

5

Natural and Human Use Values of Lakes and Rivers



5.1 Introduction

Water and water resources have played a critical role in the development of Otago. As such, there is a history of long-standing or traditional use of water including Kai Tahu customary uses and, following European settlement, mining, irrigation, recreation, fishing, hydro-electric power generation and waste disposal. The beds and margins of lakes and rivers provide for a range of use and development functions as well.

This Plan seeks to enable people and communities to provide for their social, economic and cultural well being through the appropriate use, development and protection of lakes and rivers and their margins, and other water resources. To achieve this, the Plan recognises the dependence of people and communities on long-standing and traditional uses of these resources, and the need for continued use and development. However, in enabling continued use and development, it is important that adverse effects on the existing natural and human use values supported by lakes and rivers and their margins are avoided, remedied or mitigated.

This chapter provides for the natural and human use values supported by Otago's lakes and rivers and their margins. These characteristics are important to, or are an essential part of, ecological communities, or are enjoyed or utilised by people and communities, including Kai Tahu.

Schedule 1 identifies particular natural and human use values supported by Otago's lakes and rivers. These are:

- (a) Ecosystem values, outstanding natural features and landscapes, significant habitat of indigenous fauna and significant indigenous vegetation and the degree of development (Schedule 1A);
- (b) Water supply values (Schedule 1B);
- (c) Registered historic places (Schedule 1C); and
- (d) Spiritual and cultural beliefs, values and uses of significance to Kai Tahu (Schedule 1D).

The Plan also identifies significant wetlands in Schedule 9. While these wetlands have significant natural and human use values they are addressed separately in Chapter 10 Wetlands, where the objective is to maintain or enhance wetland values.

Schedule 1 does not specifically identify natural character, amenity, existing lawful uses or all heritage values. This is because every lake and river contains some element of natural character or provides some amenity, and most are, or have been, used for economic, cultural and social benefit in some way. However, these are still important natural and human use values and, as such, are dealt with in this chapter.

The maintenance or enhancement of natural and human use values is a fundamental principle of this Plan. These values can be adversely affected by the use, development or protection of land or water resources, including:

- (a) The taking, damming and diversion of surface water, including the management of lake levels;
- (b) The taking of groundwater (since this activity can affect surface water);

- (c) Discharges to water, and onto or into land in circumstances which may result in a contaminant entering water;
- (d) Land use activities, particularly those in, on, under or over the bed or margins of lakes or rivers.

This chapter contains issues, objectives and policies that apply to all of these activities as they may adversely affect natural and human use values. Chapters 6 to 9 address the more specific elements relating to these same activities.

5.2 Issues

5.2.1 The use and development of Otago’s water resources, lakes and rivers may have the potential to:

- (1) **Adversely affect:**
 - (a) **Outstanding natural features and landscapes;**
 - (b) **Areas with a high degree of naturalness;**
 - (c) **Indigenous vegetation, habitats of indigenous fauna, and habitats of trout and salmon;**
 - (d) **Ecosystem values;**
 - (e) **Water supply values;**
 - (f) **Heritage values of sites, buildings, places or areas;**
 - (g) **Natural character;**
 - (h) **Amenity values; and**
 - (i) **Existing lawful activities; and**
- (2) **Cause or exacerbate flooding, erosion, land instability, sedimentation or property damage,**

associated with the region’s lakes and rivers.

Explanation

Otago’s lakes and rivers support considerable natural values, identified in (a) to (d) of the issue above. These natural values have considerable intrinsic worth. They can, however, be highly valued by the region’s people and communities due to the opportunity for a wide range of recreational and aesthetic appreciation. Human use values, identified in (e) to (i) of the issue, are those elements which involve either active or passive human use of water resources. The second part of the issue identifies the possibility that use and development can cause or exacerbate adverse effects from hazards.

The region’s lakes and rivers are diverse and the natural and human use values supported by them vary. Most of the natural and human use values included in the issue are identified for particular lakes and rivers, or groups of such water bodies, in the following schedules to this Plan:

- (i) Schedule 1A for values (a) to (d);
- (ii) Schedule 1B for value (e); and

- (iii) Schedule 1C for registered historic places, which comprise part of value (f).

Schedule 1 is not intended to specifically identify natural character, amenity values, existing lawful uses of resources, archaeological sites, or sites, buildings, places or areas with interim historic place registration, as many of these are difficult to specify, or will change over time. Because these values apply generally to every lake or river, they need to be investigated on a case-by-case basis.

Any use of water that affects the water in a lake, river or aquifer, or the water body itself, can adversely affect the natural and human use values supported by lakes or rivers. Activities of particular concern are:

- (a) The taking, damming and diversion of water; and
- (b) Discharges to water, and to land in circumstances which may result in a contaminant entering water.

