



CLUTHA DISTRICT COUNCIL



WILLSHER BAY

DOMAIN RESERVE

MANAGEMENT PLAN

June 2007

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1 PREFACE

The Willsher Bay Domain Reserve Draft Management Plan is a guide for the future development, maintenance and management of the reserve. Prepared under the Reserves Act 1977, it is intended to facilitate the provision of outdoor recreation activities and public enjoyment whilst retaining the open space value of the reserve.

In preparing this plan, recreation opportunities and facilities within the reserve were evaluated with consideration of how they contribute to the broad spectrum of recreation activities/public use presently and in the future.

The aim of the plan is to facilitate the best management of the reserve by providing guidelines for control, use maintenance, preservation, conservation, and development and planning.

Council approved the Willsher Bay Domain Reserve Management Plan on 28 June 2007

This plan is effective from 2007 to 2017 and will remain under regular review during this period to meet the above aim.

1.1 Purpose of Management Plan

The management plan is intended to minimise conflict and interference between differing recreational users whilst maintaining or improving the quality of the existing recreation environment, **and....**

Provide for and ensure the use, enjoyment, maintenance, protection and preservation....and....the development, as appropriate, of the reserve for the purposes for which it is classified.

Reserves Act 1977 41 (3)

1.2 Need for Domain Reserve

Domain Reserves should provide for the recreational needs of the resident community whilst meeting the demands of visitors.

2 INTRODUCTION

This management plan is for the Willsher Bay Domain Reserve located on the corner of Esplanade and Karoro Creek Road vested in the Clutha District Council in February 2002. Previous to this it was vested in the ownership of the Department of Conservation.

For many years the area has been used by local people, the travelling public and visitors; as a rest area, for picnics and camping on request.

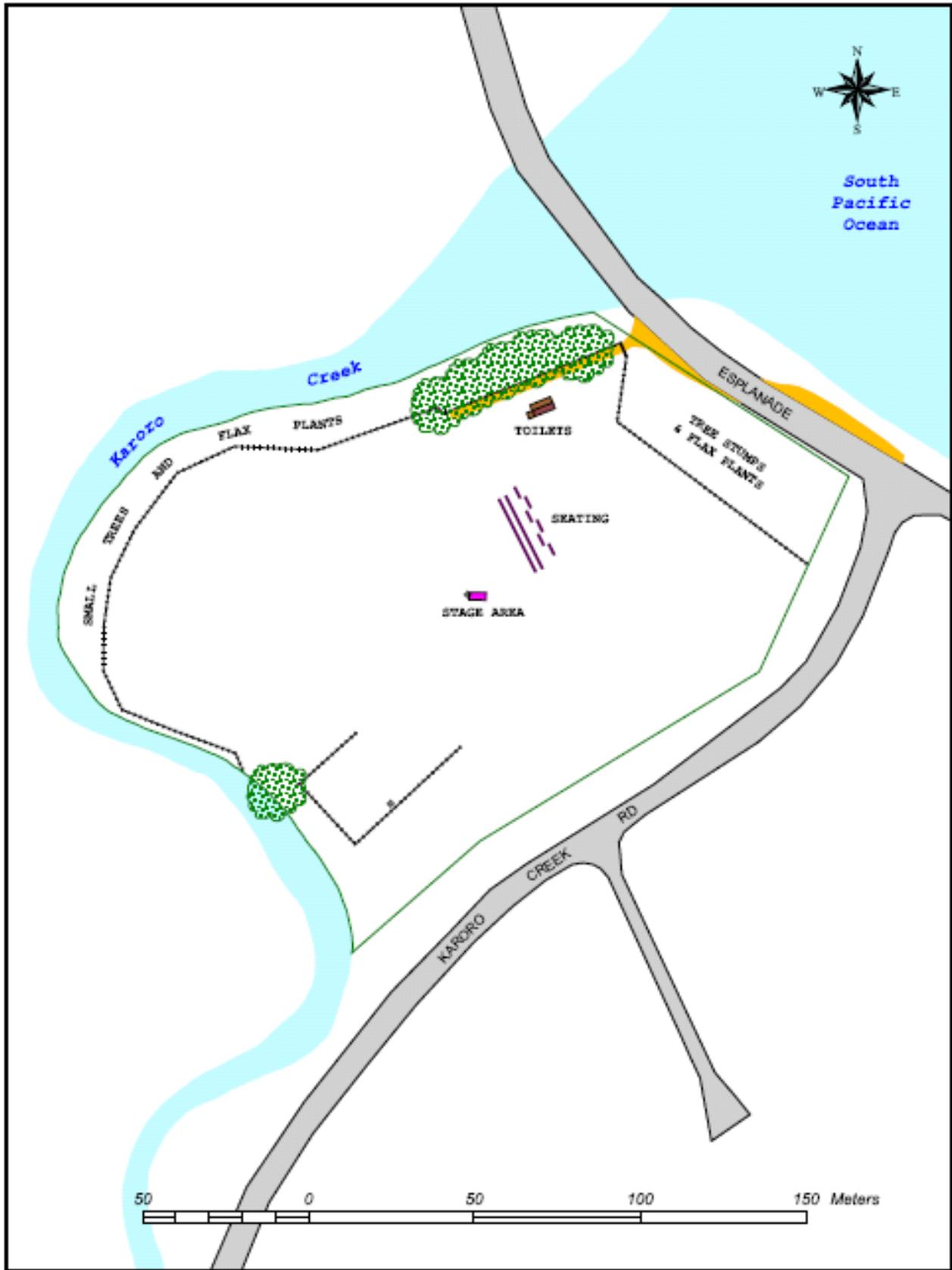
During December 2005 controversy arose when a large number of *Macrocarpa*/Pine trees were felled by the locals without permission from Council. This attracted significant media and local interest and was resolved by mutual agreement between the Council and those responsible.



