

3.6. WATER

3.6.1. 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 has a responsibility to control the effects of these activities which include boating, navigational aids, jetties, wharves and mooring areas. The Otago Regional Council has very similar and complementary responsibilities regarding the beds of waterbodies.

While the Otago Regional Council is the body principally responsible for maintaining and enhancing water quality and quantity, Council must also give consideration to and make appropriate provision or any impacts of land use on water quality and quantity.

The Otago Regional Council may also develop Regional Plans in respect of water management, and this District Plan must not be inconsistent with any such plans.

See Schedule 6.10 for issues regarding Ngai Tahu Claims Settlement Act 1998.

3.6.2. THE ISSUES

The following are considered to be significant resource management issues facing the Districts water resource;

- **Land use activities are having an adverse effect on water quality and water quantity in some parts of the District.**

Explanation

Both ground water and surface water quality is 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 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.

- **Catchment areas are sensitive to any change in the effects of land use and any such change could result in the inefficient use and development of the District water infrastructure resources.**

Explanation

The Clutha District is serviced by 21 water schemes (see Table 14). While 7 of these schemes draw their water from the Clutha River, a number of catchment areas are very small and vulnerable to adverse effects of land use activities which in turn threaten the sustainability of the resource. Several of these catchment areas are forested, with the rest being farmed. Clear felling trees, intensive

stocking, draining wetlands, burning, amongst other activities, can all have adverse effects on the catchments and therefore the public resource, if not managed appropriately.

Table 14: Clutha District Water Catchments

Scheme	Source	Catchment Description
Balclutha	Clutha River	Large. Mixed use
Balmoral No 1 and 2	Waitahuna River	Large. Mixed use
Benhar	Clutha River	Large. Mixed use
Clinton	Pomahaka	Large. Mixed use. Part in Central Otago District.
Clydevale	Back Stream	Production Forestry catchment although good native bush riparian buffer zone
Kaitangata	Clutha River	Large. Mixed Use
Kaka Point (Richardson)	Puerua River	Large. Farmed catchment
Lawrence	Phoenix Dam	Small, production forestry catchment
Milton	Tokomariro River	Large. Mixed use
Moa Flat	Timber Creek	Small fragile catchment in Central Otago District.
North Bruce	Meggat Burn	Small production forestry catchment
Owaka	Bores	Farmed catchment
Pomahaka	Pomahaka River	Large. Mixed use. Part in Central Otago District
Richardson	Clutha River Puerua River	Large. Mixed use
South Bruce	Clutha River	Large. Mixed use
Stirling Town	Clutha River	Large. Mixed use
Tapanui	Whisky Creek	Native Bush and Tussock catchment. Possible Forestry use
Tuapeka	Waitahuna and Tuapeka Rivers	Tuapeka catchment is mainly production forestry with some farming. Waitahuna is a large, mixed use catchment.
Waiholo	Meggat Bum	Small production forest catchment
Wangaloa	Clutha River	Large. Mixed use.
Glenkenich	Pomahaka (main) Greens Creek (alternative)	Pomahaka is a large, mixed use catchment. Part in Central Otago District. Greens Creek is a small farmed catchment.

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

Explanation

Drainage of wetlands and clearance of native vegetation in catchment headwaters greatly impact on the incidence and severity of flooding. Flooding has been a significant problem in Clutha District in the past. Those areas prone to flooding are shown on the planning maps. Conversely, healthy vegetation cover, particularly forestry, can mitigate the incidence and severity of flooding by regulating run-off.

- **Recreational uses can adversely impact on each other and ecological values and can compete for 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, whitebaiting, bird and fish populations, and the banks of waterbodies. 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 wharfs and marinas and inappropriate location of some activities can adversely impact on the passage of vessels on the water surface.

- **Public access to and along the margins of the District's waterbodies is important to both the residents of the District and the Region, however it is often restricted.**

Explanation

The District's water resources are a well used recreational asset and access to and along waterbodies, is very important to the public at large. There are areas in the District where access to, and along, the margins of the District's waterbodies is restricted.

Development alongside waterbodies has potential to further reduce public access. Section 6 of the Act requires that public access to and along waterbodies be maintained and enhanced as ' a matter of national importance.

