

**Attachment F – Section 32 Evaluation Report: Surface of Lakes and Rivers**

## Section 32 Evaluation Report: Surface of Lakes and Rivers

### 1. Strategic Context

Section 32(1)(a) of the Resource Management Act 1991 requires that a Section 32 evaluation report must examine the extent to which the proposed objectives are the most appropriate way to achieve the purpose of the Act.

The purpose of the Act requires an integrated planning approach and direction:

#### **5 Purpose**

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
  - (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The National Policy Statement on Freshwater Management 2014 contains national objectives and policies to protect water quality and provide for the efficient allocation of water. It also contains objectives and policies to ensure integration between the Coastal Marine Area and freshwater lakes and rivers; and objectives and policies on tangata whenua values as they relate to water. The National Policy Statement must be given effect to in regional and district planning documents.

### 2. Regional Planning Documents

The Regional Policy Statement 1998 (RPS) is currently under review itself, and may be further advanced in that process by the time the District Plan Review is notified. Amendments to this evaluation may be required to accommodate that change. The District Plan (the Plan) must *give effect to* the operative RPS and must *have regard to* any proposed RPS.

The RPS contains issues, objectives, policies and methods on two subjects of relevance to the surface of lakes and rivers. These are the subjects of water and biota, which are discussed in Chapters 6 and 10 respectively.

The Otago Regional Plan: Water became operative on 1 January 2004. It contains objectives and policies relating to water that are similar in intent to the matters listed above from sections 6 and 7 of the RMA. The regional plan contains rules in Part 13: *Land use on Lake or River Beds* which outlines the activity status for the erection or placement of structures within lakes and rivers. The rules of most relevance with regard to the surface of lakes and rivers are as follows:

- (a) The erection or placement of any fence, pipe, line or cable over the bed of a lake or river is a permitted activity subject to certain listed requirements (Rule 13.2.1.1).
- (b) Minor structures (such as fences, pipes, lines and cables which do not comply with the listed requirements), whitebait stands, eel traps, maimai, jetties, bridges or culverts in, on, under, or over the bed of any lake or river are a restricted discretionary activity (Rule 13.2.2).
- (c) All other activities require a discretionary activity resource consent from the Otago Regional Council (Rule 13.2.3).

The Regional Plan: Water, also contains other rules of relevance to the surface of lakes and rivers relating to alterations, demolition activities and the like; and rules relating to the introduction or planting of vegetation.

There are several other statutory documents that apply to specific parts of the district which are also relevant to activities on, or in, the surface of lakes and rivers. These include:

- (a) *Water Conservation (Kawarau) Order 1997* – This requires the outstanding amenity and intrinsic values of the Kawarau River to be protected.
- (b) *Lake Wanaka Preservation Act 1973* – This Act establishes ‘Guardians of Lake Wanaka’ to protect water quality and ensure that the lake levels of Lake Wanaka are retained.
- (c) *Ngai Tahu Claims Settlement Act Statutory Acknowledgments* – these are pursuant to the Ngai Tahu Claims Settlement Act 1998 and apply to the following lake and rivers within the Queenstown Lakes district:
  - Lake Hawea
  - Lake Wanaka
  - Lake Wakatipu
  - Clutha River
- (d) *QLDC Navigation Safety Bylaws, 2009 and 2011* – these contain rules, pursuant to the Harbours Act 1950, relating to navigation and water activities, including access lanes and reserved areas, moorings and foreshore structures, and commercial activities.
- (e) *QLDC Proposed Navigation Safety Bylaw 2014* – notified for public submissions on 5 July 2014. Forty two submissions were received, 24 in support, 9 opposed and 9 partially opposed. The integration of the Bylaw and District Plan provisions are discussed in part 5 of this report.
- (f) *Shotover River Bylaw 2009* – this Bylaw consists of an application form for Shotover Jet Limited to operate on the Shotover River.
- (g) *Sunshine Bay, Queenstown, Frankton, Kelvin Heights Foreshore Management Plan, 1991* – this reserve management plan prepared by the QLDC pursuant to the Reserves Act 1997, relates to Queenstown Bay. It contains key issues, objectives and policies relating to the foreshore of the areas referred to in its title, with some policies also referring to specific portions of Lake Wakatipu and Queenstown Bay.

It is noted that other QLDC reserve management plans contain objectives, policies and methods relating to the district’s foreshore and waterways. These are not referred to in the District Plan but are occasionally used to assist in decision making on resource consent applications.

### **3. Non-statutory Policy Context**

The following QLDC non-statutory documents have also been reviewed:

- (a) *Queenstown Bay Waterfront Development Plan* (undated) - This specifies areas in which various activities can occur in Queenstown Bay and contains objectives that are used by Council in processing resource consent applications within the area. It is noted that some of the objectives and methods in this document are now considered to be out of date.
- (b) *Jetties and Moorings Policy for the Frankton Arm and Other Environs of Lake Wakatipu* (undated) – This non-statutory document specifies rules applicable to jetties, moorings and boat sheds, relating to engineering and amenity issues, ownership and management of these structures. It is noted that the document specifies that jetties must be wooden and attached to the lake foreshore. However, since this document was prepared, the

technology relating to jetties has changed, and jetties can now be constructed from lighter metals and float, rather than be fixed to the waterway bed. The document also specifies that jetties should be located 200 metres apart, whilst the RMA has shifted to requiring an effects based assessment, rather than determining applications based on fixed measurements.

- (c) *Amenity Issues Relating to Jetties and Moorings in the Frankton Arm of Lake Wakatipu* (undated) – This contains a landscape assessment of the character and amenity of the Frankton Arm foreshore, issues and problems, and options for processing applications for jetties and moorings. This document was used to formulate the Jetties and Moorings Policy. It is noted that some of the landscape information in this document is becoming dated.

#### **4. Transfer of functions with the Otago Regional Council**

The Council and Otago Regional Council share a deed made on the 23<sup>rd</sup> of March 1994 that transfers the functions of the Otago Regional Council to the Council for the administration of resource consent applications under s13(1)(a) of the RMA for structures which states:

*13 Restriction on certain uses of beds of lakes and rivers*

*1) No person may, in relation to the bed of any lake or river,—*

*(a) use, erect, reconstruct, place, alter, extend, remove, or demolish any structure or part of any structure in, on, under, or over the bed; or*

*...*

The deed requires the Council to provide a copy of the application to the Otago Regional Council in the following instances, where the Otago Regional Council has discretion to resume processing of the application:

- (a) Are located or proposed to be located on the bed of rivers
- (b) Are solid or effectively solid structures (as distinct from open piled structures)
- (c) Involve excavation of the bed, disturbance of the shoreline or significant disturbance to the lake bed; or
- (d) Are owned or proposed by the District.

