

## **PLAN CHANGE 19, MACKENZIE DISTRICT PLAN – ACTIVITIES ON OR WITHIN WATERBODIES SECTION 32 EVALUATION**

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### **1. Overview and Purpose**

This evaluation has been undertaken in conformity with section 32 of the Resource Management Act 1991. The subject matter being evaluated is four new policies and replacement rules relating to activities on or within the waterbodies within the Rural zone of the Mackenzie District Plan. These rules and policies are attached as a Schedule to this report.

### **2. Background**

Recent concern by a wide range of people about actual or potential commercial boating operations on Lake Pukaki has brought into focus the adequacy of the District Plan provision controlling activities on or within waterbodies. The particular concerns raised regarding this adequacy are:

- Whether additional controls are needed to manage commercial boating operations
- Whether motorised or non-motorised activities on the surface of water should be treated differently
- Whether there needs to be different management of waterbodies based on their sensitivity relating to cultural and natural values, landscape and high country values and wildlife and fisheries values

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.

### **3. Objectives and Policies**

No new or amended Rural Zone objectives are proposed. No assessment of the appropriateness of these objectives to achieve the purpose of the Act is therefore required.

### **4. Consultation**

The Council has consulted with the parties as required by Schedule 1 of the Resource Management Act as well as wider consultation with the public and interest groups set out below. This consultation was undertaken alongside issues and options relating to indigenous vegetation clearance controls. Feedback was received from 114 individuals or groups. Much of this feedback was received from individuals and focused on the protection of Lake Pukaki specifically, with no mention of other lakes or rivers within the District. Feedback from groups within the community was also received and these included:

- Pukaki Quiet Zone Supporters;
- Aoraki Environmental Consultancy (Arowhenua);
- Pukaki Tourism Holdings;
- Forest and Bird (Nelson Branch);
- Environment Canterbury;
- Genesis Energy;
- H2Explore;
- Fish and Game; and

- Department of Conservation.

Face to face discussions were also conducted with each of the adjoining Council's, the Department of Conservation and Environment Canterbury.

The responses from this consultation include the following:

- The districts lakes and rivers are valued for the scenic, amenity and ecological values.
- Commercial or non-commercial recreation activities produce noise, have the potential to release contaminants, change water quality, introduce invasive pests or disturb ecologically sensitive areas.
- Surface water activities have the ability to emit high levels of noise.
- Policy direction should be given as to how effects associated with activities on the surface of water are to be avoided, remedied or mitigated.
- River bird habitats should be considered.
- Should take into account the need to access water for pest management.
- The area around the Church of the Good Shepard should be maintained as a "quiet zone".
- Spawning areas should be protected.
- The new Navigation Safety Bylaw no longer has provisions that relate to the protection of the environment.
- Each of the districts lakes and rivers have slightly different environments.
- All commercial operations on waterbodies should not be a Permitted Activity.
- The hovercraft on Lake Pukaki is already having identifiable negative effects on the surrounding environment.
- Lake Pukaki has special characteristics.
- Lake Pukaki is a very spiritual lake.
- The view from the south of Lake Pukaki to Aoraki should be protected.
- Lake Pukaki is the jewel in the crown of the Mackenzie Country.
- Lake Pukaki is a dangerous lake with the wind turning very quickly.
- Lake Pukaki is one of the few lakes not disturbed by boating.
- We need to protect what is left of New Zealand's natural beauty for future generations.
- There may be scope for limited commercial operations on Lake Tekapo.

## 5. Current Plan Provisions

The District Plan currently controls activities on the surface of waterbodies through the Outdoor Recreation rules in the Rural zone. These rules are set out on clause 7 of the Rural zone rules.

The Rural zones rules relating to Outdoor Recreational Activities control non-commercial and commercial outdoor recreational activities. These controls are based the three standards of character, intensity and scale. Set out below is the Permitted Activity rule 7.1.2 for Commercial Outdoor Activities as an example:

### 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.*

Importantly, this rule specifically states that commercial recreation on or within waterbodies is a Permitted Activity. This statement was added to the rule after consideration of submissions to the, then, Proposed Mackenzie District Plan.

