

6.1 Introduction

Chapter 6 covers land use within the beds and margins of lakes and rivers, for the purpose of addressing aspects of Environment Canterbury's functions under the RMA.

Activities addressed within this chapter of the Proposed NRRP closely reflect those activities addressed within section 13 of the RMA and include:

- (a) The placement, use, alteration or removal of structures;
- (b) Excavation, drilling or tunnelling;
- (c) The introduction, planting or removal of any plant;
- (d) Deposition, reclamation or drainage; and
- (e) The effects of the use of recreational or commercial machinery.

6.2 Background

The beds and margins of lakes and rivers are valuable elements of the Canterbury landscape. They are components of larger dynamic natural systems that, due to their form and behaviour, are subject to change in response to natural events including the transportation and deposition of sediment.

Beds and margins of rivers moderate the effects of floods through their storage and transportation of water and sediment. Wetlands can help sustain low flows in smaller rivers and streams in that they store and slowly release water.

Many people have a special attachment to lakes, rivers and their margins. Ngāi Tahu hold both a physical and spiritual relationship with them through their wāhi tapu, wāhi taonga and mahinga kai. Lakes, rivers and their margins are highly valued by society for their amenity, landscape and/or recreation values.

Canterbury has the best examples of braided rivers in New Zealand. The Rakaia River is considered to be an internationally important example. The broad, mobile gravel beds of braided rivers support invertebrates, fish and birds, which are particularly adapted to these conditions. Water Conservation Orders have been placed on the Rakaia and Ahuriri Rivers to protect their outstanding values.

Non-braided water bodies and coastal lakes and ponds support remnants of native vegetation and provide significant habitats for native fish.

There is a high public expectation that access to and along lakes and rivers will be available. Recreational use of the beds and margins of rivers and lakes includes a range of activities from walking and picnicking, to use of trail bikes and four-wheel-drive vehicles. The beds and margins are also used as principal access routes for mountain recreation. Access is also needed for the extraction of gravel and sand or other bed material, for the construction and maintenance of flood mitigation works, road and rail bridges, pylons, water diversion structures, discharge structures, dams and other structures.

Many of the natural processes, uses and values of lakes, rivers, and their margins may conflict with each other. Some activities or uses of beds and margins may not be compatible and may lead to adverse effects on the environment including erosion and increased risk of flooding of surrounding land. The provisions of this chapter are designed to address these issues in order to achieve an integrated approach to the management of the beds and margins of lakes and rivers.

6.2.1 Purpose of Chapter 6 - beds and margins of lakes and rivers

The purpose of this chapter of the Proposed NRRP is to assist Environment Canterbury to:

- (a) achieve the purpose of the RMA – to promote the sustainable management of natural and physical resources;
- (b) implement its policy and regulatory functions under the RMA;

- (c) achieve the objectives and implement the policies relating to the beds of lakes and rivers and their margins as outlined in the Canterbury Regional Policy Statement (CRPS).

In addition, this chapter provides guidance to territorial authorities, industry and the public as to how the margins and beds of lakes and rivers should be managed to address resource management issues covered by Chapter 6.

To sustainably manage the natural and physical resources of the region requires an integrated approach - consistent with s30(1)(a) of the RMA. To achieve this, decision-making about any particular activity takes into account the likely effects on natural and physical resources, while meeting the social, economic, and cultural needs of the people and communities of the Canterbury region, and where appropriate, the nation, now and in the future.

Environment Canterbury has a number of regional plans to assist in carrying out its functions under the RMA. The implementation of these regional plans, and any others which may be developed by Environment Canterbury, along with the chapters of the Proposed NRRP, are designed to set in place the integrated management of the land, air and water resources of the region.

6.2.2 Scope and content

The Proposed NRRP is a companion to the Canterbury Regional Policy Statement 1998 (referred to in this document as “the CRPS”). This chapter takes the CRPS one step further by setting out in more detail the objectives, policies, methods and rules relating to management of the beds and margins of lakes and rivers.

6.2.2.1 Key matters

Key matters addressed within Chapter 6 include:

- (a) protecting human life, property, and other aspects of the environment from natural events that affect the beds and margins of lakes and rivers; and
- (b) activities within the beds and margins of lakes and rivers that may adversely affect the following:
 - (i) the stability of lawfully established structures;
 - (ii) the habitats of significant indigenous flora and fauna, ecosystems, natural character, outstanding natural features, amenity values and the habitat of trout and salmon associated with the water body;
 - (iii) the relationship of Ngāi Tahu and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga; and
 - (iv) land use activities within the beds and margins of lakes and rivers that may adversely affect significant sites of indigenous flora and fauna or may conflict with other users.