This process appears to have resulted in efficiencies and avoided overlaps between district council and regional council regulations with regard to structures on water bodies, particularly in case of applications for jetties and moorings on lakes.

Informal discussions with Otago Regional Council staff indicate the Council may not have been as diligent as it could have been with regard to clauses (a)-(d) above.

#### **5. Resource Management Issues**

This review seeks to address a number of key issues (detailed below), whilst also strengthening the existing provisions by providing more targeted objectives and policies, making the Plan easier to understand and improving certainty to what activities are permitted in the zones and whether they require a resource consent.

The resource management issues set out in this section have been identified from the following sources:

- Community consultation, Council workshops and a meeting of the Council's Resource Management Focus Group
- Public drop in sessions
- Workshops
- Meeting with the QLDC Harbourmaster – Marty Black 4/3/13
- Otago Regional Council Regional Policy Statement 1998
- Kai Tahu ki Otago Natural Resource Management Plan, 2005
- Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2000
- QLDC Resource consent decisions relating to boating activities, jetties, moorings and marinas
- Environment court case law
- Read Landscapes Limited 'Wakatipu Basin Residential Subdivision and Development: Landscape Character Assessment' 2014
- Read Landscapes Limited 'Report to Queenstown Lakes District Council on appropriate landscape classification boundaries within the District, with particular reference to Outstanding Natural Landscapes and Features' 2014.
  - Peer review on Wakatipu component by Ben Espie landscape architect
  - Peer review on Wanaka/Upper Clutha component by Anne Steven landscape architect
- Relevant legislative changes enacted since the Plan became operative

The key issues are:

#### **Issue 1: Activity status of resource consents/rules relating to boating activities**

The current District Plan rules relating to boating activities treat commercial non-motorised boating activities (such as rafting, paddle boarding and kayaking) in the same manner as motorised boating activities (such as jet boats). Both activities currently require a discretionary activity consent under Rule 5.3.3.3(iv)(b). Non-motorised boating activities have less environmental effects, such as less noise, boat wake, vibration, lighting and passenger numbers. Accordingly it is considered that the rules relating to non-motorised boat activities could be amended to provide for these as a restricted discretionary activity. This still enables Council to control these activities, subject to appropriate assessment criteria. This may encourage potential operators to set up small scale tourism activities, as the costs of obtaining a resource consent should be less prohibitive.

Currently District Plan Rule 5.3.3.5 prohibits all commercial boating including non-motorised boating activities on Lake Hayes, although these activities are not prohibited from occurring on all other waterways. It is considered appropriate that this rule is amended to enable non-motorised activities to occur on Lake Hayes, subject to obtaining a resource consent, as outlined above.

#### **Issue 2: The management of jetties within the Frankton Arm and consistency with QLDC policy documents**

Monitoring has identified that there is concern about the appearance of jetties within the Frankton Arm, and also that in some areas, too many jetties are located too close together creating an adverse cumulative effect, by having a proliferation of structures in close proximity along the foreshore. Currently new jetty applications within the Frankton Arm are assessed against the District Plan provisions, and also the Council's non-statutory policy document titled 'Jetties and Moorings Policy for the Frankton Arm and Other Environs of Lake Wakatipu'.

This document outlines Council's policies relating to jetties and this includes requirements relating to jetty appearance and clutter. It is considered appropriate to include the applicable policies from the non-statutory policy document in the District Plan. This encourages proposals for jetties to be

compliant with the policy and ensures that these issues are given appropriate consideration during resource consent processing and provides greater certainty to applicants who wish to apply for a new jetty. It also provides for Council policy on the subject to be contained in one document.

It is acknowledged in the Read Landscapes landscape classification boundaries report and in the peer review by Ben Espie the character of Frankton Arm has a different landscape character to the remainder of Lake Wakatipu. It is enclosed, surrounded by urban density residential development (with the exception being the north eastern side of the Kelvin Peninsula. There are large numbers of boat moorings, jetties, slipways and boat sheds.

The margins and surfaces of lakes and rivers are zoned Rural General and a landscape classification is required, with lakes and rivers generally being classified as an outstanding natural landscape. Whilst the Frankton Arm has a high amenity value, the landscape character is different to that of the remainder of the District's lakes. Generally, visual assessments in this area are based on the landscape classification and assessment criteria for outstanding natural features. While these are appropriate in other places throughout the District, which are often in remote places with a high natural value, it is considered a different management is suitable for this area.

It is considered that more efficient, but no less effective management of jetties and moorings in the Frankton Arm can be achieved by requiring jetties and moorings in this location obtain a restricted discretionary activity resource consent, and compliance with elements of the Jetties and Moorings Policy be a requisite for non-complying activity status.

### **Issue 3: Assessment criteria relating to activities on or in lakes and rivers**

The existing District Plan provisions are overly long. It is considered that the assessment matters for specified discretionary and non-complying activities can be removed and the policies can be utilised as the primary guide for decision makers to evaluate the nature and scale of the adverse effects of a proposal.

### **Issue 4: Historic consents issued for boating activities on the Kawarau and the Lower Shotover River**

A combination of concern about safety issues, and trade competitor conflict, particularly with regard to the Kawarau and Shotover rivers, has resulted in a number of appeals to the Environment Court. These appeals have highlighted that historically a number of consents have been obtained to operate boating activities in these locations, with no lapse dates on the consents issued. The result has been that there are a high number of boat trips consented, which have never been utilised, and for which it is impossible to determine if the consent has ever been activated. This has prohibited the opportunity for new operators to establish in these locations. Unfortunately, as these consents have already been granted, this issue cannot be resolved through the District Plan review process. However, it does highlight the need to include conditions relating to lapsing of the consent on any future applications. This is a District Plan administration matter.

### **Issue 5: Consistency with the Navigational Safety Bylaw 2014.**

The Council is responsible for the management of navigation safety throughout the district. The Bylaw enables the Council to control the speed of vessels and to exclude their use on specific waterways, with particular regard to safety.

The operative District Plan provisions also control the use of vessels on specific waterways, including recreational use by identifying the operation of boats on specific rivers, or at certain times of the year as a prohibited activity. This appears to have been considered the most efficient method to regulate recreational activities in certain locations because it would be inefficient to require a recreational user to apply for resource consent.

The Bylaw is considered the more appropriate method of management, than identifying a range of prohibited activities. The bylaw has direct input from the Harbourmaster and is reviewed every five years. The bylaw is considered a more suitable and nimble method to control the use of vessels on the surface of lakes and rivers where navigational safety is the principal consideration.

