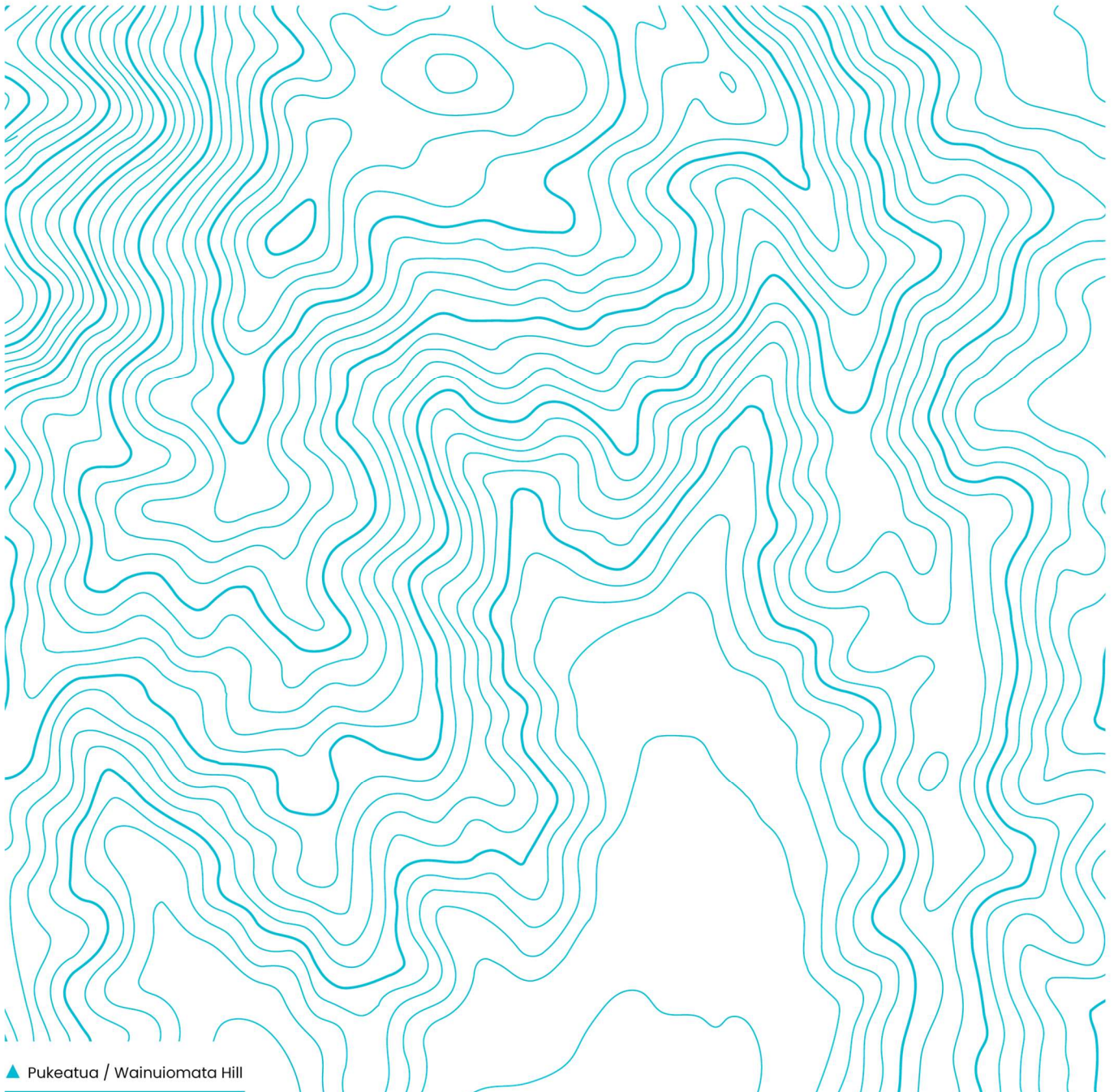


# Section 32 Evaluation

## ACTIVITIES ON THE SURFACE OF WATER



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## 2 Overview and Purpose

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- (1) Hutt City Council is reviewing the City of Lower Hutt District Plan. This is a full review of the District Plan, including the approach to activities on the surface of water.
- (2) This report is a record of the review with regard to activities on the surface of water. It includes an evaluation of objectives and provisions for a proposed District Plan to address activities on the surface of water, in accordance with the requirements of s32 of the Resource Management Act 1991.
- (3) This report sits as one of a package of reports for the proposed Plan and should be read alongside the Plan Wide Report, which covers matters common to all Plan topics.

