

3.5 WATER

3.5.1 - OVERVIEW

Council is responsible for the control of any actual or potential effects of activities in relation to the use of the surface of water, rivers and lakes.

The surface of water on any lake or river, for the purpose of the Act, is included in the definition of "land" by the provisions of Section 9(5). Under Section 9(4), the word "use" in relation to the surface of rivers and lakes includes the use and erection of structures, any destruction or the disturbance of the habitats of plants or animals, or the deposit of any substance, and any entry onto, or passing across the surface of water in any lake or river.

Consequently Council is required to control the effects of such activities as boating, navigational aids, jetties, wharves and mooring areas.

While management of water quality is generally a Regional Council function, land use activities can have a major impact on waterbodies. Of equal importance is the effect of water-borne activities of adjoining land. The District Plan will address both effects.

3.5.2 - THE ISSUES

The following are considered to be significant resource management issues facing the District's water resource;

- **Land use activities may have an adverse effect on water quality in some parts of the District.**

Explanation

Both ground water and surface water quality and quantity are being adversely affected by certain land management practices. Activities such as vegetation clearance, working soil on steep slopes, grazing riparian margins, applying fertiliser in riparian margins, draining wetlands, effluent discharge and harvesting tree crops in riparian margins have all contributed to a significant increase in sediment and nutrient loads in a number of the District's waterways. Degradation of the District's water seriously affects the ecological health of the District and greatly affects recreation and consumption uses.

- **The viability of water schemes can be threatened by the change of land uses in their catchment areas.**

Explanation

The viability of water schemes can come under threat if land uses were to change in their catchment areas. The principal options Council has considered include economic measures such as rates relief, the funding of fencing, and the outright purchase of properties affecting the supply catchment and the control of the effects of land use in those affected areas.

- **Land use activities can impact on the incidence and severity of flooding in lower river reaches.**

Explanation

Drainage of wetlands and clearance of woody vegetation in catchment headwaters impacts on the incidence and severity of flooding. Areas prone to flooding in the Southland District are shown on the Planning Maps.

- **Recreational uses can adversely impact on each other and compete with space on the surface of the District's waterways.**

Explanation

The District's waterways are used for a number of recreational uses such as fishing, sailing, boating, water-skiing and swimming. These uses are often incompatible in the same area. For example, high speed water-skiing is not compatible in a popular swimming or sailing area; high speed boating on rivers can have adverse effects on fishing. Some activities can also have adverse impacts in terms of noise levels generated.

- **Activities and structures on the water surface can adversely impact on the safety and efficiency of navigation.**

Explanation

Inappropriate location and design of wharves and marinas and inappropriate location of some activities can adversely impact on the passage of vessels on the water surface.

- **Public access to the margins of the District's waterbodies is often restricted.**

Explanation

The District's water resources are a highly used recreational asset and access to waterbodies is very important to the public at large. Development along side waterbodies has potential to reduce this access. Section 6 of the Act requires that public access to waterbodies be maintained and enhanced as a matter of national importance.

3.5.3 - OBJECTIVES AND POLICIES

Objective WAT.1 - Safety and Efficiency of Navigation

To ensure that the safety and efficiency of navigation is maintained.

Policy WAT.1

To ensure safe and efficient passage for vessels by requiring that all works to be carried out or structures (excluding navigational aids) to be erected upon the water's surface are in accordance with a discretionary resource consent.

Explanation

The right of navigation is paramount in the areas beyond 30 m lakeside of the waters edge, and there is a common law right to navigate the waters of New Zealand. It is essential that this is maintained and restricted only to account for specific activities that can only operate in that particular area. To maintain navigational standards, Council considers it appropriate that all structures proposed to be erected on the water surface receive discretionary resource consent enabling Council to assess the structures impact in terms of its effect on the passage of vessels. (Refer Rule WAT.5)

Policy WAT.2

Navigational aids are to be permitted activities.

Explanation

Navigational aids require approval of the Maritime Safety Authority before they can be erected by virtue of Section 203 of the Harbours Act 1950, and are required to meet international standards in respect of colour, shape and coding. Navigational aids are site specific and are designed to provide for the safety of shipping and vessels in general. In light of the foregoing, Council considers that navigational aids should be provided for as permitted activities. (Refer Rule WAT.4)

Policy WAT.3

To ensure that no works or structures cause obstruction to the vision of any person navigating a vessel to the extent of impacting on the ability to navigate that vessel safely.

