

OVERVIEW

Banks Peninsula District encompasses Lake Forsyth/Wairewa and the southern portion of Lake Ellesmere/Te Waihora. Both lakes are part of the coastal environment and are extremely important for ecological and cultural reasons and warrant special provisions in the District Plan.

Both lakes are part of the coastal environment, they are shallow and brackish and have tenuous connections to the sea which are artificially opened from time to time in order to manage water levels. The lakes and their associated alluvial flats support a wide range of fresh water and salt-marsh plant species and are a rich habitat for fish, birds and insects, including some endangered and vulnerable species. Lake Ellesmere/Te Waihora is the largest lake in Canterbury. It is an internationally important wildlife habitat and is an important link in the chain of coastal lagoons and estuaries along the Canterbury Coast.

Lakes Ellesmere and Forsyth are also of national and regional importance, respectively, for their significant fish and game populations. Lake Ellesmere/Te Waihora is used for eeling, floundering and recreational shooting. Lake Forsyth/Wairewa, while used to a more local extent, is used for recreational activities such as boating, fishing and gamebird shooting.

Both lakes are of deep cultural importance to iwi and are important sources of mahinga kai. Lake Forsyth/Wairewa is a Maori Fishing Reserve in terms of the Fishing Regulations 1986. These regulations restrict the right to take eels from the lake to Maori. Under the Crown's Deed of Settlement, Ngai Tahu assumes ownership of the bed of Lake Ellesmere/Te Waihora and part of the lake shore at the mouth of Lake Forsyth/Wairewa. The management of these areas will be carried out jointly by Ngai Tahu and the Department of Conservation.

The Zone boundaries include the wetland margins of both lakes as well as a large portion of Kaitorete Spit containing dunelands which are significant for their ecological and geological characteristics. Kaitorete Spit also has cultural significance to tangata whenua.

Activities which take place upon and within the waters of the lakes are controlled by Acts of Parliament and Regulations, the provisions of the Regional Plan and by Council bylaws. The rules in this Chapter of the Plan are therefore aimed at ensuring that the effects of activities which take place next to the shores of the lakes and their associated wetlands do not compromise ecological and cultural values.

ISSUE 1

Activities taking place on and next to the shores of the lakes and in the adjacent wetlands can compromise the ecological and cultural values of the Lakes.

OBJECTIVE 1 **To protect and enhance the natural and cultural values of the lakes and their shores and associated wetlands.**

POLICIES

- 1A** Activities taking place on and adjacent to the shores of the lakes and their associated wetlands should not impair the ecological functioning of the lakes or compromise habitat values.
- 1B** Activities taking place on and adjacent to the shores of the lakes and their associated wetlands should be consistent with the established cultural significance of the lakes to iwi.
- 1C** Activities taking place on and adjacent to the shores of the lakes and their associated wetlands should not reduce the qualities of the lakes as sources of mahinga kai.
- 1D** Development on the Kaitorete Spit dune sequences should respect tangata whenua, geomorphological and ecological values.
- 1E** Lake levels will be managed to prevent flooding in a way that avoids, remedies or mitigates adverse effects on the natural character and the cultural, ecological and amenity values of the lakes.

EXPLANATION AND REASONS

Some activities taking place around the lakes are compromising their ecology. Nutrients and other pollutants are entering the lakes from surrounding catchments. Some land use practices and recreational activities taking place around the shores can also compromise their ecology through the adverse effects of drainage, sand mining, vehicle use, uncontrolled grazing, and the introduction of weeds and other pests.

The use of land around the shores of the lakes for some recreation activities may also be inconsistent with the cultural importance of the lakes to iwi and is also considered by iwi to threaten the viability of the lakes as sources of mahinga kai.

The lakes make an important contribution to the environment of the District. They are important because of the unique natural habitats they provide and they are also culturally significant to tangata whenua. Activities which take place in and around the lakes must therefore respect these ecological and cultural values.

For the purposes of the rules in this chapter, the margin of Lake Ellesmere/Te Waihora is defined as the 1.8 metre above mean sea level contour line, and the margin of Lake Forsyth/Wairewa is defined as Lakes Zone boundary.

The approximate location of these contour lines and boundaries are shown on the planning maps. The margins of the wetland areas, including the areas of saltmarsh ribbonwood, are also shown on the planning maps so that buffer zones to protect these areas can be established.