### **Activities on the surface of water for Lower Hutt**

- (4) Lower Hutt contains a number of rivers and streams, the three largest being Te Awa Kairangi/Hutt River, Wainuiomata River and Orongorongo River. Lower Hutt also includes two lakes: Lake Kohangapiripiri and Lake Kohangatera.
- (5) Common activities on the surface of water in Lower Hutt include recreational activities (swimming, boating/kayaking and fishing) and river management activities (including the use of watercraft during monitoring and maintenance of river protection).
- (6) Activities on the surface of water can have a range of impacts on the environment, particularly from motorised watercraft. This includes nuisance effects from noise and potential impacts on flood protection works and indigenous ecosystems from bow waves.

### **Integrated management of activities on the surface of water**

- (7) Hutt City Council and Greater Wellington Regional Council (GWRC) both play a role in managing activities on the surface of water in Lower Hutt.
- (8) Hutt City Council are responsible for managing activities on the surface of water upstream of the coastal marine areas. GWRC are responsible for the control of activities on the surface of water within the coastal marine area.

- (9) GWRC have mapped the upstream extent of Lower Hutt's largest rivers as:
- For Te Awakairangi/Hutt River – the seaward edge of the Waione Street Bridge,
  - For the Wainuiomata River – a line extending from Coast Road to the east of the river mouth, running west approximately parallel to the coastline, and
  - For the Orongorongo River - the seaward edge of the Coast Road Bridge.
- (10) For all other waterbodies in Lower Hutt, the upstream extent, as measured from the mouth of the waterbody, is calculated by multiplying the width of the waterbody mouth by 5.
- (11) Greater Wellington Regional Council also has wider functions under the Resource Management Act for the management control of activities that may impact surface waterbodies, water quality and aquatic ecosystems, including in relation to managing discharges of contaminants, the taking, use, damming and diversion of water, and the disturbance of the beds of waterbodies.

# 3 Statutory and Policy Context

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- (12) The following sections discuss the statutory and policy context for activities on the surface of water.
- (13) More information on the relevance of the national, regional and local planning documents for the District Plan is summarised in the Plan-Wide Report.

## 3.1 Resource Management Act 1991

### 3.1.1 Section 5 – Purpose and Principles

- (14) The purpose of the District Plan (under section 72 of the RMA) is to assist Hutt City Council to carry out its functions in order to achieve the purpose of the Act.
- (15) The purpose of the RMA is set out in section 5. The purpose is to promote the sustainable management of natural and physical resources.
- (16) Under s5(2) of the Act, sustainable management means:

*managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*

- (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

### 3.1.2 Section 6 – Matters of National Importance

(17) Section 6 of the RMA sets out matters of national importance that all persons exercising functions and powers under the Act shall *recognise and provide for* in achieving the purpose of the RMA. The relevant s6 matters for activities on the surface of water are:

Section	Relevant Matter
6(a)	The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.
6(c)	The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.
6(d)	The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers.
6(e)	The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
6(h)	The management of significant risks from natural hazards.

### 3.1.3 Section 7 – Other Matters

(18) Section 7 of the RMA sets out other matters that all persons exercising functions and powers under it shall *have particular regard to* in achieving the purpose of the RMA. The relevant s7 matters for activities on the surface of water are:

Section	Relevant Matter
7(c)	The maintenance and enhancement of amenity values.

7(d)	Intrinsic values of ecosystems.
7(f)	Maintenance and enhancement of the quality of the environment.
7(h)	The protection of the habitat of trout and salmon.

### **3.1.4 Section 8 – Treaty of Waitangi**

- (19) Section 8 of the RMA requires Council to take into account the principles of the Treaty of Waitangi when exercising functions and powers under the Act.
- (20) Council has engaged with Mana Whenua of Lower Hutt as part of the District Plan Review, including with representatives of Taranaki Whānui ki te Upoko o te Ika (Port Nicholson Block Settlement Trust), Wellington Tenth Trust, Palmerston North Māori Reserve Trust, Te Rūnanganui o Te Āti Awa ki Te Upoko o Te Ika a Māui Incorporated and Te Rūnanga o Toa Rangatira Incorporated.
- (21) This engagement has demonstrated two key principles of the treaty, the first being the principle of partnership by, recognising and fostering mutual good faith with our existing iwi partnerships and continuing to provide the opportunities for tangata whenua to input meaningfully into activities with regard to activities relating to water (wai).
- (22) Secondly, the principle of active protection is another key aspect of the treaty principles demonstrated, as it seeks ways to deliver mixed and culturally dynamic communities in a sustainable way.

