

Resource Management Act 1991

Mackenzie District Council

**Stage 1 of the Review of the Mackenzie District Plan -
Proposed Plan Change 19**

ACTIVITIES ON OR WITHIN WATERBODIES

BACKGROUND

The Council is currently reviewing the District Plan, including a review of the approach to visitor-related activities such as outdoor recreation and visitor accommodation. In undertaking this review it became apparent that a plan change focused specifically on controlling activities on or within waterbodies was needed to manage activities as soon as possible to avoid long-lasting adverse effects. Plan Change 19 is therefore part of the first phase of the review of the District Plan.

Matters addressed in the Plan Change are the need for:

- additional controls to manage commercial boating operations
 - recognition of the different impacts of motorised and non-motorised activities on waterways
 - different management regimes based on the sensitivity of various waterbodies with regard to cultural and natural values, landscape and high country values and wildlife and fisheries values.
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CHANGES TO THE PLAN

Note: for the purposes of this Plan Change any text proposed to be added is shown as **underlined** and any text removed as ~~strike through~~.

A Amend Rural Zone Policies (Section 7) as follows:

Rural Objective 8 – ~~Surface of Waterways~~ Activities on or within Waterbodies

Recreational activities being undertaken on or within the District waterways and riverbeds in a manner which avoids, remedies or mitigates potential adverse effects on conservation values, wildlife and wildlife habitats, public health and safety, recreational values, takata whenua values and general amenity values.

Reasons

- There is potential for recreational activities and associated vehicle use to have a number of adverse effects on waterways and riverbeds including:
 - noise
 - reduction in navigational safety
 - conflict with other recreationalists
 - degradation of river, lake and adjoining wildlife habitats
 - increased bank erosion caused by wave action or activity on the banks
 - water contamination from turbidity, exhaust fumes and human effluent
 - litter and other wastes in the area
 - disturbance to wading birds and other wildlife, especially during the breeding

season (August to January inclusive)

It is appropriate in providing for recreation throughout the District that these adverse effects are minimised to enable environmental and recreational quality to be maintained.

Rural Policy 8A – Values of Waterbodies

To acknowledge the range of values associated with waterbodies within the District and to maintain or enhance those values through management of activities on or within waterbodies.

Explanation and Reasons

- As for Objective 8
- The District contains nine major rivers, seven notable lakes and numerous other waterbodies. The sensitivity of these waterbodies to impacts from recreational use varies considerably and needs to be managed to avoid loss of important natural and cultural values.

Rural Policy 8B – Lake Pukaki

To protect the unique natural quiet, beauty and tranquillity values and experience of Lake Pukaki by avoiding motorised activities on the Lake other than for essential activities.

Explanation and Reasons

- As for Objective 8
- The unique natural and cultural values of Lake Pukaki and its prominent position at the foot of Aoraki are highly valued locally, nationally and internationally. It is very important that these values, which include natural quiet and tranquillity, remoteness, grandeur and wildness, and the experience of these values, are not compromised by motorised boating on the Lake.

Rural Policy 8C – Commercial Activities

To avoid, remedy or mitigate the adverse effects of commercial activities through assessment by way of resource consent.

Explanation and Reasons

- As for Objective 8
- The potential for greater frequency and intensity of use associated with commercial activities, as compared to non-commercial activities, justifies these activities requiring resource consent. This process enables the Council to assess the impacts (including cumulative impacts) of any proposal on the waterbodies and adjoining land and recognises that it is not possible to anticipate the form and effects of future commercial activities.
- It is considered unreasonable and impractical to subject non-commercial activities to control except where special values of a waterbody and its surrounds justify control or prohibition.

Rural Policy 8D – Church of the Good Shepherd

To manage commercial activities on Lake Tekapo in the vicinity of the Church of the Good Shepherd in order to maintain a level of quietness and tranquillity in keeping with the special character of the Church and its surroundings.

Explanation and Reasons

- As for Objective 8
- The Church of the Good Shepherd at Lake Tekapo Village is of particular cultural and spiritual significance and its special character as a place of stillness and meditation is an essential part of the local and visitor experience. It is important to manage activities in the vicinity of the Church that have the potential to compromise this character and the needs of the Church community.

Rural Policy 8E A – ~~Effects on Wildlife and Wildlife Habitats~~ Recreational Use Of Riverbeds And Waterbodies

To avoid, remedy or mitigate the adverse effects of the recreational use of riverbeds and waterbodies (in particular the use of off-road vehicles and power boats) on wildlife and wildlife habitats.

