

NOTES FOR HEARING
NATURAL CHARACTER
ASW

Frida Inta S553 Buller Conservation Group S552

20 February 2024

Representing myself and Buller Conservation Group, I have read the s42A report of Lois Easton.

Natural Character and the Margins of Waterbodies (TTPP p190)

Overview

First paragraph:

Although I did not submit on it originally, I find the first sentence of paragraph 1 to be flawed, where it says

Waterbodies and their margins are an important part of the West Coast/Te Tai o Poutini

Waterbodies are not just an important part of the West Coast, they are not at all a 'part' of the West Coast, they ARE the West Coast, from the drop of rain on the mountaintop to the estuary, they vitally underpin the functioning of the region. The sentence, as is, overtly understates the role of waterbodies in the region. I would like to see the first sentence thus:

Waterbodies and their margins are a vital underpinning an important part of the West Coast Region/Te Tai o Poutini and its prosperity.

I suggest an amendment in sentence 2 which is better grammar and includes, which it should, ecosystem services.

Waterbodies are connected (Ki uta ki tai from the mountains to the sea) and have

important values, including those for biodiversity, ecosystem services, culture ~~at~~, recreation, ~~and~~ historical reasons.

Paragraph 2;

S42A@60 S552.094 (BCG p4)

S42A says (fyi)

'*Buller Conservation Group (S552.094) seeks the addition to the overview that refers to Section 6 (a) of the RMA. The Department of Conservation (S602.100) seeks a reference to activities on the surface of waterbodies be added to paragraph 2 of the Overview.*'

Amendment (fyi)

Under section 31 of the RMA district councils are responsible for the management of activities on land, including the margins of waterbodies. Natural Character and the margins of waterbodies require protection as a matter of national importance under Section 6(a) of the RMA.⁶ Te Tai o Poutini Plan also manages activities on the surface of waterbodies.⁷

1 BCG requested an explanation of the term, 'natural character' (see below). The s42A report has not addressed this fully. It fails to explain exactly what natural character is according to 6(a), it misquotes 6(a) when it says

Natural Character and the margins of waterbodies require protection as a matter of national importance under Section 6(a) of the RMA.

. 6(a) does not say, 'natural character AND the margins of waterbodies', it says, 'natural character OF the margins of waterbodies'.

2 And I would also like to make a further amendment to paragraph 2 because the surface of waterbodies is a S31 requirement therefore should sit within the frame of the sentence referring to S31.

A better version of paragraph 2 of the overview would be:

Under section 31 of the RMA district councils are responsible for the management of activities on land, including the margins of waterbodies and the surface of water in rivers and lakes. The preservation of the natural character of wetlands, lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and

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development is required as a matter of national importance under Section 6(a) of the RMA. Natural Character and the margins of waterbodies require protection. To Tai-o-Poutini Plan also manages activities on the surface of waterbodies.⁷

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[Maintenance of Indigenous biodiversity/ natural character (fyi)

Natural character is used in two ways in this Plan, the first as in RMA, s6(a)

the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

the second as in RMA, s31(b), (iii),

Every territorial authority shall have the following functions ...

the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—

the maintenance of indigenous biological diversity:

with no distinction between the two. There needs to be an explanation of 'natural character'. The explanations should be in the introductions to firstly the ECO chapter, stating s31(b),(iii), then in the NC chapter, stating s6(a).

Or else in the 'Definitions' chapter.]

Definitions:

Riparian margin

S42A@72 s552, 553 .028 (BCG p10, TTPP p31, 45)

I requested an explanation of riverbank in relation to riparian margin.

An amendment to include 'annual fullest flow' was inserted.

That is better than what was, however 'annual fullest flow' is hard to interpret in the field on any given day except the annual fullest flow day. The point at which terrestrial vegetation commences is a much more practical measure of the start of the riparian margin from the waterbody.

S42A@80 S552, S553.022

Bank:

Contrary to S42A@80 saying there is no reference to 'bank' in the plan there is a definition of 'bed' at TTPP p31, that refers to its 'bank', There is also direct reference at SUB-S9.

To the lay person 'bank' is fairly self-explanatory, until they are in the field, then it is realized what a difficult concept 'bank' is, so therefore it needs constraining in terms of measuring beds and riparian margins. The BDC definition of 'bank' is needed in the Plan.

If riparian margins are to be taken seriously then a definition of bank is essential.

