 398.20 Reject

Reasons

This decision is made for the following reasons:

- The District Plan is an integrated document which focuses on managing the adverse effects of land use and subdivision on the District's natural and physical resources, including water resources.

12.3.2 Fwe1 Policies: Policy (c)

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
398.20	Wairarapa Inc/Go Wairarapa	-	-
441.5	Genesis Power Ltd	FS112 D Riddiford FS85 Federated Farmers of NZ (Inc)	Support Support
496.5	Wellington Fish and Game Council	-	-

Discussion

Wellington Fish and Game Council (496.5) seek Policy (c) be retained.

Wairarapa Inc/Go Wairarapa (398.20) consider that Policy (c) implies an ability to measure the positive and negative effects of land use on freshwater, questions who will provide the measurements, and suggests that there is an overlap with the Regional Freshwater Plan.

Genesis Power Ltd (441.5) seek Policy (c) be amended to focus on avoiding, remedying or mitigating adverse effects as opposed to “discouraging subdivision, land use and development” that the submitter considers the Policy currently focuses on. Genesis Power Ltd also considers that it is unclear what the “special qualities” of the freshwater environment are that the policy refers to. **D Riddiford** and **Federated Farmers of NZ (Inc)** support this submission.

Evidence Heard

Wellington Fish and Game Council (496.2) spoke in support of their submission seeking the retention of Policy (c), so as to better support the Environmental Quality objective.

Commissioners’ Deliberations

The Commissioners noted the Section 42A Recommendation to alter the policy as submitted by Genesis Power Ltd, and the Commissioners support this recommendation. The Commissioners consider the overall objective is better achieved through the amended policy. The Commissioners note that the points raised by Wairarapa Inc/Go Wairarapa are addressed in the deliberations of Policy (b).

Decision

Submission reference: 496.5	Reject
398.20	Reject
441.5	Accept
FS112	Accept

FS85 Accept

Decision Amendment: 12.3.2 Fwe1 Policies: Policy (c)

Amend Policy (c) as follows:

“Ensure that adverse cumulative effects of ~~Discourage~~ subdivision, land use and development ~~where it would contribute to cumulative long term adverse effects on the special qualities of the~~ freshwater environment are avoided, remedied or mitigated.”

Reasons

This decision is made for the following reasons:

- The duty of the Act is to avoid, remedy or mitigate any adverse effects of activities on the environment. Deletion of the words “special qualities” will not detract from the duty to avoid, remedy or mitigate adverse cumulative effects on the freshwater environment as provided for in Policy (c). The amended policy better achieves the objective.

12.3.2 Fwe1 Policies: Policy (f)

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.43	Department of Conservation	FS112 D Riddiford FS85 Federated Farmers of NZ (Inc) FS52 Horticulture NZ FS90 Wellington Regional Council	Oppose Oppose Oppose Support

Discussion

The **Department of Conservation** (525.43) seeks that a new Policy be added to ensure appropriate riparian protection is provided through a specific Policy as it considers that ‘encouraging’ riparian protection is not adequate on its own. **Wellington Regional Council** support this submission. **D Riddiford, Federated Farmers of NZ (Inc),** and **Horticulture NZ** oppose this submission.

Evidence Heard

The **Department of Conservation** (525.43) accept the Section 42A recommendation relating to riparian protection, subject to increased waterbody setbacks (as submitted by the Councils planning departments). **Wellington Regional Council** presented evidence stating they accepted the Section 42A Report recommending no changes to Policy (f).

Commissioners' Deliberations

The Commissioners concurred with the points made in the Section 42A Recommendation that it is not considered efficient or effective to impose a mandatory requirement in a new policy for the provision of permanent riparian protection for waterbodies on or near a site to avoid, remedy or mitigate the impacts of development or subdivision. Other Rules and Methods in the Plan, in particular, the Rules in Chapter 24 of the Plan set out the provisions and circumstances when a 20m wide Esplanade Reserve or Strip is required upon subdivision of land adjoining a waterbody listed in Appendix 1.9 of the Plan or where it is deemed appropriate that the margin of a waterbody not listed in Appendix 1.9 should be protected for conservation, recreational or other values. As there are comprehensive provisions throughout the Plan for managing riparian margins, having regard to the potential costs and responsibilities associated with a mandatory policy, it is not considered efficient or effective to add a blanket policy requiring permanent riparian protection for waterbodies. The Commissioners noted the support by submitters for the Section 42A Report recommendation.

Decision

Submission Reference: 525.43	Reject
FS112	Accept
FS85	Accept
FS52	Accept
FS90	Reject

Reasons

This decision is made for the following reasons:

- The existing policies and methods in the Plan in relation to esplanade reserve and strips associated with subdivision and land use activities near waterbodies would effectively enhance the margins of waterbodies.
- A mandatory policy requiring permanent riparian protection for water bodies is not considered cost effective or warranted given existing provisions for managing riparian margins in the plan.

12.3.2 Fwe1 Policies: Policy (j)

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.42	Federated Farmers of NZ (Inc)	-	-

Discussion

Federated Farmers of NZ (Inc) (524.42) seeks that Policy (j) be amended so that a standard width of 20m for an Esplanade Reserve is not required on those waterbodies

scheduled as significant in the District Plan, but that the width is determined on a case by case basis.

Evidence Heard

Federated Farmers of NZ (Inc) (524.42) spoke in support of their submission requesting the removal of the reference to 20 metres and instead that the width be determined on a case by case basis. While Federated Farmers accept the certainty the current policy provides, and accepts there are circumstances in which the width can be varied, it submits that as the policy is currently worded, Council is restricted in its ability to reduce the width to recognise these.

Commissioners' Deliberations

While the Commissioners recognised and understood the matters the points raised by the submitter, they support the Section 42A recommendation that the policy be retained unchanged on the grounds of certainty, consistency, access and functioning of the waterbody.

Section 230 of the Act prescribes the provision for a 20m wide Esplanade Reserve for subdivision creating any lot less than 4ha. For lots over 4ha the Plan may specify the width to be vested.

Given the range of functions that an Esplanade Reserve/Strip network serves as set out in Section 229 of the Act, and having regard of the need to establish a coherent interconnected network that accommodates the above functions, and having regard to other factors like variable terrain, adjoining land uses, and access for maintenance requirements, the provision of a 20m wide Esplanade Reserve/Strip is a reasonable and practical width to be provided. As Esplanades Reserves/Strips are provided at the time of subdivision of land, which often occurs on an ad hoc basis, the risk associated with adopting an approach of determining the Esplanade Reserve/Strip width on a case by case basis is that it risks over many years of not obtaining a coherent network.