There is also the potential for conflicting regulations in the case the bylaw is changed or an exemption is approved and, a prohibited activity rule in the District Plan would not allow the activity. No resource consent application can be made for a prohibited activity and the District Plan would need to be changed to allow the activity.

Where activities are covered by the Bylaw they should be removed from the list of prohibited activities. Some activities are not currently managed by the Bylaw and it considered necessary to maintain these as a prohibited activity, providing it does not duplicate or become contrary to the bylaw.

### **Issue 6: Miscellaneous and existing Provisions**

The operative provisions provide for a range of controls. These issues remain valid and are not considered to be necessary to change.

A number of amendments are also proposed to the objective, policies, rules and other methods to clarify the current District Plan provisions, delete unnecessary text, and to update references, including those relating to policy documents that may alter in the future.

## **6. Purpose and Options**

The overarching purpose of the provisions to manage activities and structures on the surface of lakes and rivers is to protect, maintain and enhance the surface of lakes and rivers and their margins.

### **Strategic Directions**

The following goals, objectives and policies from the Strategic Directions chapter of the draft Plan are relevant to this assessment:

<i>Goal 4: The protection of our natural environment and ecosystems</i>	
<i>Objective 1</i>	<i>To promote development and activities that sustain or enhance the life-supporting capacity of air, water, soil and ecosystems.</i>
<i>Objective 2</i>	<i>To protect areas with significant Nature Conservation Values.</i>
<i>Policy 2.1</i>	<i>Identify areas of significant indigenous vegetation on the District Plan maps and ensure their protection.</i>
<i>Policy 2.2</i>	<i>Where adverse effects on nature conservation values cannot be avoided, remedied or mitigated, consider environmental compensation as an alternative.</i>
<i>Objective 3</i>	<i>To maintain or enhance the survival chances of rare, endangered, or vulnerable species of indigenous plant or animal communities.</i>
<i>Policy 3.1</i>	<i>That development does not adversely affect the survival chances of rare, endangered, or vulnerable species of indigenous plant or animal communities</i>
...	
<i>Objective 5</i>	<i>To preserve or enhance the natural character of the beds and margins of the District's lakes, rivers and wetlands.</i>
<i>Policy 5.1</i>	<i>That subdivision and / or development which may have adverse effects on the natural character and nature conservation values of the District's lakes,</i>

	<i>rivers, wetlands and their beds and margins be carefully managed so that life-supporting capacity and natural character is maintained or enhanced.</i>
<i>Objective 6</i>	<i>To maintain or enhance the water quality of our lakes and rivers.</i>
<i>Policy 6.1</i>	<i>That subdivision and / or development be designed so as to avoid adverse effects on the water quality of lakes and rivers in the District.</i>
<i>Objective 7</i>	<i>To facilitate public access to the natural environment.</i>
<i>Policy 7.1</i>	<i>That opportunities to provide public access to the natural environment are sought at the time of plan change, subdivision or development.</i>
...	
<i>Goal 5: Our distinctive landscapes are protected from inappropriate development.</i>	
<i>Objective 1</i>	<i>To protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development.</i>
<i>Policy 1.1</i>	<i>Identify the district's Outstanding Natural Landscapes and Outstanding Natural Features on the district plan maps, and protect them from the adverse effects of subdivision and development.</i>
<i>Objective 3</i>	<i>To direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.</i>
<i>Policy 3.1</i>	<i>Direct urban development to be within the UGBs of The Wakatipu Basin or Wanaka, or within the existing rural townships.</i>
<i>Objective 4</i>	<i>To recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained.</i>
<i>Policy 4.1</i>	<i>Give careful consideration to cumulative effects in terms of character and environmental impact when considering residential activity in rural areas.</i>
<i>Policy 4.2</i>	<i>Provide for rural living opportunities in appropriate locations</i>
<i>Objective 5</i>	<i>To recognise that agricultural land use is fundamental to the character of our landscapes.</i>
<i>Policy 5.1</i>	<i>Give preference to farming activity in rural areas except where it conflicts with significant nature conservation values.</i>
<i>Policy 5.2</i>	<i>Recognise that the retention of the character of rural areas is often dependent on the ongoing viability of farming and that evolving forms of agricultural land use which may change the landscape are anticipated.</i>
<i>Goal 7: Council will recognise the significance of the principles of the Treaty of Waitangi and the importance of its relationship with Ngai Tahu.</i>	
<i>Objective 1</i>	<i>To protect Ngai Tahu values, taonga and cultural sites and enable Ngai Tahu to express kaitiakitanga.</i>

In general terms, and within the context of this review, these goals and objectives are met by:

- Retaining the control of all commercial activities on the surface of lakes and rivers by requiring a resource consent is obtained.
- Retaining a range of activities in specific locations as prohibited, providing this does not conflict or duplicate the rules in the Navigational Safety Bylaw.
- Protecting amenity values.
- Providing objectives in the Landscape chapter associated with activities and structures on the surface of lakes and rivers.
- Confirming provisions that categorise lakes and rivers as outstanding natural landscapes.

Determining the most appropriate methods to resolve the issues identified will enable the Plan to give effect to the Otago RPS, the relevant parts of the Strategic Directions chapter, and ultimately meet the purpose of the RMA.



As required by section 32(1)(b) RMA, the following section considers various broad options considered to address each issue, and makes recommendations as to the most appropriate course of action in each case.

## Broad options considered to address issues

### Issue 1: Activity status of resource consents/rules relating to boating activities

Option 1: Retain the operative provisions.

Option 2: Amend the operative provisions to require a restricted discretionary resource consent for non-motorised commercial boating activities **(Recommended)**.

Option 3: Change the entire suite of provisions for both motorised and non-motorised commercial boating activities.