(Note: Rules in respect of Esplanade Reserves are found in Section 3.8 Financial and Reserves Requirements).

- **The subdivision and sale of land serviced by rural water supply schemes can often affect the sustainability of the scheme.**

Explanation

There are twelve Rural Water Schemes serving Clutha District. Each is considered a valuable physical resource and asset of the District.

Subdivision and sale of land serviced by a rural water supply scheme can give rise to situations whereby individual titles in different ownership are served from the same point of supply without easements protecting any independent connection.

Several problems arise from this situation such as

- (i) One property is rated for the units, when there are other properties using the water.
- (ii) The situation in (i) can give rise to conflict over maintenance and security of supply to both parties.
- (iii) Water is often extended into land that has not paid capital contribution. This can affect the stability of the scheme and stretch its capacity beyond its design limits.
- (iv) Intensive subdivision can lead to a situation where there is not enough water available to service all new allotments adequately.
- (v) Allotments created for some rural purposes may have no need for water.

While the majority of these problems can be rectified at the time of subdivision and addressed by way of condition of consent, such problems cannot at present be addressed where a title is transferred without subdivision.

Two options have been considered by Council to alleviate this problem.

Firstly, Council could utilise the legislation process by, in association with other local authorities, requesting an amendment to the appropriate legislation concerning the transfer of land, or enact its own legislation which establishes rules relating to rural water supply schemes when land is transferred.

Secondly, Council could develop policies and methods in the District Plan on the basis that water supply schemes constitute a physical resource, upon which the actions of people transferring land served by such schemes can have a significant effect.

In terms of its functions under Section 31 of the Act, Council has the ability through its District Plan, to control such effects on the viability of water supply schemes.

This option is seen as the most cost efficient alternative, and achieves integrated management of the resources of the rural environment.

- **The Districts waterbodies are significant recreational and ecological resources, the values of which can be adversely affected by land use and water surface activities.**

Explanation

As noted in section 2.4 of this Plan, the Districts rivers, lakes, and wetlands are a significant recreational and ecological resource. Development and use of adjoining land; use of the waters surface; and the use of the water itself, can adversely affect these values, and in some instances these values can be lost altogether.

- **Land use and water surface activities, including structures, can have adverse effects on:**
 - (a) the stability of the beds and banks of waterbodies,**
 - (b) the habitats of plants and animals within or adjacent to waterbodies,**
 - (c) the stability of structures located in or near water bodies,**
 - (d) the amenity, natural character and landscape values of waterbodies and their margins;**
 - (e) the incidence of plant and animal pest**

Explanation

Activities such as the erection of wharves and jetties, high speed boating etc., can all adversely impact on those matters listed above and must therefore be considered by Council in controlling the effects of land use and water surface activities. These issues are also recognised by the Otago Regional Council, who have primary responsibility in respect of water quality and the beds of waterbodies. An integrated approach to resolving these issues will need to be developed between the Clutha District and Otago Regional Council.

3.6.3. OBJECTIVES AND POLICIES

OBJECTIVE WAT.1 - SAFETY AND EFFICIENCY OF NAVIGATION

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

(Refer Policy WAT.1)

OBJECTIVE WAT.2 - RECREATION

To maintain and enhance the recreational resources of the District, particularly by maintaining, and where practicable, enhancing public access to and along the margins of the Districts waterbodies.

(Refer Policy WAT.2-3, Policy WAT.13, Policy SUB.2, and Policy FIN.9-11)

OBJECTIVE WAT.3 - ENVIRONMENT

To ensure that structures erected and activities carried out upon the waters surface or within the margins of the Districts waterbodies, avoid, remedy or mitigate adverse effects on the environment, particularly the natural character of the Districts waterbodies and their margins.

(Refer WAT.4, Policy RRA.4 and Policy RRA.5 page 199)

OBJECTIVE WAT.4 - WATER SUPPLY CATCHMENTS

To maintain, and where practicable enhance, both the quality and quantity of water within the catchment areas of the District's water supply schemes to ensure a continued safe and sustainable supply of water for the District, without compromising instream values.

(Refer Policy WAT.7-9)

OBJECTIVE WAT.5 - RURAL WATER SUPPLY SCHEMES

To protect the sustainability of the District's rural water supply schemes.