Any reduction in the ability of lakes and rivers to support natural and human use values, which is caused by these activities, is of concern due to the importance of the values to Otago's ecosystems and to the region's present and future generations.

Objectives: 5.3.1, 5.3.3, 5.3.4, 5.3.6, 5.3.7, 5.3.8; Objectives in Chapters 6 to 9

Policies: 5.4.1, 5.4.2, 5.4.3, 5.4.5, 5.4.8 to 5.4.13, 8.5.1

5.2.2 Land use activities, including those in, on, under or over the bed or margins of lakes and rivers, can degrade the natural and human use values supported by Otago's lakes and rivers.

Explanation

Land use activities can degrade water resources, in terms of water quantity, water quality and the natural character of lakes and rivers. Natural events, such as flooding, can also adversely affect natural and human use values. Such effects are addressed in Chapter 8. Land uses can also exacerbate the adverse effects of natural events. Activities in, on, under or over the bed or margin of lakes and rivers, including activities associated with structures, alteration of the bed or the management of vegetation, can have direct adverse effects on such water bodies. Land uses that occur beyond the margins of lakes and rivers also have the potential to adversely affect water. Some land uses can increase the volume of contaminants entering a lake or a river, and land use change can lead to changes in flood characteristics and catchment yield. Any degradation of the water resource is likely to adversely affect the natural and human use values supported by the water body.

Objectives: 5.3.1, 5.3.3, 5.3.4

Policies: 5.4.1, 5.4.2, 5.4.5, 5.4.8 to 5.4.13

See also: Chapter 7, Chapter 8

5.2.3 The use and development of water resources, and activities in, on, under or over the beds or margins of Otago’s lakes and rivers can reduce existing public access to and along such margins.

Explanation

The use and enjoyment of Otago’s water resources is important to Otago’s people and communities, and visitors to the region. Public access to or along the margins of lakes or rivers provides the opportunity to experience the many uses and values of the water resource. The importance of public access is recognised by Section 6(d) of the Resource Management Act and Policy 6.5.10 of the Regional Policy Statement for Otago, where provision is made to maintain and enhance public access to and along lakes and rivers except where restriction is necessary for the protection of certain natural and human use values, and in other circumstances, as specified in Policy 5.4.6.

Objectives: 5.3.5

Policies: 5.4.6, 5.4.7, 5.4.13

5.3 Objectives

5.3.1 To maintain or enhance the natural and human use values, identified in Schedules 1A, 1B and 1C, that are supported by Otago’s lakes and rivers.

Explanation

Otago’s lakes and rivers contain significant natural and human use values, which vary throughout the region. These are identified for specific lakes and rivers, or groups of such water bodies, in Schedules 1A, 1B and 1C of this Plan. These schedules are not exhaustive, but reflect the level of knowledge of individual water bodies during the Plan-making process and may be amended through a Plan Change. This objective not only seeks to avoid the loss or degradation of the specified values, but also provides for their enhancement.

Principal reasons for adopting

This objective is adopted to ensure that water use and land use activities are managed so that the natural and human use values supported by Otago’s lakes and rivers can continue to exist. These values are significant due to the opportunity for enjoyment or appreciation by the region’s people and communities, and their own intrinsic value.

Policies: 5.4.1, 5.4.2, 5.4.5, 5.4.8, 5.4.9, 5.4.11, 5.4.12, 5.4.13, 8.5.1

5.3.2 To maintain or enhance the spiritual and cultural beliefs, values and uses of significance to Kai Tahu, identified in Schedule 1D, as these relate to Otago’s lakes and rivers.

Explanation

Chapter 4 of this Plan identifies the issues of concern to Kai Tahu. The issues reflect the strong relationship Kai Tahu have with Otago’s lakes and rivers through their spiritual and cultural beliefs, values and uses associated with water. These beliefs, values and uses are identified for specific lakes and rivers in Schedule 1D of this Plan. This objective seeks to avoid their loss or degradation

and, where possible, enhance them. These schedules are not exhaustive, but reflect the level of knowledge of individual water bodies during the Plan-making process and may be amended through a Plan Change.

Principal reasons for adopting

This objective is adopted to protect the relationship Kai Tahu have with Otago's water resources. It is intended to ensure that Kai Tahu spiritual and cultural beliefs, values and uses associated with water can continue. The importance of this provision is recognised by Section 6(e) of the Resource Management Act and the Regional Policy Statement for Otago.

Policies: 5.4.1, 5.4.2, 5.4.4, 5.4.6; Policies in Chapters 6 to 10

5.3.3 To protect the natural character of Otago's lakes and rivers and their margins from inappropriate subdivision, use or development.