Willsher Bay Reserve Eastern Frontage where Trees were Removed

2.1 Location of Reserve

The reserve is located adjacent to Karoro Creek on the corner Esplanade Road and Karoro Creek. It is approximately 1.5 kms south of the Kaka Point township.



2.2 Legal Description

The legal description of the reserve:

Section 3 of 16, Block VII, South Molyneux Survey District.

The area is 2.6330 hectares and was vested in trust to the Clutha District Council under the Reserves Act 1977 from the Conservator of for the Otago Conservancy of the Department of Conservation classified as a recreation reserve on 13 February 2003.

The area has traditionally been known as the Willsher Bay Domain and for the purposes of this plan the will continue to be named the Willsher Bay Domain Reserve.

3 MANAGEMENT AIM

The basis for the management of reserves is explained in the Reserves Act 1977. That is:

- To provide for the recreation activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and the beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities.

The aim of this management plan is to provide a comprehensive framework for the provision of recreation opportunities in the Willsher Bay area.

4 MANAGEMENT OBJECTIVES

Management objectives provide a framework in which management aims can be achieved. It is fundamental to reserve management that objectives and policies are clearly defined so decisions regarding any activity proposed or carried out on a reserve are taken in accordance with those objectives and policies.

- **Subject to and in addition to the Management Plan (9) for the reserve the following objectives and policies apply.**

4.1 General

- To manage the reserve in perpetuity in such a way that recreational qualities will contribute to the distinctiveness and diversity of the community and to the extent compatible with conservation values.
- To provide a broad spectrum of recreational opportunities.
- To limit conflict and interference between recreationalists.
- To offer forms of recreation experience that alternative sites in the vicinity cannot provide.
- To maintain and improve the quality of the existing recreation environment.
- To manage the reserve in accordance with its classification of Recreation Reserve under the Reserves Act 1977.

4.2 Use

- To promote and facilitate use of the reserve based on identifiable recreational demands that are compatible with the character and sustainability of the resource.

4.3 Public Access

- To permit freedom of access to the reserve except as limited by the terms of any lease of the reserve or district Bylaw.
- To facilitate public access to the reserve at a level that can be sustained without detriment to the natural resource or quality of recreation experience.

4.4 Open space

- To manage and promote the open space values of the reserve.

4.5 Protection

- To manage and protect the natural amenity values of the reserve.

5 MANAGEMENT POLICIES

Management policies are statements of intent describing what will, or will not, be done to achieve objectives.

5.1 Administration

The reserve is administered as a Domain reserve under the control of the Clutha District Council. Input from local organisations, committees, or individuals having suitable expertise and interest in the reserve would be evaluated on an individual basis. The Council proposes that a community group be appointed to manage and maintain the reserve. This will be subject to further investigation into the authority and responsibilities that the Council can delegate efficiently and effectively. It is important to co-ordinate management to ensure recreation opportunities and provisions continue at a satisfactory level.

5.2 Leases and Licences to Occupy

There was an informal agreement in place with a local farmer to graze the area from time to time to keep vegetation under control. Since the demolishing of the trees this arrangement has ceased.

If such an arrangement was to continue a suitable formal agreement should be drawn up.

5.3 Signs

- To erect a minimum number of information and/or interpretative signs of a type, which complements the landscape.
- To adopt a uniform design and standard for signs on Domain reserves within the Clutha District Council area.
- To prohibit the erection of signs not consistent with the use and purpose of the Domain reserve.

5.4 Prohibited Activities

Certain activities are restricted or prohibited because of the effects they may have on the reserve or upon public enjoyment. The Reserves Act 1977, Council Bylaws and policy determine which activities are specified as prohibited in this management plan.

- To prohibit overnight camping other than by prior booking as per existing arrangement.
- To prohibit the lighting of fires outside of designated areas.

Uncontrolled fires are a hazard and a threat to the surrounding flora and fauna, building structures and facilities, residential housing and human life. Restrictions on use will lower the chance of fires becoming out of control.

- To prohibit the removal or damage of any tree, scrub or plant material within the reserve without Council authorisation.

Vegetation is an important component of a reserves value. Reserves are for the enjoyment of the public, not for the needs of individuals or organisations acting in their own interest. Council may authorise the removal of any tree, scrub or plant material in the reserve that could be a threat to biodiversity, public safety, or existing amenity values.

- To prohibit dogs in the reserve other than those in the custody, charge or control of a personage, and that dogs are led on a leash or are under adequate control by other means. This prohibition is also enforceable under the Clutha District Council Dog Control By-laws. It is also the responsibility of the same personage to remove any faecal matter the dog may produce.

5.5 Modes of Transport

- To permit horses in the reserve and on formed access roadways.
- To permit freedom of pedestrian access on the reserve.
- To permit vehicular and motorbike access on the formed access roadways.
- To permit mountain bikes on the formed access roadways.
- To permit vehicular access on grassed areas as conditions allow

5.6 Maintenance

Reserves need to be maintained to a standard, which facilitates safe and enjoyable usage. Maintenance issues including mowing, weed control, control of noxious animals/pests, tree management, drainage and ground conditions need to be confirmed.

An informal agreement has existed with a local farmer to graze the area to keep vegetation under control this arrangement has since ceased and a decision needs to be made on whether the area should be mown, grazed or a combination of both.

To date an informal arrangement has existed between the Clutha District Council and the Willsher Bay Domain Committee who have looked after the reserve including mowing the grounds, weed control and maintenance of the toilet block. They have also been responsible for bookings of the grounds. This arrangement has worked very successfully since Council was vested the grounds from the Department of Conservation in 2003.

6 RESERVE DESCRIPTION

6.1 Physical Description

The reserve is situated on an area of land bounded by The Esplanade Road on the eastern side, Karoro Creek on the northern boundary, and Karoro Creek Road on the southern boundary.

7 PRESENT USE AND FACILITIES

The reserve is used by people as a picnic and rest stop and special events including an annual motor bike rally and outdoor movie nights. The toilet block is opened by booking only.