(Refer Policy WAT.10-12)

POLICY WAT.1

To ensure that any adverse effects of works carried out or structures erected upon the waters surface on the safe and efficient passage of vessels are avoided, remedied or mitigated.

Explanation

The right of navigation is paramount in the areas beyond 30 metres 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 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 resource consent.

Section 395(1A) of the Act requires Council to forward a copy of any application for land use consent for any entry onto, or passing across, the surface of a navigable river or lake to the Minister of Transport. The Minister then reports on navigational matters relating to the application, including any conditions the Minister considers appropriate.

Navigational aids, however, by virtue of Section 203 of the Harbours Act 1950 require approval of the Maritime Transport Division of the Ministry of Transport, Wellington before they can be erected 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.

Council also considers that signs which address safety issues should be provided for as permitted activities. These include the marking of particular areas (for example, water ski lanes); warning notices (cable or powerline crossings), information relating to use of facilities; display of safety information.

Consents may also need to be obtained from the Regional Council as they have control of structures erected on the bed of lakes and rivers.

(Refer Rule WAT.1 and Rule WAT.3)

POLICY WAT.2

To ensure that recreational activities are managed so that adverse effects on other recreational activities are avoided, remedied or mitigated.

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 may request the Minister of Transport to utilise these Regulations or may initiate a plan change. Table 15 indicates areas already set aside or reserved under the Regulations.

(Refer Method WAT.2 and 3 and Rule WAT.1 to 3)

POLICY WAT.3

To monitor the effects structures and activities on water surface 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 Council will monitor this situation.

(Refer Method WAT.2)

POLICY WAT.4

To ensure structures, land use, and water surface activities avoid, remedy, or mitigate any adverse effects that they may have on the aesthetic and ecological values (including indigenous vegetation and habitats of indigenous fauna) of the Districts waterbodies and their margins.

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.3)

POLICY WAT.5

To mitigate the adverse effects of noise emission from activities on the waters surface, through monitoring noise emissions and responding to complaints as appropriate.

Explanation

Noise emission from activities on the water surface will generally come from power boating activities. The Water Recreation Regulations 1979 control both excessive noise and boat speed and given that there is a common law right to navigate New Zealand waters, Council has not seen it appropriate to impose maximum noise standards for craft. Consequently Council proposes to monitor noise emission from craft and where noise is considered to be excessive, the enforcement provisions of the Resource Management Act (enforcement orders, abatement notices, excessive noise directions) or the Water Recreation Regulations 1979 will be utilised.

Noise from permanent or fixed structures is more readily controlled and will be required to comply with levels for adjacent Resource Areas.

(Refer Method WAT.2 and Rule WAT.2)

POLICY WAT.5(A)

When considering resource consents for activities on the waters surface particular regard will be had to the adverse effects of noise and conditions may be imposed that require these effects to be avoided, remedied or mitigated

Explanation

Where resource consents are applied for (for example, where activities require the uplifting of speed limits or the reserving of areas) the adverse effects of noise will require particular consideration as they can significantly affect the health and enjoyment of others utilising other areas of water surfaces or adjoining land.

POLICY WAT.6

To assist the Otago Regional Council in identifying and controlling the adverse effects that discharges from structures and boats on the water surface, and from land use activities, can have on water quality.

Explanation

The control of discharges to water and land is a Regional Council function. Council, in its role of controlling the effects of land use, will assist the Regional Council where appropriate to ensure water quality is not adversely affected by activities on the water surface or by land use activities adjacent to water bodies.

(Refer Section 4.1 Rural Resource Area (See also 3.2.6 Wai (Water)).

POLICY WAT.7

To ensure that landuse activities are managed so that adverse effects on the quality and quantity of water in the Districts Water Supply Catchments are avoided, remedied or mitigated.

Explanation

While Council utilises filters and treatment programmes to produce safe drinking water for the Districts people, any increase in sediment or pollutants significantly increases the cost of these treatment programmes and can undermine the future operation of such schemes. The effects of activities such as inappropriate wetland drainage and vegetation clearance and in some circumstances intensive grazing, can have effects such as increased sedimentation and increased runoff, with a resultant decrease in quality and quantity.

(Refer Rule WAT.4 and Section 4.1 Rural Resource Area, and Rule RRA.8)

POLICY WAT.8

To encourage the development of high water demand land uses in areas with adequate water supply.