A further consideration is that where the bank of a waterbody changes course or erodes the 20m width of the Esplanade Reserve boundaries do not move along with the changed edge of the waterbody. Therefore, a 20m wide Esplanade Reserve provides some room to accommodate movement of the bank of the waterbody.

Decision

Submission Reference: 524.42 Reject

Reasons

This decision is made for the following reasons:

- The provision of a 20m esplanade reserve, esplanade strip or access strip provides certainty, consistency, the provision of access and enable natural the functioning of the waterbody.

12.3.2 Fwe1 Policies: Policy (k)

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.43	Federated Farmers of NZ (Inc)	FS52 Horticulture NZ FS89 Wellington Regional Council	Support Support
520.3	Mighty River Power Ltd	-	-
496.5	Wellington Fish and Game Council	-	-

Discussion

Wellington Fish and Game Council (496.5) supports Policy (k).

Federated Farmers of NZ (Inc) (524.43) opposes Policy (k) and seeks that it be amended to recognise that many structures are necessary in a farming context, including culverts and bridges. In particular, it notes that these structures are necessary and provide against adverse environmental effects. To prevent the construction of such structures could create a perverse environmental outcome. **Horticulture NZ** (FS52) and **Wellington Regional Council** (FS89) support this submission.

Mighty River Power Ltd (520.3) opposes Policy (k) in part and seeks that it be amended to recognise that the Act is enabling legislation provided the preservation of the natural character of waterbodies is preserved and they are protected from inappropriate subdivision, use and development.

Evidence Heard

Federated Farmers of NZ (Inc) (524.43) spoke in support of the submission and expressed support for the Section 42A recommendation that policy (k) be amended as outlined in the Section 42A Report. **Wellington Regional Council** (FS89) as a further submitter expressed support for the Section 42A recommendation. **Wellington Fish and Game Council** (496.5) also expressed support for the Section 42A recommendation that policy (k) be amended as outlined in the Section 42A Report. The submitter was pleased to note that maimais are recognised as an integral part of the Wairarapa wetlands. **Mighty River Power Ltd** (520.3) presented evidence opposing the Section 42A recommendation and request that the policy be amended to “prevent structures on identified significant waterbodies” and/or “discourage structures on all other waterbodies”. The prevention of structures under this policy on all waterbodies, rather than restricting it to identified significant waterbodies, could preclude hydro-electric generation structures across the districts.

Commissioners’ Deliberations

The Commissioners accept the rewording of policy (k) as recommended in the Section 42A Report. They concur with the Section 42A Report recommendation that the amendment sought by Federated Farmers encapsulates the type of structures which are an accepted and essential part of the waterbody environment. The reasons for rejecting the submission by

Mighty River Power Ltd, as provided in the Section 42A Report, are also accepted by the Commissioners.

Decision

Submission Reference: 496.5	Accept
FS52	Accept
FS89	Accept
524.43	Accept
520.3	Reject

Decision Amendment: 12.3.2 Fwe1 Policies: Policy (k)

Amend Policy (k) as follows:

*Prevent structures on waterbodies and their margins unless ~~such structures are small, unobtrusive and~~ they are an accepted or essential part of the waterbody environment (for example, **culverts, bridges or stock crossings**, maimai's and flood defence systems)."*

Reasons

This decision is made for the following reasons:

- The amendment encapsulates the type of structures which are an accepted and essential part of the waterbody environment. Such structures are not necessarily small or unobtrusive yet they are accepted and essential. Structures also have potential to adversely affect the natural character and amenity of any waterbody and its margin and which is relevant not only to significant waterbodies.
- The re-wording of policy (k) provides a balance between maintaining natural and physical features of the waterbody environment and allowing for certain development and associated uses which by their nature are constructed on or adjacent to a waterbody.

12.3.2 Fwe1 Policies: Add New Policies

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.40	Department of Conservation	FS112 D Riddiford FS85 Federated Farmers of NZ (Inc) FS60Mighty River Power Ltd FS90 Wellington Regional Council	Oppose Oppose Oppose Support
525.41	Department of Conservation	FS112 D Riddiford FS85 Federated Farmers of NZ (Inc) FS52 Horticulture NZ	Oppose Oppose Oppose

		FS90 Wellington Regional Council	Support
525.46	Department of Conservation	-	-
498.5	Wairarapa Public Health	FS52 Horticulture NZ	Oppose
496.4	Wellington Fish and Game Council	FS112 D Riddiford FS85 Federated Farmers of NZ (Inc) FS60 Mighty River Power Ltd	Oppose Oppose Oppose

Discussion

The **Department of Conservation** (525.40) seeks a new Policy be added to give guidance to Plan users about the cumulative effect of development on waterbodies of all sizes and types and the need to proactively seek riparian protection of all waterbodies. **Wellington Regional Council** support this submission. **D Riddiford, Federated Farmers of NZ (Inc)** and **Mighty River Power Ltd** oppose this submission.

The **Department of Conservation** (525.41) seeks a new Policy be added to address development impacts on ground water levels of waterbodies. Development can disrupt or directly or indirectly (e.g. water use through subdivision of the area) result in changes to water levels in adjacent areas. There should be consideration of the impact of subdivision on water levels of water bodies. **Wellington Regional Council** support this submission. **D Riddiford, Federated Farmers of NZ (Inc)** and **Horticulture NZ** oppose this submission.

The **Department of Conservation** (525.46) seeks a new Policy be added to give effect to the need to protect the natural character of waterbodies by ensuring that pest fish and plants are not introduced to an area through development or subdivision.

Wairarapa Public Health (498.5) seek a new Policy be added to address water supply catchment protection. **Horticulture NZ** oppose this submission.

Wellington Fish and Game Council (496.4) seeks a new Policy be added that gives guidance to Plan users about the cumulative impact of development on waterbodies of all sizes and types, and the need to pro-actively seek riparian protection of all waterbodies. **D Riddiford, Federated Farmers of NZ (Inc)** and **Mighty River Power Ltd** oppose this submission.

Evidence Heard

In respect of submission 525.40, the **Department of Conservation** accept the Section 42A recommendation relating to the protection of riparian margins subject to increased waterbody setbacks (as submitted by the Councils planning departments), and accept and support the Section 42A recommendation relating to their submission points 524.41 and 525.46.

Wellington Regional Council presented evidence stating they do not support the recommendation in relation to submission point 525.40 as they submit it would be appropriate for the plan to adopt a policy promoting the retention of riparian vegetation where freshwater values exist on or near the site, rather than relying on the non-regulatory methods in the Proposed Plan. **Wellington Regional Council** also do not support the recommendation in relation to submission 525.41 as they submit it would be appropriate for the plan to adopt a policy promoting the avoidance or mitigation of the effects of subdivision, use and development of land on water bodies.