At present the only cost to Council has been paying the power bill for the toilet block. The Willsher Bay Domain Committee has operated the booking system and funded all costs associated with the domain from the revenue of ground bookings.

This reserve provides an excellent setting and safe environment for families to enjoy.

There is presently no signage to or within the reserve.

The access off Esplanade Road is not obvious.

There is a new post and wire fence that was erected when the trees were illegally felled in December 2005 across the front eastern section in good condition. The other fences are in fair condition.

7.1 Toilet Block

At present the toilet block is maintained by the Willsher Bay Domain Committee and opened on request to groups hiring the grounds. The toilet block needs minor maintenance but is adequate for its present use. The operating costs have been covered by those hiring the grounds and the domain committee has not been given council funding for the operating costs.

If Council were to takeover the operating of the facility and increase the opening hours there would be an additional operating cost to the rural toilet allocation of approximately \$4,000 per annum.



8 ADJOINING LAND USE AND ALTERNATIVES

The adjoining land uses are the Esplanade Road on the eastern boundary, Karoro Creek on the northern and western boundaries and Karoro Creek Road on the southern boundary. Karoro Creek is listed as having the following Kai Tahu Values:

- Waahi tapu (sacred site)
- Waahi Taoka (treasured resource)
- Mahika Kai (food gathering)

The reserve will remain available for all those wishing to access the creek.

9 CONSULTATION

9.1 First Round of Submissions

The intention to prepare a Draft Domain Reserve Management Plan for Willsher Bay was notified on Thursday 9 February 2006 with submissions closing on 10 March 2006. Six submissions were received as follows:

9.1.1 M Dunn

- Would like to donate approximately 40 native plants to be used at Willsher Bay and suggested the PD workers could be contacted to remove and replant these.
- To have the pine trees beside Karoro Creek felled.

9.1.2 P & P Simpson:

- Tree stumps removed on sea frontage and native shrubs planted
- Upgrading of toilets and opened increased hours

- Install rubbish bins and at least two picnic tables on the embankment
- Remove leaning or dead pines along Karoro Creek side and dead gum trees on Karoro Creek side.

9.1.3 C & L Mason:

- Remaining pine trees taken down beside Karoro Creek as they are dangerous and are being washed out under roots.
- Remove blue gum trees on opposite side of reserve and replant with native cabbage trees, flaxes etc
- Low growing natives should be planted along foreshore where trees were felled
- No deer fence with wind cloth on it should be erected.
- Grounds at the front of Willsher Bay should be mown same as foreshore.
- Install a rubbish drum near picnic table

9.1.4 Willsher Bay Domain Committee:

- The access way will need to be maintained – metalled etc as required
- Mowing to continue as is currently being undertaken – with grazing only for 2 or 3 days at a time at the committee's request
- Existing fencing within the domain is incomplete and an eyesore and should be removed as Karoro Creek provides a natural boundary.
- Noxious weed control to be programmed
- Camping only for organised events due to toilet capacity and conflict of events.
- Toilets – management to continue as is now – opened on request only. Maintenance needs to be carried out on exterior doors, lining the interior, building waterblasted and repainted, new locks required.
- Existing seating and stage constructions are in a dangerous state of disrepair and need to be repaired.
- Dogs allowed on domain as long as they are under control and any faeces removed
- Rubbish – a rubbish collection service should be provided by Council and emptied as per the arrangement with other bins in the Kaka Point area.
- A Tree/Vegetation management plan should be put in place – replanting should be undertaken in the eastern front and pruning /topping carried out in North East corner – to be confirmed by an arborist.
- Signage – should be erected so the public is aware the reserve is open to the general public. Signing to include No Public Camping, Toilets are available and the area is called the Willsher Bay Domain

- Reserve est 1864 and a caretaker/contact phone number. Opening hours need to be determined and detailed on the sign.
- Boundaries – they would like the boundaries confirmed to ensure that if it includes bush tracks this would add special character of the domain.
 - Future Plans – due to increased popularity informative signage is needed and a caretaker. Changing rooms may also need to be built. All costs should be covered by Clutha District not by local ratepayers. Control of advertised opening hours needs to be determined to prevent unsuitable use and vandalism of the ground and buildings. Erection of picnic tables of permanent construction around the domain north and east boundaries should be considered.

Any trees identified as significant will be registered within the District Plan.

10 RECOMMENDATIONS

10.1 Operating Grant

Recommendation

That the new Willsher Bay Domain Reserve Management Committee receive an annual operating grant of \$2,000 to assist in the maintenance of the reserve. This grant is to be used along with all revenue from bookings in the management of the reserve including toilets and ground maintenance.

10.2 Re-Planting

It is intended that a planting plan is put in place as soon as practical, initially on the foreshore side of the reserve where the trees were taken down. This plan will be approved by the new Willsher Bay Domain Reserve Management Committee and Council before commencing. Council has already received suggestions from Plantation Management Services which has specified low growing shelter of flax, cabbage tree, broadleaf, Oleria species, Pittosporum species and totara or alternatively a belt of Eucalyptus cordata would provide an attractive screen. All of these plants are tolerant of the extreme coastal conditions and attractive to native birds i.e. pigeon, tui and bellbird.



Recommendation:

That once the new Willsher Bay Recreation Reserve Management Committee is formed that a planting plan be approved by the group and Council and commenced as soon as practical and that this is funded by the donation received from the group responsible for chopping down the trees and the plants offered by Mrs Dunn be included where practical.

10.3 Trees

Various requests have been received to remove the remaining shelter belt as shown in the photo below.



Existing Shelter Belt on Northern Boundary by Karoro Creek and Toilet Block

Recommendation:

That the shelter belt on the northern boundary by Karoro Creek be removed when practicable and area is replanted.

10.4 Toilet Block

Recommendation

That the toilet block be opened on demand and managed by the Willsher Bay Domain Reserve Management Committee and the cost of this be funded by the money from bookings and from the proposed annual operating grant of \$2,000 from Council.