Explanation

The natural character of Otago's lakes and rivers and their margins is made up of a range of physical, ecological and cultural qualities. These relate to the lake's or river's topography, including the setting and bed form, natural flow and level characteristics, ecology, and the extent of development within the catchment. The degree of natural character and what is considered to be inappropriate subdivision, use and development, will vary from place to place.

Principal reasons for adopting

This objective is adopted to ensure that the effects of activities that use land or water do not reduce the natural character of lakes and rivers and their margins. Otago's people and communities value this natural character and its protection is a matter of national importance under Section 6(a) of the Resource Management Act.

Policies: 5.4.2, 5.4.5, 5.4.8, 5.4.11 to 5.4.13

5.3.4 To maintain or enhance the amenity values associated with Otago's lakes and rivers and their margins.

Explanation

The amenity values associated with Otago's lakes and rivers and their margins are the natural and physical qualities and characteristics that contribute to people's appreciation and enjoyment of the water body. This appreciation and enjoyment relates to the pleasantness, aesthetic coherence and cultural and recreational attributes of a lake or river. The ability to appreciate amenity values may be facilitated by physical development such as structures and through access provisions.

Principal reasons for adopting

This objective is adopted to ensure that activities that use land or water do not remove or reduce opportunities for the enjoyment or appreciation of Otago's lakes and rivers, and where appropriate to provide for the enhancement of amenity values. This reflects the importance of amenity values to the region's people and communities.

Policies: 5.4.2, 5.4.5, 5.4.9, 5.4.11 to 5.4.13

5.3.5 To maintain or enhance public access to and along the margins of Otago's lakes and rivers.

Explanation

Public access to and along the margins of lakes or rivers provides the opportunity for recreational use and aesthetic appreciation of Otago's water bodies. This public access may be gained through legal access provisions or through informal arrangements. Existing public access shall be maintained or enhanced, subject to consideration of the effect on public access, and the agreement of landholders. There may be situations where it is necessary to restrict access as defined in Policy 6.5.10 of the Regional Policy Statement.

Principal reasons for adopting

This objective is adopted to provide for the management of water, and bed or margin activities consistent with Section 6(d) of the Resource Management Act and the Regional Policy Statement for Otago, which seek to maintain or enhance public access.

Policies: 5.4.6, 5.4.7, 5.4.13

5.3.6 To provide for the sustainable use and development of Otago's water bodies, and the beds and margins of Otago's lakes and rivers.

Explanation

The primary function of the Plan is to provide for the sustainable use, development, and protection of water bodies and the beds and margins of lakes and rivers. This objective recognises that traditionally people have made extensive use of Otago's water resources and the ability to continue to sustainably use these resources is important.

Principal reasons for adopting

This objective is adopted to ensure continued access to Otago's water and associated resources for a range of existing and new uses. This recognises the need for Otago's people and communities to provide for their economic, social and cultural well being including existing use rights.

Policies: 5.4.3, 5.4.11 to 5.4.13

5.3.7 To maintain the heritage values associated with Otago's lakes and rivers, and their margins.

Explanation

Heritage values associated with the bed or margin of a lake or river warrant being appropriately maintained. This objective applies to heritage values in Otago including those identified in Schedule 1C of this Plan, archaeological sites and sites with interim registration as historic places. Note that heritage values identified in any district plan will be given due regard in processes under this Plan.

Principal reasons for adopting

This objective is adopted to ensure that resource use and development activities do not remove or reduce opportunities for the study, enjoyment or appreciation of the significant heritage values of Otago's lakes and rivers and their margins. This reflects the importance of heritage values to the region's people and communities.

Policies: 5.4.2, 5.4.10, 5.4.13

5.3.8 To avoid the exacerbation of any natural hazard or the creation of a hazard associated with Otago's lakes and rivers.

Explanation

People and communities rely on existing standards of protection from natural hazards, such as flooding, to be maintained or enhanced. Any activity that results in a hazard such as flooding, erosion, land instability or sedimentation, or in property damage could adversely affect the health, safety and well being of people and communities. In controlling activities that could affect the behaviour of a hazard associated with lakes or rivers, it is important to prevent the exacerbation of the effects from a hazard or the creation of a hazard, on Otago's people, communities, and infrastructure, and natural and human use values.

Principal reasons for adopting

This objective is adopted to ensure that the use or development of water or water body resources does not result in new hazards, or in natural hazards leading to greater adverse effects.