6.2.2.2 Bed, bank, or margin

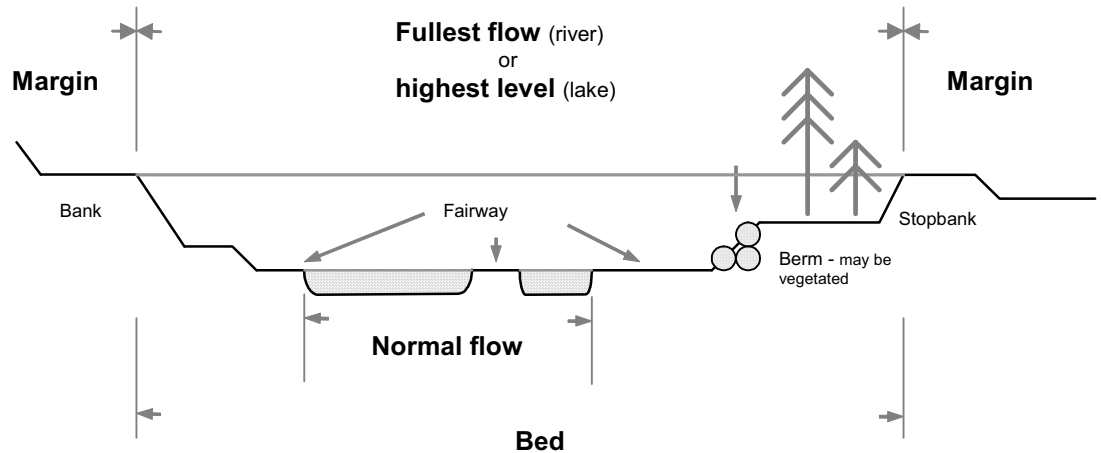
The Canterbury region contains a diverse variety of river and lake forms as described within Proposed NRRP Chapter 4 Water Quality. Many of the lowland spring-fed streams have clearly identifiable banks (e.g. Avon River/Ōtakaro, Harts Creek and Ohapi Creek). In contrast, however, a number of the beds of braided mountain-fed rivers are very wide, often do not have clearly defined banks, particularly in the lower reaches and may be up to five kilometres wide in places (e.g. the Rakaia River). Many of these have numerous historic ‘banks’ that are recognised as old river terraces and have been incorporated into the surrounding land uses.

Chapter 6 addresses the beds (as defined within the RMA), the margins (that area of land adjacent to the bed that maintains a functional relationship with the bed, i.e. the interface between the bed of a lake or river and the adjoining land) and the banks (whether natural or

artificial). Accordingly, this chapter includes activities identified within section 13 of the RMA (i.e. within the bed of a lake or river) and section 9 of the RMA (i.e. within the adjacent land).

Figure BLR1 (below) is indicative of the relationship between the *bed*, *margin* and *bank* of a lake or river:

Figure BLR1: Lake and river bed landforms



6.2.2.3 River

As defined within section 2 of the RMA all references to river include both continually (perennial) or intermittently flowing fresh waters and includes streams and modified watercourses.

Further, all references to river excludes artificial water courses such as irrigation canals, water supply races, canals for the supply of water for electricity power generation and farm drainage channels.

6.2.2.4 Lake

As defined within section 2 of the RMA all references to lake mean a body of fresh water which is entirely or nearly surrounded by land.

6.2.2.5 Wetlands

Chapter 6 also applies to wetlands where the wetland is located within the bed or margin of a lake or river, i.e. within the interface between the bed and the adjoining land. Chapter 7 of the Proposed NRRP addresses resource management issues relating to wetlands in general.

6.2.2.6 Riparian areas

Chapter 6 does not address riparian areas in terms of the vegetation adjacent to a water body at normal flows or level. Chapter 4 of the Proposed NRRP addresses management of riparian areas in relation to water quality issues, and Chapter 5 in relation to water quantity issues.

6.2.2.7 Public access

Chapter 6 does not address the issue of legal public access to the beds and margins of lakes and rivers. The CRPS contains a comprehensive set of provisions on public access to and along the beds and margins of lakes and rivers. These are considered to be adequate for dealing with public access issues.