All the remaining Outdoor Recreation Activity rules control commercial outdoor recreation list activities as controlled, discretionary or non-complying activities depending on whether they are motorised or not motorised, the size of the group of people involved and the number of trips per day. Specifically the following are Non-complying activities:

- Any Craft on the Lakes Alexandrina and McGregor used for accommodation, and
- Craft on the surface of waterways used for accommodation where effluent is not contained on board the craft

The main overarching Rural objective and policies relating to activities on the surface of water are:

***Rural Objective 8 - Surface Of Waterways***

*Recreational activities being undertaken on 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.*

***Rural Policy 8A - 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.*

***Rural Policy 8B - 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*

## **6. Relationship with other District Plan provisions**

While commercial recreation on the surface of water is specified as a Permitted Activity in the Rural zone, many of the commercial operations that have occurred, or are currently proposed at Lake Tekapo, require some form of land base. This base commonly is on land zoned Recreation P and consent of some form has been needed for structures, parking areas etc. In the Rural zone surrounding Lake Pukaki it is less clear whether consent is required for the shore based element of commercial operations, which are often very low key. In addition all powered watercraft are required to meet specific noise standards set out in Section 14 of the District Plan.

## **7. Resource Management Issue**

The primary issue that is being addressed by the proposed Plan Change is how to manage activities on the surface of water that limit adverse impacts on the natural environment and impacts on the human experience and enjoyment of an area. The impacts on the natural environment include degradation of natural habitats associated with the lake or rivers (of the waterbodies and their margins) and with areas used as the base for clients and operators. The second aspect is the various impacts on recreational settings and experiences including those which are highly valued because of their remoteness and/or high natural character. Noise, dust and visual distraction from boats and vehicles servicing operations on the water can compromise the solitude of remote areas.

The increase in tourist numbers over the years has resulted in more recreational activities which has put more pressure on the use of land, water and air as well as on the provision of infrastructure. This increase is

signalled Rural Issue 10 in the District Plan. In response to increased visitor number there is also more demand for experiences offered by commercial operators.

## **8. Proposed Rules and Rural Policies 8A – 8D**

The proposed changes to the current Rural zone rules:

- Remove all reference to activities on the surface of water from rule 7 Outdoor Recreation Activities
- Add a new rule 7A Activities on or within Waterbodies which specifies:

### **Permitted Activities:**

- a. Motorised craft for search and rescue, research and monitoring, civil emergencies and pest control
- b. Non-commercial on Lakes Tekapo, Benmore & Ruataniwha and rivers other than the Opuha and Opihi Rivers
- c. Non-commercial, non- motorised activities on Lakes Pukaki, Alexandrina and McGregor and the Opihi and Opuha Rivers
- d. Craft used for accommodation where effluent is contained excluding Lakes Pukaki, Alexandrina and McGregor

### **Discretionary Activities**

- a. Commercial motorised on Lakes Tekapo, Benmore & Ruataniwha and rivers other than the Opuha and Opihi
- b. Commercial non-motorised on Lakes Tekapo, Benmore, Ruataniwha, Alexandrina and McGregor and all rivers
- c. Jetties and boat ramps on Lakes Tekapo, Benmore & Ruataniwha and all rivers

### **Non-complying Activities**

- a. Commercial non-motorised on Lake Pukaki
- b. Motorised on Opihi and Opuha Rivers
- c. Jetties and boat ramps on Lakes Pukaki, Alexandrina and McGregor
- d. Craft used for accommodation where effluent not contained on Lakes Tekapo, Benmore, Ruataniwha, Pukaki, Alexandrina and McGregor and Opihi and Opuha Rivers

### **Prohibited**

- a. Motorised (commercial and non-commercial) on Lakes Pukaki, Alexandrina and McGregor
- b. Craft used for accommodation on Lake Pukaki

