

**OFFICER'S REPORT FOR:**

**Hearing Panel**

**SUBJECT:**

**Proposed Waimakariri District Plan:  
Ngā momo tākaro ki runga i te wai - Activities  
on the Surface of Water**

**PREPARED BY:**

**Bryony Steven**

**REPORT DATED:**

**15 June 2023**

**DATE OF HEARING:**

**Hearing Stream 4 (17 - 21 July 2023)**

## Executive Summary

1. This report considers submissions received by the Waimakariri District Council (the Council) in relation to the relevant objective, policies, rules, advice note, matters of discretion, and map overlays of the Proposed Plan as they apply to Ngā momo tākaro ki runga i te wai - Activities on the Surface of Water chapter (ASW chapter). The report outlines recommendations in response to the issues that have emerged from these submissions.
2. There were ten unique submitters on the ASW chapter for a total of 20 submission points. The submissions received were mostly in support of the chapter as notified, with four submitters seeking amendments to ASW-R1 *Use of watercraft*. The following are considered to be the key issues in contention in the chapter:
  - The absence of Te Kōhaka o Tūhaitara Trust as a listed authority permitted to use watercraft in ASW-R1(1);
  - Amendment to include defence purposes as an activity permitted to use watercraft in ASW-R1(3); and
  - The non-complying activity status for non-motorised watercraft on Jockey Baker Creek, Te Kōhanga Wetlands, Tūtaepatu Lagoon and Ashley / Rakahuri Saltwater Creek Estuary (Rakahuri Estuary).
3. This report addresses these matters, as well as any other issues raised by submissions.
4. The ASW chapter may be subject to consequential amendments arising from submissions to the whole of the Proposed Plan and other chapters.
5. As a result of my analysis of submissions I have recommended some changes to the Proposed Plan provisions to address matters raised in submissions and these are summarised below:
  - Amend ASW-R1(1) to list Te Kōhaka o Tūhaitara Trust as an agency permitted to use watercraft on Jockey Baker Creek, Te Kōhanga Wetlands, and Tūtaepatu Lagoon.
  - Amend ASW-R1 to control the use of motorised watercraft as a non-complying activity on Jockey Baker Creek, Te Kōhanga Wetlands, and Tūtaepatu Lagoon.
  - Add a new advice note to inform users of the plan that motorised watercraft on the Rakahuri Estuary is managed by the Regional Council in the Regional Coastal Environment Plan.
6. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the Proposed Plan should be amended as set out in **Appendix A** of this report.
7. For the reasons included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
  - achieve the purpose of the RMA where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
  - achieve the relevant objectives of the Proposed Plan, in respect to the proposed provisions.

## Contents

Executive Summary.....	i
Contents.....	ii
Interpretation .....	iv
1 Introduction .....	1
1.1 Purpose .....	1
1.2 Author .....	1
1.3 Supporting Evidence .....	2
1.4 Key Issues in Contention.....	2
1.5 Procedural Matters .....	2
2 Statutory Considerations .....	3
2.1 Resource Management Act 1991.....	3
2.2 Section 32AA.....	3
2.3 Trade Competition .....	3
3 Consideration of Submissions and Further Submissions.....	4
3.1 Overview .....	4
3.2 General.....	6
3.3 Objective ASW-O1 Surface water values .....	7
3.4 Policy ASW-P1 Surface water activities.....	7
3.5 Policy ASW-P2 Houseboats on the Kaiapoi River.....	8
3.6 Rule ASW-R1 - Use of watercraft .....	8
3.7 Rule ASW-R2 Any houseboat on the surface of water .....	19
3.8 Matters of Discretion ASW-MD1 Houseboats .....	19
3.9 Other Methods.....	20
4 Conclusions .....	21

## Appendices

Appendix A. Recommended Amendments to Ngā momo tākaro ki runga i te wai - Activities on the Surface of Water Chapter

Appendix B. Recommended Responses to Submissions and Further Submissions

Appendix C. Report Author's Qualifications and Experience

Appendix D. The Ashley / Rakahuri Saltwater Creek Estuary with Coastal Marine Area Boundary, Coastal Environment and Outstanding Natural Character Overlays

Appendix E. Jockey Baker Creek with Coastal Marine Area Boundary, Coastal Environment and Very High Natural Character Overlays

Appendix F. Map of Natural Character Waterbodies in the Waimakariri Coastal Environment

**List of Figures**

Figure 1: Tūtaepatu Lagoon seen surrounded by vegetation with the public walk way to the East  
(aerial photo 2022). ..... 13  
Figure 2: Te Kōhanga Wetlands along the Eastern extent of Pegasus Township (aerial photo 2022). 14

**List of Tables**

Table 1: Abbreviations ..... iv  
Table 2: Abbreviations of Submitters’ Names ..... iv

**List of Tables in Appendices**

Table B 1: Recommended responses to submissions and further submissions on the Activities on the  
Surface of Water Chapter

## Interpretation

8. The report utilises a number of abbreviations for brevity as set out in Table 1 and 2 below:

**Table 1: Abbreviations**

Abbreviation	Means
CMA	Coastal Marine Area
District Council	Waimakariri District Council
ECan	Environment Canterbury/Canterbury Regional Council
JBC	Jockey Baker Creek
MHWS	Mean High Water Springs
NPS	National Planning Standards
NZCPS	New Zealand Coastal Policy Statement
Proposed Plan	Proposed Waimakariri District Plan
Rakahuri Estuary	Ashley / Rakahuri Saltwater Creek Estuary
RPS	Operative Canterbury Regional Policy Statement
RCEP	Regional Coastal Environment Plan for the Canterbury Region
RMA	Resource Management Act 1991
TMTA	Temporary Military Training Activities

**Table 2: Abbreviations of Submitters' Names**

Abbreviation	Means
CIAL	Christchurch International Airport Ltd
Clampett	Clampett Investments Limited
ECan	Environment Canterbury / Canterbury Regional Council
Federated Farmers	Federated Farmers of New Zealand Inc.
Forest and Bird	Royal Forest and Bird Protection Society of New Zealand Inc.
Jet Boating NZ	Jet Boating New Zealand
NZDF	New Zealand Defence Force
RIDL	Rolleston Industrial Developments Ltd
Tūhaitara Trust	Te Kōhaka o Tūhaitara Trust
WDC	Waimakariri District Council

# 1 Introduction

## 1.1 Purpose

9. The purpose of this report is to provide the Hearings Panel with a summary and analysis of the submissions received on the ASW chapter and to recommend possible amendments to the Proposed Plan in response to those submissions.
10. This report is prepared under section 42A of the RMA. It considers submissions received by the District Council in relation to the objective, policies, rules, advice note, matters of discretion, and map overlays as they apply to the ASW chapter in the Proposed Plan. The report outlines recommendations in response to the key issues that have emerged from these submissions.
11. This report discusses general issues or topics arising, the original and further submissions received following notification of the Proposed Plan, makes recommendations as to whether or not those submissions should be accepted or rejected, and concludes with a recommendation for changes to the Proposed Plan provisions based on the preceding discussion in the report.
12. In preparing this report I have had regard to recommendations made on SD-O1 *Natural environment* in the Strategic Directions S42A Report. At the time of writing this report I have not had the benefit of reviewing the reporting officers right of reply comments in respect of this objective.
13. This report is provided to assist the Hearings Panel in their role as Commissioners. The Hearings Panel may choose to accept or reject the conclusions and recommendations of this report and may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.

## 1.2 Author

14. My name is Bryony Annette Steven. My qualifications and experience are set out in **Appendix C** of this report.
15. My role in preparing this report is that of an expert planner.
16. I was not involved in the preparation of the Proposed Plan and did not author the Section 32 Evaluation Report for the Activities on the Surface of Water chapter. However, I have reviewed the Section 32 Evaluation Report in preparing my evidence.
17. Although this is a District Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court 2023. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
18. The scope of my evidence relates to the Activities on the Surface of Water chapter. I confirm that the issues addressed in this statement of evidence are within my area of expertise as an expert policy planner.
19. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.

20. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

### 1.3 Supporting Evidence

21. The expert evidence, literature, legal cases or other material which I have used or relied upon in support of the opinions expressed in this report includes the following:

- *Waimakariri Coastal Natural Character Study: Natural Character Study of the Waimakariri Coastal Environment*. Report prepared by Boffa Miskell, 2018, to support the development of the Proposed Plan.
- *Tūhaitara Coastal Reserve Management Plan 2022*. Te Kōhaka o Tūhaitara Trust.

22. Both of these reports are available on the Waimakariri District Council website.

### 1.4 Key Issues in Contention

22. A number of submissions and further submissions were received on the provisions relating to the ASW chapter. The submissions received sought a narrow range of outcomes, including for example, permitting non-powered watercraft on Jockey Baker Creek, Te Kōhanga Wetlands, Tūtaepatu Lagoon and Rakahuri Estuary.

23. Additionally, four general submission points from two submitters were received on the whole of the Proposed Plan and these submission points were opposed by five further submissions. I have considered these submissions and further submissions in relation to the ASW chapter.

24. I consider the following to be the key issues in contention in the chapter:

- The absence of Te Kōhaka o Tūhaitara Trust as a listed authority permitted to use watercraft in ASW-R1(1);
- Requested amendment to include defence purposes as an activity permitted to use watercraft in ASW-R1(3); and
- The non-complying activity status for the use of non-motorised watercraft on Jockey Baker Creek, Te Kōhanga Wetlands, Tūtaepatu Lagoon, and Rakahuri Estuary under ASW-R1.

25. I address each of these key issues in this report, as well as any other issues raised by submissions.

### 1.5 Procedural Matters

26. At the time of writing this report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this chapter.

## 2 Statutory Considerations

### 2.1 Resource Management Act 1991

27. The Proposed Plan has been prepared in accordance with the RMA and in particular, the requirements of:

- section 74 Matters to be considered by territorial authority, and
- section 75 Contents of district plans.

28. There are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the Proposed Plan. These documents are discussed in detail within the Section 32 Evaluation Report: Activities on the Surface of Water.

### 2.2 Section 32AA

29. I have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA. Section 32AA states:

***32AA Requirements for undertaking and publishing further evaluations***

*(1) A further evaluation required under this Act—*

*(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*

*(b) must be undertaken in accordance with section 32(1) to (4); and*

*(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*

*(d) must—*

*(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or*

*(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*

*(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).*

30. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to the ASW chapter is contained within the assessment of the relief sought in submissions in section 3 of this report, as required by s32AA(1)(d)(ii).

### 2.3 Trade Competition

31. Trade competition is not considered relevant to the ASW chapter provisions of the Proposed Plan.

32. There are no known trade competition issues raised within the submissions.



### 3 Consideration of Submissions and Further Submissions

#### 3.1 Overview

33. There is a total of 20 submission points from ten original submitters addressed in this report including one general submission that relates to the topic of activities on the surface of water and it is therefore most appropriate to address the submission in this report. Of these 20 submission points, 16 support the provisions as notified and the remaining four submission points oppose the provisions or seek amendments. In summary:

- Three general submission points support the chapter and do not seek changes.
- ASW-O1 *Surface water values* was supported as notified by ECan [316.137], RIDL [326.390] and Jet Boating NZ [358.1].
- ASW-P1 *Surface water activities* was supported as notified by ECan [316.138], RIDL [326.391] and Jet Boating NZ [358.2].
- ASW-P2 *Houseboats on the Kaiapoi River* was supported as notified by ECan [316.139] and RIDL [326.392].
- ASW-R1 *Use of watercraft* was supported as notified by RIDL [326.393], Jet Boating NZ [358.3] and Federated Farmers [414.157]. Amendments were sought by Te Kōhaka o Tūhaitara Trust [113.3] and NZDF [166.26]. Forest and Bird [192.83] and ECan [316.140] both questioned the non-complying activity status for the use of non-motorised watercraft on Jockey Baker Creek, Te Kōhanga Wetlands, Tūtaepatu Lagoon and Rakahuri Estuary.
- ASW-R2 *Any houseboat on the surface of water* was supported as notified by RIDL [326.394].
- ASW-MD1 *Houseboats* was supported as notified by RIDL [326.395].

34. An additional four general submission points by Clampett [284.1] and RIDL [326.1, 326.2, and 326.3] sought amendments across the whole of the Proposed Plan and are addressed in this report as they apply to the ASW chapter.

35. Further submissions on the submission points addressed in this report were received from CIAL [FS80], Richard and Geoff Spark [FS37], David Cowley [FS41], and the Ohoka Residents Association [FS137].

- CIAL [FS80] support the submission from ECan [316] and support ECan's request that the *"Proposed Plan give effect to the CRPS."*
- Richard and Geoff Spark [FS37] and David Cowley [FS41] oppose the whole submission by ECan [316] and state *"the amendments sought are not realistic, achievable, necessary, or appropriate, and are inconsistent with the RMA and national policy direction, including the NPS-UD."* The further submitters seek the ECan submission is rejected where it is inconsistent with, or will have implications for, the relief sought in their original submissions.
- Ohoka Residents Association [FS137] oppose the entirety of the submission by RIDL [326].

36. These further submissions are generic in nature and do not specifically relate to the submission points addressed in this report and I have not considered their content further.
37. Further submissions on the plan wide submissions from RIDL discussed in paragraph 34, were received from Forest and Bird [FS78], Ohoka Residents Association [FS84], Ohoka Residents Association [FS137]<sup>1</sup>, Andrea Marsden [FS119], and Christopher Marsden [FS120]. These further submissions opposed the relief sought by RIDL.
38. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission(s).
39. There are four definitions that apply to the ASW chapter; 'Bed', 'Houseboat', 'Raft' and 'Watercraft'. As no submissions were received on these definitions and 'Bed' and 'Raft' are National Planning Standard (NPS) definitions, I have considered these definitions as notified in my assessment below.

### **3.1.1 Report Structure**

40. Submissions on the ASW chapter raised a small number of issues which have been addressed based on the provisions to which they relate. I have considered further submissions on primary submissions as part of my consideration of the primary submission to which they relate. However, all the further submissions received on this chapter did not contain substantive commentary.
41. In accordance with Clause 10(3) of Schedule 1 of the RMA, I have undertaken the following evaluation on a provisions-based approach, as opposed to a submission by submission approach. I have organised the evaluation in accordance with the layout of chapters of the Proposed Plan as notified.
42. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submissions table in **Appendix B**. Where I have undertaken further evaluation of the relief sought in a submission, the evaluation and recommendations are set out in the body of this report. I have provided a marked-up version of the chapter with recommended amendments in response to submissions as **Appendix A**.

### **3.1.2 Format for Consideration of Submissions**

43. I have considered the submissions that are seeking changes to the Proposed Plan in the following format:
- Matters raised by submitters;
  - Assessment;
  - Summary of recommendations; and
  - Section 32AA evaluation (where I consider necessary).

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<sup>1</sup> I advise that the Ohoka Residents Association submitted two further submissions; [FS84] and [FS137]. Further submission 137 was received after the close of further submissions and was accepted by the Hearings Panel Chair.

44. The recommended amendments to the ASW chapter are set out in **Appendix A** of this report where all text changes are shown in a consolidated manner.
45. I have undertaken a s32AA evaluation in respect to the recommended amendments in my assessment.