10.5 Furniture - Rubbish Bins & Tables

At present rubbish bins have been put out on an as required basis and emptied by the Willsher Bay Domain Committee with costs being recovered by the hirers and not Council.

Recommendation

- **That no rubbish bins be permanently established and signage be erected encouraging visitors to take their litter away with them.**
- **That Willsher Bay Domain Reserve Management Committee be permitted to put out drums for events as presently happens and recover costs from ground hire.**
- **That two new concrete tables be purchased for Willsher Bay Reserve and that an additional \$1,500 be budgeted for this from the Parks and Reserves Non Routine Maintenance account in 2008/09.**
- **That the existing seating arena be repaired funded by the operating grant.**

10.6 Fencing

New fencing was installed in December 2005 along the eastern roadside frontage, other fencing is satisfactory for present purposes.

Recommendation

That a decision on the new fence along the foreshore be made after the planting programme was been agreed to.

10.7 Access way

Recommendation

That the access way be maintained by the Willsher Bay Reserve Management Committee from their operating grant.

10.8 Mowing and Vegetation Control

In the past the ground was grazed and mown, recently the ground has just been mown at no cost to Council.

Recommendation

- **The Reserve Management Committee manages the grounds by mowing or grazing as appropriate.**
- **Any costs to be funded from operating grant.**
- **Any income from grazing remains with the Domain Reserve Management Committee.**

10.9 Signage

At present there is no signage on the reserve.

Recommendation

That Council budget an additional \$500 to install a sign at the entrance to Willsher Bay similar to the signage at Mt Stuart and Hina Hina Reserves in 2006/07.

11 CONCLUSION

With modest initial expenditure and ongoing costs and with the assistance of the Willsher Bay Domain Reserve Management Committee Willsher Bay will continue to be an asset to the Clutha District and will be enhanced to provide an excellent district recreational site with opportunities for local people, visitors, and travellers through the area.

In considering this Management Plan the over riding factor must be the funding of any initial improvements/upgrading and subsequent maintenance costs.

APPENDIX 1 – BUDGET

APPENDIX 1 - Budget

		2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
		/07	/08	/09	/10	/11	/12	/13	/14	/15	/16
		\$ 000	\$ 000	\$ 000	\$ 000	\$ 000	\$ 000	\$ 000	\$ 000	\$ 000	\$ 000
1	PARKS & RESERVES										
	Operating Grant to cover:										
	Mowing										
	Spraying										
	Entranceway										
	Toilets	2	2	2	2	2	2	2	2	2	2
2	Planting*										
3	Sign (manuf. & installation)	.5									
4	Picnic Tables 2 concrete tables @ \$750			1.5							
Annual Totals		2.5	2	3.5	2						

* To be covered by payment from group responsible for chopping down trees.

APPENDIX 2 – Excerpt from Clutha District Council Dog Control Bylaw 1997

6. Control of Dogs

6.1 **Leash Control Areas** - The owner or any person for the time having charge of any dog shall ensure the dog does not enter or remain in any public place in the Urban, Industrial, Rural Settlement Resource Areas (as defined by the Clutha District Plan) or public cemeteries unless it is kept on a leash, chain or lead which is secured or held so the dog cannot break loose.

6.2 The provisions of 6.1 shall not apply to a working dog carrying out the work in respect of which the dog has been registered.

6.3 Notwithstanding the provisions of 6.1, in any public place within the 'non-designated' area i.e. generally being the Rural, Transitional and Coastal Resource Area as defined by the District Plan (but excluding any Dog Prohibited area), or in any designated Dog Exercise Area (see Schedule A) a dog may be exercised without being restrained provided such a dog is kept under continuous control whilst being exercised.

For the purpose of this clause there shall be deemed to be sufficient control if such dog is under continuous surveillance of some responsible person and the dog does not give rise to any reasonable complaint as to its behaviour whilst being exercised.

6.4 **Dog Prohibited Areas** - Notwithstanding any other provision of this bylaw (with the exception of Clause 12) the entry of dogs on to any public place specified in Schedule A is prohibited.

7. Fouling by Dogs

No person (being the owner or a person having control or charge of any dog) shall permit or suffer the dog to foul with faecal matter any public place or any land or premises other than land or premises occupied by that person provided that no offence shall be deemed to have been committed against this bylaw where the owner or person having control or charge of the dog removes the faecal matter immediately after the dog has deposited the droppings. Where a public litter bin or similar receptacle is used to dispose of the faecal matter, they must be suitably wrapped or contained to prevent fouling such receptacles.

PROPOSED TERMS OF REFERENCE

WILLSHER BAY DOMAIN RESERVE MANAGEMENT COMMITTEE

1. INTRODUCTION

As per the Willsher Bay Domain Reserve Management Plan, it is proposed that a reserve management committee be formed to manage the Willsher Bay Reserve.

2. AREA OF RESPONSIBILITY

To ensure the appropriate operation, maintenance and development of the Willsher Bay Reserve.

3. OBJECTIVES

- To co-ordinate the fair and equitable use of grounds and facilities, while acknowledging the rights of existing users.
- To authorise and/or undertake any physical maintenance and development work that:
 - is permitted and programmed in the Reserve Management Plan, and
 - has funding available or has no funding requirements of Council, and
 - is not part of a contract administered by Council.
- To ensure that there is an effective and efficient but fair and equitable booking system for the use of their grounds. The booking system will have one contact point.
- All those with occupancy rights, lease holders and those granted temporary use, will be responsible for their own health and safety issues under the Health and Safety in Employment Act 1992.
- Each individual group (rather than the Management Committee) will be responsible for identifying hazards and developing the safety and emergency procedures that may be required for their own areas.
- To report to Council via the District Assets Committee annually on the operation of the land and facilities.
- To report and/or recommend to Council via the District Assets Committee on budgets or any changes to fees and charges which are administered by the Management Committee (not the individual clubs/groups).
- To report and/or recommend to Council via the District Assets Committee on any changes to leases, long term rentals or changes of use.