	Option 1: Status quo/ No change	Option 2: Amend operative provisions	Option 3: Comprehensive changes
<b>Costs</b>	<ul style="list-style-type: none"> <li>The objectives and policies do not recognise the difference in potential scale, intensity, noise, and infrastructure impacts between motorised and non-motorised commercial boating activities.</li> <li>May discourage potential small scale operators</li> </ul>	<ul style="list-style-type: none"> <li>Costs associated with going through the District Plan Review process (but this is required by legislation).</li> </ul>	<ul style="list-style-type: none"> <li>Costs associated with going through the District Plan Review process (but this is required by legislation).</li> <li>High costs for Council from potential litigation.</li> <li>Little benefit to be gained as there is already a high level of intervention.</li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>Retains the established approach which parties are familiar with.</li> <li>Low cost for Council.</li> </ul>	<ul style="list-style-type: none"> <li>Recognises that non-motorised activities likely to have limited impact compared to motorised boating activities.</li> <li>Enables economic development and investment.</li> <li>Provides the Council with discretion to review relevant matters, serve notice on affected persons, notify applications and decline applications.</li> </ul>	<ul style="list-style-type: none"> <li>May be easier for Council to decline applications.</li> </ul>

		<ul style="list-style-type: none"> <li>Consistent with the Strategic Directions Chapter.</li> </ul>	
<b>Ranking</b>	<b>2</b>	<b>1</b>	<b>3</b>

**Issue 2: The management of jetties within the Frankton Arm and consistency with QLDC policy documents**

Option 1: Retain the operative provisions

Option 2: Include provisions that encourage consistency with the jetties and moorings policy (**Recommended**)

Option 3: Change the entire package of rules

	<b>Option 1: Status quo/ No change</b>	<b>Option 2: Include provisions relevant to the jetty and mooring policy</b>	<b>Option 3: Change the entire package of rules</b>
<b>Costs</b>	<ul style="list-style-type: none"> <li>Lack of consistency with other QLDC policy guidance.</li> <li>Lack of clarity associated with the weight afforded to the jetty and mooring policy.</li> </ul>	<ul style="list-style-type: none"> <li>The content of the jetty and mooring policy may be outdated or not reflect the anticipated outcome.</li> <li>Costs for Council to change the existing provisions.</li> </ul>	<ul style="list-style-type: none"> <li>Higher costs for the Council.</li> <li>The existing structure is established and provides for a high degree of intervention.</li> </ul>

<b>Benefits</b>	<ul style="list-style-type: none"> <li>Retains the established approach which parties are familiar with.</li> <li>Low cost for Council.</li> </ul>	<ul style="list-style-type: none"> <li>Encourages persons to propose jetties and moorings that are consistent with the policy.</li> <li>Strengthens relationship between the policy and District Plan.</li> <li>Including provisions consistent with the policy gives effect to the policy and allows proposals to be considered against the merits of the policy.</li> </ul>	<ul style="list-style-type: none"> <li>Greater clarity and efficiency could be obtained from changing the rules which relate to jetties and moorings in the Frankton Arm.</li> </ul>
<b>Ranking</b>	<b>3</b>	<b>1</b>	<b>2</b>

### **Issue 3: Assessment criteria relating to activities on or in lakes and rivers**

Option 1: Retain the operative assessment criteria.

Option 2: Amend the operative assessment criteria.

Option 3: Remove the operative assessment criteria (**Recommended**).

	<b>Option 1: Status quo/ No change</b>	<b>Option 2: Amend Operative provisions</b>	<b>Option 3: Remove Criteria and rely on policy</b>
<b>Costs</b>	<ul style="list-style-type: none"> <li>The existing criteria are too broad and do not provide adequate guidance to the likely range of activities, structures, commercial activities (motorised and non-motorised).</li> </ul>	<ul style="list-style-type: none"> <li>Specificity can result in some activities being missed.</li> <li>Has costs associated with going through the District Plan Review process (but this is required by legislation).</li> </ul>	<ul style="list-style-type: none"> <li>Lack of guidance for applicants and decision makers.</li> <li>Removes established parameters for assessing the merits of applications.</li> </ul>

<b>Benefits</b>	<ul style="list-style-type: none"> <li>Retains the established approach which parties are familiar with.</li> <li>Low cost for Council.</li> </ul>	<ul style="list-style-type: none"> <li>Recognises the likely impact between separate activities.</li> <li>Helpful for applicants to form assessment of effects on the environment statements.</li> </ul>	<ul style="list-style-type: none"> <li>Rely on policy to help gauge the effects of applications.</li> <li>Less prescriptive text in the District Plan.</li> <li>Discretionary activities are not restricted to prescribed matters, it is not compulsory to have these assessment criteria in the District Plan.</li> </ul>
<b>Ranking</b>	<b>3</b>	<b>2</b>	<b>1</b>

#### **Issue 4: Historic consents issued for boating activities on the Kawarau and the Lower Shotover River**

Option 1: Retain the operative provisions (**Recommended**).

Option 2: Remove the operative commercial boating activities and control these through a bylaw.

Option 3: Avoid any further proposals for commercial boating activities in certain locations by making new applications prohibited.

	<b>Option 1: Status quo/ No change</b>	<b>Option 2: Remove rules from District Plan and control through a bylaw</b>	<b>Option 3: Avoid any further proposals for commercial boating activities.</b>
<b>Costs</b>	<ul style="list-style-type: none"> <li>On-going potential for resource consent decisions to be appealed due to existing users activities being constrained.</li> </ul>	<ul style="list-style-type: none"> <li>High potential cost for Council and operators.</li> <li>Loss and uncertainty to operators who have existing resource consents.</li> <li>Uncertainty with the legal ability to remove existing activity rights</li> </ul>	<ul style="list-style-type: none"> <li>Restrict viability for other commercial operators.</li> <li>High cost for Council to review the rule.</li> <li>Does not provide for activities with potential to establish that may be appropriate</li> </ul>

<b>Benefits</b>	<ul style="list-style-type: none"> <li>• Certainty for established operators.</li> <li>• Enabling the opportunity to apply for resource consent retains the ability to consider the merits of applications, whether it be in the context of established activities that may constrain other prospective operators.</li> </ul>	<ul style="list-style-type: none"> <li>• Establishing new authorisations through a bylaw could create an equitable spread of activities and remove the potential for the Council to be involved in RMA litigation.</li> <li>• Bylaw control has limited scope for approvals/authorisation compared to RMA process. Reduced costs for the Council associated with RMA applications.</li> </ul>	<ul style="list-style-type: none"> <li>• Removes the potential for litigation associated with Council decisions on resource consents affecting existing operators without specific limits on the intensity and duration of their consents.</li> </ul>
<b>Ranking</b>	<b>1</b>	<b>2</b>	<b>3</b>

**Issue 5: Consistency with the Navigational Safety Bylaw 2014.**

Option 1: Retain the operative provisions.

Option 2: Amend to make consistent with the Navigational Safety Bylaw **(Recommended)**.

Option 3: Comprehensive review of all provisions.