### **In summary:**

**Lake Pukaki** – all motorised activity is Prohibited and commercial non-motorised is Non-complying

**Lakes Alexandrina and McGregor** –all motorised boating is a Prohibited activity and commercial non-motorised is Discretionary

**Lakes Tekapo, Ruataniwha and Benmore and rivers** (except Opihi and Opuha) – Commercial activities (motorised and non-motorised) are Discretionary

**Opihi and Opuha Rivers** – motorised activities are Non-complying

To support this stricter regime the following new policies are proposed to support Objective 8

**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.*

**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 .*

**Rural Policy 8C – Commercial Activities**

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

**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.*

**9. Relevant Objectives and Policies**

The objective most relevant to the issue at hand and against which the proposed provisions need to be assessed against is Rural Objective 8 – Surface of waterways which is set out below:

**Rural Objective 4 - High Country Land**

*To encourage land use activities which sustain or enhance the soil, water and ecosystem functions and natural values of the high country and which protect the outstanding landscape values of the high country, its indigenous plant cover and those natural processes which contribute to its overall character and amenity.*

**Rural Policy 4B - Ecosystem Functioning, Natural Character And Open Space Values**

*Activities should ensure that overall ecosystem functioning, natural character and open space values of the high country are maintained by:*

- *Retaining, as far as possible, indigenous vegetation and habitat*
- *Maintaining natural landforms*
- *Avoiding, remedying, or mitigating adverse effects on landscape and visual amenity.*

**Rural Objective 8 - Surface Of Waterways**

*Recreational activities being undertaken on 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.*

Other related objectives and policies address a range of relevant values are:

**Rural Policy 8A - 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.*

**Rural Policy 8B - 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.*

**Rural Policy 8C - Regulations**

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

**Rural Objective 1 - Indigenous Ecosystems, Vegetation And Habitat**

*To safeguard indigenous biodiversity and ecosystem functioning through the protection and enhancement of significant indigenous vegetation and habitats, riparian margins and the maintenance of natural biological and physical processes.*

**Rural Policy 1C - Natural Character And Ecosystem Functions**

*To avoid, remedy or mitigate adverse effects on the natural character and indigenous land and water ecosystem functions of the District, including*

- i land form, physical processes and hydrology;*
- ii remaining areas of significant indigenous vegetation and habitat, and linkages between these areas;*
- iii aquatic habitat and water quality and quantity.*

**Rural Objective 3A – Landscape Values**

*Protection of outstanding landscape values, the natural character of the margins of lakes, rivers*

**Rural Objective 3A - Landscape Values**

*Protection of outstanding landscape values, the natural character of the margins of lakes, rivers and wetlands and of those natural processes and elements which contribute to the District's overall character and amenity.*

**Rural Objective 3B – Activities in the Mackenzie Basin's outstanding natural landscape**

- (1) Subject to (2)(a), to protect and enhance the outstanding natural landscape of the Mackenzie Basin subzone in particular the following characteristics and/or values:*
  - (a) the openness and vastness of the landscape;*
  - (b) the tussock grasslands;*
  - (c) the lack of houses and other structures;*
  - (d) residential development limited to small areas in clusters;*
  - (e) the form of the mountains, hills and moraines, encircling and/or located in, the Mackenzie Basin;*
  - (f) undeveloped lakesides and State Highway 8 roadside;*

These objectives and policies have the purpose of highlighting the considerable range and type of values that the District Plan is trying to protect or maintain which could be affected by activities on the surface of water bodies. These include values of the lakes and rivers themselves and of the areas adjoining these. The values are associated with natural elements and also, very importantly, of the value placed on these areas by people and communities.