- To recommend any matters concerning policy, management plans and associated Council funding to the Council via the District Assets Committee.
- To recommend to Council via the District Assets Committee the review of the Reserve Management Plan should significant change be required.

3. PROCEDURE

The Management Committee will:

- Work to an agenda prepared prior to the meeting.
- Have a quorum of five.
- Record minutes of every meeting, particularly any actions required.
- Report regularly to the Council via the District Assets Committee.
- Work within budgets submitted to, and agreed by, Council.

4. MEMBERSHIP

The Management Committee shall comprise:

- Chairperson : Elected from the Committee members.
- Councillor : One Ward councillor as appointed by Council.
- Council staff person : One Council staff person
- Committee Members : Minimum two maximum five members elected at a public meeting

The Management Committee may co-opt to meetings any person who may have experience or expertise as required by the Committee. Such persons will not have voting rights.

Administration services will be provided from within the Committee.

5. RESPONSIBILITIES

The Chairperson is responsible for chairing the meetings and ensuring that the Committee address the objectives and complies with these Terms of Reference.

Each member of the Committee is responsible for working within the Terms of Reference and undertaking such work as agreed.

APPENDIX 4: EXTRACT FROM REGIONAL PLAN: WATER OTAGO

Section 13: Land use on Lakes or River Beds

13.1 USE OF A STRUCTURE

13.1.1 Permitted activities: No resource consent required

13.1.1.1 **The use of any structure that is fixed in, on, under, or over the bed of any lake or river is a *permitted* activity, providing:**

- (a) The structure is lawfully established; and
- (b) In the case of a change in use, the effects of the new use of the structure are the same or similar in character, intensity and scale as the preceding use; and
- (c) The structure is maintained in good repair.

13.1.2 Restricted discretionary activities: Resource consent required

13.2.1.1 **Except as provided for by Rule 13.1.1.1, the use of a structure that is fixed in, on, under, or over the bed of any lake or river is a *restricted discretionary* activity.**

In considering any resource consent for the use of any structure in terms of this rule, the Otago Regional Council will restrict the exercise of its discretion to the following:

- (a) Any adverse effect on the function or structural integrity of the structure; and
- (b) The duration of the resource consent; and
- (c) The information and monitoring requirements; and
- (d) Any insurance or other appropriate means of remedying the effects of failure; and
- (e) Any bond; and
- (f) The review of conditions of the resource consent.

Applications will be considered without notification and without the need to obtain written approval of affected persons in accordance with Section 94(1A) of the Resource Management Act, unless the Council considers that special circumstances apply (Section 94(5) of the Act).

13.2 ERECTION OR PLACEMENT OF A STRUCTURE

13.2.1 Permitted activities: No resource consent required

Note: Any alteration of the bed of a lake or river in association with the following activities must also comply with Rules under 13.5 in order to be classified as a permitted activity.

13.2.1.1 **The erection or placement of any fence, pipe, line or cable over the bed of a lake or river, is a *permitted* activity, providing:**

- (a) The fence, pipe, line or cable does not cross a lake or river identified in Schedule 1A as being an “Outstanding natural feature or landscape” unless it is attached to an existing lawfully established support structure; and
- (b) No part of the fence, pipe, line or cable is fixed to the bed of the lake or river unless it is attached to an existing lawfully established support structure; and
- (c) No part of any pipe, line or cable is less than two metres above the 1 percent probability flood level, unless it is attached to an existing lawful structure; and
- (d) Where it is attached to an existing lawful structure, no part of any pipe, line or cable extends below the underside of the existing structure; and
- (e) Any fence over the bed of a lake or river does not impede the flow of flood water or debris, or is installed and maintained so it results in no flooding or erosion of the bed or banks of the lake or river; and
- (f) The fence, pipe, line or cable does not interfere with navigation; and
- (g) For existing overhead network utility services over the bed of a lake or river, there is no reduction in the height of clearance above the waterway; and
- (h) The fence, pipe, line or cable is maintained in good repair.

13.2.1.2 The placement of any pipe, line, or cable on or under the bed of a lake or river, is a *permitted* activity, providing:

- (a) The pipe, line, or cable does not impede the flow of water or debris, or is installed and maintained so it results in no flooding, erosion or sedimentation; and
- (b) The location of the pipe, line, or cable is identified by markers on the banks of the river or lake; and
- (c) The pipe, line, or cable is maintained in good repair.

13.2.1.3 The erection or placement of any structure for the damming of water that is fixed in or on the bed of any lake or river is a *permitted* activity, providing:

- (a) The conditions of Rule 12.3.2.1 are met; and
- (b) The Otago Regional Council is notified of the location and nature of the dam, at least seven working days prior to commencing the erection or placement; and
- (c) The structure is maintained in good repair; and
- (d) The site is left tidy following the erection or placement.

.1

Note: The erection of a dam structure is a different activity to the damming of water. The damming of water is covered by rules under 12.3 of this Plan.

13.2.1.4 The erection or placement of any flow or level recording device, outfall or intake structure or navigational aid structure, that is fixed in, on or under the bed of any lake or river is a *permitted* activity, providing:

- 13.2.1.5** The erection or placement of any maimai that is fixed in, on or under the bed of any lake or river is a *permitted* activity, providing:
- 13.2.1.6** The erection or placement of any whitebait stand or eel trap that is fixed in, on or under the bed of any lake or river is a *permitted* activity, providing:
- 13.2.1.7** The erection or placement of any bridge or culvert in, on or over the bed of a lake or river is a *permitted* activity, providing:
- (a) The size of the catchment upstream of the bridge or culvert is no more than 50 hectares in area; and
 - (b) The bridge or culvert, or its erection or placement, does not cause any flooding, nor cause any erosion of the bed or banks of the lake or river; and
 - (c) The site is left tidy following the erection or placement.
- 13.2.1.8** The placement of a floating boom in, on or over the bed of a lake is a *permitted* activity, providing:

13.2.2 Restricted discretionary activities: Resource consent required

- 13.2.2.1** Except as provided for by Rules 13.2.1.1, 13.2.1.2 and 13.2.1.5 to 13.2.1.7, the erection or placement of any fence, pipe, line, cable, whitebait stand, eel trap, maimai, jetty, bridge or culvert in, on, under, or over the bed of any lake or river, is a *restricted discretionary activity*.