### **3.1.5 Section 31 – Functions of territorial authorities under this Act**

- (23) Section 31 of the RMA states functions of territorial authorities under the Act.
- (24) This includes the function of the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes (s31(1)(e)).



## 3.2 National Policy Statements

- (25) The District Plan must give effect to national policy statements (s75(3)(a) of the RMA).
- (26) No national policy statements directly address activities on the surface of water.
- (27) However, the National Policy Statement for Freshwater Management includes a general objective for freshwater *“to ensure that natural and physical resources are managed in a way that prioritises:*
- (a) first, the health and well-being of water bodies and freshwater ecosystems
  - (b) second, the health needs of people (such as drinking water)
  - (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.”

## 3.3 New Zealand Coastal Policy Statement

- (28) The New Zealand Coastal Policy Statement 2010 (NZCPS) sets out the objectives and policies in order to achieve the purpose of the RMA in relation to the coastal environment.
- (29) The District Plan must give effect to the NZCPS (s75(3)(b) of the RMA).
- (30) The coastal environment can extend further upstream than the coastal marine area, and the NZCPS is a relevant consideration for those parts of the waterbodies that are within the coastal environment (the control of activities on the surface of waterbodies within the coastal marine is a function of GWRC under s30(1)(d) of the RMA).
- (31) The NZCPS does not address activities on the surface of water. However, it includes more general objectives and policies for the coastal environment that may be relevant for an activity on the surface of water.
- (32) In particular:

- **Objective 1:** To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems,
- **Objective 2:** To preserve the natural character of the coastal environment and protect natural features and landscape values,
- **Objective 3:** To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment,
- **Objective 4:** To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment,
- **Objective 5:** To ensure that coastal hazard risks, taking account of climate change, are managed,
- **Objective 6:** To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development,

Note: These objectives include further details on what is included in the outcomes sought by the objectives.

### 3.4 National environmental standards

- (33) National environmental standards are regulations prepared under the RMA that prescribe technical standards, methods (including rules) and requirements. A district plan can only be more lenient or stringent than a relevant national environmental standard if the standard expressly says that this may be the case.
- (34) No national environmental standards are relevant for activities on the surface of water.

### 3.5 National Planning Standards

- (35) Section 75(3)(ba) of the Act requires district plans to give effect to the National Planning Standards.

- (36) Under the National Planning Standards, if a district plan includes provision for managing activities on the surface of water, they must be included in an Activities on the Surface of Water chapter, under General district-wide matters (Standard 7).

## 3.6 Regional Policy Statement for the Wellington Region and Proposed RPS Change 1

- (37) Section 75(3)(c) of the RMA requires the District Plan to give effect to the Regional Policy Statement for the Wellington Region ('the RPS'). The RPS identifies the significant resource management issues for the region and outlines the policies and methods required to achieve the integrated sustainable management of the region's natural and physical resources.
- (38) The RPS does not specifically address activities on the surface of water. However, the following objectives of the RPS are most relevant:

Provision	Comment
Objective 4	<i>The natural character of the coastal environment is protected from the adverse effects of inappropriate subdivision, use and development.</i>
Objective 8	<i>Public access to and along the coastal marine area, lakes and rivers is enhanced.</i>

- (39) In addition, section 74(2) of the RMA requires Council to have regard to any proposed regional policy statements. Proposed RPS Change 1 was notified on 18 August 2022. As of the preparation of the proposed District Plan, no decisions on Proposed RPS Change 1 have been made.
- (40) No changes proposed by Proposed RPS Change 1 are relevant for activities on the surface of water.

## **3.7 Natural Resource Plan for the Wellington Region and Proposed NRP Change 1**

- (41) Under Section 75(4)(b) of the RMA, the District Plan must not be inconsistent with the Natural Resources Plan for the Wellington Region (the NRP) for any matter specified in section 30(1) of the RMA (which relates to functions of regional councils).
- (42) Under Section 74(2)(a)(ii) of the RMA, Council is to have regard to any proposed regional plan in regard to any matter of regional significance or for which the regional council has primary responsibility. Proposed NRP Change 1 was notified on 30 October 2023.
- (43) The NRP and Proposed NRP Change 1 do not address activities on the surface of water.
- (44) While GWRC has several functions in relation to surface waterbodies (including in relation to the quality and quantity of water in waterbodies and damming and diversion of water) there is little risk of inconsistency between the District Plan and NRP as those functions do not overlap with the management of activities on the surface of water.