## 3.2 General

### 3.2.1 Matters raised by submitters

46. Lynda Vernel [115.1] submitted generally on the plan to register her interest in the Proposed Plan as Ms Vernel runs a commercial jet boating operation on the Waimakariri River (Alpine Jet Thrills Ltd) and would like to be informed of any submissions that could affect the business. Ms Vernel supports the Proposed Plan.
47. The Kaiapoi-Tuahiwi Community Board [147.4] supports the ASW chapter and notes the chapter is *"important to the continued successful commercial activity at the Kaiapoi wharf."* The Board seek that *"provision is made for activities such as the proposed Aqua Park in Kaiapoi."*
48. The Rangiora-Ashley Community Board [148.3] support provisions for *"recreational activities such as kayaking, rafting and jet boating on major waterways"* as it is *"important to protect recreation use on our major waterways and rivers so all can enjoy them."*

### 3.2.2 Assessment

49. I accept the general support for the chapter from Ms Vernel [115.1], Kaiapoi-Tuahiwi Community Board [147.4], and Rangiora-Ashley Community Board [148.3] subject to recommended amendments in response to other submissions on the chapter.
50. Lynda Vernel [115.1] requests to be notified of submissions that may affect her business. All submitters on the Proposed Plan are notified when updates on the plan review process are available to review. All submitters are on the same information regime, and no specific tailored information can be provided to an individual over and above the general hearing process.
51. The Kaiapoi-Tuahiwi Community Board [147.4] seek that provision is made for activities such as the proposed Aqua Park in Kaiapoi. Activities such as the proposed Aqua Park are not controlled through provisions in the ASW chapter, and such proposals can be approved through resource consent, or as permitted activities depending on the exact nature of the proposal. The chapter provides for the use of watercraft once the Aqua Park is completed.

### 3.2.3 Summary of recommendations

52. I recommend that the submissions from Lynda Vernel [115.1], the Kaiapoi-Tuahiwi Community Board [147.4] and the Rangiora-Ashley Community Board [148.3] be **accepted in part**.
53. I recommend that no change be made to the ASW chapter in the Proposed Plan as a result of these submissions.

### 3.3 Objective ASW-O1 Surface water values

#### 3.3.1 Matters raised by submitters

54. ECan [316.137], RIDL [326.390], and Jet Boating NZ [358.1] support ASW-O1 and seek it is retained as notified. ECan state that ASW-O1 is consistent with the general intent of the Regional Policy Statement (RPS), and Jet Boating NZ are supportive of the “enabling of recreational jet boating activities”.

##### *Further submissions*

55. Richard and Geoff Spark [FS37] and David Cowley [FS41] oppose the ECan [316.137] submission point.

56. CIAL [FS80] support the ECan [316.137] submission point.

57. The Ohoka Residents Association [FS137] oppose the RIDL [326.390] submission point.

#### 3.3.2 Assessment

58. I concur with the submissions.

#### 3.3.3 Summary of recommendations

59. I recommend that the submissions from ECan [316.137], RIDL [326.390], and Jet Boating NZ [358.1] be **accepted**.

60. My recommendations in relation to the further submissions by Richard and Geoff Spark [FS37], David Cowley [FS41], CIAL [FS80] and the Ohoka Residents Association [FS137] reflect the recommendations on the relevant primary submissions.

61. I recommend that no change be made to the ASW chapter in the Proposed Plan as a result of these submissions.

### 3.4 Policy ASW-P1 Surface water activities

#### 3.4.1 Matters raised by submitters

62. ECan [316.138], RIDL [326.391], and Jet Boating NZ [358.2] support ASW-P1 and seek it is retained as notified. ECan state that ASW-P1 is consistent with the general intent of the RPS, and Jet Boating NZ support that ASW-P1 enables “recreational jet boating activities on the surface of water in circumstances where there is minimal disturbance to natural, amenity and recreation values.”

##### *Further submissions*

63. Richard and Geoff Spark [FS37] and David Cowley [FS41] oppose the ECan [316.138] submission point.

64. CIAL [FS80] support the ECan [316.138] submission point.

65. The Ohoka Residents Association [FS137] oppose the RIDL [326.391] submission point.

#### 3.4.2 Assessment

66. I concur with the submissions.

### 3.4.3 Summary of recommendations

67. I recommend that the submissions from ECan [316.138], RIDL [326.391], and Jet Boating NZ [358.2] be **accepted**.
68. My recommendations in relation to the further submissions by Richard and Geoff Spark [FS37], David Cowley [FS41], CIAL [FS80] and Ohoka Residents Association [FS137] reflect the recommendations on the relevant primary submissions.
69. I recommend that no change be made to the ASW chapter in the Proposed Plan as a result of these submissions.

## 3.5 Policy ASW-P2 Houseboats on the Kaiapoi River

### 3.5.1 Matters raised by submitters

70. ECan [316.139] and RIDL [326.392] support ASW-P2 and seek it is retained as notified. ECan note that *"the Environment Canterbury Harbourmaster's office supports the specific consideration of houseboats."*

#### *Further submissions*

71. Richard and Geoff Spark [FS37] and David Cowley [FS41] oppose the ECan [316.139] submission point.
72. CIAL [FS80] support the ECan [316.139] submission point.
73. The Ohoka Residents Association [FS137] oppose the RIDL [326.392] submission point.

### 3.5.2 Assessment

74. I concur with the submissions.

### 3.5.3 Summary of recommendations

75. I recommend that the submissions from ECan [316.139] and RIDL [326.392] be **accepted**.
76. My recommendations in relation to the further submissions by Richard and Geoff Spark [FS37], David Cowley [FS41], CIAL [FS80] and the Ohoka Residents Association [FS137] reflect the recommendations on the relevant primary submissions.
77. I recommend that no change be made to the ASW chapter in the Proposed Plan as a result of these submissions.

## 3.6 Rule ASW-R1 - Use of watercraft

### 3.6.1 Matters raised by submitters

78. Te Kōhaka o Tūhaitara Trust [113.3] submitted that ASW-R1(1) *"fails to list the Te Kōhaka o Tūhaitara Trust which is the agency with statutory responsibility for management of both of these waterbodies"* and seek the rule is amended.

79. The NZDF [166.26] seek “defence” purposes to be “added to the list of purposes which are permitted” in ASW-R1(3). The submission explains “NZDF must undertake training in order to fulfil its statutory obligations under the Defence Act”. NZDF also submit that clause (4) should end with an “or” rather than “and”.
80. ECan [316.140] recommend Council “reconsider whether it is appropriate to require resource consent for recreational use of watercraft that are not motor-powered in high natural character water bodies”. ECan state, “the protection of these areas is required by the CRPS; however, it is recommended that watercraft such as kayaks and paddle boards for individual recreational use should be able to be used in these areas without the need of a non-complying activity resource consent.”
81. Forest and Bird [192.83] question “what sort of natural character values are affected on the estuary by the use of non-motorised vessels?” The submission notes the rule is difficult to understand because the public boat ramp on Saltwater Creek by State Highway 1 encourages people to use their vessels in the estuary. Forest and Bird do not seek any specific relief.
82. ASW-R1 is supported as notified by RIDL [326.393], Jet Boating NZ [358.3] and Federated Farmers [414.157].

#### *Further submissions*

83. Richard and Geoff Spark [FS37] and David Cowley [FS41] oppose the ECan [316.140] submission point.
84. CIAL [FS80] support the ECan [316.140] submission point.
85. The Ohoka Residents Association [FS137] oppose the RIDL [326.393] submission point.

### **3.6.2 Assessment**

#### *Te Kōhaka o Tūhaitara Trust [113.3]*

86. I agree with Te Kōhaka o Tūhaitara Trust [113.3] that the Trust should be identified as an agency permitted to use watercraft on the identified waterbodies. Tūhaitara Trust have statutory responsibility<sup>2</sup> for Tūtaepatu Lagoon and Te Kōhanga Wetlands which are managed as part of the Tūhaitara Coastal Park<sup>3</sup>. Similar to the agencies already listed in ASW-R1, Tūhaitara Trust may, from time to time, need to undertake necessary operations using watercraft that will be in the best interests of the waterbodies for example; to undertake conservation work.

#### *Recommendation on Te Kōhaka o Tūhaitara Trust [113.3]*

87. I recommend ASW-R1(1) is amended to include Te Kōhaka o Tūhaitara Trust as an agency permitted to use watercraft on Jockey Baker Creek, Te Kōhanga Wetlands, and Tūtaepatu Lagoon as shown in **Appendix A**. I note this amendment is not recommended to apply to the Rakahuri Estuary as the Te Kōhaka o Tūhaitara Trust do not have statutory responsibility for this area.

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<sup>2</sup> Section 10 Ngāi Tahu (Tūtaepatu Lagoon Vesting) Act 1998.

<sup>3</sup> Tūhaitara Coastal Reserve Management Plan 2022. Te Kōhaka o Tūhaitara Trust.