Explanation

Some land uses (such as dairy farms, rural industries) can have a high demand for water. While the Plan does not direct development to particular areas of the District, Council will encourage activities with high water demands to locate in areas with sufficient supply to ensure adverse effects on both the quality and quantity of the District's water resources are mitigated.

POLICY WAT.9

To continue to monitor the water quality and quantity in the Districts water supply catchments.

Explanation

Monitoring catchment water quality 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 1.3 Monitoring and Review of Plan and Method WAT.2)

POLICY WAT.10

To require that provision be made for independent water connections and storage facilities where land serviced by a rural water supply schemes is subdivided or transferred.

Explanation

This policy will allow Council to retain control over the distribution of water from rural water schemes and thereby ensuring the economic viability of the scheme.

(Refer Rule WAT.5)

POLICY WAT.11

To require the payment of capital contribution fees and connection fees to Rural Water Supply Schemes where appropriate.

Explanation

Those who benefit from the scheme should pay to use it. Capital contribution will be required when water is to be supplied to an area that has not previously paid such contribution, while connection fees will be required for newly created parcels being serviced.

(Refer Rule WAT.5)

POLICY WAT.12

To set a maximum and minimum Rural Water Supply Scheme unit allocation per allotment on the basis of the schemes capacity.

Explanation

A metric unit comprises 1000 litres per day. A minimum economic unit allocation based on this measurement will be established to ensure the viability of the district's water schemes is protected. A maximum figure will also be established to ensure that the design capacity of the scheme is not overloaded.

Existing consumers are generally not permitted to reduce the numbers of units a property receives as it can greatly impact on the viability of the scheme. However there are circumstances where a reduction can be granted. This will generally only be done where the balance property will retain the existing water units or the scheme is being developed beyond design capacity.

(Refer Rule WAT.5)

POLICY WAT.13

To ensure that the development and operation of land use and surface water activities maintain and, where practicable enhance public access to and along the Districts waterbodies.

Explanation

Maintenance and enhancement of public access to and along the margins of waterbodies is a matter of national importance by virtue of section 6 of the Act. The development of land and operation of activities has the potential to compromise public access. Consequently, Council will ensure existing access is protected, while further access opportunities are provided (where appropriate) by the use of esplanade reserves, esplanade strips, and access strips, as the circumstances warrant. Furthermore, development that may compromise future access options will generally not be permitted unless such access can be adequately provided.

(Refer Rule WAT.1-3 and Rule FIN.8)

3.6.4. RULES

RULE WAT.1 UPLIFTING SPEED LIMITS AND RESERVING AREAS OF WATER SURFACES

Any activity that seeks to uplift speed limits, reserve areas for specific uses or modify the Water Recreation Regulations 1979 in any way shall first require a resource consent as a restricted discretionary activity.

Council shall restrict the exercise of its discretion to the following matters:

- the effects of noise

- the effects on wildlife, including fish species
- the effects of wave generation
- the effects on safety and navigation,
- the effects on buildings or structures on the shore,
- impact on other users and adjoining land,
- conflicts of resource allocation.

Any application for resource consent under this rule shall generally be considered without notification or written consent of affected people, although where considered appropriate, Council shall refer any such applications to bodies such as the Otago Fish & Game Council, the Otago Regional Council, the Department of Conservation, and adjoining territorial authorities for comment.

Note: Council would also draw applicants attention to the fact that Clutha District shares boundaries with Dunedin City, Central Otago, Gore and Southland Districts down the centreline of waterbodies. Consequently, any application under this rule may require consent from two territorial authorities, which may involve joint hearings.

Note: Applicants should be aware that where structures are to be attached to the bed of any waterbody, consent may also be required from the Otago Regional Council.

REASON

All activities (excluding the erection of structures) undertaken on the surface of any waterbody in the District (excluding Lake Waiholā) are subject to the provisions of the Water Recreation Regulations 1979.

These regulations provide for the following matters:

- the control of excessive noise by small motorcraft
- age limits for operating small motorcraft
- speed restrictions on small craft (not to exceed 5 knots within 30 metres of any other craft or person in the water, or within 200 metres of the shore or any structure)
- imposes a general duty to mitigate the effects of waves breaking against the shore or any structure
- safety measures in respect of water skiing
- provides for reserving areas of water for surfboards, waterskiing and other activities

Because of these regulations, Council has not regulated activities further and therefore all activities (excluding structures) are permitted provided they comply with these regulations.