Policies: 5.4.2, 5.4.13

5.4 Policies identifying and protecting natural and human use values of lakes and rivers

5.4.1 To identify the following natural and human use values supported by Otago's lakes and rivers, as expressed in Schedule 1:

- (a) **Outstanding natural features and landscapes;**
- (b) **Areas with a high degree of naturalness;**
- (c) **Areas of significant indigenous vegetation, significant habitats of indigenous fauna, and significant habitats of trout and salmon;**
- (d) **Ecosystem values;**
- (e) **Water supply values;**
- (f) **Registered historic places; and**
- (g) **Spiritual and cultural beliefs, values and uses of significance to Kai Tahu.**

Explanation

The above natural and human use values are identified for particular lakes and rivers, or groups of such water bodies, in the following schedules to this Plan:

- (a) Schedule 1A for values (a) to (d);
- (b) Schedule 1B for value (e);
- (c) Schedule 1C for value (f); and
- (d) Schedule 1D for value (g).

This will allow for such values to be given appropriate protection when managing activities that could adversely affect them, particularly when considering resource consents. Where further natural and human use values are identified, in addition to those identified in Schedule 1, they can still be given recognition when considering individual resource consents. Note that Policy 10.5.2 of the Regional Policy Statement for Otago provides criteria for significance regarding areas of significant indigenous vegetation and significant habitats of indigenous fauna. Other scheduled values are established to provide certainty and to meet the requirements of the Objectives and Policies in Chapter 6 of the Regional Policy Statement for Otago. These schedules are not exhaustive, but reflect the level of knowledge of particular water bodies during the Plan-making process. Where additional specific natural and human use values are identified, the schedules can be amended by way of the plan change procedure.

Principal reasons for adopting

This policy is adopted to identify specific natural and human use values supported by Otago’s lakes and rivers.

Rules: 12.1.3.1, 12.1.4.8, 12.1.5.1, 12.2.4.1, 12.3.3.1, 12.3.4.1, 12.A.2.1, 12.B.2.1, 12.B.3.1, 13.2.2.1, 13.2.3.1, 13.3.2.1, 13.4.2.1, 13.5.2.1, 13.5.3.1, 13.6.3.1, 14.3.2.1

Other methods: 15.2.3.1, 15.2.7.1, 15.2.8.1 to 15.2.8.3, 15.2.9.1, 15.3.2.1, 15.5.1.1, 15.6.1.1, 15.9.1.1 to 15.9.1.3

5.4.2 In the management of any activity involving surface water, groundwater or the bed or margin of any lake or river, to give priority to avoiding, in preference to remedying or mitigating:

- (1) **Adverse effects on:**
 - (a) **Natural values identified in Schedule 1A;**
 - (b) **Water supply values identified in Schedule 1B;**
 - (c) **Registered historic places identified in Schedule 1C, or archaeological sites in, on, under or over the bed or margin of a lake or river;**
 - (d) **Spiritual and cultural beliefs, values and uses of significance to Kai Tahu identified in Schedule 1D;**
 - (e) **The natural character of any lake or river, or its margins;**
 - (f) **Amenity values supported by any water body; and**
- (2) **Causing or exacerbating flooding, erosion, land instability, sedimentation or property damage.**

Explanation

The natural and human use values of Otago's lakes and rivers can be adversely affected by the following activities:

- (a) Taking, damming and diversion of surface water;
- (b) Taking of groundwater where there is a close connection to surface water;
- (c) Discharges to water, and to land in circumstances which may result in a contaminant entering water;
- (d) Activities in, on, under or over the bed or margins of lakes or rivers.

Some activities can cause or exacerbate hazards and lessen the ability of people and communities to prevent, or protect themselves from the hazard.

When considering these activities, priority must be given to avoiding adverse effects, in preference to remedying or mitigating them, on the identified values of Otago's lakes and rivers. The opportunity to do so will arise when preparing or reviewing plans under the Resource Management Act and when considering applications for resource consents. The avoidance of adverse effects on the identified values will be sought in the first instance.

Where adverse effects are considered to be unavoidable, a resource consent may be declined or, if granted, may be subject to conditions requiring unavoidable adverse effects to be remedied or mitigated. In the case of diversion, reclamation or damming, appropriate compensation may be required as provided for by Policies 6.5.6 and 8.4.2.

With respect to heritage values covered by this policy, archaeological sites are protected under Section 10 of the Historic Places Act from being destroyed, damaged, or modified.

Principal reasons for adopting

This policy is adopted to ensure that the natural and human use values of Otago's lakes and rivers are maintained or enhanced. It is important to retain these values due to their significance to the region's communities, including Kai Tahu, and their intrinsic value. Activities that can affect water, lakes and rivers need to be managed so that any adverse effects on the values identified in this Plan are avoided, and where adverse effects are unavoidable they shall be remedied, mitigated or, in the case of diversion, reclamation or damming, appropriately compensated for. Similarly, some activities require management to ensure that the health and safety of Otago's people and communities, and natural values are not adversely affected through causing or exacerbating a hazard.