*New Zealand Defence Force [166.26]*

88. I agree with NZDF's requested amendment to ASW-R1(4) to change "and" to "or" at the end of the clause as this amendment will ensure ASW-R1 is read as a disjunctive rule, improving plan interpretation and implementation.

*Defence Purposes*

89. I consider the amendment requested by NZDF to add 'defence purposes' to ASW-R1(3) to be unnecessary and I do not recommend ASW-R1(3) is amended to give effect to the relief sought. The NZDF have access to all the other waterbodies in the District and to a diversity of waterbodies and landscapes across the country to undertake their training operations. The waterbodies identified in ASW-R1 are unique areas in the District of high, very high and outstanding natural character<sup>4</sup>. Considering these values, it is my view that these waterbodies are an inappropriate location for defence activities to occur.

90. The submission by NZDF is not clear on what activities are included as defence purposes. Within the National Planning Standards definition of 'temporary military training activities'(TMTA), 'defence purposes' is defined as "*those purposes for which a defence force may be raised and maintained under section 5 of the Defence Act 1990*". Section 5 of the Defence Act 1990 states:

*The Governor-General may from time to time, in the name and on behalf of the Sovereign, continue to raise and maintain armed forces, either in New Zealand or elsewhere, for the following purposes*

- (a) the defence of New Zealand, and of any area for the defence of which New Zealand is responsible under any Act:*
- (b) the protection of the interests of New Zealand, whether in New Zealand or elsewhere:*
- (c) the contribution of forces under collective security treaties, agreements, or arrangements:*
- (d) the contribution of forces to, or for any of the purposes of, the United Nations, or in association with other organisations or States and in accordance with the principles of the Charter of the United Nations:*
- (e) the provision of assistance to the civil power either in New Zealand or elsewhere in time of emergency:*
- (f) the provision of any public service.*

91. Section 5 of the Defence Act 1990 is dependent on the orders of the Governor-General and not on provisions in District Plans. The NZDF submission includes 'Attachment 2 – Temporary Military Training Activities Information Sheet' which provides further information on the activities involved with TMTA. I assume the submission to permit defence purposes in ASW-R1 is seeking to permit the activities outlined in NZDF's Attachment 2, however, NZDF may wish to clarify this.

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<sup>4</sup> Boffa Miskell Limited 2018. *Waimakariri Coastal Natural Character Study: Natural Character Study of the Waimakariri Coastal Environment*. Report prepared by Boffa Miskell Limited for Waimakariri District Council.

*New Zealand Coastal Policy Statement (NZCPS) Policy 13*

92. The NZCPS Policy 13 requires the preservation of natural character in the coastal environment. To preserve natural character in the coastal environment, Policy 13(1)(b) states “avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment”. I understand the intention of the submission is to permit TMTA. Within the context of activities on the surface of water, I consider driver training and the use of powered machinery and vehicles, as detailed in NZDF’s Attachment 2, to potentially have significant adverse effects on the surface of water values.
93. The submission does not provide any guidance on how these effects will be avoided, remedied, or mitigated. Moreover, if the intention is to give effect to section 5 of the Defence Act 1990, then the requested amendment to ASW-R1 is superfluous.

*Recommendation on New Zealand Defence Force [166.26]*

I recommend the NZDF submission [166.26] be accepted in regard to the amendment to ASW-R1(4) to change “and” to “or”, as shown in **Appendix A**. In regard to the part of the submission seeking amendment to ASW-R1(3) to add “defence purposes” as a permitted activity, I recommend this amendment is rejected.

*Environment Canterbury [316.140] and Forest and Bird [192.83] - Watercraft within Jockey Baker Creek, Te Kōhanga Wetlands, Tūtaepatu Lagoon, and the Rakahuri Estuary*

94. ECan [316.140] seek reconsideration of ASW-R1 regarding the appropriateness of requiring resource consent for recreational use of watercraft that are not motor-powered in high natural character waterbodies. Forest and Bird [192.83] question what natural character values of the Rakahuri Estuary are affected by the use of non-motorised watercraft. Forest and Bird do not seek any specific relief. I recommend a change to ASW-R1 to manage motorised watercraft as a non-complying activity on Jockey Baker Creek, Te Kōhanga Wetlands, and Tūtaepatu Lagoon.
95. I advise that the majority of Rakahuri Estuary (**Appendix D**) and part of Jockey Baker Creek (**Appendix E**) are located within the Coastal Marine Area (CMA) and are therefore under the jurisdictional responsibility of the Regional Council. Consequently, I recommend a new advice note to inform users of the plan that motorised watercraft on the Rakahuri Estuary are managed by the Regional Council in the Regional Coastal Environment Plan.
96. The proceeding paragraphs will analyse the ECan and Forest and Bird submissions under the following topic headings:

- Description of the areas and significance of the issue;
- Coastal Marine Area (CMA) boundary;
- Regional Coastal Environment Plan;
- New Zealand Coastal Policy Statement;
- Tūtaepatu Lagoon and Te Kōhanga Wetlands; and
- Motorised watercraft.

*Description of the areas and significance of the issue*



- 
97. I consider some of the qualities of Jockey Baker Creek, Te Kōhanga Wetlands, and Tūtaepatu Lagoon present practical limitations to the public's ability to use watercraft on them. This reduces the significance of the issue as Jockey Baker Creek, Te Kōhanga Wetlands, and Tūtaepatu Lagoon are not widely recognised for recreational boating. Rakahuri Estuary is not discussed here as it is subject to the provisions in the Regional Coastal Environment Plan.
98. Jockey Baker Creek (JBC) covers a much smaller area than the Rakahuri Estuary as can be seen on the map in **Appendix F** and is a tidal saltmarsh with dense vegetation in some areas<sup>5</sup>. Due to the tidal nature of JBC, watercraft use is not always feasible as the water level is typically shallow. From my understanding of the area, informed by a site visit in February 2023 and from aerial mapping, there is no point along the outward extent of JBC where access into the creek is provided.
99. Tūtaepatu Lagoon is managed within the Tūhaitara Coastal Park,<sup>6</sup> and from my understanding of the area as a result of a site visit in February 2023, is approximately 1km from the closest reasonable road access and is only publicly accessible on foot. The lagoon is entirely surrounded by dense vegetation, and there is no direct access from the public path to the water's edge as can be seen in **Figure 1**.
100. Te Kōhanga Wetlands are adjacent to Pegasus Township as can be seen in **Figure 2** and I consider are relatively accessible from a number of potential points along the nearby paths and roads. As far as I am aware, there are no official access points into the Wetlands.

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<sup>5</sup> Boffa Miskell Limited 2018. *Waimakariri Coastal Natural Character Study: Natural Character Study of the Waimakariri Coastal Environment*. Report prepared by Boffa Miskell Limited for Waimakariri District Council.

<sup>6</sup> *Tūhaitara Coastal Reserve Management Plan 2022*. Te Kōhaka o Tūhaitara Trust.



Figure 1: Tūtaepatu Lagoon seen surrounded by vegetation with the public walk way to the East (aerial photo 2022).



**Figure 2: Te Kōhanga Wetlands along the Eastern extent of Pegasus Township (aerial photo 2022).**

*Coastal Marine Area (CMA) boundary*

101. The Rakahuri Estuary and parts of JBC are within the CMA boundary and are therefore under the jurisdiction of the Regional Council. The area in the Rakahuri Estuary that is under the Outstanding Natural Character overlay and the Coastal Environment overlay that is landward of the CMA boundary is a very minor area in relation to the extent of the Estuary (see **Appendix D**). In JBC the CMA boundary extends into the middle of JBC dividing the jurisdictional responsibility between ECan and the Waimakariri District Council (**Appendix E**). It is my view that the District Plan provisions for the Rakahuri Estuary should be aligned with the provisions for the area as set out in the RCEP. This will ensure compliance with s75(4)(b) of the RMA that states district plans must not be inconsistent with regional plans.