The reservation of areas, uplifting of speed limits, and other modifications of these regulations is the responsibility of the Minister of Transport. However in assessing any application to modify the regulations, the Minister's concerns now lies in the area of navigational safety only. It is now Council's responsibility to address the other effects outlined above and consequently the most appropriate option was to treat any activity that requires the regulations to be modified as a restricted discretionary activity. This enables Council to refuse consent where it is considered necessary, while being a flexible enough approach to dispense with notification requirements where effects are minor.

Table 15 identifies those waterways that have had the speed restriction uplifted and areas specifically reserved pursuant to the provisions of the Water Recreation Regulations 1979 by notice in the gazette.

The waters of Lake Waiholā are subject to the "Waiholā Domain Board Lakeshore Controlled Waters and Protected Anchorages Bylaw No 1." This bylaw is administered by Council and regulates activities (excluding structures) in a similar manner to the Water Recreation Regulations.

RULE WAT.2 NOISE

The emission of noise from any permanent or fixed structure on the waters surface shall not exceed the noise levels specified for the adjacent Resource Area at the edge of the water body.

REASON

As structures on the water surface are generally located near reserves or other areas occupied by people, it was considered reasonable to control noise emission from them. This rule ensures that noise emission from structures conforms with rules for the adjoining resource area, thereby ensuring effects on adjoining occupiers is kept to a minimum.

Noise from craft, however, is not subject to this rule for the following reasons:

- i. There is a common law right to navigate New Zealand waters, and
- ii. The Water Recreation Regulations 1979 control excessive noise from craft and restrict speed limits, and
- iii. The Resource Management Act imposes a duty to avoid unreasonable noise when carrying out activities in or on the water surface, by adopting the best practicable option to ensure noise does not exceed a reasonable level (see Section 16 of the Act), and
- iv. Craft, in the main, generally operate away from reserves and other areas occupied by people.

Furthermore, the Resource Management Act contains a number of enforcement provisions that can be utilised to control objectionable or excessive noise such as enforcement orders (section 314); abatement notices (section 322) and excessive noise direction (section 327)

Noise from craft may, however, be controlled when applications under *Rule WAT.1* are considered.

RULE WAT.3 STRUCTURES AND BUILDINGS

(I) DISCRETIONARY ACTIVITIES

Except as provided for (ii) below, structures on any water surface of any water body, or within 20 metres of the shore or bank of

- any stream or river 3 metres in width or greater;
- any wetland or lake identified in Table 13.5;
- any other wetland lake 2 hectares or greater;
- any waterbody within those water supply catchments identified on the planning maps
- any waterbody identified in Schedule 6.6
- in any Urban, Transitional or Rural Settlement Area or within 50 metres of the bank of any such defined water body in any Rural or Coastal Resource Area, are discretionary activities.

ASSESSMENT CRITERIA - NOT PART OF THIS RULE

In deciding any application, Council shall consider, along with the matters set out in Section 104 of the Act, the following matters:

- Necessity of the structure or work.
- The structure or works impact on the safe and efficient passage of vessels (pursuant to section 395 of the Act, the Minister of Transport's recommendation will be considered on this issue).
- Safe entry and exit of vessels using the facility.
- Design and appearance in the context of the local environment.
- Alternative locations and designs.
- Impact on public access to the waterbody.
- Impact on recreational uses.
- Potential likelihood of flooding or erosion as a result of the activity.

- Impact on indigenous vegetation and wildlife.
- the impact on natural character of the margin of the waterbody.
- the impact on amenity values.
- the impact on intrinsic values of ecosystems, including aquatic ecosystems and the habitat of native fish, trout and salmon.
- the impact on the safe and efficient operation of the roading network.