Rules: 12.1.3.1, 12.1.4.8, 12.1.5.1, 12.2.4.1, 12.3.3.1, 12.3.4.1, 12.A.2.1, 12.B.2.1, 12.B.3.1, 13.2.2.1, 13.2.3.1, 13.3.2.1, 13.4.2.1, 13.5.2.1, 13.5.3.1, 13.6.3.1, 14.3.2.1

Other methods: 15.2.3.1, 15.2.4.1, 15.2.4.2, 15.2.5.1, 15.2.6.1 to 15.2.6.3, 15.2.7.1, 15.2.8.1 to 15.2.8.3, 15.2.9.1, 15.3.2.1, 15.3.3.1, 15.3.3.2, 15.3.4.1, 15.4.2.1, 15.4.2.2, 15.5.1.1, 15.9.1.1 to 15.9.1.4

5.4.2 A The loss of river extent and values is avoided, unless the council is satisfied:

- (a) that there is a functional need for the activity in that location; and**
- (b) the effects of the activity are managed by applying the effects management hierarchy.**

Advice note: Refer to clause 3.21 of the National Policy Statement for Freshwater Management 2020 for definitions on “loss of value”, functional need” and “effects management hierarchy”.

5.4.3 In the management of any activity involving surface water, groundwater or the bed or margin of any lake or river, to give priority to avoiding adverse effects on:

- (a) Existing lawful uses; and**
- (b) Existing lawful priorities for the use, of lakes and rivers and their margins.**

Explanation

The existing lawful uses of Otago’s lakes and rivers and their margins can be adversely affected by the following activities:

- (a) Taking, damming and diversion of surface water;
- (b) Taking of groundwater (where there is a close connection to surface water);
- (c) Discharges to water, and to land in circumstances which may result in a contaminant entering water; and
- (d) Activities in, on, under or over the bed or margins of lakes or rivers.

When considering these activities, regard must be had to avoiding adverse effects on existing lawful uses of Otago’s lakes and rivers and their margins. The avoidance of adverse effects on existing lawful uses will be sought in the first instance. Where adverse effects are considered to be unavoidable, a resource consent may be declined or, if granted, be subject to conditions requiring the adverse effects be remedied or mitigated.

Recognition will also be given to the existence of existing lawful priorities for the use of water.

This policy is intended to provide a measure of protection for existing lawful use rights regarding lakes and rivers and their margins, that may be affected by any other activity under consideration. It is not intended to mean that each existing lawful use right is to be preserved unchanged, but recognises that lawfully

established uses should have a reasonable expectation to continue, without being affected by new activities. The review, renewal or replacement of any existing lawful use right will be subject to the requirements of this policy, Policy 5.4.2 and other relevant objectives and policies in this Plan.

Principal reasons for adopting

This policy is adopted to ensure that existing lawful uses of Otago's lakes and rivers and their margins are recognised and that a reasonable level of ongoing security is provided. Activities that can affect the lawful uses of lakes and rivers and their margins need to be managed so that any adverse effects are avoided in preference to remedied or mitigated.

Rules: 12.1.4.2 to 12.1.5.1, 12.2.3.1A to 12.2.4.1, 12.3.3.1, 12.3.4.1, 12.A.2.1, 12.B.2.1, 12.B.3.1, 13.2.2.1, 13.2.3.1, 13.3.2.1, 13.4.2.1, 13.5.2.1, 13.5.3.1, 13.6.3.1, 14.3.2.1

Other methods: 15.2.3.1, 15.2.7.1, 15.2.8.1 to 15.2.8.3, 15.2.9.1, 15.3.1.1, 15.4.2.1, 15.4.2.2, 15.5.1.1, 15.6.1.1, 15.7.1.1, 15.8.1.1, 15.9.1.1, 15.9.1.3, 15.9.1.4

5.4.4 To recognise Kai Tahu's interests in Otago's lakes and rivers by promoting opportunities for their involvement in resource consent processing.

Explanation

In terms of processes under the Resource Management Act, with respect to the use of water, this policy intends that Kai Tahu will be treated as an affected party regarding non-notified consents, and be notified of any notified resource consent application. This will allow Kai Tahu to assess the implications of each resource consent application on their spiritual and cultural beliefs, values and uses. Kai Tahu's beliefs, values and uses, as they relate to lakes and rivers, are identified in Schedule 1D of this Plan.

Principal reasons for adopting

This policy is adopted to ensure that Kai Tahu have the opportunity to be involved in the management of activities that may adversely affect their spiritual and cultural beliefs, values and uses as they relate to lakes and rivers. Such involvement recognises the mana and kaitiaki role of Kai Tahu in respect of those lakes and rivers. The relationship of Kai Tahu with water is a matter of national importance which must be recognised and provided for under Section 6(e) of the Resource Management Act.