Explanation and Reasons

- As for Objective 8
- The braided riverbeds of the Tasman, Dobson, Hopkins, Ohau, Tekapo, Pukaki, Cass, Godley and Macauley rivers are important breeding habitats for many important and threatened species. It is important that care is undertaken during the breeding season as disturbance of parent birds leaves eggs and chicks unattended and therefore extremely vulnerable to predation and cold temperatures.
- Off-road vehicles can inadvertently run over eggs and chicks.
- Lake Alexandrina and Lake McGregor form part of a wildlife refuge that was initially established in 1899, and re-gazetted in 1957 under the Wildlife Act 1953. At this time restrictions were also gazetted limiting boats to those 'wholly propelled by oars or paddles' to prevent disturbance of wildlife habitats and bird breeding areas.
- The predominately single thread braided river channels of the Opihi and Opuha rivers are widely utilised by trout and salmon for spawning. During the spawning season (April to September) eggs and fry buried in the riverbed gravels are particularly susceptible to disturbance from motorised boats.

Implementation Methods

- To promote the Braided River Care Code.
- To promote continued awareness of the wildlife refuge status of Lakes Alexandrina and McGregor, and to restrict accommodation use of the lake.
- To prevent the use of motorised craft upstream of the confluence of the Opihi and Opuha rivers, between 1 April and 30 September, excluding the Opuha Dam Zone.
- To encourage Central Government and the Canterbury Regional Council to control activities on the surface of water.

- Council will work with agencies such as the Department of Conservation, Fish and Game Council, the Royal Forest and Bird Society, to identify breeding areas of braided riverbed birds and to investigate mechanisms to control or avoid disturbance of birds, particularly during the breeding season.

Environmental Results Anticipated

- Increased awareness of the impact of recreation activities on the breeding habitats of wading birds and other indigenous fauna.
- The continued protection of Lakes Alexandrina and McGregor as a wildlife refuge and associated restrictions.

Rural Policy 8FB - Structures

To ensure that the location, design and use of structures and facilities, within or near waterways are such that any adverse effects on visual qualities, safety and conflicts with recreational and other activities on the waterways are avoided or mitigated.

Explanation and Reasons

- As for Objective 8
- Structures which intrude over or through water which enable greater recreational use of the water can thereby create a potential for conflicts between different recreationalists and cause problems associated with exceeding the carrying capacity of the existing shore vegetation and facilities.
- Structures can create safety problems for on-water users.
- Structures can significantly alter the character and visual appearance of riparian areas and waterways.

Implementation Methods

- Recreational Activities - Controls on Jetties and Boat Ramps

Environmental Results Anticipated

- Structures in or adjacent to waterways which do not hinder water safety and which are visually appropriate.
- A level of recreational activity which does not significantly impact on the natural environment.

Rural Policy 8GC - Regulations

To seek the continued administration and control of navigational safety matters principally through regulations or bylaws, equivalent mechanisms under the Harbours Act and its successor.

Explanation and Reasons

- As for Objective 8
- Controls placed on water based recreational activities through bylaws and similar mechanisms ~~by the Water Recreation Regulations 1979~~ are considered to enforce suitable controls with respect to navigational safety.

- Current speed upliftings through Navigational Safety bylaws of the Water Recreation Regulations within the District are considered appropriate to allow for certain recreational activities on the District's waterbodies and should therefore be retained.

Environmental Results Anticipated

- Maintenance of the general standard of Navigation on the District's waterways.
- Continued use of gazetted areas for motorised water recreation.

Rural Policy 8H-D - Cross Boundary Co-Ordination

To co-ordinate with adjoining territorial authorities where activities on the surface of rivers and lakes cross territorial boundaries, including the co-ordination of resource consent processes.

Explanation and Reasons

- Because the Opuha and Opihi Rivers and Lakes Ohau, Ruataniwha and Benmore form the part of the northern and southern boundaries of the District the Council considers a joint approach should be taken for the control of water based activities in conjunction with Timaru, Waitaki and Waimate District Councils.

B Amend Section 7 - Rural Zone Rules Clause 7 as follows:

7 OUTDOOR RECREATIONAL ACTIVITIES - EXCLUDING ACTIVITIES ON OR WITHIN WATERBODIES

7.1 Permitted Activities - Outdoor Recreational Activities

7.1.1 Non-commercial outdoor recreation on land or in the air. ~~or water which complies with the following standards:~~

- ~~a These shall be no motorised boating above the confluence of the Opihi and Opuha rivers.~~
- ~~b No craft on the surface of waterways shall be used for accommodation, other than for overnight accommodation where all effluent is contained on board the craft.~~
- ~~c Notwithstanding 7.1.1.b, there shall be no craft on the surface of Lakes Alexandrina or McGregor used for accommodation including overnight accommodation.~~

7.1.2 Commercial Outdoor Recreation Activities with the following character, scale and intensity:

- Character: predominantly non-motorised
- Scale: up to 20 people per group
- Intensity: up to 3 groups per day

~~Notwithstanding this rule, all commercial recreation on or within waterbodies is a permitted activity.~~

7.1.3 Group or individual visits to experience farming or rural activities.

7.2 **Controlled Activities - Outdoor Recreational Activities**

7.2.1 Commercial Outdoor Recreation where the activity has the following character, intensity and scale:

Character: predominantly non-motorised
Scale: more than 20 people per group, AND/OR
Intensity: more than 3 groups per day

7.2.2 Commercial Outdoor Recreation where the activity has the following character, intensity and scale:

Character: predominantly motorised
Scale: up to 20 people per group
Intensity: up to 3 groups per day

7.2.3 **Matters Subject to Council's Control**

In considering activities referred to in 7.2.1 and 7.2.2, the Council's control shall be limited to the impact of the activity, both directly and indirectly on:

- the enjoyment of and experience available in the area;
- landscape values;
- other recreational opportunities;
- public safety and health;
- traffic safety and efficiency;
- nature conservation and wildlife values;
- water quality;
- amenity of adjoining occupiers.