(II) PERMITTED ACTIVITIES

Provided their placement does not adversely affect public access to or along the margin of the waterbody or navigation of craft on the surface and disturbance to the margins of the waterbody is minor, the following are permitted activities within those areas outlined in (i) above;

- Lighthouses, navigational aids, beacons and other structures whose sole or primary purpose is to provide for public safety
- Fences provided that where public access is permitted adequate provision is made for continuance of that access (eg the use of gates, styles, etc).
- River flow recording facilities no larger than 2.5m x 1.5m in area and 2 metres in height and their design and colour blends with the environment
- Warning and safety information signs not exceeding 3m²
- Moorings and anchors
- Bridges and culverts associated with internal access tracks provided fish passage is not restricted and scouring is prevented
- Structures necessary for the taking of water, including pumphouses and treatment plants no larger than 2.5m x 1.5m in area and 2 metres in height and provided their design and colour blends with the environment.

Note: Where any of these structures are to be attached to the bed of any waterbody consent may be required from the Regional Council.

MAIMAI

The erection or placement of a temporary maimai on the margin of any waterbody or on the waters surface is a permitted activity provided:

- Any disturbance to the margin of the waterbody is minor;
- The structure is a maximum size of 4 m²;
- The structure is open piled;
- The placement of the structure complies with the regulations controlling maimai placement set out in the Wildlife Act 'Regulations and Hunting conditions.
- Written notice of the erection or placement and location is given to the Clutha District Council before it is used;
- Safe and efficient navigation is not compromised;
- It does not contravene any other relevant rule in this Plan.

Note: Where any of these structures are to be attached to the bed of any waterbody consent may be required from the Regional Council.

WHITEBAIT STANDS

The erection or placement of a whitebait stand on the margin of any water body is a permitted activity provided:

- any disturbance to the margin of the water body is minor;

- ii. The structure is open piled;
- iii. The dimension of the structure perpendicular to the flow of water is either less than ten percent of the width of the waterbody or three metres, whichever is less;
- iv. The structure is at least 20 metres from any neighbouring structure, tide gate, flood gate, confluence or culvert.
- v. Written notice of the erection or placement and location is given to the Clutha District Council before it is used;
- vi. The structure is erected or placed and subsequently removed between 15 July and 30 December of any year;
- vii. Safe and efficient navigation is not compromised;
- viii. It does not contravene any other relevant rule in this Plan.

Note: Where any of these structures are to be attached to the bed of any waterbody consent may be required from the Regional Council.

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 permanent structures on or adjacent to the margins of waterbodies as discretionary activities. Temporary structures for recreational purposes are considered to have minimal impact provided adverse effects are mitigated. Section (ii) of the rule will be reviewed when the Otago Regional Plan: Water is developed.

RULE WAT.4 SPECIAL WATER SUPPLY CATCHMENTS

In addition to the rules and performance standards applying under Section 4.1 Rural Resource Area, the following special provisions shall apply to the following Rural Water Supply Catchment;

A. CLYDEVALE SCHEME CATCHMENT

The catchment area for the Clydevale Scheme is Back Stream shown on Planning Maps G44C, G44D, G45A and G45B.

Within the catchment the following rules apply:

1. INDIGENOUS VEGETATION

Removal of indigenous vegetation

- (a) within 20 metres of a permanently wet or continually flowing waterbody, or
- (b) exceeding 10m² in any other part of the catchment in any 6 month period

is a discretionary activity

2. EXOTIC TREE HARVEST

The removal of exotic trees planted for harvesting purposes is a permitted activity (except as provided for by Rule RRA.8) provided any disturbance to land does not have a significant adverse effect on water quality or indigenous riparian vegetation.

3. ANY ACTIVITY THAT HAS A SIGNIFICANT ADVERSE EFFECT ON THE QUALITY AND QUANTITY OF WATER, HABITAT OR VEGETATION OF ANY WETLAND LOCATED WITHIN THE CATCHMENT IS A NON-COMPLYING ACTIVITY.

For the purpose of this rule, wetland does not include land that has been developed and is currently used for production purposes.

B. LAWRENCE, NORTH BRUCE AND TUAPEKA WEST SCHEME CATCHMENTS.

The catchment area for the Lawrence Scheme comprises those streams supplying Phoenix Dam shown on Planning Map H44C.

The catchment area for the North Bruce Scheme comprises the Meggat Burn shown on Planning Maps H45B and H44D.

The catchment area for the Tuapeka West Scheme comprises that part of the Tuapeka River shown on Planning Maps G44D and H44C.

