

Overview

Waterbodies and their margins are an important part of the district. This chapter contains the provisions which manages the activities that occur on land adjoining waterbodies (including natural waterbodies and significant waterbodies).

Waterbodies are mapped and listed as significant waterbodies in SCHED9 - Schedule of Significant Waterbodies if they have identified significant biodiversity, ecological, natural character, recreational, scenic, amenity, cultural or water quality values. However, all waterbodies are connected and have important values, including for biodiversity, cultural or historical reasons. Even if a waterbody is not identified as a 'significant waterbody' in the District Plan, it may still be valued, for example:

- tangata whenua have a special relationship with the mouri of waterbodies, and ancestral, cultural, spiritual or historical associations with waterbodies. Many waterbodies in the District (including tributaries) are identified as statutory acknowledgement areas. These waterbodies contain associated kāinga, pā, important sites for the gathering of kai, tauranga ika and specialised zones for various activities of high cultural value such as cleansing, iriiringa, food preparation and bathing, which continue to be vital to the wellbeing, livelihood and lifestyle of tangata whenua; and
- small streams, which make up 75% of all streams in Taranaki, have important ecological, natural character and hydrological values as they provide important habitat for native fish (with some streams known to support high numbers of eels, and support diverse macroinvertebrate and fish populations), as identified in Taranaki Regional Council's research on Small Stream Modification in Taranaki (2010).

The National Policy Statement for Freshwater Management 2014 guides decision-making regarding the freshwater resources of New Zealand. In particular the Council must have regard to its policies in consent decision-making.

The Council works with Taranaki Regional Council and tangata whenua to ensure waterbodies are managed in an integrated way.

Cross references to other relevant District Plan provisions

It is important to note that in addition to the zone chapters, a number of District Wide and Overlay chapters also contain provisions that may be relevant for energy activities, including:

- **Public Access** - The Public Access Chapter contains provisions relating to the provision and maintenance of public access to waterbodies.
- **Subdivision** - The Subdivision Chapter contains provisions which manage subdivision and specific standards in relation the provision of esplanade reserves and strips, in particular SUB-S9.
- **Activities on the Surface of Water** - The Activities on the Surface of Water Chapter contains provisions that manage activities that occur on the surface of water.
- **Coastal environment** - The Coastal Environment Chapter contains provisions which manage activities occurring on land adjacent to the coast and includes specific provisions in relation the provision of esplanade reserves and strips when subdividing land adjoining mean high water spring.
- **Earthworks** - Earthworks that have the potential to result in adverse effects on identified features are to be managed. Provisions relating to earthworks are contained in the Earthworks Chapter.

Objectives	
WB-O1	Waterbodies with natural character and ecology, recreation, cultural, spiritual and heritage values, and their margins are protected from inappropriate activities.
WB-O2	Public access to and along waterbodies with high recreation, scenic or amenity values is maintained and enhanced.
WB-O3	The adverse effects of activities on the values of waterbodies are avoided, remedied or mitigated.
WB-O4	The relationship of tangata whenua and their traditions, values and interests associated with waterbodies are recognised and provided for.

Policies	
WB-P1	Identify, map and schedule significant waterbodies for one or more of the following reasons: <ol style="list-style-type: none"> 1. the waterbody and/or its margins have high natural character and ecology values, including natural aquatic habitats that support the presence of threatened, at risk, or regionally distinctive indigenous species, 2. use of the waterbody and/or its margins for recreational purposes including surface water activities, fishing, hunting and tramping; 3. importance of the waterbody in providing access and connections to areas of recreational use; 4. cultural, spiritual or heritage associations of tangata whenua to the waterbody, including ability to undertake customary activities; and/or 5. importance of water quality, including for urban water supplies, and in relation to the above values.
WB-P2	Protect the natural character, ecological, recreational, cultural, spiritual, heritage and/or amenity values of waterbodies, including significant waterbodies, by: <ol style="list-style-type: none"> 1. managing the potential adverse effects of subdivision on the values of the waterbody; 2. requiring buildings and earthworks to be set back from waterbodies to avoid, remedy or mitigate potential adverse effects on their values; and 3. maintaining and enhancing public access to waterbodies with recreation, scenic, cultural or amenity values through the creation of esplanade reserves or strips at the time of subdivision, especially where it would provide connections to existing reserves.
WB-P3	Require that activities proposing to locate on sites adjoining a waterbody, including a significant waterbody, demonstrate that the activity is located appropriately having regard to:

	<ol style="list-style-type: none"> 1. the particular natural character, ecological, recreational, cultural, spiritual, heritage and/or amenity values of the waterbody and the extent to which the values of the waterbody may be adversely affected by the activity; 2. the purpose of the activity and whether it has a functional need to be located adjoining a waterbody; 3. the ability to effectively restore and rehabilitate the waterbody and/or off-set adverse effects; 4. for waterbodies which have cultural, spiritual and/or historic values and interests or associations of importance to tangata whenua, the outcomes of any consultation with and/or cultural advice provided by tangata whenua as kaitiaki, including with respect to mitigation measures; and 5. whether the activity would create new or exacerbate existing natural hazards, including flooding or stream bank erosion.
WB-P4	<p>When any subdivision of land creates allotments containing or adjoining a significant waterbody, or any subdivision of land adjoining or containing a waterbody creates an allotment of less than 4 ha in area, require that an esplanade reserve or esplanade strip be provided along the waterbody, where a reserve or strip will:</p> <ol style="list-style-type: none"> 1. assist to protect, maintain or enhance the values of the waterbody including; natural character and ecology, recreation, public access, cultural and heritage associations of tangata whenua, or water quality; and/or 2. assist to mitigate natural hazards.
WB-P5	<p>Require any subdivision of land creating allotments containing or adjoining a waterbody, which proposes to waive the provision of and/or reduce the width of an esplanade strip or reserve, to demonstrate that the waiver or reduction is appropriate, having regard to:</p> <ol style="list-style-type: none"> 1. the purpose(s) of esplanade reserves and strips in accordance with section 229 of the Act, and whether a reserve or strip will best achieve the purpose; 2. whether the waterbody adjoins a public access corridor and/or is within an urban area, and if so, whether public access and recreational opportunities will be better provided for by requiring a reserve instead of a strip; 3. whether the waiver or reduction will limit or reduce opportunities to link land-locked or isolated esplanade strips or reserves, or access strips; 4. whether any alternative public access to the waterbody is available; 5. the site's physical characteristics and constraints and any practical implications of providing access; 6. effects of natural hazards, including protection of the integrity of the river, and erosion and flood control works; 7. whether the provision of a reserve or strip would compromise or assist the ability to protect, maintain or enhance natural character, ecological, landscape, historic heritage or cultural values of the waterbody and/or the ability to protect sites and activities of significance to tangata whenua; and 8. the benefits and costs of the provision and maintenance of esplanade reserves or strips.
WB-P6	<p>Consider the incorporation of mātauranga Māori principles into the design, development and/or operation of activities on sites adjoining waterbodies which have cultural, spiritual and/or historic values and interests or associations of importance to tangata whenua and provide opportunities for tangata whenua to exercise their customary responsibilities as mana whenua and kaitiaki in respect of waterbodies.</p>
WB-P7	<p>Promote community awareness of:</p> <ol style="list-style-type: none"> 1. the importance of the values of waterbodies and the threats to them; 2. opportunities for waterbodies to provide a network of indigenous biodiversity; and 3. the benefits of the protection and enhancement of waterbodies and their values.
WB-P8	<p>Support the provision of information, technical and cultural advice to the community relating to the protection and enhancement of the values of waterbodies, including riparian planting and management, in conjunction with relevant agencies and tangata whenua.</p>

Rules

Refer to Part 1 for how to use this District Plan, including activity status abbreviations.

Activities Rules

WB-R1	Erection of a building on a site containing or adjoining a natural waterbody or significant waterbody	
WB-R2	Relocation of a building onto a site containing or adjoining a natural waterbody or significant waterbody	
WB-R3	Addition to a building on a site containing or adjoining a natural waterbody or significant waterbody	
(1) Commercial and Mixed Use Zones	Activity status: PER	Activity status where compliance not achieved: N/A
(2) Rural Zones	<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. the building is set back at least 10 metres from a significant waterbody, or 2. the building is set back at least 5 metres from any other natural waterbody. <p>Note:</p> <ol style="list-style-type: none"> 1. This rule applies to wastewater pump stations but does not apply to pump stations used for other purposes. 	<p>Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> 1. The matters set out in WB-P1, WB-P2, WB-P3 and WB-P6. 2. Whether the activity would create new or exacerbate existing natural hazards, including flooding or stream bank erosion.