Bank The Buller District Plan, 5.3.2.5.6 says:

A streambank or riverbank is defined as the edge of the defined channel or riverbed or where this is not obvious, the point at which terrestrial vegetation (eg: grassland, shrubland or forest) commences.

The boundary of a natural wetland margin is where indigenous wetland plants (ie: those indigenous plants such as sedges and rushes adapted to living in wet conditions) give way to other species. The boundary of a tidal wetland is defined as the point of mean high water springs (MHWS).

This needs to be used as a 'Bank' definition, and needs to include a cross-reference to 'Bed'.

There needs to be a cross-reference to, 'Bank' in the RWLP if bank will not be accepted as a definition in the TTPP.

Lake

S42A@70, 71,77 S552, S553.029

(fyi)

means a body of freshwater which is entirely or nearly surrounded by land. For the purposes of this definition, 'lake' does not include any ephemeral pond, artificial pond/waterbody, reservoir, or water hole.

I was concerned that the definition of 'Lake' excluded ephemeral ponds, until it was pointed out to me that ephemeral pond most likely means wetland.

The RMA does not exclude ephemeral lakes, it is a WCRLWP exclusion. On the West Coast there are a number of shallow lakes that dry up in summer but to all intents are natural lakes which wildlife depends on and therefore need as much protection as non-ephemeral lakes. There is also the anomaly of prolonged dry periods when otherwise non-ephemeral lakes become ephemeral - where is the line drawn?

The definition needs amendment thus:

means a body of freshwater which is entirely or nearly surrounded by land. For the purposes of this definition, 'lake' does not include any ephemeral pond [/wetland](#), artificial pond/waterbody, reservoir, or water hole.

Or else, include 'ephemeral pond' in the Wetland definition.

NC O1

O1 - O3

S42A@92, S552, 553.095 (TTPP p 191, BCG p31)

I consider the objectives in the Natural Character chapter to be overwhelmingly in favour of development over the protection of natural values, these objectives are just rubbish, there is no guidance or substance to them. The first objective should be all about protection, not development at the expense of protection. Objective 1 should highlight the ecosystem services riparian margins provide and the need to protect that underpinning of prosperity from inappropriate development.

This is the objective 1 I would like to see

To preserve the natural character of lakes, rivers and wetlands and their margins for the ecosystem services they provide, including habitat and corridors for native fauna, protecting waterbodies from eutrophication and sedimentation, and for their aesthetic appeal.

In the event that O1 stays as is, and fails as an objective in relation to 6(a), I request a grammar change for this objective, as depicted in red.

'To preserve the natural character of lakes, rivers and wetlands and their margins while allowing appropriate subdivision, use and development where ~~adverse~~ effects can be appropriately managed in accordance with the adverse effects management hierarchy

I see O3 as a repeat of O1 but expressed differently.

There should be **no development** within the margins of waterbodies. Objective 3 is all that is needed to allow activity within those margins.

Similar objectives in the **WC-RPS** say

- 1. Protect the natural character of the region's wetlands, and lakes and rivers and their margins, from inappropriate subdivision, use and development.*
- 2. Provide for appropriate subdivision, use and development to enable people and communities to maintain or enhance their economic, social and cultural wellbeing.*

These separate out protection from development, and this is the way it should be. As this TTPP chapter stands it is all about development within those margins, and enabling subdivision and use above protecting such areas from inappropriate subdivision and use. This reasoning also applies to P1.

The RPS goes on to say

1. Include a regionally consistent set of criteria for the identification of the natural character of wetlands, and lakes and rivers and their margins in the regional and district plans.

3. Use provisions in the regional and district plans, and the resource consent process to protect the natural character of wetlands, and lakes and rivers and their margins from inappropriate subdivision, use and development.

There is NOTHING in this chapter that references identification of natural character; it is therefore in breach of the WC-RPS on this issue. At a less than bare minimum there should be a reference made to the WC-RPS Policy 3 of its Chapter 7A wrt identification of natural character.

P1

s42A@107 (TTPP p191, BCG p31)

Amended version

(fyi) Minimise the adverse effects of activities on the natural character of the riparian margins of lakes, rivers and wetlands by ensuring that subdivision, development and land use is of a form and scale that maintains the elements, patterns and processes that contribute to their natural character, and maintains or enhances public access

The wording of this policy is all wrong. How can subdivision, development and land use maintain elements, patterns and processes when the very nature of subdivision, development and land use degrades natural character?

