

ASW - Ngā momo tākaro ki runga i te wai - Activities on the surface of water

Introduction

Activities on the surface of water describes the range of recreational, commercial, and cultural activities that occur on the surfaces of rivers and lakes. This includes a range of non-motorised recreation activities, motorised activities, structures and accommodation on the surface of water bodies.

The District Council controls any actual or potential effects of activities in relation to the surface of water in rivers and lakes. Certain activities on the surface of rivers and lakes can create disturbance which can compromise the cultural, recreational, ecological and amenity values of rivers and lakes. Managing the adverse effects from surface water activities is important to preserve the values of rivers and lakes throughout the District.

The Regional Council is responsible for managing the water resources of the District. The Regional Council is also responsible for managing surface water activities in the CMA, which is located on the seaward side of the MHWS, navigation, and any activities occurring in, under, or over the bed of a river or lake.

The provisions in this chapter are consistent with the matters in Part 2 - District Wide Matters - Strategic Directions and give effect to matters in Part 2 - District Wide Matters - Urban Form and Development.

Other potentially relevant District Plan provisions

As well as the provisions in this chapter, other District Plan chapters that contain provisions that may also be relevant to activities on the surface of water include:

- Natural Character of Freshwater Bodies – this chapter contains provisions for activities that may be undertaken in natural character of scheduled freshwater bodies setbacks.
- Special Purpose Zone (Kāinga Nohoanga): how the Activities on the Surface of Water provisions apply in the Special Purpose Zone (Kāinga Nohoanga) is set out in SPZ(KN)-APP1 to SPZ(KN)-APP5 of that chapter.
- Any other District wide matter that may affect or relate to the site.
- Zones: the zone chapters contain provisions about what activities are anticipated to occur in the zones.

| Objectives | |
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| ASW-O1 | Surface water values Activities on the surface of water are enabled for public access, and provide for the appreciation of natural, recreational and amenity values of rivers and lakes. |
| Policies | |
| ASW-P1 | Surface water activities Enable activities on the surface of water where they have minimal disturbance to natural, recreational and amenity values of rivers and lakes. |
| ASW-P2 | Houseboats on the Kaiapoi River Provide for houseboats where: |

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| | <ol style="list-style-type: none"> 1. moored in a location that does not compromise use for other surface water activities; 2. they are navigable vessels designed to be navigated on a water body; 3. existing public access to, or along, the Kaiapoi River is maintained; and 4. any adverse effects to the values associated with water bodies, including natural character values and cultural values, are protected in order to maintain those values. |
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Activity Rules

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| ASW-R1 | Use of <u>motorised</u>¹ watercraft | |
| Rural Zones Residential Zones Open Space and Recreation Zones | Activity status: PER | Activity status when compliance not achieved: N/A |
| Jockey Baker Creek - VHNC Te Kōhanga Wetlands - HNC Tūtaepatu Lagoon - HNC Ashley/ Rakahuri Saltwater Creek Estuary - ONC² | Activity status: PER Where: <ol style="list-style-type: none"> 1. the activity is undertaken on behalf of the District Council, Regional Council, government agency, or Fish and Game;¹ <u>or Te Kōhaka o Tūhaitara Trust;</u>³ 2. the activity is undertaken for scientific research and education purposes; 3. the activity is undertaken for civil defence, fire fighting or search and rescue purposes; 4. the activity is undertaken by mana whenua for cultural and mahinga kai purposes; and <u>or</u>⁴ 5. the activity is undertaken for farm management purposes. | Activity status when compliance not achieved: NC |
| ASW-R2 | Any houseboat on the surface of water | |
| Kaiapoi River Overlay | Activity status: RDIS Matters of discretion are restricted to: ASW-MD1 - Houseboats | Activity status when compliance not |

1 Royal Forest and Bird Protection Society of New Zealand Inc [192.83] and Canterbury Regional Council [316.140]. Activities on the Surface of Water s42A report.

2 Royal Forest and Bird Protection Society of New Zealand Inc [192.83] and Canterbury Regional Council [316.140]. Activities on the Surface of Water s42A report.

3 Te Kōhaka o Tūhaitara Trust [113.3]. Activities on the Surface of Water s42A report.

4 New Zealand Defence Force [166.26]. Activities on the Surface of Water s42A report.

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| | | achieved: N/A |
| All Zones | Activity status: NC | Activity status when compliance not achieved: N/A |

Advice Notes

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| ASW-AN1 | Activities and structures may also be subject to controls outside the District Plan. Reference should also be made to any other applicable rules or constraints within other legislation or ownership requirements including the following: <ol style="list-style-type: none"> 1. The Canterbury Regional Council Navigational Safety Bylaw 2016. 2. The Maritime Transport Act 1994, and maritime rules made under this Act. 3. Northern Pegasus Bay Bylaw 2016. |
| ASW-AN2 | The District Council has jurisdiction for activities on the surface of water up to the MHWS boundary. The Regional Council has jurisdiction for activities on the surface of water seaward of MHWS. |
| <u>ASW-AN3</u> | <u>Motorised watercraft use on the Ashley / Rakahuri Saltwater Creek Estuary – ONC is managed by the Regional Council in the Regional Coastal Environment Plan for the Canterbury Region.</u> ⁵ |

Matters of Discretion

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| ASW-MD1 | Houseboats <ol style="list-style-type: none"> 1. The extent to which the houseboat compromises the use of the surface of water for other users. 2. The extent to which the houseboat has been designed to be navigated on a water body. 3. The extent to which the houseboat compromises existing public access to the Kaiapoi River. 4. The extent to which amenity values, ecological, cultural or recreational values, including any natural character values associated with the Kaiapoi River are compromised. |
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⁵ Royal Forest and Bird Protection Society of New Zealand Inc [192.83] and Canterbury Regional Council [316.140]. Activities on the Surface of Water s42A report.