7.3 **Discretionary Activities - Outdoor Recreational Activities**

7.3.1 Commercial Outdoor Recreation where the activity has the following character, intensity and scale:

Character: predominantly motorised
Scale: more than 20 people per group AND/OR
Intensity: more than 3 groups per day

~~7.3.2 Jetties and boat ramps~~

~~7.4 **Non-Complying Activities - Outdoor Recreational Activities**~~

~~7.4.1 Craft on the surface of waterways used for accommodation where the effluent is not contained on board the craft.~~

~~7.4.2 Notwithstanding 7.4.1 above, craft on the surface of Lakes Alexandrina and McGregor used for accommodation, including overnight accommodation.~~

C Amend Section 7 - Rural Zone Rules by adding the following new Clause 7A – Activities on or Within Waterbodies

7A ACTIVITIES ON OR WITHIN WATERBODIES

7A.1 Activities on or within Lakes Tekapo, Benmore and Ruataniwha and all rivers other than the Opihi and Opuha Rivers

7A.1.1 Permitted Activities on or within Lakes Tekapo, Benmore and Ruataniwha and all rivers other than the Opihi and Opuha Rivers

7A.1.1.a Use of motorised and non-motorised craft for search and rescue, civil emergency, scientific research and monitoring and pest control purposes.

7A.1.1.b Non-commercial motorised and non-motorised activities

7A.1.1.c Craft on the surface of waterways used for accommodation where all effluent is contained on board the craft.

7A .1.2 Discretionary Activities on or within Lakes Tekapo, Benmore and Ruataniwha and all rivers other than the Opihi and Opuha Rivers

7A.1.2.a Commercial motorised and non-motorised activities

7A.1.2.b Jetties and boat ramps

7A.1.3 Non-complying Activities on or within Lakes Tekapo, Benmore and Ruataniwha and all rivers other than the Opihi and Opuha Rivers

7A.1.3.a Craft on the surface of waterways used for accommodation where effluent is not contained on board the craft.

7A.2 Activities on or within Lake Pukaki

7A.2.1 Permitted Activities on or within Lake Pukaki

7A.2.1.a Use of motorised and non-motorised craft for search and rescue, civil emergency, scientific research and monitoring and pest control purposes.

7A.2.1.b Non-commercial non-motorised activities

7A.2.2 Non-complying Activities on or within Lake Pukaki

7A.2.2.a Commercial non-motorised activities

7A.2.2.b Jetties and boat ramps

7A.2.3 Prohibited Activities

7A.2.3.a Commercial motorised activities

7A.2.3.b Non-commercial motorised activities

7A.2.3.c Craft on the surface of waterways used for accommodation.

7A.3 Activities on or within Lakes Alexandrina and McGregor

7A.3.1 Permitted Activities on or within Lakes Alexandrina and McGregor

7A.3.1.a Use of motorised and non-motorised craft for search and rescue, civil emergency, scientific research and monitoring and pest control purposes.

7A.3.1.b Non-commercial non-motorised activities

7A.3.2 Discretionary Activities on or within Lakes Alexandrina and McGregor

7A.3.2.a Commercial non-motorised activities

7A.3.3 Non-complying Activities on or within Lakes Alexandrina and McGregor

7A.3.3.a Jetties and boat ramps

7A.3.3.b Craft on the surface of waterways used for accommodation

7A.3.4 Prohibited Activities on or within Lakes Alexandrina and McGregor

7A.3.4.a Commercial motorised activities

7A.3.4.b Non-commercial motorised activities

7A.4 Activities on or within the Ophi and Opuha Rivers

7A.4.1 Permitted Activities on or within the Ophi and Opuha Rivers

7A.4.1.a Use of motorised and non-motorised craft for search and rescue, civil emergency, scientific research and monitoring and pest control purposes.

7A.4.1.b Non-commercial non-motorised activities

7A.4.2 Discretionary Activities on or within the Opihi and Opuha Rivers

7A.4.2.a Jetties and boat ramps

7A.4.2.b Commercial non-motorised activities

7A.4.3 Non –complying Activities on or within the Opihi and Opuha Rivers

7A.4.3.a Commercial motorised activities

7A.4.3.b Non-commercial motorised activities

7A.4.3.c Craft on the surface of waterways used for accommodation

CHANGES TO THE PLANNING MAPS

No changes to the planning maps are proposed.