102. There are no RCEP provisions relevant to JBC to align this area with. The CMA boundary is based on the line of Mean High Water Springs (MHWS) boundary which is indicative only and may change over time as JBC changes through natural processes. Additionally, the area in JBC within the CMA is relatively small compared to the remaining area of JBC under the jurisdiction of the District Council (see **Appendix E**).

103. The Regional Policy Statement (RPS) Chapter 8 *The Coastal Environment* issue 8.1.2 identifies *“administrative and jurisdictional boundaries that exist within the coastal environment can hinder the integrated management of the coastal environment. This can make management of coastal resources difficult, as natural processes, physical resources and activities cross boundaries and require integrated management.”*

104. It is the case with JBC that the CMA boundary is a jurisdictional issue that can hinder the management of the area. I consider it is most appropriate and practical to apply ASW-R1 to the full extent of JBC rather than providing a ‘carve out’ in the rule for the area within the CMA. This approach recognises the unfixed nature of the CMA boundary, the small area of JBC located within the CMA, and is an integrative solution to the jurisdictional issue.

#### *Regional Coastal Environment Plan*

105. The RCEP Rule 8.20 ‘Prohibited Activities for which no Resource Consent will be granted’ states:

*“a. Except as provided for by paragraphs (e) or (d) of this Rule, the operation of any motorised vehicle, at any state of the tide, within the following areas, is a Prohibited Activity for which no resource consent will be granted:*

...

*ii. within the areas defined in Schedule 5.8 as: Ashley River /Rakahuri - Saltwater Creek Estuary, Brooklands Lagoon Eastern Shoreline, South Brighton Spit to Spencer Park, Sumner Beach, Taylors Mistake Beach, Okains Bay Lagoon, and Caroline Bay Beach.”*

106. The RCEP manages motorised watercraft use in the Rakahuri Estuary but does not attempt to manage the use of non-motorised watercraft. Rule 8.20 in the RCEP prohibits motorised watercraft in the Rakahuri Estuary except where permitted in clauses (d) or (e). In comparison ASW-R1 is more restrictive than the RCEP for the Rakahuri Estuary by managing non-motorised watercraft use as a non-complying activity.

107. In order to align the ASW chapter with the RCEP, I recommend the Rakahuri Estuary is deleted from ASW-R1, and an advice note is added to inform users of the plan that motorised watercraft use on the Rakahuri Estuary is managed by the Regional Council in the RCEP. Whilst I consider it is not generally considered good practice to replicate provisions between plans, I consider in this circumstance it is appropriate in order to ensure the Proposed Plan is aligned with the RCEP. I note that ASW-AN2 already identifies that activities on the surface of water up to the MHWS is within the jurisdiction of the Regional Council.

#### *New Zealand Coastal Policy Statement*

108. The NZCPS Policy 13 ‘Preservation of natural character’ directs how the natural character of the coastal environment is to be preserved, stating:

*“(1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:*

- (a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and
- (b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment".

109. JBC, Te Kōhanga Wetlands, and Tūtaepatu Lagoon, are high and very high natural character areas, and therefore, Policy 13(1)(b) applies to these areas. Under Policy 13(1)(b), 'significant adverse effects' are to be avoided, which sets a high bar for adverse effects.

110. The 'Waimakariri Coastal Natural Character Study' identifies what could constitute a significant adverse effect on these waterbodies as arising "from any major change to the current situation. Large scale land-use change e.g. clearance and land modification and land intensification e.g. change to the back dunes to pasture, would, in some areas have significant adverse effects. This could also affect biodiversity values in the coastal environment."<sup>7</sup> I consider this demonstrates the threshold for significant adverse effects is high, and based on this study I do not consider the recreational use of non-motorised watercraft (for example kayaks or rowboats) would cause significant adverse effects.

#### *Tūtaepatu Lagoon and Te Kōhanga Wetlands*

111. Tūtaepatu Lagoon and Te Kōhanga Wetlands are owned by Te Runanga O Ngai Tahu and are administered by Tūhaitara Trust in accordance with the Ngāi Tahu (Tūtaepatu Lagoon Vesting) Act 1998<sup>8</sup>. The lagoon and wetlands are managed as part of the Tūhaitara Coastal Reserve and included in the management plan<sup>9</sup>. The *Tūhaitara Coastal Reserve Management Plan 2022* has a policy to "prohibit public recreational activity (e.g. swimming or boating), in Tūtaepatu Lagoon"<sup>10</sup>. Under s74(2)(b)(i) of the RMA, the District Plan is required to have regard to the Tūhaitara Coastal Park Reserve Management Plan 2022, but the District Plan is not required to be consistent with the Management Plan.

112. I consider the submissions do not provide scope to recommend an individual approach to Tūtaepatu Lagoon. However, as Tūtaepatu Lagoon is held in fee simple title by Te Runanga O Ngai Tahu, they are able to prevent public access to the lagoon.

#### *Motorised watercraft*

113. Whilst I do not consider a non-complying activity status for non-motorised watercraft is justifiable, I do consider the non-complying activity status should be retained as it applies to motorised watercraft on JBC, Tūtaepatu Lagoon and Te Kōhanga Wetlands. The ECan and Forest and Bird submissions on ASW-R1 opposed the non-complying activity status for non-motorised watercraft but did not object to the activity status for motorised watercraft.

114. The practical limitations for JBC, Tūtaepatu Lagoon and Te Kōhanga Wetlands, discussed in paragraphs 97 – 100 above, are arguably more limiting for motorised watercraft which tend to be heavier and larger than non-motorised watercraft (e.g. a powered dinghy compared to a kayak). These waterbodies are relatively small areas and access with watercraft is not facilitated, unlike

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7 Boffa Miskell Limited 2018. *Waimakariri Coastal Natural Character Study: Natural Character Study of the Waimakariri Coastal Environment*. Report prepared by Boffa Miskell Limited for Waimakariri District Council. Pg 38.

<sup>8</sup> *Tūhaitara Coastal Reserve Management Plan 2022*. Te Kōhaka o Tūhaitara Trust. Pg 5.

<sup>9</sup> *Tūhaitara Coastal Reserve Management Plan 2022*. Te Kōhaka o Tūhaitara Trust. Pg 9.

<sup>10</sup> *Tūhaitara Coastal Reserve Management Plan 2022*. Te Kōhaka o Tūhaitara Trust. Pg 20.

the Rakahuri Estuary which has an existing boat ramp. I consider the practical limitations of these areas reduce the significance of the issue as they are not widely recognised for recreational boating.

115. The 'Waimakariri Coastal Natural Character Study' provides detailed evidence of the natural character values of the four waterbodies, which includes providing good habitat for native bird and fish species, such as the threatened Australasian Bittern in JBC<sup>11</sup>. I consider it is appropriate to retain the non-complying activity status for motorised watercraft on JBC, Tūtaepatu Lagoon and Te Kōhanga Wetlands due to the high and very high natural character values, the relatively small and vegetated nature of these three waterbodies, and the practical limitations of using motorised watercraft on these waterbodies.

*Recommendation on Environment Canterbury [316.140] and Forest and Bird [192.83]*

116. I recommend ASW-R1 is amended to delete reference to the Rakahuri Estuary and manage the use of motorised watercraft as a non-complying activity on Jockey Baker Creek, Te Kōhanga Wetlands, and Tūtaepatu Lagoon. I recommend a new advice note to inform users of the plan that motorised watercraft use on the Rakahuri Estuary is managed by the Regional Council.
117. Note, I do not recommend a rule for non-motorised watercraft use as I do not consider such a rule is necessary and it is implied through the amendments to ASW-R1 to only control motorised watercraft.