In considering any resource consent for the erection or placement of any fence, pipe, line, cable, whitebait stand, eel trap, maimai, jetty, bridge or culvert in terms of this rule, the Otago Regional Council will restrict the exercise of its discretion to the following:

- (a) Any adverse effects of the activity on:
 - (i) Any natural and human use value identified in Schedule 1 for any affected water body;
 - (ii) The natural character of any affected water body;
 - (iii) Any amenity value supported by any affected water body; and
 - (iv) Any heritage value associated with any affected water body; and
- (b) Flow and sediment processes; and
- (c) Any adverse effect on a defence against water; and
- (d) Any adverse effect on existing public access; and
- (e) Fish passage; and
- (f) The method of construction; and
- (g) The duration of the resource consent; and
- (h) The information and monitoring requirements; and
- (i) Any existing lawful activity associated with any affected water body; and
- (j) Any bond; and
- (k) The review of conditions of the resource consent.

Applications will be considered without notification and without the need to obtain written approval of affected persons in accordance with Section 94(1A) of the Resource Management Act, unless the Council considers that special circumstances apply (Section 94(5) of the Act).

13.2.3 Discretionary activities: Resource consent required

13.2.3.1 Except as provided for by Rules 13.2.1.1 to 13.2.2.1, the erection or placement of any structure fixed in, on, under, or over the bed of any lake or river, is a **discretionary** activity.

13.3 EXTENSION, ALTERATION, REPLACEMENT OR RECONSTRUCTION OF A STRUCTURE

13.3.1 Permitted activities: No resource consent required

Note: Any alteration of the bed of a lake or river in association with the following activities must also comply with Rules under 13.5 in order to be classified as a permitted activity.

13.3.1.1 The repair or maintenance of any lawful structure in, on, under or over the bed of a lake or river is a *permitted* activity providing:

(a) There is no permanent change to the scale, nature or functions of the structure.

13.3.1.2 The extension, alteration, replacement or reconstruction of any lawful structure in, on, under or over the bed of a lake or river is a *permitted* activity providing:

(a) In the case of a replacement or reconstruction, the structure is replaced or reconstructed in the same location as the original structure; and

(b) There is no permanent change to the, scale, nature or functions of the structure, except where a rule under 13.2.1 applies to that structure and the conditions of that rule are met.

13.3.2 Restricted discretionary activities: Resource consent required

13.3.2.1 Except as provided for by Rules 13.3.1.1 and 13.3.1.2, the extension, alteration, replacement or reconstruction of any structure, fixed in, on, under or over the bed of any lake or river, is a *restricted discretionary* activity.

In considering any resource consent for the extension, alteration, replacement or reconstruction of any structure in terms of this rule, the Otago Regional Council will restrict the exercise of its discretion to the following:

(a) Any adverse effects of the activity on:

(i) Any natural and human use value identified in Schedule 1 for any affected water body;

(ii) The natural character of any affected water body

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- (iii) Any amenity value supported by any affected water body; and
- (iv) Any heritage value associated with any affected water body; and
- (b) Flow and sediment processes; and
- (c) Any adverse effect on a defence against water; and
- (d) Any adverse effect on existing public access; and
- (e) The method of construction; and
- (f) The duration of the resource consent; and
- (g) The information and monitoring requirements; and
- (h) Any existing lawful activity associated with any affected water body; and
- (i) Any insurance or other appropriate means of remedying the effects of failure; and
- (j) Any bond; and
- (k) A financial contribution if the structure is a dam, or an activity that adversely affects any Type B wetland value; and
- (l) The review of conditions of the resource consent.

Applications will be considered without notification and without the need to obtain written approval of affected persons in accordance with Section 94(1A) of the Resource Management Act, unless the Council considers that special circumstances apply (Section 94(5) of the Act).

13.4 DEMOLITION OR REMOVAL OF A STRUCTURE

13.4.1 Permitted activities: No resource consent required

Note: Any alteration of the bed of a lake or river in association with the following activities must also comply with Rules under 13.5 in order to be classified as a permitted activity.

13.4.1.1 **The demolition or removal of any structure or any part of a structure that is fixed in, on, under, or over the bed of any lake or river is a *permitted* activity providing:**

- (a) Where any part of the structure remains in situ, nothing remains above the level of the bed; and
- (b) The structure is not identified as a registered historic place, a building or place identified in any district plan as being of historic value, an archaeological site or a place with interim historic place registration; and
- (c) The structure is not a sacred place identified by Kai Tahu and located in any area identified as MA3 in Schedule 1D; and
- (d) There is no use of explosives; and
- (e) The Otago Regional Council is notified of the demolition or removal, at least seven working days prior to commencing the activity; and
- (f) The demolition or removal of the structure does not cause any erosion; and
- (g) The site is left tidy following the demolition or removal; and
- (h) In the case of any dam structure, the dam is no more than 3 metres high, and the volume of water stored by the dam is no more than 20,000 cubic metres.

13.4.2 Restricted discretionary activities: Resource consent required

13.4.2.1 Except as provided for by Rule 13.4.1.1, the demolition or removal of any structure or any part of a structure that is fixed in, on, under, or over the bed of any lake or river is a *restricted discretionary activity*.