Case in point - the word, 'protection' in reference to the natural environment is used 8 times in 20 pages of natural environment values, 8 times in 20 pages of subdivision, not once in 16 pages of Coastal Environment. Nothing of protecting the natural environment in relation to noise. Twice in 25 pages of Open Space zones.

It seems that using the word, 'protect' in relation to the natural environment is to be avoided at all costs in this Plan.

P2

s42A@115 S552,553.097 (TTPP p191, BCG p31)

P2

Concerning 'significant'.

(fyi) *'Allow indigenous vegetation removal and earthworks within riparian margins of lakes, rivers and wetlands where*

- 1. This is located outside of a significant natural area, and*
- 2. Significant adverse effects on natural character are minimised avoided, remedied or mitigated as far as practicable;*

S42A2115 says

'These submitters seek that the words "where significant" be deleted. This would defeat the intent of the policy – which is to support the Permitted Activity rules.'

This S42A sentence is interesting. At least some of the activities of R1 would otherwise not be allowed if this policy was not in place to alter the intent of S6(a), which, without further argument, condemns this slippery policy. P2 reads like a rule, and there is little difference between it and R1.

The WC-RPS at Policy 4 says

'Allow activities which have no more than minor adverse effects on natural character.'

WC-RPS Policy 4 adheres to RMA s6(a) which requires the preservation of the natural character, not just **significant** natural character.

The question here is - how wide a gap between minor and significant? Is there any gap? Wouldn't that gap be where the first 3 steps of the adverse effects hierarchy are employed?

The Quality Planning website says

<https://www.qualityplanning.org.nz/node/837>

When determining the extent of adverse effects, it is good practice to think about the level of effects along a continuum to ensure that each effect has been considered consistently and in turn cumulatively. This continuum may include the following effects:

- **Nil Effects**
No effects at all.
- **Less than Minor Adverse Effects**
Adverse effects that are discernable day-to-day effects, but too small to adversely affect other persons.
- **Minor Adverse Effects**
Adverse effects that are noticeable but will not cause any significant adverse impacts.
- **More than Minor Adverse Effects**
Adverse effects that are noticeable that may cause an adverse impact but could be potentially mitigated or remedied.
- **Significant Adverse Effects that could be remedied or mitigated.**
An effect that is noticeable and will have a serious adverse impact on the environment but could potentially be mitigated or remedied.
- **Unacceptable Adverse Effects**
Extensive adverse effects that cannot be avoided, remedied or mitigated.

The WCRLWP says in Rule 2:

Native Vegetation is only removed where:

- It is causing bank erosion; or*
- It is toxic to livestock; or*
- The activity is undertaken in conjunction with permitted activity Rule 2 or 7*

There is nothing in P2 to restrict earthworks to 25m³ per 200m length, nor the cumulative disturbance of 20 linear meters per 200 metre length of riparian margin. It appears that NC- P2 is in breach of the WC-RPS **and** the WCRLWP.

Then there's Schedule 4 which acknowledges that the SNA project has not been completed in the Buller and Westland, nor does it include wetlands, further underscoring the very weak Policy 2.

The word, 'significant' needs to be removed.

I also have problems with the proposed 'avoided, remedied or mitigated'.

If Policy 2 is adopted we will end up with no natural character along our riparian margins.

Surely it should say instead

Significant adverse effects on natural character are avoided, ~~remedied or mitigated~~²³ as far as practicable;

If adverse effects cannot be avoided then the adverse effects hierarchy will kick in because of the phrase, '*as far as practicable*'.

We are supposed to be protecting natural character; P2 and R1 will make it too easy to destroy natural character along our waterways, which, according to S42A, is the intent of the policy.

S42A@116 states that RMA s(6)(a) must be considered alongside NPS's and the WC-RPS.

That is patently untrue, the reverse is true. NPS's and the WC-RPS must be considered in the light of s6(a). s6(a) is the umbrella for lower order regulations.

S42A@117 WC-RPS Policy 7A (4) is quoted, which is

Allow activities which have no more than minor adverse effects on natural character .

I have no idea how that supports the S42a thrust to retain the word, 'significant'; in fact the reverse is supported by Policy 7A (4)

S42A@118 says

'the lowlands of the West Coast are already substantially modified. Within this context, there are activities which are appropriate.'