## **3.8 Iwi management plans**

- (45) Section 74(2A) requires territorial authorities, when preparing or changing a district plan, to take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.
- (46) In addition, iwi authorities may have other planning documents that, while not mandatory considerations for the District Plan Review, should still be taken into account for the Review as they are a source of information on the intentions of an iwi authority. And considering these documents can aid integrated management.

- (47) While no relevant planning documents have been lodged with Council by an iwi authority, the *Te Runanga o Ati Awa ki Upoko Te Ika a Maui Iwi Environmental Management Plan* is relevant.

### **3.9 Hutt City Council plans, policies, and strategies**

- (48) No Council plans, policies or strategies are relevant for activities on the surface of water.

### **3.10 District plans of adjacent territorial authorities**

- (49) Section 74(2)(c) of the RMA requires the Council to have regard to the extent to which the District Plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.
- (50) Te Awa Kairangi/Hutt River flows through the length of the Hutt Valley, running through the Upper Hutt district before crossing into Lower Hutt near the district boundary near Manor Park and Silverstream.
- (51) The approach of the Upper Hutt District Plan for activities on the surface of water is:
- A single objective for
    - the provision of access to waterbodies, and
    - the management of activities on waterbodies in a manner that does not result in undue adverse effects on the environment and which avoids conflict between users and with adjoining land uses.
  - A single policy to ensure that activities on the surface of rivers within the City take place without significant adverse effects on other users and the aquatic habitat.
  - Rules that permit recreational activities on the surface of water *other than motorised commercial recreation*, and requires

resource consent for motorised commercial recreation as a discretionary activity (no other activities are addressed).

- (52) There is little value in being consistent with the approaches of the district plans of other adjacent territorial authorities as there are no cross boundaries for activities on the surface of water. The only benefit to consistency with those plans would be for plan users who operate under multiple plans in the region (a very small group when it comes to activities on the surface of water). However, the approach of other district plans in the Wellington region for activities on the surface of water are discussed in Section 4 of this report, as part of the discussion of resource management issues.

### 3.11 Other statutory and non-statutory plan, policies, and strategies

- (53) In addition to Hutt City Council’s plans, policies and strategies (discussed above), there are regional and national plans, policies and strategies that, while not mandatory considerations for the District Plan Review, should still be considered as they form part of the management regime for natural and physical resources in the district, and considering these documents can aid integrated management.
- (54) The following other statutory and non-statutory plans, policies and strategies are relevant for activities on the surface of water:

Plan, Policy, or Strategy	Comments
Parangarahu Lakes Area Co-Management Plan 2022	<p>This plan outlines a co-management approach for Lake Kohangapirpi and Kohangatera between GWRC and Port Nicholson Block Settlement Trust.</p> <p>The vision for the plan is <i>“Kohangapiripiri – Kohangatera - Kohanga Ora – nests nurturing life and wellbeing.”</i> The plan</p>

	<p>outlines four principles for management of the Parangarahu lakes Area:</p> <ol style="list-style-type: none"> <li>1. Kaitiakitanga,</li> <li>2. Co-management,</li> <li>3. Integrated catchment management approach, and</li> <li>4. Mouri ora.</li> </ol> <p>The plan includes general restrictions for a range of activities in the catchment, including fishing, motorised recreation and swimming/boating/waka while explicitly providing for kaitiaki activities.</p>
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### 3.12 Other legislation or regulations

(55) In addition to the RMA, other legislation and regulations can be relevant considerations for a district plan, particularly where management of an issue is addressed through multiple pieces of legislation and regulatory bodies.

(56) The following other legislation and regulations are relevant for activities on the surface of water:

Act or Regulation	Comments
Maritime Transport Act 1994	<p>This Act sets out the legal framework for maritime safety and protection of the marine environment, including giving the regional council the function of making bylaws for the purpose of ensuring maritime safety:</p> <ul style="list-style-type: none"> <li>• licensing of ships and crew</li> <li>• investigation of maritime accidents</li> </ul>

	<ul style="list-style-type: none"><li>• offences, response for oil spills planning and preparedness</li><li>• other aspects of maritime law such as salvage, liability for pollution damage, limitation of liability, and compensation.</li></ul>
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# 4 Resource Management Issues

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## 4.1 Introduction to resource management issues

- (57) This section discusses the resource management issues for activities on the surface of water in Lower Hutt, and includes a summary of the evidence base that has informed the identification of resource management issues for the District Plan Review.
- (58) The surface of water is generally used for passive recreation, but can also be commercial recreation, flood protection or extraction activities. These activities can provide significant recreation opportunities and contribute to an individual's health and overall wellbeing. They can provide for business and commercial opportunities.
- (59) However, activities on the surface of water can adversely affect amenity, character, biodiversity, cultural values and flood protection structures, particularly through motorised vehicles.