	<b>Option 1: Status quo/ No change</b>	<b>Option 2: Amend to make consistent with the Navigational Safety Bylaw</b>	<b>Option 3: Comprehensive review of provisions</b>
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<b>Costs</b>	<ul style="list-style-type: none"> <li>Retain and/or create the potential for inconsistency with the Navigational Safety Bylaw.</li> <li>Duplication of regulation.</li> <li>Users need to refer to two separate rules to determine what activities are excluded from certain areas.</li> </ul>	<ul style="list-style-type: none"> <li>Cost for amending the provisions.</li> <li>Potential to create a loophole not covered by the bylaw if an activity is removed from operative District Plan list of prohibited activities.</li> </ul>	<ul style="list-style-type: none"> <li>Higher cost compared to the benefits gained.</li> <li>Excessive reviewing, only some provisions have been identified as being inefficient.</li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>Lower cost for Council to change operative provisions.</li> </ul>	<ul style="list-style-type: none"> <li>Removes inconsistencies between bylaw and operative rules for prohibited activities.</li> <li>Removes duplication of regulation.</li> <li>Enables more efficient review and community involvement because the bylaw is reviewed every 5 years, compared to the ten years for the District Plan, exemptions can be granted for non-compliant bylaw activities while no application can be made for District Plan prohibited activities.</li> </ul>	<ul style="list-style-type: none"> <li>Creates opportunity to revisit entirety of provisions and whether they would be better managed via a bylaw.</li> </ul>
<b>Ranking</b>	<b>3</b>	<b>1</b>	<b>2</b>

#### **Issue 6: Miscellaneous and existing Provisions**

Option 1: Retain the operative provisions.

Option 2: Amend to improve phrasing, effectiveness and formatting (**Recommended**).

Option 3: Comprehensive changes

<b>Option 1: Status quo/ No change</b>	<b>Option 2: Minor Changes</b>	<b>Option 3: Comprehensive amendments</b>
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<b>Costs</b>	<ul style="list-style-type: none"> <li>Identified inefficiencies will remain.</li> </ul>	<ul style="list-style-type: none"> <li>Cost for Council to change.</li> </ul>	<ul style="list-style-type: none"> <li>High cost and reviewing input relative to the changes required.</li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>Familiarity with existing approach.</li> <li>Low costs</li> </ul>	<ul style="list-style-type: none"> <li>Appropriate opportunity to correct deficiencies.</li> <li>Lower cost for Council than a separate review plan change.</li> </ul>	<ul style="list-style-type: none"> <li>Creates opportunity to revisit entirety of provisions and whether they would be better managed via a bylaw.</li> </ul>
<b>Ranking</b>	<b>2</b>	<b>1</b>	<b>3</b>



## **7. Scale and Significance Evaluation**

The level of detailed analysis undertaken for the evaluation of the proposed objectives and provisions has been determined by an assessment of the scale and significance of the implementation of the proposed provisions. In making this assessment, regard has been had to the following, namely whether the objectives and provisions:

- Result in a significant variance from the existing baseline.
- Have effects on matters of national importance.
- Adversely affect those with specific interests, e.g., Tangata Whenua.
- Involve effects that have been considered implicitly or explicitly by higher order documents.
- Impose increased costs or restrictions on individuals, communities or businesses.

## **8. Evaluation of proposed Objectives Section 32 (1) (a)**

<i><b>Proposed Objective</b></i>	<i><b>Appropriateness</b></i>
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<p><b>13.3.8 (Rural Zone) Objective 8</b></p> <p><b>Ensure commercial activities do not degrade landscape values, rural amenity, or impinge on farming activities.</b></p>	<p>Establishes policy to ensure that commercial activities in the rural zone (which the surface of lakes and rivers and margins are a component) have a link with the rural, water resource.</p> <p>Consistent with Goals 4, 5 and 7 (all objectives) of the draft Strategic Directions chapter.</p> <p>Gives effect to RPS objectives 4.4.2, 4.4.3, 4.4.4, and 4.4.5. (Manawhenua Perspective).</p> <p>Gives effect to RPS policy 6.4.2, 6.4.3, 6.4.4, 6.4.5, 6.4.6, 6.4.7 and 6.4.8 (water).</p>
<p><b>13.3.10 (Rural Zone) Objective 10</b></p> <p><b>Protect, maintain and enhance the surface of lakes and rivers and their margins.</b></p>	<p>Confirms the importance of the lakes and rivers to the District.</p> <p>Establishes a basis for policies to manage the resource management issues.</p> <p>Establishes a basis to require certain activities to obtain resource consent.</p> <p>Consistent with Goals 4, 5 and 7 (all objectives) of the draft Strategic Directions chapter.</p> <p>Gives effect to RPS objectives 4.4.2, 4.4.3, 4.4.4, and 4.4.5. (Manawhenua Perspective).</p> <p>Gives effect to RPS policy 6.4.2, 6.4.3, 6.4.4, 6.4.5, 6.4.6, 6.4.7 and 6.4.8 (water).</p>
<p><b>5.3.6 (Landscape) Objective 6</b></p> <p><b>Protect, maintain and enhance the landscape values of the lakes and rivers and their margins from the effects of structures and activities.</b></p>	<p>Recognises the importance of the District's lakes and rivers and their contribution to the landscape resource.</p> <p>The lakes and rivers both on their own and, when viewed as part of the distinctive landscapes are a significant element to the national and international identity of the District and provide for a wide range of amenity and recreational opportunities. They are nationally and internationally recognised as part of the reasons for the District's importance as a visitor destination, as well as one of the reasons for residents to belong to the area. Managing the landscape and recreational values on the surface of lakes and rivers is an important district plan function.</p> <p>The landscape values of the surface of lakes and rivers are a matter of national importance under section 6(b) of the RMA.</p> <p>Establishes a basis for the policy of the management of activities, subdivision and</p>

	<p>development which has the potential to affect the landscape values of the surface of lakes and rivers.</p> <p>Consistent with Goal 5 of the draft Strategic Directions chapter.</p> <p>Gives effect to RPS objective 6.4.8 and policy 6.5.1 and 6.5.4.</p>
<p><b>5.3.8 (Landscape) Objective 8</b></p> <p><b>Recognise the dependence of tourism on the District's landscapes.</b></p>	<p>The District relies, in large part for its social and economic well being on the quality of the landscape, open spaces and environmental image.</p> <p>Acknowledges the existence of established water based commercial activities.</p> <p>Acknowledges that tourism related activities are part of the District's identity, the economic contribution they make and establishes a policy basis to consider the appropriateness of commercial activities.</p> <p>Consistent with Goals 1, 4 and 5 of the draft Strategic Directions chapter.</p> <p>Gives effect to RPS objective 6.4.8 and policy 6.5.1 and 6.5.4.</p>

The above objectives are considered to be the most appropriate methods of achieving the purpose of the Act, as they identify and give direction as to the how the specific issues that pertain to the management of activities on the surface of lakes and rivers, and any activities that have the potential to affect the District's landscape resource are addressed.

