

Proposed Gore District Plan: Natural Open Space Zone

Introduction

1. My name is Nathan Barker and I am the Chairman of the Jet Boating New Zealand (JBNZ) Southland Branch Rivers Subcommittee. I also sit on the JBNZ National Rivers Subcommittee. Part of the role of these committees is to review and assist on any Resource Management and other regulatory matters that impact on recreational jet boating within New Zealand.
2. I have no specific qualifications in Resource Management Planning however I have considerable experience in jet boating and as well as serving on the JBNZ Southland Branch, holding the Branch Vice Chairman and Chairman portfolios and sitting on the Branch Rivers Subcommittee.
3. I work with our JBNZ Consultant on Resource Management matters relating to recreational jet boating. I am familiar with the typical District Plan provisions that impact on recreational jet boating activities.
4. I also have a knowledge of the Maritime Rules associating with recreational jet boating, and particularly the navigation safety rules in Part 91 of the Maritime Rules.
5. I am accompanied by Eddie McKenzie. Eddie is another member of JBNZ and has been an active member of the Southland Branch for some 40 years. Eddie has served on many Branch and National committees since 1988 and has been involved in many tasks concerning access to waterways including practical controls to recognise other waterway users. He is also an extremely experienced jet boater.

6. Eddie and myself have been involved in the review of the Proposed District Plan, and the preparation of the JBNZ submission and this presentation.

Jet Boating New Zealand – Submitter

7. JBNZ is a national organisation that represents recreational jet boaters in New Zealand. It was formed in 1962 following the early growth in jet boat interest and activities, and its objectives are:
 - To co-ordinate and promote jet boating on a national basis.
 - To encourage safe jet boating principles and practices.
 - To promote and protect the rights of jet boaters and JBNZ.
 - To establish and maintain harmonious relationships with other water users.
8. JBNZ has approximately 3,500 members and works closely with local and central government organisations, such as territorial authorities and the Department of Conservation, and NGOs, such as the Royal Forest & Bird Society and Fish & Game, to advocate for the use of waterways by recreational jet boaters and the health and wellbeing of those waterways.
9. A significant focus of JBNZ is the self-guided recreational use of jet boats. It performs a key role in advising its members of waterways that can be boated safely and lawfully as an individual activity. It also arranges “branch-runs” where it will arrange for its members to boat a particular river in an organised event manner. It further provides a degree of instruction and training for recreational jet boating, both informally and as an organised training event.

Submission

10. JBNZ has submitted on the Natural Open Space Zone (NOSZ) chapter as well as on other parts of the proposed District Plan. JBNZ has a keen interest in surface water activities given recreational jet boating primarily deals with navigation on the surface of waterways.

11. The submission, as it concerns the NOSZ chapter, can be summarised as follows.

- a. Support proposed Policy 1 with amendment. The amendment is proposed to recognise that recreational activities that may be potentially incompatible with the character, qualities and purposes of the zone should still be enabled albeit with suitable control and management to reasonably mitigate potential adverse effects.
- b. Support proposed Policy 5 with amendment to reflect that activities that may be potentially incompatible with the character, qualities and purposes of the zone need not be avoided and should be enabled with suitable control and management to reasonably mitigate potential adverse effects..

Discussion

Sharing of the Resource

12. First and foremost, JBNZ has a broad view that waterways are able to be used and enjoyed in a shared manner. Appropriate controls and management of activities can be imposed to enable the activity to occur in a way that is responsible and respectful to others and the waterway environment.
13. Sharing waterways by all manner of people undertaking a multitude of activities is something that has prevailed for a very long time. Examples are obvious.
14. Recreational jet boating activities have for some 60 years occurred in this shared manner. Recreational jet boating activities are controlled by maritime rules that manage interactions with others. In some localities Regional Authority Bylaws further impose controls.
15. With the very rare exception this sharing arrangement has been very successful. Waterway users who are thoughtful, courteous and respectful of others have had no difficulty with the concept.
16. Similarly, waterway users who understand the environment and the fauna and flora within the riparian margins will show due respect and protection.

Resource Management Act

17. JBNZ notes and agrees that the purpose of the Resource Management Act is to promote the sustainable management of natural and physical resources. This includes use of the resources in a way that *enables* people and communities to provide for their social, economic and cultural well-being and for their health and safety.
18. That said, various controls are appropriate to sustain the resources for future generations, safeguard the life-supporting capacity of the resource and manage adverse effects.
19. With this in mind, the Gore District Plan should be *enabling* rather than restricting for activities on waterways, and potential adverse effects resulting from these activities can be reasonably mitigated, remedied or avoided by appropriate controls and activity management.
20. Further, mitigation of potential adverse effects should be the priority control and management approach, and avoidance of the same should be considered only where mitigation and/or remedy is shown to be ineffective or inappropriate.

Proposed District Plan Provisions

Natural Open Space Zone

21. JBNZ recognises that the purpose of the Natural Open Space Zone is to ensure the natural environment is retained and activities are compatible with the characteristics of the zone. The purpose is to also *enable* both existing and future development and activities provided adverse effects can be appropriately mitigated.

22. JBNZ notes that Proposed Objective 2 is all about making open space areas available to the public to use and enjoy for leisure and cultural activities. JBNZ agrees with this Objective.

Policy 1

23. A sensible extension to this is Policy 1 that enables recreational, sporting and community activities that are compatible with the character and amenity of the site and surroundings.

24. *Compatibility* is a subjective assessment, as is incompatibility. Part of an assessment to determine if an activity is compatible or not should be a consideration of controls and management actions to achieve compatibility.

25. Achieving compatibility is the key matter for JBNZ. Compatibility can either be achieved as a direct consequence of the activity, or it can also be achieved by appropriate control and management of the same.

26. Having Policy 1 reflect this option is therefore sensible and appropriate.

Policy 5

27. As an extension to this, Policy 5 should also be amended in so far as it presumes that all activities considered to be incompatible with the character, qualities and purposes of the NOS zone are to be *avoided*. The reference to *avoiding* effectively directs Authorities to deny the activity. This is contrary to the enabling purpose of the RMA.

28. JBNZ considers that the avoidance nature of Policy 5 is inappropriate and extreme and should be amended to an enabling nature albeit with appropriate controls and management to mitigate adverse effects.

Conclusion

29. JBNZ appreciates the opportunity to submit on the proposed District Plan. So thank you for receiving the submission and allowing us to present it to the Panel.

30. JBNZ will be happy to continue discussions with Council as necessary. JBNZ will also be happy to discuss matters with other submitters if Council considers doing so will be useful to finalise the District Plan.

Jet Boating New Zealand