Within these catchments the following rules apply;

1. SOIL DISTURBANCE ACTIVITIES

The disturbance of soil (including the removal of vegetation, and the planting and harvesting of trees for commercial purposes) is a permitted activity provided that where such activities occur within 20 metres of a permanently wet or continually flowing waterbody within these supply catchments they shall be considered as a restricted discretionary activity. Council shall restrict the exercise of its discretion to the activities impact on the waterbody. Any application for resource consent under this rule shall generally be considered without notification or written consent of affected people.

2. WETLANDS

Any activity that has a significant adverse effect on the quality and quantity of water, habitat or vegetation of any wetland located within these catchments is a non-complying activity.

For the purposes of this rule wetland does not include land that has been developed and is currently used for production purposes.

C. TAPANUI SCHEME CATCHMENT

The catchment area for the Tapanui Scheme comprises Whisky Creek as shown on Planning Map G45A.

Within this catchment the following rules apply;

1. INDIGENOUS VEGETATION

Removal of indigenous vegetation

- (a) within 20 metres of a permanently wet or continually flowing waterbody, or
- (b) exceeding 10m² in any other part of the catchment in any 6 month period

is a discretionary activity.

2. SOIL DISTURBANCE ACTIVITIES

The disturbance of soil (excluding minor disturbance involved in removal of undesirable weeds or plants) within 20 metres of a permanently wet or continually flowing waterbody within the catchment is a discretionary activity.

3. WETLANDS

Any activity that has a significant adverse effect upon the quality and quantity of water habitat and vegetation of any wetland located within this catchment is a non-complying activity.

For the purposes of this rule, wetland does not include land that has been developed and is currently used for production purposes.

D. GLENKENICH SCHEME ALTERNATE SUPPLY CATCHMENT

The alternative supply catchment for the Glenkenich Scheme is Greens Creek shown on Planning Map F44D and G44C.

Within this catchment the following rules apply;

1. SOIL DISTURBANCE ACTIVITIES

The disturbance of soil (excluding minor disturbance involved in removal of undesirable weeds or plants, and the planting of vegetation but not including its harvest) within 20 metres of a permanently wet or continually flowing waterbody within this catchment is a restricted discretionary activity. Council shall restrict the exercise of its discretion to the activities impact on the waterbody. Any application for resource consent under this rule shall generally be considered without notification or written consent of affected people.

2. WETLANDS

Any activity that has a significant adverse effect upon the quality and quantity of water, habitat, and vegetation of any wetland located within this catchment is a non-complying activity. For the purpose of this rule, wetland does not include land that has been developed and is currently used for production purposes.

REASON

Of the 21 water schemes servicing the District, seven of the catchments have been identified as being at risk from the adverse effects that land use activities can have on water quality. Poor water quality has a significant effect on the viability of the water schemes serviced by these catchments. Controlling adverse effects will promote the sustainable management of these resources, enabling people to provide for the health and well being, while sustaining the resource for future generations, safe-guarding the life-supporting capacity of the water, and mitigating significant adverse effects on the environment.

One of these catchment areas, Timber Creek which supplies the Moa Flat Scheme, is located in the Central Otago District and consequently is not subject to this plan. Specific rules have been developed for the six remaining catchments identified above.

The schemes not subject to specific rules, draw water from large catchments such as the Clutha, Pomahaka, Tokomairiro or Waitahuna Rivers, which makes it difficult to apply rules for such large areas. Council considers that the general performance standards for the Rural Resource Area are adequate for the protection of those particular catchments. Furthermore, the volume of water in these water bodies keeps water quality at a level at which it can be treated on a sustainable basis.

RULE WAT.5 RURAL WATER SUPPLY SCHEMES

(I) INDEPENDENT STORAGE

Where any land is serviced by any rural water supply scheme and the supply to that land is to be affected by an activity (in particular subdivision or sale of part or all of the land) the owner shall consult with Council in order to determine the necessary reallocation of the water units servicing that land. Furthermore the landowner shall establish independent storage facilities and water connections for each parcel of land being created or each parcel of land or title being disposed of. Such work is to be completed to a standard satisfactory to Council and shall also comply with such other rules of this Plan as appropriate.

REASON

This rule will overcome the effects development and disposal of land has on the efficiency and sustainable management of the Districts rural environment, in this case the rural water supply scheme resource.