## **9. Evaluation of the proposed provisions Section 32 (1) (b)**

The following tables consider whether the proposed provisions are the most appropriate way to achieve the relevant objectives. In doing so, it considers the costs and benefits of the proposed provisions and whether they are effective and efficient. For the purposes of this evaluation the proposed provisions are grouped by the resource management issue.

(Also refer to the Table detailing broad options considered in Section 4, above)

<p><b><u>Issue 1: Activity status of resource consents/rules relating to boating activities</u></b></p> <p><b>13.3.8 (Rural Zone) Objective 8</b></p> <p><b>Ensure commercial activities do not degrade landscape values, rural amenity, or impinge on farming activities.</b></p> <p><b>13.3.10 (Rural Zone) Objective 10</b></p> <p><b>Protect, maintain and enhance the surface of lakes and rivers and their margins.</b></p> <p><b>5.3.6 (Landscape) Objective 6</b></p> <p><b>Protect, maintain and enhance the landscape values of the lakes and rivers and their margins from the effects of structures and activities.</b></p> <p><b>5.3.8 (Landscape) Objective 8</b></p> <p><b>Recognise the dependence of tourism on the District's landscapes.</b></p> <p>Summary of proposed provisions that give effect to these objectives:</p> <ul style="list-style-type: none"> <li>• Retain discretionary resource consent requirement for commercial motorised boating activities</li> <li>• Create a new restricted discretionary activity resource consent for non-motorised commercial activities</li> <li>• Create the opportunity for resource consent to be obtained for non-motorised commercial activities on Lake Hayes. Currently all commercial boating activities on Lake Hayes are prohibited.</li> </ul>			
<b><i>Proposed provisions</i></b>	<b><i>Costs</i></b>	<b><i>Benefits</i></b>	<b><i>Effectiveness &amp; Efficiency</i></b>

<p><b>Policies:</b></p> <p>5.3.6.1 to 5.3.6.3.</p> <p>5.3.8.1, 5.3.8.2</p> <p>13.3.8.1, 13.3.8.2 and 13.3.8.6.</p> <p>13.3.10.1 to 13.3.10.9</p> <p><b>Rules:</b></p> <p>13.4.2.1</p> <p>13.4.2.23</p> <p>Table 8</p>	<p><b>Environmental</b></p> <p>Discretionary status for resource consents still allows potential for resource consent applications to be made and granted.</p> <p>Potential for more non-motorised commercial activities could lead to a higher potential for commercial operators to establish on the margins of lakes and rivers on recreation reserves.</p> <p>Removing the prohibited activity status from non-motorised commercial activities on Lake Hayes has the potential for a small decrease in amenity values</p> <p><b>Economic</b></p> <p>None identified.</p> <p><b>Social &amp; Cultural</b></p> <p>Creating more enabling provisions for non-motorised commercial activities has the potential for more resource consents to be granted and this could reduce amenity values.</p>	<p><b>Environmental</b></p> <p>Maintains emphasis on commercial activities with the potential for a higher adverse effect from motorised commercial activities.</p> <p><b>Economic</b></p> <p>Resource consent application and process for non-motorised activities is likely to be less complex, require less technical assistance/expert advice and may be less likely to discourage commercial operators.</p> <p>Would protect the landscape resource which the District relies on for tourism, while enabling more passive, less intrusive commercial activities.</p> <p><b>Social &amp; Cultural</b></p> <p>Potential to enable more persons to engage in non-motorised commercial activities.</p> <p>Retaining discretionary activity status for motorised activities provides safeguards for amenity and cultural values.</p> <p>The changes to the provisions would not affect the obligation for the Council to consult with iwi as required by the statutory acknowledgement processes.</p>	<p>The proposed provisions introduce clearer parameters for the different types of commercial activities and distinguish between the likely impacts associated with non-motorised and motorised activities. The proposed changes create efficiencies for non-motorised commercial activities.</p> <p>The proposed changes would be effective at providing safeguards through either a discretionary or restricted discretionary resource consent.</p>
<p><b>Alternative options considered less appropriate to achieve the relevant objectives and policies:</b></p>			
<p>Option 1: Control all boating activities through a bylaw</p>		<ul style="list-style-type: none"> <li>• A bylaw would not enable the ability for public input where required for activities that are likely to have a more than minor adverse effect.</li> <li>• A bylaw would provide more certainty for the public, established and existing operators,</li> </ul>	

however the ability to assess the merits and effects on the environment are constrained compared to through the resource consent and RMA processes.

**Issue 2: The management of jetties within the Frankton Arm and consistency with QLDC policy documents**

**13.3.10 (Rural Zone) Objective 10**

**Protect, maintain and enhance the surface of lakes and rivers and their margins.**

**5.3.6 (Landscape) Objective 6**

**Protect, maintain and enhance the landscape values of the lakes and rivers and their margins from the effects of structures and activities.**

Summary of proposed provisions that give effect to these objectives:

- New provision being a restricted discretionary activity resource consent status for jetties in the Frankton Arm.
- New provision requiring non-complying resource consent if proposed jetty does not achieve performance standards based on the Jetties and Moorings Policy for the Frankton Arm and Other Environs of Lake Wakatipu.
- Retain discretionary resource consent status for structures in all other areas.
- Unlike most of the surface of lakes and rivers and their margins, the Frankton Arm will not have an outstanding natural landscape classification, assessment of jetties would be restricted to the matters specified in the rule and would not be subject to the assessment criteria. However, other structures such as boat sheds, slipways would require a discretionary activity resource consent.
- Integrates the desired outcomes of the Jetties and Moorings Policy for the Frankton Arm and Other Environs of Lake Wakatipu.
- New policy in the landscape section recognising the unique character of the Frankton Arm.