Rules: All rules except prohibited activity rules and permitted activity rules

Other methods: 15.2.8.3, 15.2.9.1, 15.9.1.1 to 15.9.1.4

5.4.5 To recognise the Water Conservation (Kawarau) Order 1997 by:

- (a) **Preserving, as far as possible, the waters set out in Schedule 1 of the Water Conservation Order in their natural state;**
- (b) **Protecting the outstanding characteristics of waters set out in Schedule 2 of the Water Conservation Order; and**

(c) Sustaining the outstanding amenity and intrinsic values set out in Schedules 1 and 2 of the Water Conservation Order.

Explanation

The Water Conservation (Kawarau) Order 1997 restricts or prohibits the Otago Regional Council's functions and powers under Section 30(1)(e) and (f) (as they relate to water) to:

- (a) Retain, as far as possible, in their natural state, water bodies preserved by the Order; and
- (b) Sustain and protect the outstanding characteristics of the identified water bodies.

The values identified within the Order are included in Schedule 1A of this Plan.

Principal reasons for adopting

This policy is adopted to give effect to the Water Conservation (Kawarau) Order 1997.

Rules: 12.1.4.8, 12.1.5.1, 12.2.4.1, 12.3.1.1, 12.3.3.1, 12.3.4.1, 12.A.2.1, 12.B.2.1, 12.B.3.1, 13.2.2.1, 13.2.3.1, 13.3.2.1, 13.4.2.1, 13.5.2.1, 13.5.3.1, 13.6.3.1, 14.3.2.1

Other methods: 15.2.5.1, 15.2.6.1 to 15.2.6.3, 15.2.7.1, 15.2.8.1 to 15.2.8.3, 15.4.2.1, 15.4.2.2

5.4.5 A To recognise the Water Conservation (Mataura River) Order 1997 by ensuring that the grant or exercise of any water permit or discharge permit, in respect of any parts of the protected waters that lie within Otago, does not contravene the provisions of the Order.

Explanation

The Water Conservation (Mataura River) Order 1997 restricts or prohibits the Otago Regional Council's functions and powers under Section 30(1)(e) and (f) (as they relate to water) to prevent:

- (a) The reduction of the rate of flow below the minimum rate of flow specified in the Order; and
- (b) The damming of protected waters, which includes the Mokoreta River and each of its tributaries, if the dam would harm salmonid fish spawning or prevent the passage of salmonid fish; and
- (c) The discharge into the protected waters if the effect of the discharge would be to breach the provisions and standards of the Order.

Values of the Mokoreta River, the upper reaches of which lie in Otago, are included in Schedule 1A of this Plan.

Principal reasons for adopting

This policy is adopted to give effect to the Water Conservation (Mataura River) Order 1997.

5.4.6 Legal public access to and along the margins of lakes and rivers will only be restricted where necessary:

- (a) **To protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna;**
- (b) **To protect Kai Tahu spiritual and cultural beliefs, values and uses;**
- (c) **To protect the health or safety of people and communities;**
- (d) **To ensure a level of security consistent with the purposes of a resource consent; or**
- (e) **In other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.**

Explanation

This policy recognises that it may be necessary to restrict legal public access in certain circumstances. Legal public access provision includes legal roads, marginal strips, esplanade reserves, esplanade strips, access strips and Walkways. Existing legal public access should not be restricted unless the circumstances are exceptional and can be justified when measured against the maintenance and enhancement of public access as a matter of national importance. Exceptional circumstances may include protecting heritage values including historic places and archaeological sites.

Landholders have the right to restrict access on and across their land. Access across land is often available where the landholder has been consulted and grants permission.

Principal reasons for adopting

This policy is adopted to ensure that existing legal public access is maintained or enhanced. It also recognises that it may be necessary to restrict public access to protect values supported by the water body, to protect public health or safety or to ensure a level of security consistent with the purpose of a resource consent. The policy implements Policy 6.5.10 of the Regional Policy Statement for Otago.

Rules: 12.3.3.1, 12.3.4.1, 13.2.2.1, 13.2.3.1, 13.3.2.1, 13.4.2.1, 13.5.2.1, 13.5.3.1, 14.3.2.1

Other methods: 15.2.3.1, 15.2.7.1, 15.2.8.1, 15.4.1.1, 15.4.2.1

5.4.7 Where existing public access to or along the margins of Otago’s lakes or rivers is restricted by activities in, on, under or over the bed or margin, the provision or enhancement of alternative access:

- (a) **May be required with respect to the restriction of existing legal public access; and**
- (b) **Will be promoted with respect to the restriction of informal access arrangements.**

Explanation

Public access may unavoidably be restricted by activities in, on, under or over the bed or margin of Otago’s lakes and rivers. Where legal public access is restricted under the circumstances identified in Policy 5.4.6, there may be a requirement for alternative access to be provided or enhanced, preferably in the same area, by the person responsible for restricting the public access. The provision of alternative access where informal access arrangements are

compromised will also be promoted. Such arrangements are voluntarily provided by the landholder.