## 4.2 Evidence base

- (60) Council's identification of resource management issues for activities on the surface of water is based on a review of the approach of the operative District Plan, an analysis of District Plans in the Wellington region, and feedback received during engagement with Mana Whenua, the community and other stakeholders.

### 4.2.1 Approach of the operative District Plan

- (61) The operative District Plan handles issues relating to activities on the surface of water in through Chapter 7C: River Recreation Activity Area. The River Recreation Activity Area is the zone that contains the Te Awa Kahurangi/Hutt River.
- (62) Issues relating to noise are managed in the noise chapter.

- (63) Chapter 7C includes the following issues in relation to activities on the surface of water:
- Activities on the surface of rivers and adjoining banks need to be managed so that natural and ecological qualities are maintained and enhanced (section 7C 1.1.1).
  - Recreation and leisure activities on the surface of rivers and margins can have adverse effects on adjoining residential activity areas. It is important that such adverse effects are managed, avoided or mitigated (section 7C 1.1.2).
- (64) The objectives of the River Recreation Activities Area seek to ensure that:
- Activities that occur on the surface of rivers and their margins have adverse effects that are no more than minor on natural and ecological qualities and access to these areas is maintained,
  - River recreation activities have effects that are more than minor on the amenity values of residential areas, and
  - Flood and river protection works are not affected adversely by recreation activities.
- (65) The rules of Chapter 7C permit non-motorised recreational activities are permitted activities, subject to a standard on light spill and the standards of the Plan's General Rules chapter (Chapter 14), which includes standards on noise.
- (66) Resource consent is required for all motorised recreational activities as a discretionary activity.
- (67) The operative district plan also seeks to provide for activities associated management of streams and rivers by Greater Wellington Regional Council, including the protection of the hydraulic capacity of the Hutt River Mouth and maintenance activities within reserves by Wellington Regional Council or Hutt City Council.

## **4.2.2 Analysis of other District Plans**

- (68) The approach of the following district plans on activities on the surface of water have been reviewed:

- Kāpiti Coast District Plan
- Proposed Porirua City District Plan (decisions version)
- Upper Hutt District Plan
- Proposed Combined Wairarapa District Plan
- Proposed Wellington City District Plan

(69) Most of these plans do not include an Activities on the Surface of Water chapter, including the plans of Kāpiti Coast, Porirua and Wellington. This is likely to be due to the low number of larger waterbodies in these areas.

(70) The plans for Upper Hutt and Wairarapa take a similar approach. They both permit activities on the surface of water excluding motorised commercial recreation.

(71) However, the plan for Wairarapa also includes a specific rule that permits structures on or above the surface of water if the gross floor area is less than 10m<sup>2</sup>. The policy that supports this rule (ASW-P3) is to prevent structures on or over the surface of water unless *they are an accepted part of the waterbody environment or they have a functional or operational need to locate in this environment (for example, culverts, bridges or stock crossings, other linear infrastructure, maimais, small recreational structures, and flood defence systems)*.

### **4.2.3 Resource consents**

(72) There have been no recent applications for resource consent. The records of resource consents received by Hutt City Council between 1 January 2014 to 31 December 2023 were analysed. No applications for resource consents for activities on the surface of water were found.

### **4.2.4 Advice from mana whenua**

(73) From a general perspective, Mana Whenua have been clear and consistent in their direction and vision throughout the district plan consultation process, which has been led by the conceptual desire to continue to connect to their ancestral lands and work with Council via the treaty to achieve the purpose of section 5 of the Act in a sustainable

manner whilst respecting both tikanga (traditional customs) and Te Taiao (the environment).

## 4.2.5 Stakeholder and community engagement

(74) Council has primarily engaged with the community and other stakeholders through two rounds of engagement:

- The *Shaping Your City* engagement (2020), on issues and options for the District Plan Review, and
- The *Draft District Plan* engagement (2023), on a full draft of the plan that had been developed through the District Plan Review.