	2. For rivers and streams, the setback shall be measured from the closest bank. The setback does not apply on land where the waterbody was piped as at (<i>date the Proposed plan is notified</i>)	
<p>(3) Open Space and Recreation Zones</p> <p>Residential Zones</p> <p>General Industrial Zone</p> <p>Special Purpose Zones</p>	<p>Activity status: PER Where:</p> <ol style="list-style-type: none"> the building is set back at least 10 metres from a significant waterbody. <p>Note:</p> <ol style="list-style-type: none"> This rule applies to wastewater pump stations but does not apply to pump stations used for other purposes.. For rivers and streams, the setback shall be measured from the closest bank. The setback does not apply on land where the waterbody was piped as at (<i>date the Proposed Plan is notified</i>) 	<p>Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> The matters set out in WB-P1, WB-P2, WB-P3 and WB-P6. Whether the activity would create new or exacerbate existing natural hazards, including flooding or stream bank erosion.
WB-R4	Earthworks on a site containing or adjoining a natural waterbody or significant waterbody	
Rural Zones	<p>Activity status: PER Where:</p> <ol style="list-style-type: none"> the earthworks are set back at least 10 metres from any significant waterbody; and the earthworks are set back at least 5 metres from any other natural waterbody. <p>This rule does not apply to:</p> <ol style="list-style-type: none"> Earthworks permitted by a rule in a Regional Plan or resource consent issued by Taranaki Regional Council, or Earthworks for, or associated with undertaking, erecting, maintaining or upgrading: <ol style="list-style-type: none"> natural hazard mitigation activities pump houses not associated with pumping wastewater. network utilities poles and masts for the purposes of supporting lines across a waterbody or thrusting lines underneath the bed of a waterbody. post and wire fences. river flow recording facilities. bridges, culverts, or fords. jetties or boat ramps, and/or customary activities <p>Note:</p> <ol style="list-style-type: none"> For rivers and streams, the setback shall be measured from the closest bank. 	<p>Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> The matters set out in WB-P1, WB-P2, WB-P3 and WB-P6. Whether the activity would create new or exacerbate existing natural hazards, including flooding or stream bank erosion.
WB-R5	Subdivision of land containing or adjoining a waterbody	
All zones	<p>Activity status: CON Where:</p> <ol style="list-style-type: none"> Effects Standard SUB-S9 is complied with. <p>Matters over which control is reserved:</p> <ol style="list-style-type: none"> The location, design, layout and proximity of allotments in relation to the significant waterbody and the extent to which the waterbody's identified values will be protected or maintained. The matters set out in WB-P2 - WB- P6. Whether the subdivision would create new or exacerbate existing natural hazards, including flooding or stream bank erosion. 	<p>Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> The location, design, layout and proximity of allotments in relation to the significant waterbody and the extent to which the waterbody's identified values will be protected or maintained. Whether an esplanade strip or esplanade reserve is set aside for the purposes set out in section 229 of the Act. The matters set out in WB-P2 - WB-P6. Whether the subdivision would create new or exacerbate existing natural hazards, including flooding or stream bank erosion.
WB-R6	Subdivision of land containing or adjoining a significant waterbody	
All zones	<p>Activity status: RDIS Where:</p> <ol style="list-style-type: none"> Effects Standard SUB-S9 is complied with 	<p>Activity status where compliance not achieved: DIS</p>

	<p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> 1. The location, design, layout and proximity of allotments in relation to the significant waterbody and the extent to which the waterbody's identified values will be protected or maintained. 2. The matters set out in WB-P2 - WB- P6. 3. Whether the subdivision would create new or exacerbate existing natural hazards, including flooding or stream bank erosion. 	
WB-R7	Wastewater treatment plant on a site containing or adjoining a natural waterbody or significant waterbody	
All zones	<p>Activity status: RDIS Where:</p> <ol style="list-style-type: none"> 1. the wastewater treatment plant is set back at least 10 metres from a significant waterbody; or 2. the wastewater treatment plant is set back at least 5 metres from any other natural waterbody. <p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> 1. The location, design, layout and proximity of the activity in relation to the waterbody and the extent to which the waterbody's values will be protected or maintained. 2. The matters set out in policies WB-P1, WB-P2, WB-P3 and WB-P6. <p>Note:</p> <ol style="list-style-type: none"> 1. For rivers and streams, the setback shall be measured from the closest bank. 	<p>Activity status where compliance not achieved: DIS</p>