Wellington Fish and Game Council (496.4) spoke in support of their submission and commented that the recommendation in policy 12.3.5(d) goes some way towards satisfying their concerns if the word “manage” would include effective riparian management as a tool in minimising the adverse effects on waterways by subdivision, land use and development.

Federated Farmers of NZ (Inc) spoke in support of their submission.

Commissioners’ Deliberations

The Commissioners note the support from the Department of Conservation in relation to the officer recommendation in respect of submission points 525.40, 525.41 and 525.46.

As noted in the Section 42A Report, in respect of cumulative effects and riparian management, it is considered that these matters are already effectively covered by Policies 12.3.5(c) to (f), and 12.3.2 Fwe1 Policy (f). The Commissioners concur with the Section 42A comments that the submitted Policy does not recognise that subdivision and development by its nature modifies the physical environment and, as such, has potential off-site impacts. The Act is concerned with avoiding, remedying or mitigating adverse effects. Therefore, for the above reasons it has been decided to not add the requested new Policy.

With respect to the submission relating to development impacts on ground water levels of waterbodies, as noted in the Section 42A Report, the impacts of activities on changes to water levels of water bodies is a Regional Council function and not a District Council function as provided in section 30(1) of the Resource Management Act. With respect to the matters that are within the responsibility of District Councils, the effects of activities on natural values, and in particular on water bodies, are addressed in the District Wide chapters. An amendment has been decided in respect of Policy 12.3.5(d) as this change better reflects the purpose of the policy.

In respect of the submission relating to pest fish and plants, the Commissioners note that it is not a District Council function to control pest plants, and it is not considered to be a function of District Council's to control pest fish and plant species in artificial water bodies. As such no amendments are proposed.

In respect of the submission relating to public water supply, the Commissioners accept the Section 42A recommendation to add reference to water supply catchments to Policy 18.3.2(g) of the Plan as amendment better describes the intention of the policy.

Decision

Submission Reference: 525.40	Reject
FS112	Accept
FS85	Accept
FS60	Accept
FS90	Reject
525.41	Accept in part
FS112	Reject in part
FS85	Reject in part
FS52	Reject in part
FS90	Accept
525.46	Reject
498.5	Accept in part
FS52	Reject in part

496.4	Reject
FS112	Accept
FS85	Accept
FS60	Accept

Decision Amendment: 12.3.2 Fwe1 Policies: Add New Policies

Amend Policy 12.3.5(d) as follows:

- (d) *Working with the Regional Council to manage subdivision, land use and development to minimise adverse effects on freshwater environments, **including rivers, lakes, wetlands and ground water.***

Consequential Amendment:

Amend Policy (g) of 18.3.2 SLD1 Policies as follows:

- (g) *Limit the intensity of subdivision and land development in those rural parts of the Wairarapa in which significant intensification may have adverse effects on the risks from natural hazards, the operational requirements of key infrastructural and land use assets, **water supply catchments**, and the growth of urban areas.*

Reasons

This decision is made for the following reasons:

- A number of issues raised by submitters are regional council responsibilities and not appropriately addressed within the District Plan.
- Amendments have been made where these are considered more effective and efficient for achieving the objective of maintaining and enhancing the environmental quality of waterbodies.

12.3.3 Explanation

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.42	Department of Conservation	FS90 Wellington Regional Council	Support
520.3	Mighty River Power Ltd	FS112 D Riddiford FS85 Federated Farmers of NZ (Inc)	Oppose Oppose
520.4	Mighty River Power Ltd	FS112 D Riddiford FS85 Federated Farmers of NZ (Inc)	Support Support

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Discussion

The **Department of Conservation** (525.42) seek that the Explanation be amended to recognise that more intensive use of the surface of waterbodies can have impacts, and therefore that controls would be necessary in some situations e.g. over a certain threshold of usage. Surface water body use can also impact on wildlife and that provisions be added to control the intensive usage of the surface of waterbodies (section 21.1.8 of the Plan). This is supported by **Wellington Regional Council** (FS90).

Mighty River Power Ltd (520.3) seek that the first sentence of paragraph 3 of Explanation 12.3.3 be deleted as the appropriateness of structures within waterbodies is dependent on the needs and demands of the community and the degree of their adverse effects. **D Riddiford** and **Federated Farmers of NZ (Inc)** oppose this submission.

Mighty River Power Ltd (520.4) seek that the first sentence of paragraph 5 of Explanation 12.3.3 be amended to be consistent with the phraseology in section 6 of the RMA. The submission also queries whether it is necessary to manage an activity (water runoff) where it has no adverse environmental effects. **D Riddiford** and **Federated Farmers of NZ** support this submission.

Evidence Heard

The **Department of Conservation** (525.42) spoke in support of the submission and expressed acceptance and support for the Section 42A recommendation that the second paragraph of Explanation 12.3.3 be amended, and Rule 21.1.8 be amended to exclude motorised commercial recreation which will be added as a Restricted Discretionary Activity under Rule 21.3., as outlined in the Section 42A Report. The **Wellington Regional Council** (FS90) also expressed support for the Section 42A recommendation in respect of submission point 545.42.

Mighty River Power Ltd spoke in support of the Section 42A Report recommendation in relation to the amendment to paragraph 3 (submission 520.3), as it recognises that hydro-electric generation structures by their nature and function are required to be located in waterbodies.

Commissioners' Deliberations

The Commissioners note the support from original submitters for the amendments to the explanation and concurred with the recommendation in the Section 42A Report relating to the amendment to 12.3.3 Explanation.

Decision

Submission Reference: 525.42	Accept in part
FS90	Accept in part
520.3	Accept in part
FS112	Reject
FS85	Reject
520.4	Accept

FS112 Accept
FS85 Accept

Decision Amendment: 12.3.3 Explanation

Amend the second paragraph of 12.3.3 Explanation as follows:

*In regard to the surface of waterbodies, the recreational or other casual use of rivers, lakes and wetlands **has** generally occurred with minimal conflict and therefore needed no controls. Activities will have to comply with other environmental standards, such as the relevant noise limits for the Zone. **However, there is potential that if more intensive use of the surface of waterbodies occurs from motorised commercial recreation. This more intensive use can have impacts and conflict with other users of the waterbodies and with natural values and habitats. Therefore controls are necessary for motorised commercial recreation.***

Amend Rule 21.1.8 (District Wide Permitted Activities) as follows:

21.1.8 Activities on the Surface of Freshwater

- (a) Any activity, **excluding motorised commercial recreation**, on the surface of any freshwater body (including wetlands, rivers and lakes) which meets the following standard:
 - (i) Structures shall be:
 - (1) Less than 10 square metres in gross floor area; and
 - (2) Located on or above the surface of water for less than two months within a twelve-month period.