(75) In addition, for some topics there has been ongoing engagement with people who have expressed a particular interest in that topic.

(76) For activities of the surface of water, little feedback has been received. However, through the Draft District Plan engagement, Fish and Game New Zealand stated their support for the objective and policies in the draft Activities on the Surface of Water chapter but requested that:

- Te Mana o te Wai be taken into account,
- Activities which degrade the ecosystem and mauri of waterbodies (such as gravel extraction, ripping and raking, and control and command flood works) be minimised where possible, and
- Better solutions for people and communities to co-exist with waterways be actively explored.

*Te Mana o te Wai* is the fundamental concept for the National Policy Statement on Freshwater Management. It refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment.

## 4.3 Summary of issues analysis

(77) The following resource management issues have been identified for activities on the surface of water, based on the discussion above and the statutory and policy context outlined in Section 3 of this report:

- Waterbodies in Lower Hutt hold a range of ecological and cultural values, and provide a range of recreational opportunities, including for swimming, fishing and boating.
- Activities on the surface of water can have a range of adverse effects, including on the ecological and cultural values of the waterbody and amenity values of the waterbody and surrounding area.
- There are a range of activities that have a functional need to take place on or adjacent to a waterbody, such as activities associated with river protection monitoring for water quality and aquatic ecology.

# 5 Scale and significance assessment

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- (78) An evaluation report must provide a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects anticipated from the implementation of the proposal.
- (79) The scale and significance for the Activities on the Surface of Water chapter are assessed below:

Matter for Consideration	Scale and significance
Matters of national importance	Moderate. Activities on the surface of water can impact a number of matters of national importance identified in section 6 of the RMA, including in relation to natural character, habitats of indigenous fauna, public access, the relationship of Māori and their culture and traditions, and natural hazard risk.
Other matters	Low. The key impact is on the amenity for the waterbodies and surrounding area and the maintenance of the environment.
Degree of change from the operative plan	Low. There would be very little change from the operative District Plan.
Geographic scale of effects	Low. The areas affected are limited, with few waterbodies in Lower Hutt being large enough to support activities on them.
Number of people affected	Low. While rivers and lakes are important social and cultural resources, relatively few activities take place on their surface, and the short term nature and limited

	geographic scale for these effects mean that relatively few people are affected.
Duration of effects	Low. The effects of most activities are short term and cease when the activity ceases.
Economic impacts	Low. Almost all activities on the surface of water are recreational, with few commercial recreation activities occurring on Lower Hutt's waterbodies.
Social and cultural impacts	Medium. While the geographic area is small and the relative numbers of people who undertake activities on the surface of water are small, rivers and lakes (and their margins) provide recreation opportunities.
Natural environmental impacts	Low. While activities in and around waterbodies can have an impact on the natural environment, these impacts are from activities that are managed by GWRC, including discharges to water and the disturbance of the bed of waterbodies.
Health and safety impacts	Low.  Water safety is managed by Wellington Regional Council under the Maritime Safety Act 1994.  Water quality issues are managed by Wellington Regional Council via the region's Natural Resources Plan.
Degree of interest from mana whenua	High. Interest from Mana Whenua in issues relating to waterbodies is high.

Degree of interest from the public	There has been little interest in this topic during community engagement.
Degree of risk or uncertainty	There is little risk or uncertainty for this topic.

(80) Based on these considerations, the overall scale and significance of the activities on the surface of water topic for the District Plan Review are **low**.



# 6 Proposed District Plan objectives and provisions

(81) The following table gives the objective of the proposed Activities on the Surface of Water chapter, with a summary of the policies and rules that implement the objective:

Objective	Text and associated provisions
ASW-O1	<p><i>The surface of waterbodies can be used for a range of activities while the effects of those activities on natural character, amenity values, ecological values and natural hazard mitigation of waterbodies and the surrounding areas are effectively managed.</i></p> <p>Implemented through:</p> <ul style="list-style-type: none"> <li>• ASW-P1 (Enable low impact activities)</li> <li>• ASW-P2 (Provide for motorised activities on the surface of water where specific values are protected)</li> <li>• ASW-P3 (Recognise the benefit of river management activities)</li> <li>• ASW-R1: A rule that permits all non-motorised activities on the surface of water</li> <li>• AWR-R2: A rule that:               <ul style="list-style-type: none"> <li>○ Permits motorised activities on the surface of waterbodies on the Hutt River downstream of the Ava Bridge,</li> <li>○ Permits motorised activities for waterbody management activities,</li> <li>○ Otherwise requires resource consent for motorised activities as a restricted discretionary activity.</li> </ul> </li> </ul>