In considering any resource consent for the demolition or removal of any structure in terms of this rule, the Otago Regional Council will restrict the exercise of its discretion to the following:

- (a) Any adverse effects of the activity on:
 - (i) Any natural and human use value identified in Schedule 1 for any affected water body;
 - (ii) The natural character of any affected water body;
 - (iii) Any amenity value supported by any affected water body; and
 - (iv) Any heritage value associated with any affected water body; and
- (b) Flow and sediment processes; and
- (c) Any adverse effect on a defence against water; and
- (d) Any adverse effect on existing public access; and
- (e) The method of demolition or removal; and
- (f) The duration of the resource consent; and
- (g) The information and monitoring requirements; and
- (h) Any existing lawful activity associated with any affected water body; and
- (i) Any bond; and
- (j) The review of conditions of the resource consent.

Applications will be considered without notification and without the need to obtain written approval of affected persons in accordance with Section 94(1A) of the Resource Management Act, unless the Council considers that special circumstances apply (Section 94(5) of the Act).

Alteration of the bed of a lake or river

13.5.1 Permitted activities: No resource consent required

13.5.1.1 The disturbance of the bed of any lake or river associated with:

- (i) The erection, placement, extension, alteration, replacement, reconstruction, repair, maintenance, demolition or removal, of any structure that is fixed in, on, under or over the bed of any lake or river; or
- (ii) The clearance of debris or alluvium from within, or immediately surrounding, any structure in order to safeguard the function or structural integrity of the structure; or
- (iii) The maintenance or reinstatement of a water intake, in order to enable the exercise of a lawful take of water, is a ***permitted*** activity, providing:
 - (a) Except in the case of the demolition or removal of a structure, the structure is lawfully established; and

- (b) Except in the case of (i), there is no increase in the scale of the existing structure; and
- (c) The bed disturbance is limited to the extent necessary to undertake the work; and
- (d) The bed disturbance does not cause any flooding or erosion; and
- (e) The time necessary to carry out and complete the whole of the work does not exceed 10 consecutive hours in duration; and
- (f) All reasonable steps are taken to minimise the release of sediment to the lake or river during the disturbance, and there is no conspicuous change in the colour or visual clarity of the water body beyond a distance of 250 metres downstream of the disturbance; and
- (g) No lawful take of water is adversely affected as a result of the bed disturbance; and
- (h) The site is left tidy following completion of the activity.

13.5.1.2 The disturbance of the bed of any river for the purpose of clearing any material that has accumulated as a result of a storm event, excluding alluvium, in order to maintain the flood carrying capacity of the bed of the river, is a *permitted* activity, providing:

- (a) The bed disturbance is limited to the extent necessary to clear the debris; and
- (b) The bed disturbance does not cause any flooding or erosion; and
- (c) The time necessary to carry out and complete the whole of the work does not exceed 10 consecutive hours in duration; and
- (d) All reasonable steps are taken to minimise the release of sediment to the lake or river during the activity, and there is no conspicuous change in the colour or visual clarity of the water body beyond a distance of 250 metres downstream of the disturbance; and
- (e) No lawful take of water is adversely affected as a result of the bed disturbance; and
- (f) The site is left tidy following completion of the activity.

13.5.1.3 The disturbance or reclamation of, or the deposition of any substance in, on or under, the bed of any lake or river, for the purpose of:

- (i) The erection, placement, extension, alteration, replacement, reconstruction, repair, maintenance, demolition or removal, of any structure carried out under Rules 13.2.1.1 to 13.2.1.7, 13.3.1.1, 13.3.1.2 or 13.4.1.1; or
- (ii) The repair or maintenance of any defence against water constructed or placed by artificial means, is a *permitted* activity providing:
 - (a) The structure or defence against water is lawfully established; and
 - (b) There is no change to the original scale of the structure or defence against water; and
 - (c) The time necessary to carry out and complete the whole of the work does not exceed 10 consecutive hours in duration; and

- (d) All reasonable steps are taken to minimise the release of sediment to the lake or river during the activity, and there is no conspicuous change in the colour or visual clarity of the water body beyond a distance of 250 metres downstream of the activity; and
- (e) No lawful take of water is adversely affected as a result of the activity; and
- (f) In the case of reclamation or deposition, only cleanfill is used; and
- (g) The site is left tidy following completion of the activity.

13.5.1.4 The disturbance or reclamation of, or the deposition of any substance in, on or under, the bed of any lake or river, for the purpose of the reinstatement of any bank of a lake or river which has been eroded by a flood event is a *permitted* activity providing:

- (a) There is no change to the scale of the bank existing before the flood event; and
- (b) The activity is carried out within twelve months of the flood event that caused the erosion; and
- (c) The time necessary to carry out and complete the whole of the work does not exceed 10 consecutive hours in duration; and
- (d) All reasonable steps are taken to minimise the release of sediment to the lake or river during the activity, and there is no conspicuous change in the colour or visual clarity of the water body beyond a distance of 250 metres downstream of the activity; and
- (e) No lawful take of water is adversely affected as a result of the repair or maintenance; and
- (f) In the case of reclamation or deposition, only cleanfill is used; and
- (g) The site is left tidy following completion of the activity.

13.5.1.5 The disturbance of the bed of any lake or river associated with the control of aquatic pest plants is a *permitted* activity providing:

- (a) The control is carried out under Rule 13.7.1.1, or under a resource consent; and
- (b) The bed disturbance is limited to that which is necessary for the removal of the plant material.

13.5.1.6 Except as provided for by Rule 13.5.1.1, the extraction of alluvium within the bed of a river is a *permitted* activity, providing:

- (a) No person takes more than 20 cubic metres in any month; and
- (b) The alluvium is not taken from the wet bed of the river and the surface of the remaining alluvium is not left lower than the level of the water in the river; and
- (c) The area from which the material is taken is smoothed over, as far as practicable; and
- (d) The activity is not carried out within 20 metres of any structure which has foundations in the river bed, or any ford or pipeline; and
- (e) No material is taken directly from the bank or from any defence against water; and
- (f) The activity does not occur within any wetland identified in Schedule 9.