I disagree. The S42A reasoning will allow continuing degradation of riparian margins. There is an abundance of lowland riparian margins on the West Coast still with some indigenous value. It is not only natural character itself that needs protection but it is also the ecosystem services such margins provide, including natural and anthropogenic nutrient and sediment adsorption thus protecting against degradation of our waterways. Then there's avifauna corridors, and sometimes the last refuges for native fauna. The **ecosystem services that natural character provides should be an objective**, acknowledging that such services underpin prosperity.

Further note on P2

'Indigenous vegetation removal' has been deleted from rules in the NC chapter, referring such activities to the Ecosystem chapter. In which case the reference to indigenous vegetation removal should be removed from this policy also.

P1, P2

What type of sub-division and use are anticipated? Within 10 metres of a river?

Nevertheless there is no need for P1 as P2 covers any anticipated activities in riparian margins. P1 and p2 appear to be mutually antagonistic.

Advice notes:

Advice Notes:

1. The Objective and Policy in the Public Access Chapter should also be considered when assessing resource consents in relation to activities in the margins of waterbodies.

2. This policy should be considered through the resource consenting process alongside Policy FC– P6 and also Rule FC – R12 which provide for financial contributions for offsetting and compensation.

Are these for all policies or just P4?

Because advice note 1 likely refers to the whole chapter whereas advice note 2 seems to refer to P4 (although not stated), or perhaps its PA - P1?

Extent of riparian margins (cross ref to Definitions - Riparian margins, Bank, above)

S42A@175 S552, 553.027 (BCG p12, TTPP p45)

BCG would like to see streams between 1 and 3 metres wide have a 5 metre riparian setback, and all major (specified) rivers in the region have a 15 metre riparian setback.

S42A@179 invites further evidence to support this proposal.

Further evidence (philosophy supporting greater setbacks);

15 metres setback for large rivers:

- large rivers need more respect than providing for only 10 metres of riparian margin.
- large rivers move their banks with time and floods and a 15 metre margin would suit large rivers better from that viewpoint,
- If there is indigenous cover, especially forest trees with a general lack of weeds, they need to be retained, not least as a corridor for fauna, especially avifauna, and a 15 riparian metre exclusion would protect such riverside biota better than a 10 metre margin.
- Large rivers generally have steep slopes to the water margin in areas they are not shoaling with beaches; a 10 metre setback will encourage slipping leading to sedimentation whereas a 15 metres setback will provide more bank stability.
- it is too easy for an adjacent landowner to breach a 10 metre riparian margin for large rivers; 15 metres provides a sterner warning to retain those margins

Photo 1 This is what happened when an indigenous riparian margin was removed (illegally), within road reserve. If where the riparian margin starts is ill-defined in local authority plans this situation is more likely to occur. A 15 metre riparian margin would have provided more protection to this area.



1 Lower reaches Mokihinui River, true left

Photo 2 Left of photo is steep banking to the Mokihinui River. A 15 metre riparian margin would have provided more protection to the river and its margin.



2 Lower reaches Mokihinui River, true right

5 metre setback for rivers 1 - 3 metres wide:

- would better complement the WCLWP Chapter 17.2 p53

Summary table of riparian margin widths

Land cover or activity	Dominant slope angle	Rivers		Lakes
		1-3 metres wide	> 3 metres wide	
Existing pasture or pest plants	<12°	3 metres	3 metres	20 metres
	>12°	10 metres	10 metres	20 metres
Indigenous vegetation	<12°	5 metres	10 metres	20 metres
	>12°	10 metres	10 metres	20 metres

- would better incorporate Policy 7 of the NPS-FM
 - **Policy 7:** The loss of river extent and values is avoided to the extent practicable.
 - *Appendix 1A - compulsory values*
 - *Habitat* – the physical form, structure, and extent of the water body, its bed, banks and margins; its riparian vegetation; and its connections to the floodplain and to groundwater
 - *Ecological processes* – the interactions among biota and their physical and chemical environment such as primary production, decomposition, nutrient cycling and trophic connectivity.

S42A@176 says

a key consideration is the consistency with the approach taken under the WCRLWP.

I agree that the WCRLWP is a higher order plan, where a district plan may not be more lenient but it may be more restrictive. This combined districts plan is not just a remake of what came before but it is an opportunity to better the plan for better environmental outcomes. It therefore does not need to adhere to the WCRLWP but can make changes for the better. The WCRLWP will also be due for update this year where it is possible the riparian setbacks could change.