Consequential Change: Amend Rule 21.3 (District Wide Restricted Discretionary Activities) by adding a new restricted discretionary activity 21.3.13 as follows:

21.3.13 Motorised commercial recreation on the surface of freshwater

(a) Any motorised commercial recreation on the surface of freshwater.

Discretion is restricted to the following matters:

- (i) The scale, character and nature of the activity, including the frequency and size of watercraft associated with the activity.**
- (ii) Potential for conflict between the activity/structure and other users of the same waterbody.**
- (iii) Effects of activities on land associated with the proposed activity including the impact on public access.**
- (iv) Extent to which the activity will reduce opportunities for recreational activities.**
- (v) Effects of the activity on the intrinsic and natural values of the waterbody.**

Amend paragraph 3 of 12.3.3 Explanation as follows:

*Other than flood defence systems, bridges and small recreational structures, it is generally inappropriate to place structures within waterbodies. **However, some activities by their nature and function are required to be located in waterbodies, including structures for irrigation, water supply, or energy generation. In addition, other structures and facilities, however, may be required...***

Amend the first sentence of paragraph 5 of 12.3.3 Explanation as follows:

*Managing the interface between land and water is an important element to ~~protecting~~ **preserving** the natural character of rivers, lakes and wetlands, to maintaining and enhancing public access and to manage the adverse environmental effects of water runoff from the land.*

Reasons

This decision is made for the following reasons:

- There is potential for more intensive use, in particular, commercial recreation use, of the surface of waterbodies to occur which has potential to create conflict with other users, and with the natural values and habitats of the waterbodies. The amendments recognise these conflicts.
- The amendment in relation to structures identifies that in providing for the sustainable management of the surface of waterbodies to meet the needs of people and communities that there may be occasions where other structures are needed in waterbodies.
- The amendment provides terminology that is consistent with the phraseology in section 6 of the RMA to retain the intent of the explanation and better reflect the purpose of the Act.

12.3.4 Objective Fwe2 – Public Access & Enjoyment

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.44	Federated Farmers of NZ (Inc)	-	-
520.6	Mighty River Power Ltd	-	-
496.6	Wellington Fish and Game Council	-	-

Discussion

Federated Farmers of NZ (Inc) (524.44) seek Objective 12.3.4 be amended to add the words “*where a demand exists*” as it is inappropriate to facilitate public access to all the

Wairarapa's rivers, lakes and wetlands and their margins. Access should be determined based on demand in which the public have identified a desire to have access.

Mighty River Power Ltd (520.6) seek Objective 12.3.4 be amended to 'preserve' (as opposed to 'protect') the natural character of waterbodies, in order to be consistent with the phraseology used in section 6 of the Act.

Wellington Fish and Game Council (496.6) seek Objective 12.3.4 be amended to better reflect the intent of section 6 of the RMA and incorporate the words "*where new public access is to be created*" (or similar), as Wellington Fish and Game Council consider that it is only where new public access is being created that the property rights of adjoining land owners need to be protected.

Evidence Heard

Federated Farmers of NZ (Inc) spoke in support of their submission and noted that they considered the Section 42A Report makes the assumption that the wording would maintain the status quo. In their opinion it does not have to be quantified in that manner, and that demand can and will change over the lifespan of the plan and community expectations of access may change over this time. Comments were also made in respect of community desires and expectations in relation to Section 6(d) responsibilities. They seek an insertion to Objective 12.3.4. to recognise this change over time.

Wellington Fish and Game Council (496.6) spoke in support of their submission reiterating their request for word insertion so as to ensure the public are able to enjoy their legal right to public access.

Commissioners' Deliberations

The Commissioners concur with the Section 42A Report comment and recommendations in relation to Objective 12.3.4, in particular, the terminology should be consistent with the Act.

Planning for public access to water bodies – a 'blue-green network' - is about providing for the recreation needs of current and future generations. The Policies and Methods to achieve Objective 12.3.4 do not seek to obtain new public access to all waterbodies but to prioritise the needs for public access to those identified waterbodies with significant value.

The Commissioners believe the current wording provides an appropriate balance between the activity of public access as well as to the activities of the adjoining land owners.

Decision

Submission Reference	524.44	Reject
	520.6	Accept
	496.6	Reject

Decision Amendment: 12.3.4 Objective Fwe2 – Public Access & Enjoyment

Amend Objective 12.3.4 as follows:

*To facilitate public access to and enjoyment of the Wairarapa's rivers, lakes and wetlands and their margins in a manner that ~~protects~~ **preserves** their natural character and the property rights of adjoining landowners.*

Reasons

This decision is made for the following reasons:

- The amendment is consistent with the terminology used in section 6 of the Act.
- Sustainable management is concerned with managing the use, development and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while avoiding, remedying or mitigating any adverse effects of activities on the environment. This applies to any activity, proposed or existing, and with respect to the provision of public access to and along waterbodies, it applies to the activity of public access as well as to the activities of the adjoining land owners.

12.3.5 Fwe2 Policies: All Policies

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
496.7	Wellington Fish and Game Council	-	-

Discussion

Wellington Fish and Game Council (496.7) support the 12.3.5 Fwe2 Policies.

Evidence Heard

Wellington Fish and Game Council (496.7) spoke in support of their submission and appreciate the recognition of the need to manage the potential for reserve sensitivities near areas of public recreation. Legitimate recreational activities need to be provided for in the plan.

Commissioners' Deliberations

The Commissioners note the support from the submitter and concur with the Section 42A Report recommendation to retain the existing provisions.

Decision

Submission Reference: 496.7 Accept

Reasons

This decision is made for the following reasons:

- The policies reflect the intent of the objective.

12.3.5 Fwe2 Policies: Policy (c)

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.45	Federated Farmers of NZ (Inc)	-	-
290.2	K Reedy	FS85 Federated Farmers of NZ (Inc) FS112 D Riddiford	Support Support

Discussion

Federated Farmers of NZ (Inc) (524.45) seek Policy (c) be deleted or amended so that it is legal access. There is no legal requirement for public access to areas of significant value on privately owned land. Access must be negotiated with the landowner and there must be no presumption of public access. **K Reedy** (290.2) also opposes Policy (c), and this is supported by **Federated farmers of NZ (Inc)** and **D Riddiford**.