Principal reasons for adopting

This policy is adopted to provide for the maintenance of public access in circumstances where restriction of existing public access is unavoidable. If alternative access is provided or enhanced, the activity will result in no loss of public access to the region's water resources.

Rules: 12.3.3.1, 12.3.4.1, 13.2.2.1, 13.2.3.1, 13.3.2.1, 13.4.2.1, 13.5.2.1, 13.5.3.1, 14.3.2.1

Other methods: 15.2.3.1, 15.2.7.1, 15.2.8.1, 15.4.1.1, 15.4.2.1

5.4.8 To have particular regard to the following features of lakes and rivers, and their margins, when considering adverse effects on their natural character:

- (a) **The topography, including the setting and bed form of the lake or river;**
- (b) **The natural flow characteristics of the river;**
- (c) **The natural water level of the lake and its fluctuation;**
- (d) **The natural water colour and clarity in the lake or river;**
- (e) **The ecology of the lake or river and its margins; and**
- (f) **The extent of use or development within the catchment, including the extent to which that use and development has influenced matters (a) to (e) above.**

Explanation

The features of lakes and rivers which can contribute to their natural character are identified above. Policy 5.4.2 gives priority to avoiding adverse effects on natural character, in accordance with Section 6(a) of the Resource Management Act. Therefore, these features will need to be taken into account when preparing plans under the Act, and when considering applications for resource consents. Lakes and rivers with a high degree of natural character can be more significantly affected by activities than those which have already been substantially modified.

Principal reasons for adopting

This policy is adopted to ensure that features contributing to the natural character of Otago's lakes and rivers are recognised. In this way, the natural character of Otago's lakes and rivers and their margins, which is enjoyed and appreciated by Otago's people and communities, can be protected from inappropriate subdivision, use and development.

Rules: 12.1.4.8, 12.1.5.1, 12.2.4.1, 12.3.3.1, 12.3.4.1, 12.B.3.1, 12.A.2.1, 12.B.2.1, 13.2.2.1, 13.2.3.1, 13.3.2.1, 13.4.2.1, 13.5.2.1, 13.5.3.1, 13.6.3.1, 14.3.2.1

Other methods: 15.6.1.1, 15.9.1.1 to 15.9.1.4

5.4.9 To have particular regard to the following qualities or characteristics of lakes and rivers, and their margins, when considering adverse effects on amenity values:

- (a) **Aesthetic values associated with the lake or river; and**
- (b) **Recreational opportunities provided by the lake or river, or its margins.**

Explanation

The qualities and characteristics of lakes and rivers which can contribute to amenity values and their appreciation are identified above. These reflect the existing character of these water bodies, as may have been modified by resource use and development. It is also recognised that the nature of amenity values can change over time. The recreational opportunities provided by Otago's lakes and rivers and their margins can include angling for sports fish, hunting game birds and a range of other active and passive recreation.

Policy 5.4.2 gives priority to avoiding adverse effects on amenity values. Therefore these qualities and characteristics will need to be taken into account when preparing plans under the Resource Management Act and when considering applications for resource consents.

Principal reasons for adopting

This policy is adopted to ensure those elements that contribute to the amenity values of Otago's lakes and rivers and their margins are recognised. In this way, these values, which are enjoyed and appreciated by Otago's people and communities, can be protected from inappropriate use and development.

Rules: 12.1.4.8, 12.1.5.1, 12.2.4.1, 12.3.3.1, 12.3.4.1, 12.A.2.1, 12.B.2.1, 12.B.3.1, 13.2.2.1, 13.2.3.1, 13.3.2.1, 13.4.2.1, 13.5.2.1, 13.5.3.1, 13.6.3.1, 14.3.2.1

Other methods: 15.4.1.1, 15.6.1.1, 15.9.1.1, 15.9.1.2

5.4.10 In the management of any activity involving surface water or the bed or margin of any lake or river, particular regard will be given to the heritage value of any site, building, place or area.

Explanation

Many sites, buildings, places or areas, which are valued for their links with the region's history, are associated with Otago's lakes and rivers. These values must be taken account of when considering applications for resource consents where the use or development of water resources, or the beds or margins of lakes or rivers, may adversely affect the values.

Policy 5.4.2 provides for the recognition and protection of archaeological sites and registered historic places listed in Schedule 1C. Policy 5.4.10 will give due regard to other sites of heritage value.

Principal reasons for adopting

This policy is adopted to ensure that significant heritage values on the bed or margin of a lake or river that are not archaeological sites or specifically identified

on Schedule 1C, are recognised and protected from inappropriate use and development in order to achieve their maintenance in terms of Objective 5.3.7.

