

**Before the Hearings Panel  
At Waimakariri District Council**

**Under** Schedule 1 of the Resource Management Act 1991

**In the matter of** the Proposed Waimakariri District Plan

**Between** **Various**

**Submitters**

**And** **Waimakariri District Council**

**Respondent**

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**Council Officer's Preliminary Response to written questions on Activities on  
the Surface of Water on behalf of Waimakariri District Council**

**Date: 17/07/2023**

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**INTRODUCTION:**

- 1 My full name is Bryony Annette Steven. I am employed as a Graduate Planner for Waimakariri District Council.
- 2 The purpose of this document is to respond to the list of questions published from the Hearings Panel in response to my s42 report.
- 3 In preparing these responses, I note that I have not had the benefit of hearing evidence presented to the panel at the hearing. For this reason, my response to the questions may alter through the course of the hearing and after consideration of any additional matters raised.
- 4 I also note that given the timing of these questions, my preliminary responses in some instances have not been informed by consideration of evidence or legal submissions lodged with the Council following the issuing of my s42A report. Where I have considered such evidence, I have recorded this within the preliminary answers below.
- 5 Following the conclusion of this hearing, a final right of reply document will be prepared outlining any changes to my recommendations as a result of evidence presented at the hearing, and a complete set of any additions or amendments relevant to the matters covered in my s42A report.
- 6 The format of these responses in the table below follows the format of the questions from the Panel.
- 7 I am authorised to provide this evidence on behalf of the District Council.

**Date:** 17/07/2023

*B. Steven*

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**OVERARCHING**

1. While appreciating that we have yet to hear submissions directly on the EI – Energy and Infrastructure Chapter, please provide at a high level a statement setting out how the objectives, policies, rules and standards in the ASW – Activities on the surface of Water are intended to operate with the objectives, policies, rules and standards in the EI – Energy and Infrastructure Chapter.

**Preliminary answer:** There is no direct relationship between the EI chapter and the ASW chapter. The provisions in the ASW chapter are not inconsistent with the provisions in the EI chapter.

2. Can you please provide some assessment of whether the objectives and policies of these chapters, and your recommendations to amend those, are consistent with the relevant Strategic Directions objectives.

**Preliminary answer:** I have not recommended to amend the objective or policies in the ASW chapter.

Paragraph or Plan reference	Question
Paras 89 to 93	Is it the intention that a temporary military training activity would require consent both under this Chapter and the TA Temporary Activities Chapter?
<p>Any temporary military training activity (TMTA) that involves motorised watercraft on the high natural character waterbodies (Te Kōhanga Wetlands, Tūtaepatu Lagoon and Jockey Baker Creek) would trigger ASW-R1 and would require resource consent under this chapter. Any other activity involved in the TMTA would not require resource consent under the Activities on the Surface of Water chapter.</p> <p>Where TMTA within the three high natural character waterbodies does not involve motorised watercraft and resource consent is only required under TEMP-R5, I consider there to be some discretion within TEMP-R5(3) to consider the effects of TMTA on the three high natural character waterbodies. In my view, achieving (3) which states; <i>“the site is restored to the same condition as prior to the temporary activity within seven days of that activity ceasing”</i>, would be very difficult for the three waterbodies due to their high and very high natural character values. I therefore consider it to be highly likely that the restricted discretionary activity status in TEMP-R5 would be triggered for TMTA within these waterbodies.</p>	

Where the TMTA triggers the restricted discretionary activity status in TEMP-R5, the consent processor would consider TEMP-MD1 *Character and amenity values*, which includes amongst other relevant matters, consideration of adverse effects on natural character, waterbodies, and ecology.

I recognise there is an interface between these provisions that is not identified in TEMP-R5. Whilst the temporary activities chapter has not yet been reported on, the Panel may wish to consider a cross-reference from TEMP-R5 to ASW-R1 to inform users of the plan of the relationship between the two rules. I consider this would improve integration across the plan and support plan interpretation.

**Para 117 and 121**

**ASW-R1 as notified applies to all watercraft. The recommendation to amend rule ASW-R1 means it now only applies to ‘motorised’ watercraft and you say a rule is not needed for non-motorised watercraft? What is the status of non-motorised watercraft as a consequence of this change?**

The use of non-motorised watercraft would be a permitted activity on all waterbodies across the district (noting they are permitted outside of the three waterbodies already).

The implication of this is that any activity that involves the use of non-motorised watercraft is permitted on the three high natural character waterbodies. This would practically include recreational kayaking and other activities, but I note could also include activities such as a commercial kayaking business on any one of the three waterbodies.

However, as discussed in paragraphs 97 – 100 of the S42A report, I consider there are practical limitations of the three waterbodies that would limit the use of non-motorised watercraft. These limitations include the relatively small area of the waterbodies, access limitations, and the private ownership of Te Kōhanga Wetlands and Tūtaepatu Lagoon by Ngai Tahu.

**Para 141**

**We understand that the Clampett and RIDL submissions seek to preclude all controlled and restricted discretionary activity rules from public or limited notification. Please reconsider your assessment, taking into account ASW-R2 which is a restricted discretionary activity rule.**

I have considered ASW-R2 in response to the question and I consider precluding ASW-R2 from public or limited notification is unjustified. ASW-R2 involves the water resource and may therefore be of interest to mana whenua and other parties. I therefore consider it is appropriate to enable public or limited notification, subject to an assessment under section 95 of the Act.

I recommend the Clampett and RIDL relief be rejected as it applies to ASW-R2.