**10. Alternative methods to achieve objectives**

Possible methods to achieve the objectives and policies referred to in 8 above are:

- a. **Status quo** – retain existing provisions
- b. **Amend Outdoor Recreation Rules** to specifically manage activities on the surface of water rules i.e. **Plan Change 19 proposal**
- c. **Make all commercial boating operations Discretionary or Non-complying activities**
- d. **Control operations through more tailored performance standards**

**11. Evaluation of effectiveness and effectiveness of alternative methods**

**a. Status quo**

The current rules do not provide the Council and community with an opportunity to assess the impacts of commercial boating operations on waterbodies and their surroundings. In addition, there

are difficulties in administering the District Plan with regard to activities on the surface of water. At present unless there is some form of land-based aspect associated with operations which requires consent, then the only limitation on boating operations relates to noise levels. Noise levels for watercraft need to be measured when boats are operating which creates a number of practical difficulties in determining compliance and therefore whether consent is required. Further issues arise with the District Plan not directly acknowledging or providing for locations such as Lake Pukaki where the lack of activity on the Lake is a one of its most valued aspects.

**b. Amend Outdoor Recreation Rules to specifically manage activities on the surface of water rules i.e. Plan Change 19 proposal**

The proposed replacement rules and new Rural Policy 8A, B, C, and D are expected to be a more effective and efficient option than the current rules. The reasons for this are twofold. Firstly, the rules because they have been separated out from the outdoor recreation rules, are simpler and more consistent with regard to the status of commercial boating operations, whereas currently they are inconsistent and slightly confusing. They are therefore expected to be more easily understood by all parties and easier to administer. They do not however overcome the problems with assessing compliance with noise levels, although that may not be as critical with all commercial activities needing consent.

Secondly, the rules and policies acknowledge the range of values associated with the various waterbodies within the District, and in particular those associated with Lake Pukaki. This provides a better basis and greater certainty than the current Plan provisions with regard to assessing impacts.

This approach however is potentially inefficient as it applies to all motorised activities across the full extent of Lake Pukaki's surface. It therefore does not provide for consideration of an activity in a location which has very little potential to impact the lakes values which, given the size of the lake is possible.

**c. Make all commercial boating operations Discretionary or Non-complying Activities**

This option would provide an avenue for all commercial boating operations to be assessed through a resource consent process. In doing so it also provides the opportunity for consent to be gained if certain statutory tests are met. This situation creates a risk that consent might be obtained for a boating operation in a highly valued area such as Lake Pukaki. To some extent this risk can be reduced by very strong policy relating to the most sensitive waterbodies. However, it does not provide a guarantee that no consents will be granted. Given the potential repercussions of a boating operation on Lake Pukaki's wide range of values, all of which are associated with its passive use and superb isolated setting, this is a significant risk.

The advantage of this approach is that private use is less likely to be inhibited, whereas the current proposal would make any motorised activity on any part of the Lake Pukaki prohibited. This approach would also provide for activity in a location which has very little potential to impact the lake's values to proceed, which given the size of the lake may be possible.

There are also risks with motorised boating on Lakes Alexandrina and McGregor which relate both to their setting and to wildlife values. To some extent the risk is less because it is understood that other controls under the Reserves Act may prevent motorised boating on these lakes.

**d. Control commercial operations through more tailored performance standards**

This approach has the potential to enable some commercial boating operations to establish without the need for resource consent where they meet standards. This is similar to the approach that

currently applies to all outdoor recreation activities. In these cases the standards are based on whether activities are motorised or non-motorised, the number of people involved in each group and the frequency of operations per day. To develop this approach it would be necessary to factor in the sensitivity of different waterbodies, including those for which no or very limited boating is appropriate. There would still be a risk however that some new activity could establish with effects that have not been anticipated. Overall this approach has the potential to be reasonably effective but it would require a lot of investigation and development of standards for each of the waterbodies regarding their sensitivities as well as research into likely activities on the surface of water. This would involve considerable time and cost and there would still be a residual risk that not all adverse effects would be taken into account.

**On the basis of this evaluation the option to replace the activities on the surface of water rules with those in proposed Plan Change 19 is considered to be the most effective and efficient.**

## **12. Evaluation of costs and benefits**

### **a. Status quo**

Under the current Plan provisions there is less need to apply for resource consents for commercial boating operations on the District's waterways. There is therefore less time and cost involved for those wanting to undertake these operations. Further, the costs associated with preparation and processing of the proposed Plan Change 19 would be avoided. There would however be no environmental benefit; rather activities could establish on waterbodies, and in particular Lake Pukaki, which significantly adversely affect the very values which are appreciated and recognised locally, nationally and internationally. This could then have the consequential effect of reduced visitor numbers. On other waterbodies there are also many aspects of commercial operations in particular which have the potential to impact the use of waterbodies by the public.