Any reduction in the setback from waterbodies, for other than specified purposes, needs to be a **prohibited** activity. More protection must be provided to our major rivers and their riparian margins.

Vegetation type within riparian margins:

There also needs to be some detail somewhere in this chapter or in 'Definitions',

concerning the vegetation of the riparian margin. The Regional Land and Water Plan prohibits riparian margins with a greater than 35% indigenous cover to have the vegetation removed unless in conjunction with WCRLWP, Rule 2: Earthworks in riparian margins. At least a link to the relevant section of the RLWP is needed.

R1

Activity Status Permitted

Where this is outside of any Significant Natural Area identified in Schedule Four

- Schedule 4 acknowledges that SNA assessments have not been undertaken in the Buller and Westland, so where does that leave this rule (and Policy 2)?
- Schedule 4 acknowledges that regionally significant wetlands are not identified in this schedule

Does this mean that such areas are permitted for activities a - n in Rule 1? This mistake needs to be accounted for. It will likely mean that activities a - n are not allowed within Buller or Westland unless an ecological assessment is undertaken first; how else will an SNA be identified and avoided for activities a - n?

For wetlands Schedule 4 needs to state that the wetland schedule in the WCRLWP is the equivalent of SNA, and needs to be treated as such, and R1 needs to say

Where this is outside of any Significant Natural Area identified in Schedule Four [or Schedules 1 and 2 of the regional Land and Water Plan](#)

As for pertaining to Buller and Westland, this rule cannot allow open slather, which as it is worded, will allow

R1(a) - Fencelines:

S42A@186 S552.099, 215, S553.099, 219 (BCG p32, TTPP p193)

S42A@187 says

'I consider that fencelines should be a Permitted Activity as they are often key parts of reducing the impact of stock access on waterbodies, including on their natural character.'

I disagree; in fact the reverse is true, that keeping fencelines out of riparian margins will prevent degradation of natural character and prevent access to waterbodies better than allowing fencelines within riparian margins.

S42A then says

'In pastoral farmland the Resource Management (Stock Exclusion) Regulations require

the fencing of dairy cattle from 3m from any waterway >1m wide. To require a resource consent for something that is mandatory under another RMA regulation is totally inappropriate.'

RMA, s360 - Regulations, says

(1)(hn) prescribing measures for the purpose of excluding stock from water bodies, estuaries, coastal lakes and lagoons, and the margins of those water bodies, estuaries, and coastal lakes and lagoons,...

(1)(hq)'...a more stringent rule in a plan prevails over a regulation made under paragraph (hn):'

Rule 2 of the WCRLWP says

(a) The volume of earthworks in the riparian margin must not exceed 25m³ and must not involve the cumulative disturbance of more than 20 linear metres in any 200 metre length of riparian margin;

I'm not sure how fencelines can be allowed when only 20 linear metres of riparian margin are permitted cumulatively to be disturbed.

Rule 8 of the WCRLWP is permitted vegetation disturbance in riparian margins

(a) Native Vegetation is only removed where:

i) It is causing bank erosion; or

ii) It is toxic to livestock; or

iii) The activity is undertaken in conjunction with permitted activity Rule 2 or 7

(Rule 7 concerns Schedule 2 wetlands)

Again NC R1, in particular fencelines, will breach this rule if the riparian margin is predominantly native i.e. greater than 35% indigenous/ native.

We cannot have rules that are more lenient than the regulations but we can have rules that are stricter. Especially on the West Coast where some natural value still exists we should strive to protect it instead of allowing the squandering of it, which fencelines within riparian margins do. This is particularly relevant to Queens Chain, road reserve and other protected areas. Allowing fencelines within riparian margins encourages illegal fencing within land that does not belong to the adjacent property owner. Fencelines within the riparian margins implies livestock will also be within that margin, pugging land too close to waterbodies and encouraging sedimentation and eutrophication of those waterbodies; this

is not what the Act has intended, it has intended protection of those margins. Fencing is an inappropriate development and use within riparian margins. Fencelines within riparian margins destroy natural character.

R1(i) (and ECO Rxxx)

S42A@186 S552.099,215, S553.099,219

Poutini Ngāi Tahu Activities;

S42A says this request is inconsistent with S6(e).

I am curious as to what Ngai Tahu activities are envisaged?