### 3.6.3 Summary of recommendations

118. For the reasons outlined in the assessment above, I recommend the submissions by Te Kōhaka o Tūhaitara Trust [113.3], ECan [316.140], and Forest and Bird [192.83] be **accepted**.
119. For the reasons outlined in the assessment above, I recommend the submissions by NZDF [166.26], RIDL [326.393], Jet Boating NZ [358.3] and Federated Farmers [414.157] be **accepted in part**.
120. My recommendations in relation to the further submissions by Richard and Geoff Spark [FS37], David Cowley [FS41], CIAL [FS80] and the Ohoka Residents Association [FS137], reflect the recommendations on the relevant primary submissions.
121. I recommend a change be made to Rule ASW-R1(1) and (4) of the Proposed Plan as shown below (additions shown in underline and deletions shown in strikethrough) and in **Appendix A**:

ASW-R1	Use of <u>motorised</u> watercraft	
Rural Zones Residential Zones Open Space and	Activity status: PER	Activity status when compliance not achieved: N/A

<sup>11</sup> Boffa Miskell Limited 2018. *Waimakariri Coastal Natural Character Study: Natural Character Study of the Waimakariri Coastal Environment*. Report prepared by Boffa Miskell Limited for Waimakariri District Council. Section 5.1.

Recreation Zones		
<b>Jockey Baker Creek - VHNC</b>  <b>Te Kōhanga Wetlands - HNC</b>  <b>Tūtaepatu Lagoon - HNC</b>  <b>Ashley/ Rakahuri Saltwater Creek Estuary - ONC</b>	<b>Activity status: PER</b> Where: 1. the activity is undertaken on behalf of the District Council, Regional Council, government agency, <del>or</del> Fish and Game; <u>or Te Kōhaka o Tūhaitara Trust;</u> 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; <del>and</del> <u>or</u> 5. the activity is undertaken for farm management purposes.	<b>Activity status when compliance not achieved: NC</b>

<b>ASW-AN3</b>	<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>
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### 3.6.4 Section 32AA evaluation

*Te Kōhaka o Tūhaitara Trust [113.3] and New Zealand Defence Force [166.26]*

122. In my opinion, the amendments to ASW-R1(1) and (4) are more appropriate in achieving the objectives of the Proposed Plan than the notified provisions. The recommended amendments will not have any greater environmental, economic, social and cultural effects than the notified provisions. Whilst the amendments are minor, there will be benefits from improved plan interpretation and more efficient plan administration.

*Canterbury Regional Council [316.140] and Forest and Bird [192.83]*

123. In my opinion, the amendments to ASW-R1 to address submissions [316.140 and 192.83] are more appropriate in achieving the objectives of the Proposed Plan than the notified provisions. As notified, ASW-R1 is inconsistent with the RCEP, and the recommended amendments will resolve this issue for the Rakahuri Estuary.

124. I consider that the change will be more efficient and effective than the notified provisions in achieving the objectives of the ASW chapter and the Proposed Plan. The recommended amendments will not have any greater environmental, economic, social and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and enhanced community recreational opportunities.

### **3.7 Rule ASW-R2 Any houseboat on the surface of water**

#### **3.7.1 Matters raised by submitters**

125. RIDL [326.394] support ASW-R2 and seek it is retained as notified.

##### *Further submissions*

126. Ohoka Residents Association [FS137] oppose the RIDL [326.394] submission point.

#### **3.7.2 Assessment**

127. I concur with the submission.

#### **3.7.3 Summary of recommendations**

128. I recommend that the submission from RIDL [326.394] be **accepted**.

129. My recommendation in relation to the further submission by the Ohoka Residents Association [FS137], reflect the recommendation on the relevant primary submission.

130. I recommend that no change be made to the ASW chapter in the Proposed Plan as a result of these submissions.

### **3.8 Matters of Discretion ASW-MD1 Houseboats**

#### **3.8.1 Matters raised by submitters**

131. RIDL [326.395] supports ASW-MD1 and seek it is retained as notified.

##### *Further submissions*

132. Ohoka Residents Association [FS137] oppose the RIDL [326.395] submission point.

#### **3.8.2 Assessment**

133. I concur with the submission.

#### **3.8.3 Summary of recommendations**

134. I recommend that the submission from RIDL [326.395] be **accepted**.

135. My recommendation in relation to the further submission by Ohoka Residents Association [FS137], reflect the recommendation on the relevant primary submission.

136. I recommend that no change be made to the ASW chapter in the Proposed Plan as a result of these submissions.



### 3.9 Other Methods

#### 3.9.1 *Matters raised by submitters*

137. Clampett [284.1] and RIDL [326.1, 326.2 and 326.3] submitted to remove public and limited notification on all controlled and restricted discretionary activity rules, and to remove the terms avoid, remedy, and mitigate from the Proposed Plan provisions.

##### *Further submissions*

138. Forest and Bird [FS78], Ohoka Residents Association [FS84], Ohoka Residents Association [FS137], Andrea Marsden [FS119] and Christopher Marsden [FS120] oppose the RIDL [326.1] submission point.

139. Forest and Bird [FS78], Andrea Marsden [FS119], Christopher Marsden [FS120], and Ohoka Residents Association [FS137] oppose the RIDL [326.2] submission point.

140. Forest and Bird [FS78] and Ohoka Residents Association [FS137] oppose the RIDL [326.3] submission point.

#### 3.9.2 *Assessment*

141. The ASW chapter does not contain limited notification clauses nor use the terms avoid, remedy, or mitigate in the objective, policies, or rules. Therefore, the submissions will not result in changes to the chapter.

#### 3.9.3 *Summary of recommendations*

142. I recommend the submissions by Clampett [284.1] and RIDL [326.1, 326.2, and 326.3], as they relate to the ASW chapter be **rejected**.

143. My recommendations in relation to the further submissions by Forest and Bird [FS78], Ohoka Residents Association [FS84], Ohoka Residents Association [FS137], Andrea Marsden [FS119] and Christopher Marsden [FS120] reflect the recommendations on the relevant primary submissions.

## 4 Conclusions

144. Submissions have been received in support of, and in opposition to, the Activities on the Surface of Water chapter in the Proposed Plan.

145. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the Proposed Plan Activities on the Surface of Water chapter should be amended as set out in **Appendix A** of this report.

146. For the reasons set out in the Section 32AA evaluation included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:


- achieve the purpose of the RMA where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
- achieve the relevant objectives of the Proposed Plan, in respect to the proposed provisions.

### Recommendations:

I recommend that:

1. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in **Appendix B** of this report; and
2. The Proposed Plan is amended in accordance with the changes recommended in **Appendix A** of this report.

### Signed:

Name and Title		Signature
Report Author	Bryony Steven Graduate Planner	

## Appendix A. Recommended Amendments to Ngā momo tākaro ki runga i te wai - Activities on the Surface of Water Chapter

Where I recommend changes in response to submissions, these are shown as follows:

- Text recommended to be added to the Proposed Plan is underlined.
- Text recommended to be deleted from the Proposed Plan is ~~struck through~~.

### Activity Rules

<b>ASW-R1</b>	<b>Use of <u>motorised</u><sup>12</sup> watercraft</b>	
<b>Rural Zones Residential Zones Open Space and Recreation Zones</b>	<b>Activity status: PER</b>	<b>Activity status when compliance not achieved: N/A</b>
<b>Jockey Baker Creek - VHNC</b> <b>Te Kōhanga Wetlands – HNC</b> <b>Tūtaepatu Lagoon – HNC</b> <b>Ashley/ Rakahuri Saltwater Creek Estuary – ONC<sup>13</sup></b>	<b>Activity status: PER</b> Where: 1. the activity is undertaken on behalf of the District Council, Regional Council, government agency, <del>or</del> Fish and Game; <u>or Te Kōhaka o Tūhaitara Trust;</u> <sup>14</sup> 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; <del>and</del> <u>or</u> <sup>15</sup> 5. the activity is undertaken for farm management purposes.	<b>Activity status when compliance not achieved: NC</b>

<sup>12</sup> Royal Forest and Bird Protection Society of New Zealand Inc [192.83] and Canterbury Regional Council [316.140]

<sup>13</sup> Royal Forest and Bird Protection Society of New Zealand Inc [192.83] and Canterbury Regional Council [316.140]

<sup>14</sup> Te Kōhaka o Tūhaitara Trust [113.3]

<sup>15</sup> New Zealand Defence Force [166.26]

<b>ASW-AN3</b>	<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> <sup>16</sup>
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<sup>16</sup> Royal Forest and Bird Protection Society of New Zealand Inc [192.83] and Canterbury Regional Council [316.140]

## **Appendix B. Recommended Responses to Submissions and Further Submissions**

The recommended responses to the submissions made on this topic are presented in Table B 1 below.