Evidence Heard

Federated Farmers of NZ (Inc) (524.45) spoke in support of their submission and acceptance and support of the Section 42A Report recommendation to amend the policy to include the word "legal".

Commissioners' Deliberations

The Commissioners concur with the Section 42A Report recommendation to amend Policy (c). It is a matter of national importance under section 6(d) of the Act to recognise and provide for the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers. The policy is consistent with this matter and it is appropriate it be retained albeit in an amended form. Enforcement matters are outside the scope of this hearing process.

Decision

Submission Reference: 524.45 Accept

290.2 Reject
FS85 Reject
FS112 Reject

Decision Amendment: 12.3.5 Fwe2 Policies: Policy (c)

Amend Policy (c) as follows:

- (c) *Prioritise the needs for **legal** public access to areas of significant value.*

Reasons

This decision is made for the following reasons:

- It is a matter of national importance under section 6(d) of the Act to recognise and provide for the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers.
- The Plan identifies the significant water bodies in Appendix 1.9 where Esplanade Reserves/Strips will be acquired to waterbodies of significant value. The issue regarding unvaccinated dogs is a matter that relates to enforcement and dog registration under another function of Council. The other examples of problems for landowners arising from public access in terms of public behaviour, may be appropriate to refer to Police. For the above reasons it is decided to retain Policy (c).

12.3.5 Fwe2 Policies: Policy (d)

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.46	Federated Farmers of NZ (Inc)	-	-
492.15	Horticulture NZ	-	-

Discussion

Federated Farmers of NZ (Inc) (524.46) seek Policy (d) be amended to enable the width of margin of Esplanade Reserves/Strips to be determined on a case by case basis to ensure best outcomes are achieved, and that public access to waterbodies other than significant waterbodies should only occur where a need for public access exists.

Horticulture NZ (492.15) seek Policy (d) be amended to state that Esplanade Reserves/Strips will only be required as part of subdivision consents.

Evidence Heard

Federated Farmers of NZ (Inc) (524.46) spoke in support of their submission, reiterating their concerns with Policy (d).

Commissioners' Deliberations

The Commissioners have previously considered the issue of width and access and for the reasons previously identified, no changes are proposed to Policy (d).

The Commissioners note the Section 42A Report discussion which outlines other provisions in the plan which provide the circumstances in which esplanade reserves are taken, and therefore believe the intended purpose is clear.

Decision

Submission Reference: 524.46 Reject
492.15 Reject

Reasons

This decision is made for the following reasons:

- Policy (d) as currently written, is clear in its intent as to when esplanade reserves and strips are required.

12.3.5 Fwe2 Policies: Policy (e)

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
520.7	Mighty River Power Ltd	-	-

Discussion

Mighty River Power Ltd (520.7) support Policy (e) and seek that it be amended to recognise that legitimate activities can also be affected by public recreation activities.

Evidence Heard

Mighty River Power Ltd (520.7) spoke in support of the amendment, but noted the incorrect policy was referenced in the Section 42A Report.

Commissioners' Deliberations

The Commissioners consider the amendment is a useful amendment to recognise the policy relates to all users of the freshwater environment.

Decision

Submission Reference: 520.7 Accept

Decision Amendment: 12.3.5 Fwe2 Policies: Policy (e)

Amend Policy (e) as follows:

*Manage the potential for reverse sensitivity to arise when land use and development occurs in close proximity to areas of public recreation **and vice versa**.*

Reasons

This decision is made for the following reasons:

- The Act is concerned with avoiding, remedying or mitigating the adverse effects of activities on the environment and the amendment clarifies this intent in respect of conflicting uses.

12.3.5 Fwe2 Policies: Add a New Policy

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
496.6	Wellington Fish and Game Council	FS112 D Riddiford FS85 Federated Farmers of NZ (Inc)	Oppose Oppose

Discussion

Wellington Fish and Game Council (496.6) seek that a new Policy be added clarifying where existing legal public access is to and along waterways, in a format that is readily available and understandable to the public. **D Riddiford** and **Federated Farmers of NZ (Inc)** oppose this submission.

Evidence Heard

Wellington Fish and Game Council (496.6) spoke in support of their submission. While they agree that the identification and publication of a schedule is a method, as recommended in the Section 42A Report, they still seek a new policy which provides an inventory to inform the public where they may access waterbodies.

Federated Farmers of NZ (Inc) did not speak specifically on their submission, but stated their support for the rejection of submissions which they submitted against.

Commissioners' Deliberations

The Commissioners adopt the Section 42A Report recommendation for the amendment to Method 12.3.7(g). The Commissioners do not believe the District Plan is the appropriate document in which to provide an inventory to inform the public where they may access waterbodies as such an inventory is not a District Plan regulatory or policy matter rather it is an education/information mechanism.

Decision

Submission Reference: 496.6	Accept in part
FS112	Accept in part
FS85	Accept in part

Decision Amendment: 12.3.5 Fwe2 Policies - Consequential Amendment: Amend Method 12.3.7(g)

Amend Method 12.3.7(g) as follows:

*(g) Education and information on the environmental **and recreational** values associated with lakes, rivers and wetlands.*

Reasons

This decision is made for the following reasons:

- The content matter of the requested new Policy does not pertain to a Policy and is not appropriately contained within a District Plan.

12.3.6 Explanation

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
520.8	Mighty River Power Ltd	-	-
496.7	Wellington Fish and Game Council	FS85 Federated Farmers of NZ (Inc) FS112 D Riddiford	Oppose Oppose

Discussion

Mighty River Power Ltd (520.8) seek that paragraph 5 of '12.3.6 Explanation' be amended to recognise that legitimate activities can also be affected by public recreation activities.

Wellington Fish and Game Council (496.7) seek that paragraph 4 of '12.3.6 Explanation' be amended to recognise that public access to waterbodies is not only obtained when the adjoining land is subdivided, as it can also be obtained via other mechanisms such as by way of easements independent of subdivision. **D Riddiford** and **Federated Farmers of NZ (Inc)** oppose this submission.

Evidence Heard

Mighty River Power Ltd (520.8) did not specifically speak in relation to their submission. However it is noted that the Section 42A Report recommendation supported their submission.

Wellington Fish and Game Council (496.7) spoke at the hearing expressing support for the amendment as outlined in the Section 42A Report recommendation.

Commissioners' Deliberations

The Commissioners note the amendments as provided in the Section 42A Report and concur with the recommendation. The support and acceptance by the original submitters to these amendments is noted. The amendment to paragraph 4 is for information purposes only and does not impose a requirement on landowners.