If Ngai Tahu activities are inconsistent with 6(a) then they should not be allowed.

R1(3)

The WCRLWP does not allow the cumulative disturbance of more than 20m² per lineal 200m length of riparian margin. This needs to be included in R1(3)

R1 Advice note:

S42A @ around 156 -169 (BCG p32, TTPP p193)

Earthworks. I object to the volume of earthworks raised from 20m³ to 25m³.

There also needs to be restrictions around **cumulative** effects of earthworks in riparian margins. Allowing 25m³ earthworks or 20m² vegetation removal per activity per 200m of riparian margin will not preserve natural character due to the cumulative effect of such activities. The WCRLWP addresses this issue in its rule 2 by not allowing cumulative disturbance by earthworks.

The WC-RPS, Ch 7A, P3(d) says:

(consider) The potential for cumulative effects to diminish natural character

R2(b)

S42A@199 S552.216, S553.221

...temporary whitebait stands and temporary mai mai for game bird hunting provided these are removed within 2 weeks of the end of the game bird season:

It needs to be stated here that temporary whitebait structures also need to be removed within 2 weeks of the end of season, according to Schedule 17 of the WCRLWP. This also needs to apply to ASW R4

'Hydro'

S42A@201 S552.218, S553.333 (BCG p33, TTPP p193)

Land Information NZ (LINZ) owns a lot of riparian margin and such land is occasionally 'developed' and the natural character degraded for resource extraction or other activities by unscrupulous operators without owner consent. Road Reserve is also prone to such owner-unconsented use.

Although I did not bring this up in my original submission I would like to see an advice note in R1 and/ or R2, or perhaps at the introduction to the rules, to say that **permission to work within the riparian margin must be obtained from the owner.** (A bit hard to introduce in original submission when all LINZ riparian margins were treated as hydro.)

R2

I am pleased to see that my recommendation to say

'have a functional need to be located in the riparian margin.'

has been adopted.

Rxxx

(2) (fyi) *The amount of indigenous vegetation clearance is not greater than 20m² per 200m length of Riparian Margin;*

This is discussed around S42A@156 - 169

20m² per 200m length is 10% of that length. Cumulatively that ruling could see all natural character destroyed.

(2) should say

The cumulative amount of indigenous vegetation clearance is not greater than 20m² per 200m length of Riparian Margin;

Grammar I'm not sure the common term, 'riparian margin' should have capitals except when used as a proper noun as in headings.

Summary of further concerns:

- Rules concerning fencelines within riparian margins need more restraint in order to prevent pugging within riparian margins and the loss of tree and shrub cover, leading to eutrophication and sedimentation of waterways.
- S42A@162 It needs to be stated that indigenous vegetation clearance along waterbodies means riparian margins with a greater than 35% indigenous cover. Although not mentioned in the S42A table @162 it is stated in WCRLWP 17.3

Definitions, p53, as an advisory note to the table on riparian margin widths. At the very least a link to the relevant section of the RLWP would be appropriate.

- **Slope:** there needs to be reference to how the width of riparian margins are measured, particularly wrt slope. A reference to the WCRLWP, p54, may suffice, but the TTPP must then say that widths are measured according to that on p54 of the WCRLWP
- The cumulative effect of riparian activities (cross-reference to R1 Advice note above) .

ASW

Overview

S42A@267

I object to the new inclusion in the overview.

...Some waterbodies (both natural and artificial) also form an important resource for the generation of hydroelectricity...

Any waterbody with hydro capacity will not be natural by dint of the infrastructure, including roading, required for the hydro; conversely, all hydro has a natural source.

Also I think the objective here is slightly skewed. This is about activities on the **surface** of waters; hydro encompasses the whole of the waterbody, as do piers etc. They do not locate on the surface but encompass a volume of water. Surely this chapter is meant to allude to boats etc, floating stuff.

R2

S42A@291 S552, 553.124 (BCG p 41, TTPP p230)

It is only Runanga/ Iwi - approved sites that are being considered to restrict motorized craft etc. There are many more sites that rely on quietness that need protection from motorized craft. The restrictions extant within the BDC Plan need to be moved over.

S42A@292 says

I consider their inclusion within Rule ASW – R2 may be appropriate and I invite the submitters to provide more information justifying this at the hearing.