### **b. Amend Outdoor Recreation Rules to specifically manage activities on the surface of water rules i.e. Plan Change 19 proposal**

The main public costs of replacing the current rules on activities on the surface of water are associated with preparation of the plan change, including consultation costs, drafting, applying to the Court for immediate effect, notification, hearing and deciding on the proposed provisions. As the proposed plan change is part of the review of the District Plan, these are costs that would be incurred regardless of whether they are part of a plan change or not.

The private costs involved will be the need for resource consent for most forms of commercial boating operations on waterways, and in the case of Lake Pukaki there simply will be no opportunity for commercial or even private motor boat use. Consequentially there will be a lost opportunity cost for tourist operations on Lake Pukaki. However this situation is expected to result in the maintenance of the outstanding and highly valued experience provided by the lake's setting and its sense of serenity.

An anticipated benefit of this approach is that with standalone rules (removed from the outdoor recreation rules) they will more clearly state how activities on the surface of water are to be managed within the Rural zone of the District Plan. They are simpler and more consistent and are therefore expected to be more easily understood by all parties and easier to administer.

### **c. Make all commercial boating operations Discretionary or Non-complying Activities**



The costs of this approach are similar to the proposal in Plan Change 19, with consents being required for all commercial boating operations. However the opportunity for commercial and private motorised boating on Lake Pukaki will not be lost, although it could be expected to be difficult to obtain consent for these activities. In particular any application would be very likely to be publicly notified and for there to be considerable opposition. There would be costs associated with preparation and processing of a plan change to implement this approach.

With regard to the environment, there are expected to be benefits as applications for commercial activities will be assessed to determine the level of potential impacts and, if granted, would be subject to appropriate conditions. There would be the potential however that consent is granted for motorised activities on Lake Pukaki which would ruin the character of the lake for many people, including people who have travelled specifically to experience the lake in its very special remote setting.

**d. Control commercial operations through more tailored performance standards**

This approach may mean that small operations do not require resource consent to establish thereby reducing time and costs for them and the community and enabling some operators to establish who otherwise might not do so because of the cost involved. The Council however will bear the cost of preparing a plan change which is expected to be greater than other options. This is due to the need to investigate in detail impacts on a wide range of natural and cultural values and determine what level of effect that is acceptable on the various different waterbodies in the District.

It is difficult to estimate what the likely environmental implications would be as there could be a very broad range of controls varying with the waterbodies involved.

**13. Adequacy of information and risk of not acting**

With the high level of response to consultation on this issue it is considered that there is sufficient information available for the Council to make a robust decision on how activities on the surface of water should be managed. Some additional information would be useful on the potential impacts of habitat; however this can be obtained through resource consent processes for commercial operators.

The risk of not acting is considered to be very high due to the potential for motorised operations on the Lake Pukaki in particular to be undertaken without the need for resource consent. The impacts of such activities over time could be significant and compromise the special values of Lake Pukaki and other waterbodies. It is therefore considered that the risk of not acting is significant.

**19 October 2017**

## APPENDIX – Proposed provisions for activities on the surface of water

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

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#### 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 – Activities on or within Waterbodies ~~Surface Of Waterways~~***

*Recreational activities being undertaken on 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.

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**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.*

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**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.

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**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.*

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**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.

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**Rural Policy 8C – Commercial Activities**

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

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**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.

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***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.*

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**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.

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***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.*

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**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.

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#### ***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.*

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#### **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.

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#### ***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.~~*

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#### **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 by Navigation 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.

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#### ***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.*

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#### **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.

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## **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 Opihi and Opuha Rivers**

**7A.4.1 Permitted Activities on or within the Opihi 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**

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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