Decision

Submission Reference: 520.8 Accept

496.7 Accept in part

FS85 Reject in part
FS112 Reject in part

Decision Amendment: 12.3.6 Explanation

Amend the second sentence of paragraph 5 as follows:

*Access to and the recreational use of many lakes, rivers, wetlands and their margins in the Wairarapa may make the adjoining land more susceptible to the adverse effects of such use – an issue known as reverse sensitivity. For example, residential development near wetlands used for game hunting may create noise issues; **or the use of public structures and walking tracks, on or near controlled waterbodies, can put pressure on the efficient operational use of the waterbody.** Such potential effects should be considered when assessing proposals for subdivision and land development near the Wairarapa's rivers, lakes and wetlands.*

Amend paragraph 4 by adding a new sentence as follows:

*The maintenance and enhancement of public access to and along rivers, lakes and wetlands is a matter of national importance. The policies aim to systematically increase opportunities for public access to and along the Wairarapa's freshwater environment without causing detrimental effects to the natural character or ecology of freshwater environments. Such access is provided by the creation of esplanade reserves/strips or access strips on the margins of waterbodies when the adjoining land is subdivided. **Public access to waterbodies and their margins can also be obtained by other voluntary mechanisms outside of the Resource Management Act process, such as through the creation of easements outside of the subdivision process, or other voluntary access arrangements or land sales by landowners.** The form of the access depends on the particular circumstances, including the significance of the waterbodies and the operational requirements of the adjoining landowners.*

Reasons

This decision is made for the following reasons:

- The Act is concerned with avoiding, remedying or mitigating the adverse effects of activities on the environment. This pertains to all activities and, therefore, it is considered that the amendment to paragraph 5 of the Explanation better recognises that different users of the freshwater environment can affect each others activities, and the various mechanisms available for facilitating access.

12.3.7: Methods to Implement Freshwater Environment Policies: Method (a)

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.47	Federated Farmers of NZ (Inc)	FS68 Mighty River Power Ltd FS89 Wellington Regional Council	Support Oppose

Discussion

Federated Farmers of NZ (Inc) (524.47) seek that either 'Appendix 1.9 Significant Waterbodies' be deleted or, alternatively, have conducted a comprehensive assessment to identify significant lakes, rivers and wetlands with due consultation with landowners and the community, and to have publicly notified a Variation to the Plan to incorporate the results of that assessment by the first quarter of 2007. **Mighty River Power Ltd** support this submission. **Wellington Regional Council** oppose this submission.

Evidence Heard

Federated Farmers of NZ (Inc) (524.47) spoke in support of their submission and presented evidence outlining their concern with the approach taken to identify the significant waterbodies listed in Appendix 1.9. Federated Farmers Inc seek detailed information regarding the criterion used to determine waterbodies in Appendix 1.9, and conduct a comprehensive assessment in the South Wairarapa.

Wellington Regional Council (FS89) noted their support for the Section 42A recommendation.

Commissioners' Deliberations

The Commissioners note that Appendix 1.9 identifies specific significant waterbodies and the Plan contains rules that pertain to them. The Plan therefore provides certainty to landowners and the community as to what controls apply to activities along the margins of the identified waterbodies. The Commissioners note that the identified significant waterbodies have been rolled over from the three operative District Plans. The accuracy of the lists has been confirmed with no issues identified. As the listings are existing, it is not considered necessary to conduct a further assessment of significant waterbodies nor is it recommended to delete 'Appendix 1.9 Significant Waterbodies' of the Plan.

Decision

Submission Reference	524.47	Reject
	FS68	Reject
	FS89	Accept

Reasons

This decision is made for the following reasons:

- Appendix 1.9 Significant Water Bodies' of the Plan already identifies and lists those water bodies which due to their natural values and attributes provide for the matters specified in section 6 of the Act and which are valued for recreation, or play an important role in ecosystems, water catchments, and the health of the freshwater resource.
- The significant waterbodies listed for the South Wairarapa District are a rollover from the existing South Wairarapa District Plan and are considered worthy of protection given the matters identified in Section 229 of the Resource Management Act 1991 relating to esplanade reserve and strips, including maintaining or enhancing: the natural functioning river or lake, water quality, aquatic habitats; protecting natural values; mitigating natural hazards; and enabling public access and recreation.

12.3.7 Methods to Implement Freshwater Environment Policies: Method (b)

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.48	Federated Farmers of NZ (Inc)	FS85 Horticulture NZ	Support

Discussion

Federated Farmers of NZ (Inc) (524.48) oppose Method (b) and seek that it be amended so that it only applies to 'significant' lakes, rivers and wetlands. This was supported by **Horticulture NZ**.

Evidence Heard

Federated Farmers of NZ (Inc) (524.48) spoke in overall support of their submission.

Commissioners' Deliberations

The Commissioners considered the submissions and Section 42A Report recommendation and concur with the Section 42A recommendation that method (b) be retained as it applies to all waterbodies, not just significant waterbodies.

Decision

Submission Reference 524.48	Reject
FS85	Reject

Reasons

This decision is made for the following reasons:

- The Act is concerned with avoiding, remedying or mitigating the adverse effects of activities on the environment which includes the freshwater environment. Therefore, Method (b) is to be retained as currently worded.

12.3.7 Methods to Implement the Freshwater Environment Policies: Method (c)

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
524.50	Federated Farmers of NZ (Inc)	-	-

Discussion

Federated Farmers of NZ (Inc) (524.50) seek Method (c) be deleted given that the performance/development standards are yet to be developed and therefore compliance is uncertain.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

The Commissioners concur with the Section 42A Report recommendation to retain Method (c). Applicable performance and development standards are provided within the plan.

Decision

Submission Reference 524.50 Reject

Decision Amendment:

Consequential Change: Amend Rule 21.3 (District Wide Restricted Discretionary Activities) by adding a new restricted discretionary activity 21.3.13 as follows:

21.3.13 Motorised commercial recreation on the surface of freshwater

(a) Any motorised commercial recreation on the surface of freshwater.

Discretion is restricted to the following matters:

(i) The scale, character and nature of the activity including the frequency and size of watercraft associated with the activity.

(ii) Potential for conflict between the activity/structure and other users of the same waterbody.

(iii) Effects of activities on land associated with the proposed activity including the impact on public access.

(iv) Extent to which the activity will reduce opportunities for recreational activities.

(v) Effects of the activity on the intrinsic and natural values of the waterbody.

Reasons

This decision is made for the following reasons:

- The Plan already contains performance/development standards for activities on the surface of freshwater and new performance/development standards are not proposed by Method (c).