As S42A states, these such waterbodies are 'highly natural, with high ecological values'. Greater accessibility to natural places is being provided with time, leading to increasing and cumulative loss of quiet and naturalness. Some of our native fauna are highly

dependent on untouched environments, for instance our South Island Kokako, which there is evidence for, appears to rely on highly natural areas. Motorized craft are highly disturbing and they need to be excluded from a swathe of natural waterbodies on the West Coast, in order for species other than humans to enjoy life and survive without undue disturbance.

Protecting some lakes from motorized craft is increasingly important because of increasing ease of access to quiet places via helicopters which could drop motorboats off at quiet lakes, with increasing private wealth lubricating such access.

Case in point: Lake Christobel was supposed to be protected from introduced fish because of its remote location in the upper reaches of Victoria Forest Park, near Lewis Pass Scenic Reserve. Sometime in the last few years trout were introduced. Now native aquatic species are prey to trout in that area. This is indirectly related to motorized craft as an example of unacceptable exploitation for human pleasure and leisure sports. There have to be more lakes protected than proposed in the TTPP from motorized craft and the disturbances they bring.

Although only 3 lakes are listed in the BDC plan as requiring quiet from motorized craft there are too many lakes in the region to name or number that require that quiet. Perhaps there could be a ruling to say that **motorized craft are only allowed on lakes accessible by formed road and exclude the following** (as listed in ASW: R2 + Kohaihai river as listed in BDC plan 4.4.14.6.1 [reasoning - lakes in BDC 4.4.14.6.1. are not accessible by road)

The problem with allowing motorized craft at certain times on such as Lake Mahinapua (S42A@295 et al) is that loss of native fauna may be noted, and not able to be attributed to anything until the noise factor is finally considered, along with aggravating air and water pollution from fuels, increased water turbidity, and distraction. Case in point: at the Chasm Creek Walkway in Seddonville gloworm populations have been declining and thus peagravel in the tunnel, noisy underfoot, is being replaced with GAP40 gravel which is much quieter. The increasing noise with which modern society is accustomizing itself does not extend to accustomization for some native fauna species (and perhaps plant species also). Many non-human species need quiet

BDC Plan

4.4.14.6.1.

There be no provision for motorised craft use on:

- *Lake Christobel*
- *Lake Hanlon*
- *Kohaihai River*

4.4.14.6.2

In the following water bodies, the use of motorised water craft with an engine capacity of less than 5 horse power is permitted:

- *Lake Daniells*
- *Punakaiki River: upstream of the road bridge.*
- *Pororari River: upstream of the road bridge.*
- *Otomahana Lagoon*
- *Orowaiti River: upstream of the rail bridge.*
- *Okari: upstream of the road bridge*

Alternatively to my suggestion above, Rules 4.4.14.6.1 and 4.4.14.6.2 need to be moved over to this Plan. However Lake Daniell is remote and so also needs its quiet protected from any motorized craft.

There needs to be restrictions on how far up any river motorized craft can go. Motorized craft are highly disturbing to generally peaceful environments.

- They bring intensive noise pollution and large wakes.
- they are disruptive to birds and aquatic fauna.
- they deliver people quickly to otherwise peaceful places which may then become disrupted by the intrusion and the noise of people and possibly their rubbish.

I therefore recommend that prohibitions on certain waterbodies, or parts thereof, need to be retained and transferred over from the relevant district plans, where Greymouth and Westland district plans no doubt have similar inclusions to 4.1.14.6.1 and 2 of the Buller District Plan.

Perhaps **a limit of 1/3 the length of the river allowed for motorized craft**, which would restrict such craft to the lower reaches of rivers.

R4

As with NC R2, ASW R4 needs to say

- (1) *These are temporary whitebait stands installed in accordance with West Coast Whitebait Fishing Regulations and are removed within 2 weeks of the end of the whitebait*

[season](#); or

(2) *These are temporary mai mai installed for the purposes of lawful gamebird hunting provided these are removed within 2 weeks of the end of the game bird season*

This will then be in accordance with Schedule 17 of the WCLWP.

**ASW – R5 Permanent Swimming Platforms on the Surface of Natural Waterbodies
Activity Status Controlled**

The list of prohibited waterbodies needs to also include those of the extant BDC Plan at 4.4.14.6.1, and also include Lake Daniell. Or else restricted to those accessible by formed road.

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fyi

RMA s76

(2) Every such rule shall have the force and effect of a regulation in force under this Act but, to the extent that any such rule is inconsistent with any such regulation, the regulation shall prevail.