

Section 2.13 Water and Surface Water Activities

The District has an abundance of lakes, rivers, streams and wetlands which afford a range of recreational and socio-economic opportunities and cultural, wildlife and natural character values. The Waituna Lagoon is also part of the internationally recognised 20,000 hectare Awarua Wetlands is located within the Southland District. The lagoon was designated a RAMSAR Wetland of International Importance in 1976, with the wider wetland complex being included in 2008. The District's freshwater resources provide important sources of human and stock drinking water and mahinga kai. Tangata whenua consider water as taonga and believe that it has the spiritual qualities of mauri and wairua. The continued wellbeing of these qualities is dependent on the physical health of the water. While the Southland Regional Council has primary responsibility for managing water quality and quantity, the Southland District Council recognises the need for an integrated catchment approach, as promoted by the National Policy Statement for Freshwater Management 2011. Southland District Council is responsible for the control of adverse environmental effects of inappropriate land use, subdivision and development on water quality and water quantity. Activities should give particular consideration to the preservation of the natural character of water bodies and the maintenance and enhancement of public access to lakes and rivers. Southland District Council is also responsible for the control of effects of surface water activities. Inappropriate activities on surface water can give rise to adverse environmental effects on natural character, ecological, amenity, cultural and recreational values and water quality and can compromise safe and efficient navigation.

Water

Objective WATER.1

Manage adverse effects of land use, subdivision and development on the quality and quantity of water bodies to ensure the overall quality of fresh water within the district is maintained or improved.

Objective WATER.2

In the catchment areas of community water supply schemes:

Water quality shall be maintained or enhanced.

Adverse effects on water quality shall be avoided, remedied or mitigated.

Policy WATER.1

Avoid, remedy or mitigate the adverse effects of subdivision, land use and development on water quality and quantity.

Explanation: Water quality can be degraded by the effects of inappropriate land use, subdivision and development. Degradation of water quality and changes in flow and levels of water bodies can give rise to adverse effects on the life supporting capacity of that water body, together with effects on natural character, amenity, cultural and recreational values. Particular consideration should be given to activities that involve earthworks, mineral extraction, stormwater or wastewater management. Activities should also take into account maintaining and enhancing human and stock drinking water supplies and mahinga kai sites.

Policy WATER.2

Subdivision, land use and development within the catchment areas of community water supply schemes shall avoid, remedy or mitigate adverse effects on water quality and water quantity.

Explanation: The District's freshwater resources provide important sources of human and stock drinking water. The quantity and quality of water utilised by community water supply schemes can be affected by land use, subdivision and development within the catchment. Removal of tussock grasslands and/or drainage of wetlands will also reduce flows of water during drought periods. The effects of activities, including any cumulative effects, should therefore be managed to avoid, remedy and mitigate adverse effects.

Water Non-Regulatory Methods

Method WATER.1

Provide information and education on water efficiency and conservation measures, including rainwater collection and water reuse.

Method WATER.2

Manage the effects of activities on water quality by promoting:

1. Measures to manage the effects of stormwater contamination.
2. Appropriate design, siting and operation of on-site domestic wastewater treatment systems.

Method WATER.3

To work in collaboration with relevant agencies to develop an integrated and coordinated approach to:

1. Manage land use activities and their effects on water quality.
2. Address the effects of discharges and land use activities on the quality of human drinking water sources.

Surface Water

Objective SWA.1

Surface water activities and associated facilities and structures, maintain or enhance socio-economic and recreational opportunities whilst avoiding, remedying and mitigating adverse effects on the environment.

Policy SWA.1

Surface water activities are undertaken in a manner that:

1. Maintains or enhances recreational opportunities and public use of water bodies and their margins.
2. Maintains safe and efficient navigation.
3. Maintains or enhances natural character, amenity and cultural values.
4. Avoids adverse effects on wildlife habitats and significant indigenous biodiversity values.
5. Minimises noise.
6. Maintains or enhances socio-economic benefits.
7. Does not impact on nationally and/or regionally significant infrastructure.

Explanation: Surface water activities, of varying nature and intensity, are undertaken throughout the District. Due to the range of activities undertaken, there is potential for conflict between surface water activities and other recreationalists, particularly motorised craft. Surface water activities can also give rise to adverse effects on natural character, amenity, cultural and recreational values and wildlife habitats through noise and an increase in wave action and concentration of people and vessels. Surface water activities can also compromise safe and efficient navigation of other vessels if not managed appropriately. Whilst it is Council's role to control any adverse effects of surface water activities, Maritime New Zealand and Southland Regional Council also provide a range of navigation, vessel and safety functions.