Table B 1: Recommended responses to submissions and further submissions on the Activities on the Surface of Water Chapter

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons / Comments	Recommended Amendments to Proposed Plan?
<b>General</b>							
115.1	Lynda Vernel	General	Want to be kept informed about any submissions that may affect their operation.	3.2	Accept in part	See body of the report for the assessment of this submission point.	No
147.4	Kaiapoi-Tuahiwi Community Board	General	Provide for activities such as the proposed Aqua Park in Kaiapoi.	3.2	Accept in part	See body of the report for the assessment of this submission point.	No
148.3	Rangiora-Ashley Community Board	General	Support provisions to allow recreational activities such as kayaking, rafting and jet boating on major waterways such as the Waimakariri River.	3.2	Accept in part	See body of the report for the assessment of this submission point.	No
<b>ASW-O1 Surface water values</b>							
316.137	Canterbury Regional Council	ASW-O1	Retain ASW-O1 as notified or retain the original intent.	3.3	Accept	I agree with the submitter.	No
FS37	Richard and Geoff Spark		Reject the submission		Reject		No
FS41	David Cowley		Reject the submission		Reject		No
FS80	Christchurch International Airport Limited		Allow the submission		Accept		No
326.390	Rolleston Industrial Developments Ltd	ASW-O1	Retain ASW-O1 as notified.	3.3	Accept	I agree with the submitter.	No
FS137	Ohoka Residents Association		Reject the submission		Reject		No
358.1	Jet Boating New Zealand	ASW-O1	Retain ASW-O1 as notified.	3.3	Accept	I agree with the submitter.	No
<b>ASW-P1 Surface water activities</b>							
316.138	Canterbury Regional Council	ASW-P1	Retain ASW-P1 as notified or retain the original intent.	3.4	Accept	I agree with the submitter.	No
FS37	Richard and Geoff Spark		Reject the submission		Reject		No
FS41	David Cowley		Reject the submission		Reject		No
FS80	Christchurch International Airport Limited		Allow the submission		Accept		No
326.391	Rolleston Industrial Developments Ltd	ASW-P1	Retain ASW-P1 as notified.	3.4	Accept	I agree with the submitter.	No
FS137	Ohoka Residents Association		Reject the submission		Reject		No
358.2	Jet Boating New Zealand	ASW-P1	Retain ASW-P1 as notified.	3.4	Accept	I agree with the submitter.	No
<b>ASW-P2 Houseboats on the Kaiapoi River</b>							
316.139	Canterbury Regional Council	ASW-P2	Retain ASW-P2 as notified or retain the original intent.	3.5	Accept	I agree with the submitter.	No
FS37	Richard and Geoff Spark		Reject the submission		Reject		No
FS41	David Cowley		Reject the submission		Reject		No
FS80	Christchurch International Airport Limited		Allow the submission		Accept		No
326.392	Rolleston Industrial Developments Ltd	ASW-P2	Retain ASW-P2 as notified.	3.5	Accept	I agree with the submitter.	No
FS137	Ohoka Residents Association		Reject the submission		Reject		No
<b>ASW-R1 Use of watercraft</b>							
113.3	Te Kōhaka o Tūhaitara Trust	ASW-R1	Amend ASW-R1(1): "Where:	3.6	Accept	See body of the report for the assessment of this submission point.	Yes

			1) the activity is undertaken on behalf of the District Council, Regional Council, government agency, <del>or</del> Fish and Game, <u>or</u> Te Kōhaka o Tūhaitara Trust; ..."				
166.26	New Zealand Defence Force	ASW-R1	Amend ASW-R1: "... 3. the activity is undertaken for civil defence, fire fighting, <del>or</del> search and rescue <u>or</u> defence purposes; 4. the activity is undertaken by mana whenua for cultural and mahinga kai purposes; <del>and</del> <u>or</u> 5. the activity is undertaken for farm management purposes"	3.6	Accept in part	See body of the report for the assessment of this submission point.	Yes
192.83	Royal Forest and Bird protection Society of New Zealand Inc	ASW-R1	Not specified. [Submission summary: Notes ASW-R1 is difficult to fully understand because there is a public boat ramp on the Salt Water Creek Estuary pull off from State Highway 1 which encourages boat users to put their motorised and non-motorised vessels in the estuary. Queries what natural character values are affected by the use of non-motorised vessels as individuals row boats out on the estuary.]	3.6	Accept	See body of the report for the assessment of this submission point.	Yes
316.140	Canterbury Regional Council	ASW-R1	Reconsider whether it is appropriate to require resource consent for recreational use of watercraft that are not motor-powered in high natural character water bodies.	3.6	Accept	See body of the report for the assessment of this submission point.	Yes
<i>FS37</i>	<i>Richard and Geoff Spark</i>		<i>Reject the submission</i>		<i>Reject</i>		<i>No</i>
<i>FS41</i>	<i>David Cowley</i>		<i>Reject the submission</i>		<i>Reject</i>		<i>No</i>
<i>FS80</i>	<i>Christchurch International Airport Limited</i>		<i>Allow the submission</i>		<i>Accept</i>		<i>No</i>
326.393	Rolleston Industrial Developments Ltd	ASW-R1	Retain ASW-R1 as notified.	3.6	Accept in part	Accept in part, subject to the amendments made in response to other submissions.	No
<i>FS137</i>	<i>Ohoka Residents Association</i>		<i>Reject the submission</i>		<i>Reject</i>		<i>No</i>
358.3	Jet Boating New Zealand	ASW-R1	Retain ASW-R1 as notified	3.6	Accept in part	Accept in part, subject to the amendments made in response to other submissions.	No
414.157	Federated Farmers of New Zealand Inc.	ASW-R1	Not specified. [Submission summary: Support ASW-R1 as it includes for farm management purposes.]	3.6	Accept in part	Accept in part, subject to the amendments made in response to other submissions.	No
<b>ASW-R2 Any houseboat on the surface of water</b>							
326.394	Rolleston Industrial Developments Ltd	ASW-R2	Retain ASW-R2 as notified.	3.7	Accept	I agree with the submitter.	No
<i>FS137</i>	<i>Ohoka Residents Association</i>		<i>Reject the submission</i>		<i>Reject</i>		<i>No</i>
<b>ASW-MD1</b>							
326.395	Rolleston Industrial Developments Ltd	ASW-MD1	Retain ASW-MD1 as notified.	3.8	Accept	I agree with the submitter.	No
<i>FS137</i>	<i>Ohoka Residents Association</i>		<i>Reject the submission</i>		<i>Reject</i>		<i>No</i>
<b>Plan wide submissions</b>							
284.1	Clampett Investments Limited	General	Amend all controlled and restricted discretionary activity rules:	3.9	Reject	See body of the report for the assessment of this submission point.	No

			<u>"Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion."</u>				
326.1	Rolleston Industrial Developments Limited	General	Amend the Proposed District Plan to delete the use of absolutes such as 'avoid', 'maximise' and 'minimise'.	3.9	Reject	See body of the report for the assessment of this submission point.	No
FS78	Royal Forest and Bird protection Society of New Zealand Inc		<i>Reject the submission</i>		<i>Accept</i>		<i>No</i>
FS84	Ohoka Residents Association		<i>Reject the submission</i>		<i>Accept</i>		<i>No</i>
FS119	Andrea Marsden		<i>Reject the submission</i>		<i>Accept</i>		<i>No</i>
FS120	Christopher Marsden		<i>Reject the submission</i>		<i>Accept</i>		<i>No</i>
FS137	Ohoka Residents Association		<i>Reject the submission</i>		<i>Accept</i>		<i>No</i>
326.2	Rolleston Industrial Developments Limited	General	Amend so that all controlled and restricted discretionary activity rules include the following wording, or words to like effect:  <u>"Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion."</u>	3.9	Reject	See body of the report for the assessment of this submission point.	No
FS78	Royal Forest and Bird protection Society of New Zealand Inc		<i>Reject the submission</i>		<i>Accept</i>		<i>No</i>
FS119	Andrea Marsden		<i>Reject the submission</i>		<i>Accept</i>		<i>No</i>
FS120	Christopher Marsden		<i>Reject the submission</i>		<i>Accept</i>		<i>No</i>
FS137	Ohoka Residents Association		<i>Reject the submission</i>		<i>Accept</i>		<i>No</i>
326.3	Rolleston Industrial Developments Limited	General	Amend controlled and restricted discretionary activity rules to provide direction regarding non-notification.	3.9	Reject	See body of the report for the assessment of this submission point.	No
FS137	Ohoka Residents Association		<i>Reject the submission</i>		<i>Accept</i>		<i>No</i>
FS78	Royal Forest and Bird protection Society of New Zealand Inc		<i>Reject the submission</i>		<i>Accept</i>		<i>No</i>