<b><i>Proposed provisions</i></b>	<b><i>Costs</i></b>	<b><i>Benefits</i></b>	<b><i>Effectiveness &amp; Efficiency</i></b>
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<p><b>Policies:</b></p> <p>13.3.10.1, 13.3.10.3, 13.3.10.5, 13.3.10.6, 13.3.10.7, 13.3.10.8.</p> <p>5.3.7.1-5.3.7.2.</p> <p><b>Rules:</b></p> <p>5.4.1(c) ii.</p> <p>13.4.2.1, 13.4.2.62.</p> <p>13.4.2.68</p>	<p><b>Environmental</b></p> <p>Potential for less control on landscape effects of jetties in the Frankton Arm, however the matters of discretion are considered adequate.</p> <p><b>Economic</b></p> <p>Obtaining resource consents for jetties that are non-complying.</p> <p><b>Social &amp; Cultural</b></p> <p>Potential for jetties with a non-complying status to be declined due to cumulative effects, at some point the number of jetties will reach a threshold and application will be declined, therefore limiting the ability for further jetties to be constructed at some point.</p>	<p><b>Environmental</b></p> <p>Restricted discretionary resource consent for jetties and discretionary status for other structures provides appropriate safeguards to assess potential adverse effects.</p> <p>Non-complying Jetties require justification for having potential higher adverse effects.</p> <p><b>Economic</b></p> <p>Reduced costs for applicants for jetties by not requiring assessment against the assessment criteria and probable expert landscape architect input.</p> <p>Frankton Arm not classified as ONL so input from landscape architects would not typically be required,</p> <p>Clearer parameters for applicants of jetties.</p> <p>Reduced costs for applicants through resource consents and monitoring fees.</p> <p><b>Social &amp; Cultural</b></p> <p>More certainty for applicants.</p> <p>Retains ability to assess and decline jetties if they are not considered appropriate.</p>	<p>Removes requirement for resource consents for jetties to be subject to the ONL assessment criteria and input from landscape architect.</p> <p>Specific matters for restricted discretionary activities and, performance standards for non-complying activities provide clear parameters as to whether resource consent applications are likely to be complex or contentious</p> <p>Ability to decline consents maintains effective safeguards. Non-complying status for jetties that do not comply with performance standards gives an indication of cumulative effects or jetties that may have a high adverse effect.</p>
<p><b>Alternative options considered less appropriate to achieve the relevant objectives and policies:</b></p>			
<p>Option 1: Retain existing discretionary rule and retain ONL landscape classification status for the Frankton Arm.</p>	<ul style="list-style-type: none"> <li>• Would not recognise the different character of Frankton Arm from the more rural and remote character of lake margins elsewhere.</li> </ul>		

	<ul style="list-style-type: none"><li>Retains potential for excessive landscape architect input.</li></ul>		
Option 2: Make activities that do not comply with the Jetties and Moorings Policy for the Frankton Arm and Other Environs of Lake Wakatipu a prohibited activity.	<ul style="list-style-type: none"><li>Does not provide for applications to prove that while potential at odds with the policy, the activity is appropriate or has unique attributes that mean it is not contrary to District Plan policy and the adverse effects are not more than minor.</li></ul>		
<b><u>Issue 3: Assessment criteria relating to activities on or in lakes and rivers</u></b>			
<b>13.3.8 (Rural Zone) Objective 8</b>			
Ensure commercial activities do not degrade landscape values, rural amenity, or impinge on farming activities.			
<b>13.3.10 (Rural Zone) Objective 10</b>			
Protect, maintain and enhance the surface of lakes and rivers and their margins.			
<b>5.3.6 (Landscape) Objective 6</b>			
Protect, maintain and enhance the landscape values of the lakes and rivers and their margins from the effects of structures and activities.			
<b>5.3.8 (Landscape) Objective 8</b>			
Recognise the dependence of tourism on the District’s landscapes.			
Summary of proposed provisions that give effect to these objectives: <ul style="list-style-type: none"><li>Remove assessment criteria and rely on policy for direction to assess the nature and scale of adverse effects on the environment.</li></ul>			
<b><i>Proposed provisions</i></b>	<b><i>Costs</i></b>	<b><i>Benefits</i></b>	<b><i>Effectiveness &amp; Efficiency</i></b>
<b>Policies</b>  5.3.6.1 to 5.3.6.3	<b><i>Environmental</i></b>  Potential for effects not able to be specific in the matters of discretion for non-motorised commercial activities.	<b><i>Environmental</i></b>  Maintains a range of potential effects to be considered.	Efficient District Plan formulation and administration of resource consents and effective guidance for decision makers.



5.3.8.1 to 5.3.8.2	<b>Economic</b>	<b>Economic</b>	
13.3.8.1, 13.3.8.2, 13.3.8.6.	None identified	Clarity and clearer parameters for applicants and resource consent processing.	
13.3.10.1 to 13.3.10.9	<b>Social &amp; Cultural</b>	<b>Social &amp; Cultural</b>	
	None identified	Certainty and confidence in the potential effects of the activity.	
<b>Alternative options considered less appropriate to achieve the relevant objectives and policies:</b>			
Option 1: Retain existing assessment criteria		<ul style="list-style-type: none"> <li>These are not considered necessary on the basis of the proposed policy to help inform and gauge decision making.</li> </ul>	

<p><b><u>Issue 4: Historic consents issued for boating activities on the Kawarau and the Lower Shotover River</u></b></p> <p><b>13.3.8 (Rural Zone) Objective 8</b></p> <p><b>Ensure commercial activities do not degrade landscape values, rural amenity, or impinge on farming activities.</b></p> <p><b>13.3.10 (Rural Zone) Objective 10</b></p> <p><b>Protect, maintain and enhance the surface of lakes and rivers and their margins.</b></p>
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<p><b>5.3.6 (Landscape) Objective 6</b></p> <p><b>Protect, maintain and enhance the landscape values of the lakes and rivers and their margins from the effects of structures and activities.</b></p> <p><b>5.3.8 (Landscape) Objective 8</b></p> <p><b>Recognise the dependence of tourism on the District's landscapes.</b></p> <p>Summary of proposed provisions that give effect to these objectives:</p> <ul style="list-style-type: none"> <li>• New policy recognising the contribution tourism and commercial recreation activities make to the District.</li> <li>• Retain existing rules requiring a discretionary resource consent is required for motorised commercial activities.</li> </ul>			
<b><i>Proposed provisions</i></b>	<b><i>Costs</i></b>	<b><i>Benefits</i></b>	<b><i>Effectiveness &amp; Efficiency</i></b>
<p><b>Policies:</b></p> <p>5.3.6.1</p> <p>5.3.8.3</p> <p>13.3.10.1 to 13.3.10.9</p> <p><b>Rules:</b></p> <p>5.4.1(d)</p> <p>13.4.2.1.</p> <p>13.4.2.23.</p> <p>13.4.2.61, 13.4.2.63,</p>	<p><b><i>Environmental</i></b></p> <p>None identified</p> <p><b><i>Economic</i></b></p> <p>Potential costs for council and other stakeholders through resource consents and appeals.</p> <p><b><i>Social &amp; Cultural</i></b></p> <p>None identified</p>	<p><b><i>Environmental</i></b></p> <p>Maintains control on commercial boating activities.</p> <p><b><i>Economic</i></b></p> <p>None identified</p> <p><b><i>Social &amp; Cultural</i></b></p> <p>None identified.</p>	<p>The situation is a result in large part through existing resource consents having no limits on the intensity and duration of the activity, this provides uncertainty for new proposals to be assessed against how these may affect established operations.</p> <p>This matter cannot be resolved by District Plan provisions.</p> <p>This has the potential to constrain other potential commercial operators in some locations. However it must be realised the resource has a finite capacity.</p>