METHODS TO ACHIEVE OBJECTIVES AND POLICIES

- Standards and Conditions set out in the Plan.
- Bylaws.
- Education and advocacy.
- Acts of Parliament and Regulations, which control the use of the lakes.
- Consultation with Iwi.

RULES

1. Permitted Activities

The following are permitted activities where they meet the conditions set out in Rule 2 (below):

- a) Creation and maintenance of reserves.
- b) Conservation activities.
- c) Land-based farming activity (including the maintenance of existing drains and watercourses) which does not require the erection of any building or structure.
- d) Outdoor recreation, excluding the erection of buildings or commercial boating.
- e) Amenity tree planting outside of the lake buffer zone.
- f) Fishing.
- g) Tangata whenua's customary harvest of natural resources.
- h) Opening and closing of the seaward outlet of Wairewa to maintain lake levels.

2. Conditions for Permitted Activities

2.1 Clearance of Indigenous Vegetation

Clearance of indigenous vegetation undertaken in any continuous period of five years shall not exceed:

- 100 m² per site where a site is less than 1 hectare in area.
- or

- 100 m² per hectare of site area where a site is greater than 1 hectare in area.

2.2 Protection Yards

Stock yards and pens, cattle and goat grazing, or removal of indigenous vegetation, shall not be:

- within 100 metres of the margin of Lake Ellesmere/Te Waihora,
- within 50 metres of the margin of Lake Forsyth/Wairewa,
- within 50 metres of any wetland,
- within 20 metres of any river,
- or up to the State Highway, whichever is the lesser.

2.3 Earthworks

Earthworks undertaken in any continuous period of five years shall not exceed the following dimensions:

- 10 m³ (volume) or 50 m² (area) per site where a site is 1 hectare or less in area;

or

- 10 m³ (volume) or 50 m² (area) for every hectare of site area where a site is greater than 1 hectare in area.

3. Restricted Discretionary Activities

An application must be made for a restricted discretionary activity for any activity included in the list of permitted activities which does not comply with the conditions for permitted activities in Rule 2 (above).

3.1 Resource Consent Conditions

In granting a resource consent the Council shall restrict the exercise of its discretion to the conditions for permitted activities with which the proposal fails to comply.

4. Discretionary Activities

The following are discretionary activities:

- a) Outdoor recreation requiring the erection of buildings.
- b) Commercial boating.

5. Non-Complying Activities (Updated November 2010)

- 5.1 Any activity not otherwise specified as a permitted, restricted discretionary or discretionary activity is a non-complying activity.

5.2 Heli-landing areas located within 450m from any Rural-Residential, Small Settlement, Papakaiainga, Akaroa Hillslopes, Residential, Residential Conservation or Town Centre Zone.

Except that this rule shall not apply to heli-landing areas on sites greater than 3000m² where all of the following conditions are met:

- (a) The number of flights do not exceed 12 (24 movements) in any calendar year;
- (b) The flights (movements) do not take place on more than five days in any one month period;
- (c) The flights (movements) do not exceed three in any one week;
- (d) Any movements shall only occur between 8.00am and 6.00pm;
- (e) No movements shall take place within 25m of any dwelling unless that dwelling is owned or occupied by the applicant;
- (f) A log detailing the time and date of each helicopter movement shall be maintained and made available for inspection by the Christchurch City Council if requested.

ASSESSMENT OF APPLICATIONS

6. Restricted Discretionary Activities

Assessment of applications for restricted discretionary activities will be limited to those conditions for permitted activities with which the proposal fails to comply.

Applications for restricted discretionary activities will be assessed against the following:

- a) The relevant objectives and policies of the Lakes Zone.
- b) Any other objectives and policies of the Plan which are relevant to consideration of the application.
- c) Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).

In making such assessment, the Council shall require consultation with tangata whenua as it considers appropriate.

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- b) Any other objectives and policies of the Plan which are relevant to consideration of the application.
- c) Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).

In making such assessment, the Council shall require consultation with tangata whenua as it considers appropriate. In addition, the conditions for permitted activities and standards for restricted discretionary activities will be used as a guide.

ANTICIPATED ENVIRONMENTAL RESULTS

The following environmental results are anticipated from the implementation of the objectives and policies relating to the Lakes Zone:

- The enhancement and rehabilitation of the ecological values of water bodies and their margins.
- The retention and improvement of wetland areas as wildlife habitats.
- The retention of the natural character of waterways and their margins.
- Improvement in the water quality of the lakes.

REFERENCE TO OTHER PROVISIONS

- 14 Cultural Heritage
- 15 Trees
- 16 Conservation Reserves