13.5.1.7 **Suction dredge mining within the bed of a river is a *permitted* activity providing:**

13.5.1.8 **The disturbance of the bed of any lake or river by livestock is a *permitted* activity, providing:**

Note: This rule does not authorise any discharge to water or discharge to land in circumstances where contaminants may enter water. Sections 15(1)(a) and 15(1)(b) of the Act apply.

(a) The drilling of land on the bed of any lake or river, other than for the purpose of creating a bore, and any disturbance of the bed associated with that drilling, is a *permitted* activity providing:

13.5.2 **Restricted discretionary activities: Resource consent required**

13.5.2.1 **Except as provided for by Rules 13.5.1.1 and 13.5.1.6, the extraction of alluvium within the bed of a lake or river is a *restricted discretionary* activity.**

In considering any resource consent for the extraction of alluvium in terms of this rule, the Otago Regional Council will restrict the exercise of its discretion to the following:

13.5.3 **Discretionary activities: Resource consent required**

13.5.3.1 **Except as provided for by Rules 13.5.1.1 to 13.5.2.1 the alteration of the bed of any lake or river is a *discretionary* activity.**

Note: The Otago Regional Council's Pest Plant Management Strategy addresses the management of pest plants in Otago under the Biosecurity Act 1993. The Strategy bans a number of aquatic plants from sale, distribution and propagation.

13.6.1 **Prohibited activities: No resource consent granted**

13.6.1.1 **The introduction of material of the following species:**

Lagarosiphon *Lagarosiphon major*; or

Eel Grass *Vallisneria spiralis*; or

Egeria *Egeria densa*; or

Hornwort *Ceratophyllum demersum*; or

Hydrilla *Hydrilla verticillata*; or

Sagittaria *Sagittaria graminea* ssp *platyphylla*; or

Spartina *Spartina anglicatowensendii*; or

Salvinia *Salvinia molesta*; or

Water Hyacinth *Eichhornia crassipes*; or

Water Lettuce *Pistia stratiotes*,

to the bed or water of any Otago lake or river is a ***prohibited*** activity for which no resource consent will be granted.

13.6.2 Permitted activities: No resource consent required

- 13.6.2.1 The introduction or planting of any plant to or on the bed of any lake or river for the purpose of remedying or mitigating the adverse effects of flooding, erosion, or non-point source discharge of contaminants, or to restore or enhance habitat, is a *permitted* activity providing:**
- (a) Crack Willow *Salix fragilis* or Grey Willow *Salix cinerea* is not introduced to an area where it does not currently exist; and
 - (b) The plant is not any pest plant listed in the Pest Plant Management Strategy for the Otago Region; and
 - (c) All reasonable steps are taken to minimise the release of sediment to the lake or river during the introduction, and there is no conspicuous change in the colour or visual clarity of the water body beyond a distance of 100 metres downstream of the introduction; and
 - (d) The introduction does not cause any flooding or erosion; and
 - (e) The site is left tidy following the introduction.

13.6.3 Discretionary activities: Resource consent required

- 13.6.3.1 Except as provided for by Rules 13.6.1.1 and 13.6.2.1, the introduction or planting of vegetation to the bed of any lake or river is a *discretionary* activity.**

13.7.1 Permitted activities: No resource consent required

Removal of vegetation

13.7.1.1 The physical removal of material of any of the following plants:

- (i) Lagarosiphon *Lagarosiphon major*; or
 - (ii) Eel Grass *Vallisneria spiralis*; or
 - (iii) Egeria *Egeria densa*; or
 - (iv) Hornwort *Ceratophyllum demersum*; or
 - (v) Hydrilla *Hydrilla verticillata*; or
 - (vi) Sagittaria *Sagittaria graminea ssp platyphylla*; or
 - (vii) Spartina *Spartina anglica*; or
 - (viii) Salvinia *Salvinia molesta*; or
 - (ix) Water Hyacinth *Eichhornia crassipes*; or
 - (x) Water Lettuce *Pistia stratiotes*,
- from the bed of any lake or river is a ***permitted*** activity, providing:
- (a) Except in the case of Lagarosiphon *Lagarosiphon major* in Lake Wanaka or Lake Dunstan, containment is utilised to ensure no weed fragments escape; and
 - (b) In the case of Lagarosiphon *Lagarosiphon major* in Lake Wanaka, containment is utilised to ensure no floating mats or rafts of weed fragments are released onto the lake surface; and
 - (c) The Otago Regional Council is notified of the location and nature of the removal, at least seven working days prior to commencing the removal; and
 - (d) The site is left tidy following the removal.

13.7.2 Controlled Activities: Resource consent required but always granted

13.7.2.1 Except as provided for by Rule 13.7.1.1, physical removal of material of any of the following plants:

- (i) Lagarosiphon *Lagarosiphon major*; or
 - (ii) Eel Grass *Vallisneria spiralis*; or
 - (iii) Egeria *Egeria densa*; or
 - (iv) Hornwort *Ceratophyllum demersum*; or
 - (v) Hydrilla *Hydrilla verticillata*; or
 - (vi) Sagittaria *Sagittaria graminea ssp platyphylla*; or
 - (vii) Spartina *Spartina anglica*; or
 - (viii) Salvinia *Salvinia molesta*; or
 - (ix) Water Hyacinth *Eichhornia crassipes*; or
 - (x) Water Lettuce *Pistia stratiotes*,
- from the bed of any lake or river is a **controlled** activity.

In granting any resource consent for the removal of material of the above identified plants in terms of this rule, the Otago Regional Council will restrict the exercise of its control to the following:

- (a) The method of removal; and
- (b) The duration of the resource consent; and
- (c) The information and monitoring requirements; and
- (d) Any bond; and
- (e) The review of conditions of the resource consent.

Applications will be considered without notification and without the need to obtain written approval of affected persons in accordance with Section 94(1) of the Resource Management Act, unless the Council considers that special circumstances apply (Section 94(5) of the Act).