On surface water managed by the Department of Conservation such as the Fiordland National Park Lakes of Manapouri and Te Anau, the Department controls commercial surface water activities, recreation and structures in accordance with the relevant Conservation Management Strategy and National Park Management Plan.

Policy SWA.2

Facilities and structures associated with surface water activities are established, operated, maintained and upgraded in a manner that:

1. Maintains or enhances the recreational opportunities and public use of water bodies and their margins.
2. Does not detract from the natural and visual character of the water body and its margins.
3. Does not compromise safe and efficient navigation.
4. Maintains or enhances amenity, cultural and socio-economic values.
5. Avoids adverse effects on wildlife habitats and significant indigenous biodiversity values.
6. Maintains or enhances public access to and along rivers, lakes, other fresh water bodies and their margins.

Explanation: Facilities and structures such as jetties, moorings, toilets, carparking and administrative facilities, enable surface water activities to be undertaken and the benefits of these are recognised by Council. Facilities and structures associated with surface water activities include navigational aids and equipment used for activities such as inspections, surveys and investigations. Consideration should be given to the location, design, subsequent operation, maintenance and upgrading of these facilities to avoid, remedy or mitigate any adverse environmental effects.

Surface Water Activities Rules

The Zone Sections of the District Plan apply in addition to any relevant district-wide rules such as those relating to Surface Water Activities. If any of the Zone Rules detailed in the following sections are breached, the activity will require resource consent:

- Rural Zone - Section 3.1
- Urban Zone - Section 3.2
- Te Anau Residential B Zone - Section 3.3
- Industrial Zone - Section 3.4
- Fiordland/Rakiura Zone - Section 3.5
- Eweburn Zone – Section 3.6.

Rule SWA.1 - Permitted Activities

The following surface water activities are **Permitted Activities**:

1. The establishment, operation, maintenance and upgrading of any navigational aid or sign required by Maritime New Zealand and/or the Southland Regional Council.
2. The establishment, operation, maintenance and upgrading of any equipment, measuring apparatus or similar device for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples, provided that:
 - (a) The use of the structure shall not cause a hazard to navigation or any other lawfully established activity.
3. Any non-commercial recreational activity or organised event that does not require the uplifting of speed restrictions.
4. Any non-commercial recreational activity or organised event, requiring speed restrictions to be uplifted:
 - (a) Is publicly notified no earlier than 14 days and no later than seven days prior to the activity or event taking place.
 - (b) The notice advertising the event clearly identifies the date, time, duration and relevant sections of the water body affected.
 - (c) There is a safety plan to ensure the safety of other users of that section of the water body.
 - (d) No more than six organised jet boat racing events (days) per club on lakes and rivers in any one calendar year provided that:
 - (i) it meets a noise limit of 95dB LAF, max measured at any point within the notional boundary of a property containing a dwelling;
 - (ii) is not undertaken between 10.00 pm and 7.00 am;
 - (iii) notice is given to Council at least five working days prior to the race being held.
5. Any surface water activity associated with the ongoing operation, maintenance, enhancement, refurbishment or upgrading of any lawfully established energy generation facility.

Note: The activities set out in Rule SWA.1 must also comply with the Operative Southland Regional Council Navigational Safety Bylaws, the relevant Regional Plans in particular for structures in the beds of Lakes and Rivers. On land managed by the Department of Conservation must be consistent with the relevant conservation management strategy or plan and may require the appropriate authorisation.

Rule SWA.2 - Discretionary Activities

Any surface water activities not provided for by Rules SWA.1 or SWA.3 are **Discretionary Activities**.

In considering resource consents for surface water activities and associated facilities and structures Council shall have regard to:

1. Effects on ecology, wildlife habitats and water quality.
2. Effects on other existing surface water activities and safe and efficient navigation.
3. Effects of noise.
4. Potential for adverse effects on land from vessel wake.
5. Visual amenity effects.
6. Effects on recreational opportunities and public use of water bodies and their margins.
7. Effects on natural character, amenity and cultural values.
8. Any recreational or socio-economic benefits.
9. Effects on significant national and/or regional infrastructure facilities located within or near water bodies.

10. Effects of lightspill and waste disposal.
11. The protection of the habitat of trout and salmon.
12. Public access to and along rivers, lakes and other freshwater bodies and their margins.

Rule SWA.3 - Non-Complying Activities

Any surface water activity within the Fiordland/Rakiura Zone not provided for by Rule SWA.1 is a **Non-Complying Activity**.

Surface Water Non-Regulatory Method

Method SWA.1

To liaise with relevant agencies to ensure that the use of surface water is managed in a manner consistent with any navigation safety bylaws, maritime rules, conservation management strategies or plans, or other regulations or controls and the provisions of the Regional Water Plan for Southland.