13.4.2.65, 13.4.2.66.  13.4.2.69.			
<b>Alternative options considered less appropriate to achieve the relevant objectives and policies:</b>			
Option 1: Make commercial activities in certain areas regulated through a bylaw		<ul style="list-style-type: none"> <li>Has the potential to diminish the ability for holders of existing resource consents to undertake activities. This would impinge on established businesses and potentially constrain the use of established infrastructure and investment.</li> </ul>	

<p><b><u>Issue 5: Consistency with the Navigational Safety Bylaw 2014.</u></b></p> <p><b>13.3.10 (Rural Zone) Objective 10</b></p> <p><b>Protect, maintain and enhance the surface of lakes and rivers and their margins.</b></p> <p>Summary of proposed provisions that give effect to these objectives:</p> <ul style="list-style-type: none"> <li>The removal of some prohibited activities that are regulated under the bylaw to remove duplication and inconsistent regulation.</li> </ul>			
<b>Proposed provisions</b>	<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>

<p><b>Policies:</b></p> <p>13.10.1 to 13.10.9</p> <p><b>Rules:</b></p> <p>13.4.2.60.</p> <p>13.4.2.66.</p> <p>13.4.2.69</p>	<p><b>Environmental</b></p> <p>Potential for adverse effect where a activity prohibited under the operative provisions is removed, but not regulated by the Bylaw.</p> <p><b>Economic</b></p> <p>None identified</p> <p><b>Social &amp; Cultural</b></p> <p>Potential for effects on amenity and cultural values from the removal of the prohibited status for activities. Notwithstanding these activities would be controlled through the bylaw.</p>	<p><b>Environmental</b></p> <p>The Bylaw provides effective and clear parameters for controlling the location of vessels in waterways.</p> <p><b>Economic</b></p> <p>Reduced duplication removes costs for the Council and operators dealing with two regulations.</p> <p><b>Social &amp; Cultural</b></p> <p>The Bylaw can provide for social and cultural considerations by excluding boat access from certain locations.</p>	<p>The Bylaw is considered a more effective regulation to control the location of boats, especially recreational boating. It is preferred to use the Bylaw where applicable.</p> <p>Reducing inconsistencies would remove the potential for instance where a exemption/uplifting is provided under the bylaw, but the activity still remains prohibited in the District Plan. This would have significant gains in efficiency.</p>
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**Alternative options considered less appropriate to achieve the relevant objectives and policies:**

*Option 1: Retain existing prohibited provisions but amend to be consistent with the 2014 Bylaw.*

*Option 2: Make activities excluded under the bylaw that would be prohibited in the District Plan a non-complying activity.*

- *Duplication with the Bylaw is inefficient and inconsistencies will arise because the bylaw is reviewed every five years and the District Plan every ten years. Exemption could be granted under the bylaw but no resource consent application could be made for a prohibited activity.*
- *Would enable the opportunity to obtain a resource consent in instances where an exemption is granted under the bylaw.*
- *Would involve a duplication of regulation.*
- *Unreasonable and impractical for recreational boaters to apply for a resource consent for a one-off activity.*

**Issue 6: Miscellaneous and existing Provisions**

**13.3.8 (Rural Zone) Objective 8**

**Ensure commercial activities do not degrade landscape values, rural amenity, or impinge on farming activities.**

**13.3.10 (Rural Zone) Objective 10**

**Protect, maintain and enhance the surface of lakes and rivers and their margins.**

**5.3.6 (Landscape) Objective 6**

**Protect, maintain and enhance the landscape values of the lakes and rivers and their margins from the effects of structures and activities.**

**5.3.8 (Landscape) Objective 8**

**Recognise the dependence of tourism on the District's landscapes.**

Summary of proposed provisions that give effect to these objectives include:

- Retention of existing policies which recognise iwi values, whitewater values on the Kowarau River, maintain recreational values, controls the effects of structures, and manages safety and amenity effects of commercial boating operations.
- Retention of rules that control boating craft used for accommodation.

<b><i>Proposed provisions</i></b>	<b><i>Costs</i></b>	<b><i>Benefits</i></b>	<b><i>Effectiveness &amp; Efficiency</i></b>
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<p><b>Policies:</b></p> <p>5.3.7.1 to 5.3.7.2</p> <p>5.3.8.3</p> <p>13.3.10.1-13.3.10.9 (inclusive)</p> <p><b>Rules:</b></p> <p>5.4</p> <p>13.4.2.1</p> <p>13.4.2.23</p> <p>Part 13 Table 8.</p>	<p><b>Environmental</b></p> <p>None identified</p> <p><b>Economic</b></p> <p>None identified</p> <p><b>Social &amp; Cultural</b></p> <p>None identified</p>	<p><b>Environmental</b></p> <p>Maintains existing safeguards and ability to assess merits of activities through the resource consent process.</p> <p><b>Economic</b></p> <p>None identified.</p> <p><b>Social &amp; Cultural</b></p> <p>None identified</p>	<p>The existing operative provisions which have not been identified as having issues that necessitate change.</p> <p>The existing operative provisions that are not be substantially altered are considered effective and efficient.</p>
<p><b>Alternative options considered less appropriate to achieve the relevant objectives and policies:</b></p>			
<p>None identified</p>			

## **10. Efficiency and effectiveness of the provisions**

The above provisions are drafted to specifically address the resource management issues identified with the current provisions, and to enhance those provisions that already function well. A number of areas of the existing chapter have been removed to aid the readability of the Plan by keeping the provisions at a minimum, whilst still retaining adequate protection for the resource.

By simplifying the objectives, policies and rules (the provisions), the subject matter becomes easier to understand for users of the Plan both as applicant and administrator (processing planner). Removal of technical or confusing words and phrases also encourages correct use and interpretation. With easier understanding, the provisions create a more efficient consent process by reducing the number of consents required and by expediting the processing of those consents.

## **11. The risk of not acting**

There is the opportunity to rollover many of the existing provisions without taking a positive step to improve efficiency and effectiveness of the District Plan. This may also be improved by some minor amendments to the provisions in response to the resource management issues raised. Neither of these approaches reflect the current changing nature of the RMA with its drive to simplify and streamline. The District Plan is a forward planning mechanism and the opportunity to make bold changes in order to make a more noticeable difference. Not taking the more compact approach to this section and others, will not advance the usefulness of the District Plan in pursuit of its function in the sustainable management of natural and physical resources.