Rules: 12.1.5.1, 12.2.4.1, 12.3.3.1, 12.3.4.1, 12.A.2.1, 12.B.2.1, 12.B.3.1, 13.2.2.1, 13.2.3.1, 13.3.2.1, 13.4.2.1, 13.5.2.1, 13.5.3.1, 13.6.3.1, 14.3.2.1

Other methods: 15.2.7.1, 15.2.8.1, 15.2.8.3, 15.4.2.1, 15.9.1.1, 15.9.1.2

5.4.11 To provide for activities that have no more than minor adverse effects on water resources, lakes and rivers without the need for a resource consent.

Explanation

The rules chapters of this Plan identify a number of permitted activities that may occur without the need for a resource consent. Providing the permitted activity conditions are met, the activity will have no more than a minor adverse effect.

Principal reasons for adopting

This policy is adopted to avoid unnecessary regulation of activities involving water that are unlikely to result in significant adverse effects on the natural and human use values of Otago’s lakes and rivers or the needs of other users.

Rules: All permitted activity rules

5.4.12 To promote the establishment of, and support, appropriate water user groups to assist in the management of water resources.

Explanation

Water user groups can assist the Otago Regional Council to manage Otago’s surface and groundwater resources. In the same way that it supports landcare groups, the Otago Regional Council can support water user groups by providing hydrological and biological information, and advice on options for managing particular activities that may affect water quantity, water quality and the nature of flow and sediment processes. Such a group can provide advice to the Council, for example on the likely effects on a water body of a new take.

Principal reasons for adopting

This policy is adopted to take full advantage of local knowledge of water user needs to ensure local circumstances are taken into account in the maintenance or enhancement of natural and human use values. This will facilitate appropriate management of surface and groundwater and, where necessary, any interactions between them, and enable users to get involved in that management.

Other methods: 15.2.3.1, 15.2.8.3, 15.3.1.1, 15.3.2.1, 15.4.2.1, 15.4.2.2, 15.5.1.1, 15.7.1.1, 15.9.1.1 to 15.9.1.3

5.4.13 To encourage and support community initiatives that assist in the achievement of the maintenance or enhancement of lakes and rivers and their margins, and other water resources.

Explanation

The Otago Regional Council can assist in the achievement of the Plan's objectives by encouraging and supporting voluntary initiatives, including:

- (a) The preparation and implementation of codes of practice, management guidelines or systems developed by resource users, industry, local authorities, and other interest groups as appropriate; and
- (b) Practical mechanisms to influence the use, development or protection of lakes and rivers and their margins, and other water resources, and the effects of land-based activities on water resources, including water body enhancement or remedial work, public access proposals or conservation measures.

Assistance may be in the form of providing appropriate information, funding, facilitating meetings and other communication, or providing works and services.

Principal reasons for adopting

This policy is adopted to encourage voluntary efforts which are often more effective at achieving appropriate management of lakes and rivers and their margins, and other water resources, than regulations. This is due to community ownership of issues and their management. Such community initiatives can help to minimise the need for regulation.

Other methods: 15.2.1.1, 15.2.2.1, 15.2.3.1, 15.2.4.2, 15.2.5.1, 15.2.6.1, 15.2.6.2, 15.2.6.3, 15.2.8.3, 15.3.1.1, 15.3.2.1, 15.3.3.1, 15.4.1.1, 15.4.2.1, 15.4.2.2, 15.5.1.1, 15.6.1.1, 15.7.1.1, 15.9.1.1 to 15.9.1.3

5.5 Anticipated environmental results

- 5.5.1 Kai Tahu spiritual and cultural beliefs, values and uses associated with water or lakes and rivers are maintained or enhanced.**
- 5.5.2 Outstanding natural features and landscapes associated with lakes and rivers are protected from inappropriate use and development of water and land resources.**
- 5.5.3 Areas of significant indigenous vegetation, significant habitats of indigenous fauna, and significant habitats of trout and salmon are protected.**
- 5.5.4 Aquatic community health and diversity in lakes and rivers are maintained or enhanced.**
- 5.5.5 People and communities can continue to access the resources of lakes and rivers and their margins.**
- 5.5.6 Significant heritage values associated with the beds or margins of lakes and rivers are protected from inappropriate use and development of water and land resources.**

- 5.5.7 The natural character of Otago’s lakes and rivers is protected from the inappropriate use and development of water and land resources.**
- 5.5.8 People and communities can continue to enjoy and appreciate the amenity values of Otago’s lakes and rivers.**
- 5.5.9 Public access to and along Otago’s lakes and rivers is maintained or enhanced.**

Monitoring of the achievement of these anticipated environmental results will be carried out as outlined in Chapter 19.