# 7 Evaluation of objectives

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- (82) This section is the evaluation of objectives, as required through s32(1)(a) of the RMA.
- (83) An objective is a statement of what is to be achieved through the resolution of a particular resource management issue. A district plan objective should set out a desired end state to be achieved through the implementation of policies and rules.
- (84) Under s75(1)(a) of the Resource Management Act, a district plan must state the objectives for the district.
- (85) Under s32(1)(a) of the Resource Management Act, an evaluation report required under the Act must examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA. The purpose of the RMA, as stated in s5(1) of the Act, is to promote the sustainable management of natural and physical resources.

Evaluation of Objectives
<b>ASW O1 – Activities on the Surface of Water</b> <i>The surface of waterbodies can be used for a range of activities while the effects of those activities on natural character, amenity values, ecological values, and waterbodies and the surrounding area are effectively managed.</i>
<b>Relevance</b> <ul style="list-style-type: none"><li>• Addresses the identified resource management issues.</li><li>• Acknowledges the value activities on the surface of water, particularly for recreation and river management while recognising that activities on the surface of water can have a range of adverse effects that need to be managed.</li></ul>
<b>Usefulness</b> <ul style="list-style-type: none"><li>• Clearly states outcomes sought for activities on the surface of water and their potential impacts, which will be supported by other objectives of the proposed District Plan on natural character and amenity values.</li><li>• Supports the Council function of controlling the actual and potential effects of activities in relation to the surface of water (a function under s31(1)(e) of the RMA).</li><li>• Supports Greater Wellington Regional Councils role in monitoring surface water.</li></ul>

### **Reasonableness**

- Seeks an outcome that is reasonable for people who operate under Plan to meet.
- Is similar to outcomes sought in other district plans in the Wellington region.
- Avoids inconsistency with the Natural Resources Plan by focussing on activities on the surface of water, rather than activities that are managed by GWRC.

### **Achievability**

- Can be achieved without imposing a significant regulatory burden on people undertaking activities on the surface of water.

### **Alternatives**

- **No objectives for activities on the surface of water**

An alternative to the proposed objective would be to not include a specific objective for activities on the surface of water.

This alternative is not proposed as the chapter would then rely on objectives that are elsewhere in the Plan, which would create uncertainty for plan users on the outcomes sought for the activities.

Alternatively, the lack of an objective for activities on the surface of water could result in the Plan not including any provisions for the activities as there would be no clear objective for them to implement.

- **More detailed objectives for the Activities on the Surface of Water chapter**

This alternative would result in multiple objectives for the activities on the surface of water chapter, with each objective seeking a more specific outcome in relation to the aspects of the environment that are being managed (such as local character, amenity, natural hazards).

This alternative is not proposed as the more specific outcomes sought in relation to local character and amenity, are already specified elsewhere in the Plan, and as a result, the more detailed objectives would not be useful.

### **Summary**

*Objective ASW O1* sets a clear outcome that signs are provided for while managing the effects of activities on the surface of water, and is clear on which effects are managed. It would enable Council to undertake its regulatory functions to control the actual and potential impacts of use and development in a way that is not overly prescriptive and would not impose a significant regulatory burden on people undertaking activities on the surface of water.

# 8 Evaluation of Policies and Rules

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- (86) Policies and rules implement, or give effect to, the objectives of a plan.
- (87) Policies of a district plan are the course of action to achieve or implement the plan's objective (i.e. the path to be followed to achieve a certain, specified, environmental outcome). Rules of a district plan implement the plan's policies, and have the force and effect of a regulation.
- (88) Under s32(1)(b) of the Resource Management Act, an evaluation report required under the Act must examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—
- (i) *identifying other reasonably practicable options for achieving the objectives; and*
  - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
  - (iii) *summarising the reasons for deciding on the provisions.*
- (89) Under s32(2) of the Resource Management Act, the assessment of the efficiency and effectiveness of the provisions must:
- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
    - (i) *economic growth that are anticipated to be provided or reduced; and*
    - (ii) *employment that are anticipated to be provided or reduced; and*
  - (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*

- (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

**Note on the structure of this evaluation**

- (90) As the policies and rules of the Activities on the Surface of Water chapter collectively implement a single objective, they are evaluated in the table below as a package of provisions.