Explanation

In determining any application for works on the water surface, Council is conscious that not only should the navigational path be protected but the view of the persons navigating must not be restricted. (Refer Rule WAT.5)

Objective WAT.2 - Recreation

To maintain and, where possible, enhance recreational opportunities.

Policy WAT.4

To maintain and enhance recreational opportunities by, where it is deemed appropriate, separating the incompatible effects of activities.

Explanation

The District's waterways are used for a number of different recreational activities such as fishing, waterskiing, windsurfing, jet boating, yachting, canoeing and rafting. These sports all have potential to conflict with one another particularly where power boats are involved. To enable people to enjoy these sports without conflict, it may be appropriate to set aside particular areas for particular activities. The Water Recreation Regulations make provision for reserving areas of water surfaces for particular activities. Where monitoring shows a need to separate effects, Council will utilise these Regulations. Schedule 6.19 indicates areas already set aside or reserved under the Regulations. (Refer Method WAT.1 and Rule WAT.1)

Policy WAT.5

To monitor the effects structures and activities on waterbodies have on fishers and passive recreationalists inshore.

Explanation

One of the greatest areas for potential conflict with water recreation is that between recreationalists utilising the banks of waterways and recreationalists using the water surface itself. Council considers it appropriate that fishers' and passive recreationalists' enjoyment of waterways should not be unduly restricted or disturbed by other waterway users, and consequently will monitor this situation.

Objective WAT.3 - Environment

To ensure that the adverse effects on the environment resulting from activities carried out on the waters surface are avoided, remedied or mitigated.

Objective WAT.4

To ensure that the adverse effects of land activities on water quality are avoided, remedied or mitigated.

Policy WAT.6

To avoid, remedy or mitigate the adverse effects structures can have on the natural character of the environment.

Explanation

Section 6 of the Act requires that the natural character of waterbody margins be preserved from inappropriate subdivision and development as a Matter of National Importance. Control over the appearance of structures on the water or at the waters edge is a crucial element in preserving the natural character.

(Refer Rule WAT.5)

Policy WAT.7

To maintain and enhance public access to the waterways of the District.

Explanation

The Public has traditionally enjoyed access to most waterways for recreation and the Act requires that this access should be maintained and enhanced.

(Refer Rule FIN.8)

Policy WAT.8

To minimise the adverse effects of noise emission from activities on the waters surface.

(Refer Method WAT.1 and Rule WAT.1)

Policy WAT.9

To monitor noise emission from activities on the waters surface.

Explanation

Noise emission from activities on the water surface will generally come from power boating activities. Council proposes to monitor these emission levels and where excessive noise is being created the Water Recreation Regulations will be enforced which may result in a fine up to \$500.00 being imposed.

(Refer Section 2.3 Monitoring and Rule WAT.1)

Policy WAT.10

To liaise with the Southland Regional Council on the control of discharge from structures and boats on the water surface, and the effects of land use on water quality.

Explanation

Discharges to water and land are generally a Regional Council function, however Council will liaise with the Regional Council where appropriate to ensure that water quality is not degraded by activities on the water surface or by activities adjacent to water bodies.

(Refer Section 4.1 Rural Resource Area)

[See also 3.1.6 Wai (Water)]

Objective WAT.5 - Water Supply Catchments

To ensure land use practises maintain, and where appropriate, enhance, both the quality and quantity of water within the catchment areas of Southland District's, Invercargill City's and Gore District's water supply schemes to ensure a continued safe and economic supply of water.

Policy WAT.11

To avoid, remedy or mitigate the adverse effects of land use on water quality and quantity within the water supply catchments in the District.

Explanation

Any increase in sediment or pollutants significantly increases the cost of clean water and can undermine the future operation of water schemes. Activities such as wetland drainage, vegetation clearance, and intensive grazing can have effects such as increased sedimentation, increased runoff and a resultant decrease in quality and quantity.

(Refer Section 4.1 Rural Resource Area)

Policy WAT.12

To monitor the water quality and quantity in the water supply catchments in the District.

Explanation

Monitoring catchment water quality and quantity enables Council to establish whether its objectives, policies and methods are achieving their aim. It is also a good "state of the environment" indicator. (Refer Section 2.3 Monitoring)

3.5.4 - METHODS AND RULES

Method WAT.1 - Water Recreation Regulations 1979

All activities undertaken on the surface of any waterbody in the District shall be undertaken in accordance with the Water Recreation Regulations 1979 (and subsequent amendments) unless otherwise stated in this plan.