(II) TERMS AND CONDITIONS OF SUPPLY

All connections to rural water supply schemes shall be in accordance with the terms and conditions set out in the Clutha District Council's General Bylaw, Part 7 Water.

REASON

Part 7 (water) of the Clutha District Council's General Bylaw applies to all water supplies under the care, control and management of the Clutha District Council. The purpose of the bylaw is to control the use of the water scheme and protect Council's ability to supply water safely and efficiently. It is not considered appropriate to repeat the contents of the Bylaw in the District plan. This provision merely highlights the need to comply with Council's bylaw on this issue.

3.6.5. OTHER METHODS

METHOD WAT.1 LAKE TUAKITOTO MANAGEMENT STRATEGY

The Lake Tuakitoto catchment area (shown on Planning Maps H45C, H45D, H46A and H46B) is subject to a Local Water Conservation Notice and the Lake Tuakitoto Management Strategy. All activities located or operating within this catchment area are subject to the provisions of these documents.

REASON

This method merely highlights the existence of a Regional Plan and Management Strategy developed to mitigate the effects that activities undertaken in the catchment area of Lake Tuakitoto have on the values of that Lake. The rules of the Local Water Conservation Notice within the Regional Plan take precedence over the provisions of the District Plan in so far as they relate to water quality and water quantity of the lake and wetland complex.

METHOD WAT.2 MONITORING

Council shall assess the effectiveness of these policies and rules by

- analysis of complaints received from resource users (including recreationalists) particularly in respect of noise created by craft using the waters surface
- liaising with the Department of Health in respect of their water quality surveys in the Districts Water Supply Catchment areas.
- monitor the effect of subdivision on Rural Water Supply Schemes.

METHOD WAT.3 RESOURCE USE CONFLICT RESOLUTION

In the event that Council's monitoring programme identifies conflicts of recreational resource use, Council, where it is considered appropriate, shall in consultation with affected parties, pursue either of the following courses of action,

- i. request the Minister of Transport to utilise the Water Recreation Regulations 1979 to reserve areas of water surface for particular activities (within the power of those Regulations), or
- ii. where the matters of conflict cannot be resolved by regulation under the Water Recreation Regulations 1979, initiate a plan change.

REASON

As pointed out in the issues and *Policy WAT.2*, there is always potential for conflict in the use of the districts areas of water surface. Where the standards of this Plan and the Water Recreation Regulations 1979 are not adequately addressing any areas of resource use conflict, the above methods are seen as the best approach by Council to resolve such conflict.

3.6.6. ANTICIPATED ENVIRONMENTAL RESULTS

1. Safety and efficiency of navigation to be maintained.
2. Fishing and passive recreationalist interests protected.
3. Recreation opportunities to be maintained and enhanced.
4. Water quality and habitat to be maintained and enhanced.
5. Incompatible uses to be separated.
6. Noise to be kept to acceptable levels.
7. Aesthetic qualities not to be undermined.
8. Viability of Rural Water Supply Scheme protected.

Table 15: Waterbodies of the Clutha District Where Speed Limits Have Been Uplifted or Areas Reserved Pursuant to the Water Recreation Regulations 1979

WATERWAY	REGULATION AFFECTED	N.Z. GAZETTE REFERENCE	DESCRIPTION/ COMMENT
Lake Mahinerangi	7(1)a and b, 7(2) 8(1)a and b, 8(2)	22.3.73 p.525	Near Waipori Power Station No.1 except Loch Loudon Arm, marked with marker posts.
Clutha River	7(1)a and b, 7(2) 8(1)a and b, 8(2)	17.12.92 p.4524	Upriver from Railbridge at Balclutha
Taieri River	7(1)a and b, 7(2) 8(1)a and b, 8(2)	14.9.78 p.2532	From 200m upstream of Taieri Mouth Bridge to Waipori River Bridge *
Waipori River	7(1)a and b, 7(2) 8(1)a and b, 8(2)	14.9.78 p.2532	From 200m upstream of Taieri Mouth Bridge to Waipori River Bridge *

* *Note:* The Clutha District shares a boundary with Dunedin City down the centre of part of these rivers. Please check planning maps to establish precise location of common boundaries.