**Note on quantification of benefits and costs**

- (91) Under Section 32(2)(b) of the RMA, the benefits and costs assessed should be quantified if practicable.
- (92) Given the wide range in the types of waterbodies where activities may take place and the range of activities that may take place, the quantification of benefits and costs is not possible.

**Note on risk of acting / not acting if information is uncertain or insufficient**

- (93) Under Section 32(2)(c) of the RMA, the assessment of efficiency and effectiveness of provisions must include an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
- (94) For the Activities on the Surface of Water chapter, information on the management of activities of water is certain and sufficient, including on the range of activities that can take place and the nature of the effects from these activities.

**ASW-P1: Low impact activities**

**ASW-P2: Motorised activities**

**ASW-P3: Benefits of river management activities**

**ASW-R1: Non-motorised activities on the surface of water**

**ASW-R2: Motorised activities on the surface of waterbodies**

**Why these provisions are included in the proposed District Plan**

ASW-P1 and ASW-R1 ensure that non-motorised recreation activities on the surface of water are permitted, in recognition of the values for the community and minimal adverse effects. ASW-P1 also provides support for other low impact activities if resource consent is applied for.

ASW-P3 and ASW-R1 ensure that river management activities, including activities for protection from natural hazards and monitoring of water quality and aquatic ecology, are provided for, in recognition of their benefits to the community and natural environment.

ASW-P2 and ASW-R1 and ASW-R2 ensure that the effects of motorised activities are managed through the resource consent process except where undertaken downstream of the Ava Bridge, an area where motorised activities would have a lesser effect on natural character and amenity due to the existing character of the river and its margins.

**Efficiency and effectiveness**

**Benefits**

- Provides for amenity values through recreational opportunities.
- Benefits for natural character, amenity values and ecological values through management of activities that may have an adverse effect on these values (although this benefit would be traded off against being less enabling of motorised activities including motorised recreational activities).
- Manages the potential for conflicts between activities occurring on lakes, rivers, wetlands and their margins, as well as with activities on adjacent land.
- Benefits for managing natural hazard risk through both managing activities that may have an impact on hazard mitigation and providing for waterbody management activities.
- Benefits for economic growth and employment are likely to be low.

**Costs**

- Provides for some motorised activities as a permitted activity, which can have an adverse effect on the natural character, amenity and ecological values of waterbodies and the surrounding area.
- Restrictions on motorised activities have an impact on the amenity values from recreational opportunities derived from some motorised activities (particularly some forms of boating).
- Resource consent requirements for some activities would have an economic impact on the applicants of the resource consents.
- Costs for economic growth and employment are likely to be low.

**Overall assessment**

Effectiveness is relatively high as the provisions provide for the benefit of the activities on the surface of water while managing the effects on natural character, amenity values and ecological values, although this is a trade off through restricting motorised activities, which themselves can have a range of benefits including amenity values through motorised recreation.

Efficiency is high given most activities on the surface of water that occur in Lower Hutt are enabled in a way that does not incur consenting costs.

**Reasonably practicable alternative**

- **No provisions for activities on the surface of water**

Under this alternative, there would be no policies or rules for activities on the surface of water, effectively permitting all activities. This option is less effective at achieving the objective as it would not address the potential effects of motorised activities on natural character, amenity values, ecological values and natural hazard mitigation.

While this option would be more efficient at providing for activities on the surface of water (including recreation activities that may be motorised) by removing resource consent requirements, this increase would effectively be traded off against the effectiveness at managing effects of motorised activities.

- **Provisions that require resource consent**

Under this alternative, a greater range of activities on the surface of water would require resource consent. For example, resource consent could be required for motorised activities downstream of Ava Bridge and for waterbody management activities.

While this option would be more effective at managing effects of those activities that would require resource consent (as it would result in a case-by-case evaluation of an activity's effects), this would effectively be traded off against the efficiency of providing for activities on the surface of water which often have low impacts on the environment.



## 9 Summary

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- (95) This report, including the evaluation, has been prepared to set the context for the Activities on the Surface of Water chapter. The evaluation has been undertaken in accordance with section 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposed Chapter, having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that this proposal is the most appropriate option as it:
- Provides for activities that have a low impact on the environment, particularly non-motorised activities,
  - Protects the values of waterbodies and the surrounding area by managing the adverse effects of motorised activities on the surface of water, and
  - Consolidates and simplifies provisions into a topic-specific chapter, consistent with the requirements of the National Planning Standards.