Reason

The Water Recreation Regulations 1979 provides for the control of boat speed, excessive noise, the reserving of areas for access, moorings, ski lanes and the like. These regulations can be suspended where appropriate.

Rule WAT.1 - Activities on Surface of Water

Any activity including the uplifting of speed limits and reserving of water areas undertaken on the surface of any river or lake in the District that may adversely affect the surrounding environment and amenity shall require a resource consent for a controlled activity.

In assessing an application under this rule, the Council shall consider the following:

- Significance of the resource
- Impact on other resource users
- Sensitivity of the resource
- Impact on adjoining land owners
- The existence of an approved Water Recreation Activity Plan.

If an approved Water Recreation Activity Plan exists, then the activity status shall become a permitted activity.

A regime of self monitoring and self regulation will be implemented through the Water Recreation Activity Plan by the person(s) undertaking the activity, the results of which shall be forwarded to the Council on an annual basis for audit and general overview.

Schedule 6.19 identifies those waterways that have had the speed restriction of five knots uplifted in terms of the provisions of the Water Recreation Regulations 1979.

The application will not be publicly notified. However the Council retains its discretion to publicly notify any particular application should the rights of the greater public be better served by doing so.

The Council will be entitled to consider the application without the need to obtain the written approval of the affected persons (Section 94(1)(b) of the Resource Management Act 1991) apart from those persons consulted in terms of the Water Recreation Activity Plan.

The applicant shall seek the change of activity status from controlled to permitted by lodging an application for a certificate of compliance under Section 139 of the Resource Management Act 1991.

Reason

The Water Recreation Regulations restricts speed on water to five knots in a number of circumstances including within 200 m of the shore or of any structure. Speed restrictions have been uplifted on some waterbodies to enable a wider range of uses. Prior to speed restrictions being uplifted on other lakes and rivers, a land use consent is required from the Council to ensure that the adverse effects of such activities are taken into account.

The importance of having a Water Recreation Activity Plan developed, approved and in place provides an incentive to the resource users to take all environmental and potential effects into account during the planning and management of their activities on the surface of lakes and rivers.

Rule WAT.2 - Noise

No activity shall create any noise which results in the following standards being exceeded.

(a) Craft

Every person shall adopt the best practical option to ensure that the emission of noise from water does not exceed a reasonable level.

(b) Permanent or Fixed Structures

The noise levels specified for the adjacent Resource Area will not be exceeded at the edge of the water body.

Reason

As with road traffic noise, it is difficult to control noise emission levels from boats using the water surface. While the Water Recreation Regulations control excessive noise, this rule ensures that structures conform with rules for the adjoining resource area.

Rule WAT.3 - Navigational Aids

The establishment, operation and maintenance of navigational aids are permitted activities subject to the approval of the Maritime Safety Authority.

Reason

Navigational aids are important safety devices and are required to meet international standards. As such aids are site specific, Council considers it appropriate to permit them as of right.

Rule WAT.4 - Structures and Buildings

No works or structures are permitted on any water surface or on the shore directly adjacent to any waterbody unless a discretionary resource consent is granted. In deciding any application, Council shall consider the following issues:

- * Necessity of the structure or work.
- * The structure's or works' impact on the safe and efficient passage of vessels.
- * Safe entry and exit of vessels using the facility.
- * The structure's or works' impact on the natural value of the waterway and surrounding environment.
- * Alternative locations and designs.
- * Impact on public access to the waterbody.
- * Impact on recreational uses.

Reason

Council is required to preserve the natural character of waterbody margins and consider the effects of activities in terms of the environment including the safety factors. Council considers the only way all the relevant factors can be assessed is to provide for structures on or adjacent to the margins of waterbodies as discretionary activities.

3.5.5 - ANTICIPATED ENVIRONMENTAL RESULTS

- (a) Safety and efficiency of navigation to be maintained.
- (b) Fishing and passive recreationalist interests protected.
- (c) Recreation opportunities to be maintained and enhanced.
- (d) Water quality and habitat to be maintained and enhanced.
- (e) Incompatible uses to be separated.
- (f) Safety paramount.
- (g) Noise to be kept to acceptable levels.
- (h) Aesthetic qualities not to be undermined.