12.3.7 Methods to Implement the Freshwater Environment Policies: Add a New Method

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
496.9	Wellington Fish and Game Council	-	-

Discussion

Wellington Fish and Game Council (496.9) seek a new Method be added to provide an inventory of legal public access to waterways.

Evidence Heard

Wellington Fish and Game Council (496.9) spoke in support of their submission. They do not consider education and information on recreational values of an area, go far enough.

Commissioners' Deliberations

The Commissioners support the Section 42A recommendation. The Commissioners do not believe the District Plan is the appropriate document in which to provide an inventory to inform the public where they may access waterbodies as such an inventory is not a District Plan regulatory or policy matter rather it is an education/information mechanism.

Decision

Submission Reference 496.9 Reject

Reasons

This decision is made for the following reasons:

- It is considered that the earlier recommendation to amend Method 12.3.7(g) to read: *“(g) Education and information on the environmental and recreational values associated with lakes, rivers and wetlands.”* provides for education and information on the recreational attributes of lakes, rivers and wetlands.

12.4 Anticipated Environmental Outcome (e)

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
492.23	Horticulture NZ	FS112 D Riddiford FS85 Federated Farmers of NZ (Inc)	Support Support

		FS54 NZ Winegrowers	Support
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Discussion

Horticulture NZ (492.23) seek Anticipated Environmental Outcome (e) be amended to recognise that there is also potential for conflict between adjoining landowners. **D Riddiford**, **Federated Farmers of NZ (Inc)** and **NZ Winegrowers** support this submission.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

The Commissioners agree with the recommendation in the Section 42A Report and consider the provision of a new method is appropriate, as it would better describe the range of outcomes being sought for Freshwater Environment.

Decision

Submission Reference 492.23	Accept in part
FS112	Accept in part
FS85	Accept in part
FS54	Accept in part

Decision Amendment: 12.4 Anticipated Environmental Outcome (e): Consequential Amendment – Add a New Clause (g)

Add a new Anticipated Environmental Outcome (g) as follows:

(g) Diverse water-based activities on the surface of lakes and rivers that avoid, remedy or mitigate significant adverse effects on adjacent properties.

Reasons

This decision is made for the following reasons:

- The Resource Management Act is concerned with avoiding, remedying or mitigating the adverse effects of activities on the environment, and the provision of a new outcome is consistent with this purpose.

12.4 Anticipated Environmental Outcome (f)

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
290.3	K Reedy	-	-

Discussion

K Reedy (290.3) oppose Anticipated Environmental Outcome (f) and request an explanation as to what the margins of significant waterbodies are, and raised access issues.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

The Commissioners consider it appropriate that Anticipated Environmental Outcome (f) be retained for the reasons outlined in the Section 42A Report. Public access is a matter of national importance under Section 6(d) of the Resource Management Act 1991.

Decision

Submission Reference 290.3 Reject

Reasons

This decision is made for the following reasons:

- It is a matter of national importance under section 6(d) of the Act to recognise and provide for the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers.
- The Plan identifies the significant water bodies in Appendix 1.9 where Esplanade Reserves/Strips will be acquired to waterbodies of significant value.
- The meaning of 'margin' has its common meaning, which in the context of waterbodies is the area of land immediately adjacent to the waterbody.

12.4 Anticipated Environmental Outcomes: Add a New Outcome

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
498.6	Wairarapa Public Health	FS52 Horticulture NZ	Oppose

Discussion

Wairarapa Public Health (498.6) seek that a new Anticipated Environmental Outcome be added to recognise the protection of water supply catchments. **Horticulture NZ** opposes this submission.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

The Commissioners note the amendment and consider this amendment to be appropriate and addresses the original submission.

Decision

Submission Reference	498.6	Accept
	FS52	Reject

Decision Amendment: 12.4 Anticipated Environmental Outcomes: Add a New Outcome

Add a new Anticipated Environmental Outcome (h) as follows:

(h) Water of a suitable quality for the purpose of water supply sourced within identified catchment areas.

Reasons

This decision is made for the following reasons:

- The Planning Maps identify water supply catchment for the reticulated system in Masterton.
- It is a territorial authority's function under section 31(1) of the Act to achieve integrated management of the effects of the use and development of land.

21.1.8 Permitted Activity: Activities on the Surface of Freshwater

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
492.20	Horticulture NZ	-	-
526.97	Wellington Regional Council	-	-
264.19	D Riddiford	-	-

Discussion

Horticulture NZ (492.20) seek that the heading of 21.1.8 be amended to read 'Activities on Surface Waterbodies'.

Wellington Regional Council (526.97) seek that a proviso be added stating that there may be a requirement for resource consent from the Regional Council for activities on, under or over freshwater.

D Riddiford (264.19) advises that he will submit in further detail on Rule 21.1.8.

Evidence Heard

Wellington Regional Council spoke in support and acceptance of the Section 42A recommendation and seek the recommendation be adopted.

Commissioners' Deliberations

The Commissioners concur with the comments and recommendations of the Section 42A Report. The Commissioners consider the points raised are either already sufficiently addressed in the plan, or addressed by the amendments.

Decision

Submission Reference	492.20	Reject
	526.97	Accept
	264.19	Reject

Decision Amendment: 21.1.8 Activities on the Surface of Freshwater

Add a Note to 21.1.8 as follows:

Note: Activities on, under or over freshwater may require resource consent from the Wellington Regional Council.

Consequential Amendment:

Amend Rule 21.1.8 (District Wide Permitted Activities) as follows:

*(a) Any activity, **excluding motorised commercial recreation**, on the surface of any freshwater body (including wetlands, rivers and lakes) which meets the following standard...*

Reasons

This decision is made for the following reasons:

- The amendment clarifies the role of the regional and district councils and assist in plan interpretation.

22.1.8 Assessment Criteria: Surface of the Water

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.103	Department of Conservation	-	-

Discussion

The **Department of Conservation** (525.103) seek that consideration of 'natural values' be added to the assessment criteria in Rule 22.1.8(ii).

Evidence Heard

The **Department of Conservation** (525.103) spoke in support of their submission and support and acceptance of the Section 42A recommendation.

Commissioners' Deliberations

The Commissioners note the recommended amendment as requested by the submitter, and concur with the Section 42A Report recommendation.

Decision

Submission Reference 525.103 Accept

Decision Amendment: 22.1.8 Surface of the Water

Amend Clause (ii) as follows:

*(ii) Potential for conflict between the activity/structure and other users of the same waterbody, **as well as natural values.***

Reasons

This decision is made for the following reasons:

- It is considered that potential effects on natural values should be included in the assessment of resource consents as it better describes the matters associated with activities on the surface of waterbodies.

28.9 Appendix 1.9 Significant WaterBodies

Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.115	Department of Conservation	FS112 D Riddiford FS85 Federated Farmers of NZ (Inc) FS34 Adamson Land Surveyors	Oppose Oppose Oppose
496.10	Wellington Fish and Game Council	FS106 S Barton FS112 D Riddiford FS85 Federated Farmers of NZ (Inc)	Support Oppose Oppose
499.3	D Daniell	-	-
520.48	Mighty River Power Ltd	FS112 D Riddiford FS85 Federated Farmers of NZ (Inc) FS52 Horticulture NZ	Support Support Oppose
308.2	Wairarapa Federated	FS85 Federated Farmers of NZ (Inc)	Support

	Farmers	FS112 D Riddiford	Support
522.72	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	FS102 Windy Peak Trust	Oppose

Discussion

The **Department of Conservation** (525.115) and **Wellington Fish and Game Council** (496.10) seeks that the additional waterbodies be added to Appendix 1.9 Significant Water Bodies. **D Riddiford**, **Federated Farmers of NZ (Inc)**, and **Adamson Land Surveyors** oppose this submission. **S Barton** supports the submission of the Wellington Fish and Game Council.

D Daniell (499.3) seeks clarification of what the classification of significant waterbodies means for landowners, and that provision for building in the flood zone area be explored.

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.72) seeks that corrections are made to listings for the South Wairarapa District in Appendix 1.9. **Windy Peak Trust** oppose this submission.

Mighty River Power Ltd (520.48) seeks that for each significant waterbody in Appendix 1.9 that it is clearly identified what the relevant conservation, recreation or other values are that makes it a significant water body. **D Riddiford** and **Federated Farmers of NZ (Inc)** support this submission. **Horticulture NZ** oppose this submission.

Wairarapa Federated Farmers (308.2) opposes the significant waterbodies listed for South Wairarapa District, and seeks that only those waterbodies be listed where consultation can be shown to have taken place and agreement with land owners has been reached. It is also submitted that additional significant waterbodies should wait until the Significant Natural Area variation is done to see what the public think, not what lobby groups press for. **D Riddiford** and **Federated Farmers of NZ (Inc)** support this submission.

Evidence Heard

Wellington Fish and Game Council (496.10) spoke in support of their submission but question the need to limit the schedule only to waters of national importance.

Federated Farmers of NZ (Inc) (524.47) spoke in support of their submissions and presented evidence outlining their concern with the approach taken to identify the significant waterbodies listed in Appendix 1.9. Federated Farmers Inc seek detailed information regarding the criterion used to determine waterbodies in Appendix 1.9, and conduct a comprehensive assessment in the South Wairarapa.

D Riddiford spoke in support of his submission to remove references to SNAs at the mouth of the Oreirei River.

D Daniell spoke in support of his submission

Adamson Land Surveyors noted that they opposed the inclusion of the water bodies listed in the Plan so far as esplanade strips and reserves are considered. They noted they did not oppose that they be listed as significant water bodies. The expressed their support and acceptance for the recommendation to include Lake Onoke.

The **Department of Conservation** (525.115) spoke in support of their submission requesting the Section 42A Report recommendation be set aside and that the plan add the waterbodies as identified in their submission, to Appendix 1.9 and these be shown on the planning maps. DOC also request that the Plan add a more comprehensive and detailed description of “Lake Wairarapa” wetlands in Reference No Ws01, and show the extended area on Planning Map 24.

Commissioners’ Deliberations

For the reasons outlined in the Section 42A Report, it is agreed that Lake Onoke also be added to the significant waterbodies listed in Appendix 1.9 of the Plan. Identifying the lake in this manner would form a continuous significant waterbody between the coast and the upstream significant waterbodies. In respect of other waterbodies requested for inclusion, the Commissioners have determined that these not be included at this time. As noted in the Section 42A Report, when the national Water Programme of Action has been completed and the list of waterbodies finalised, Council’s may at that time wish to review whether any further waterbodies are added to Appendix 1.9.

In respect of the submission by Mr Daniells, the Commissioners note the comments provided in the Section 42A Report outlining what the classification of significant waterbodies means for landowners.

The Commissioners support the corrective amendments after carefully consideration of the matters raised by submitters.

In respect of the submission requesting that for each significant waterbody in Appendix 1.9, it is clearly identified what the relevant conservation, recreation or other values are that makes it a significant water body, the Commissioners note the comment in the Section 42A Report that the listed water bodies are identified as being significant for the combination of their conservation, recreation and other values.

In respect of the significant waterbodies listed for South Wairarapa District, Wairarapa Federated Farmers opposes the significant waterbodies listed for South Wairarapa District, and seeks that only those waterbodies be listed where consultation can be shown to have taken place and agreement with land owners has been reached. The Commissioners considered this submission and further submissions, and have determined to retain the significant waterbodies listed in Appendix 1.9 for the South Wairarapa District.

Decision

Submission Reference	525.115	Accept in part
	FS112	Reject in part
	FS85	Reject in part
	FS34	Reject in part
	496.10	Reject
	FS106	Reject
	FS112	Support
	FS85	Support
	499.3	Reject
	520.48	Reject
	FS112	Reject

FS85	Reject
FS52	Accept
308.2	Reject
FS85	Reject
FS112	Reject
522.72	Accept
FS102	Reject

Decision Amendment: 28.9 Appendix 1.9 Significant Water Bodies

Add Lake Onoke to Appendix 1.9, and amend Planning Map 29 to show as a Significant Waterbody.

Ws27	Lake Onoke	Southern Wairarapa	29
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Make the following corrections to the Listings for South Wairarapa District in Appendix 1.9 as follows:

Ws01: Add Map Number '18'

Ws07: Add Map Number '27'

Ws10: Add Map Number '36'

Ws18: Add Map Number '34' and delete Map Number '31'. Amend Name from "the stream in the Tauanui Valley" to "Tauanui River".

Ws26: Add Map Number '61'.

Reasons

This decision is made for the following reasons:

- It is a matter of national importance under section 6 of the Act to recognise and provide for the preservation of the natural character of the coastal environment, wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development; and to maintain and enhance public access to and along the coastal marine area, lakes and rivers.
- The water bodies in Appendix 1.9 are listed as significant because of their combined conservation, recreation or other values.
- The significant waterbodies listed for the South Wairarapa District are a rollover from the existing South Wairarapa District Plan and are considered worthy of protection given the matters identified in Section 229 of the Resource Management Act 1991 relating to esplanade reserve and strips, including maintaining or enhancing: the natural functioning river or lake, water quality, aquatic habitats; protecting natural values; mitigating natural hazards; and enabling public access and recreation.