## Appendix C. Report Author's Qualifications and Experience

I hold the following qualifications:

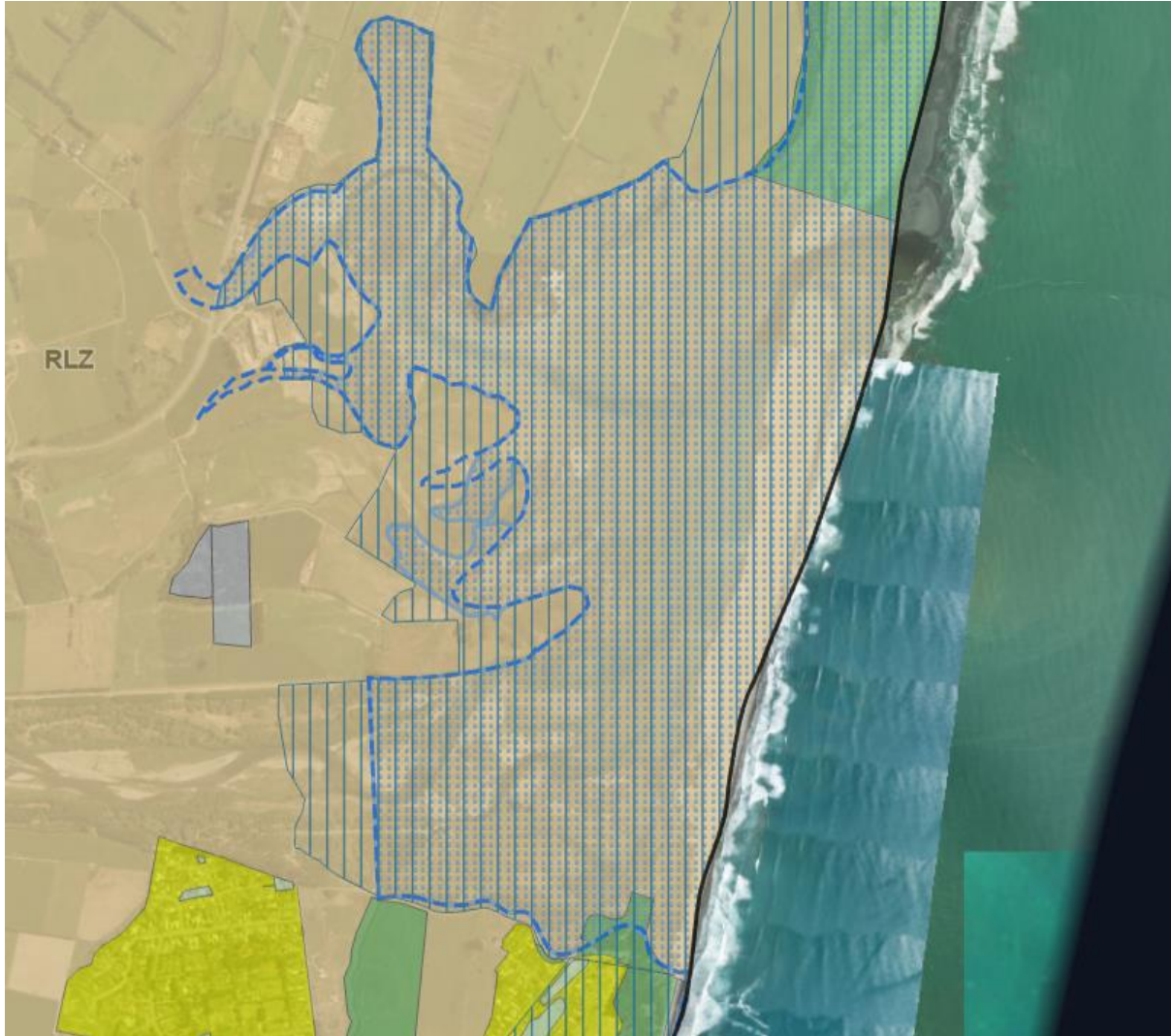
Master of Environmental Policy and Management from Lincoln University and a Bachelor of Arts from Victoria University of Wellington. I have one year experience working as a Graduate Planner.

My work experience includes:

- Providing planning advice to the public as Duty Planner;
- Public engagement – providing planning advice at community 'drop-in sessions';
- Summarising submissions received on the Proposed Plan, Variation 1 and 2 of the Proposed Plan, and Private Plan Change RCP031 request on the Operative Waimakariri District Plan;
- Preparation of policy research paper regarding medium density residential standard's qualifying matters proposed across New Zealand;
- Preparation of public notices, letters, website content and summary documents;
- Preparation of reports to Council;
- Preparation of s42A reports on the Proposed Plan;

I have been employed by the Waimakariri District Council since March 2022 as a Graduate Planner within the Development Planning Unit Team.

## Appendix D. The Ashley / Rakahuri Saltwater Creek Estuary with Coastal Marine Area Boundary, Coastal Environment and Outstanding Natural Character Overlays



### Coastal Environment Overlay



### Coastal Natural Character Overlay



High Natural Character



Very High Natural Character

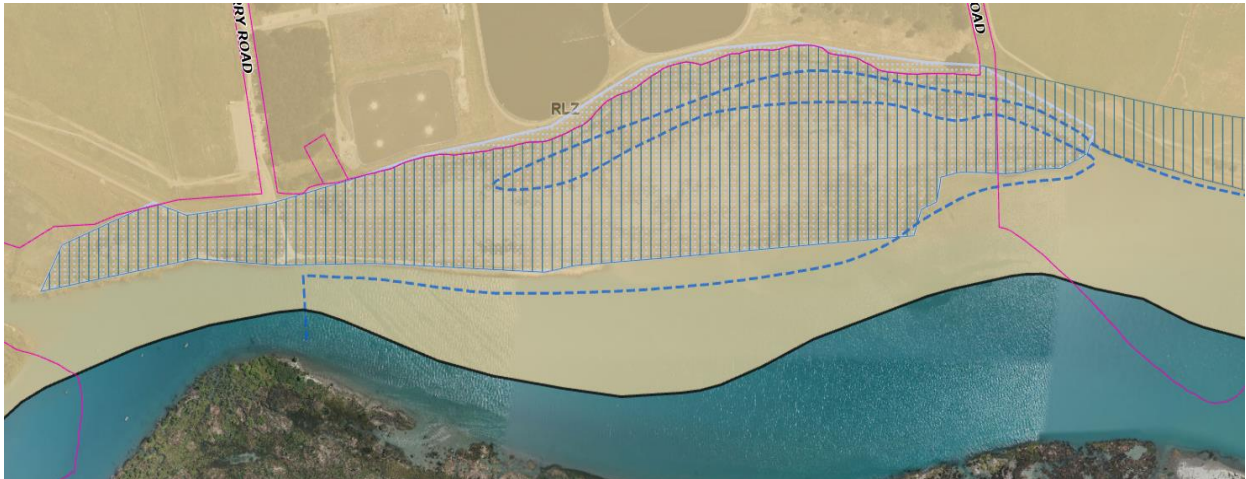


Outstanding Natural Character

### Coastal Marine Area Boundary



## Appendix E. Jockey Baker Creek with Coastal Marine Area Boundary, Coastal Environment and Very High Natural Character Overlays



### Coastal Environment Overlay



### Coastal Natural Character Overlay



High Natural Character



Very High Natural Character



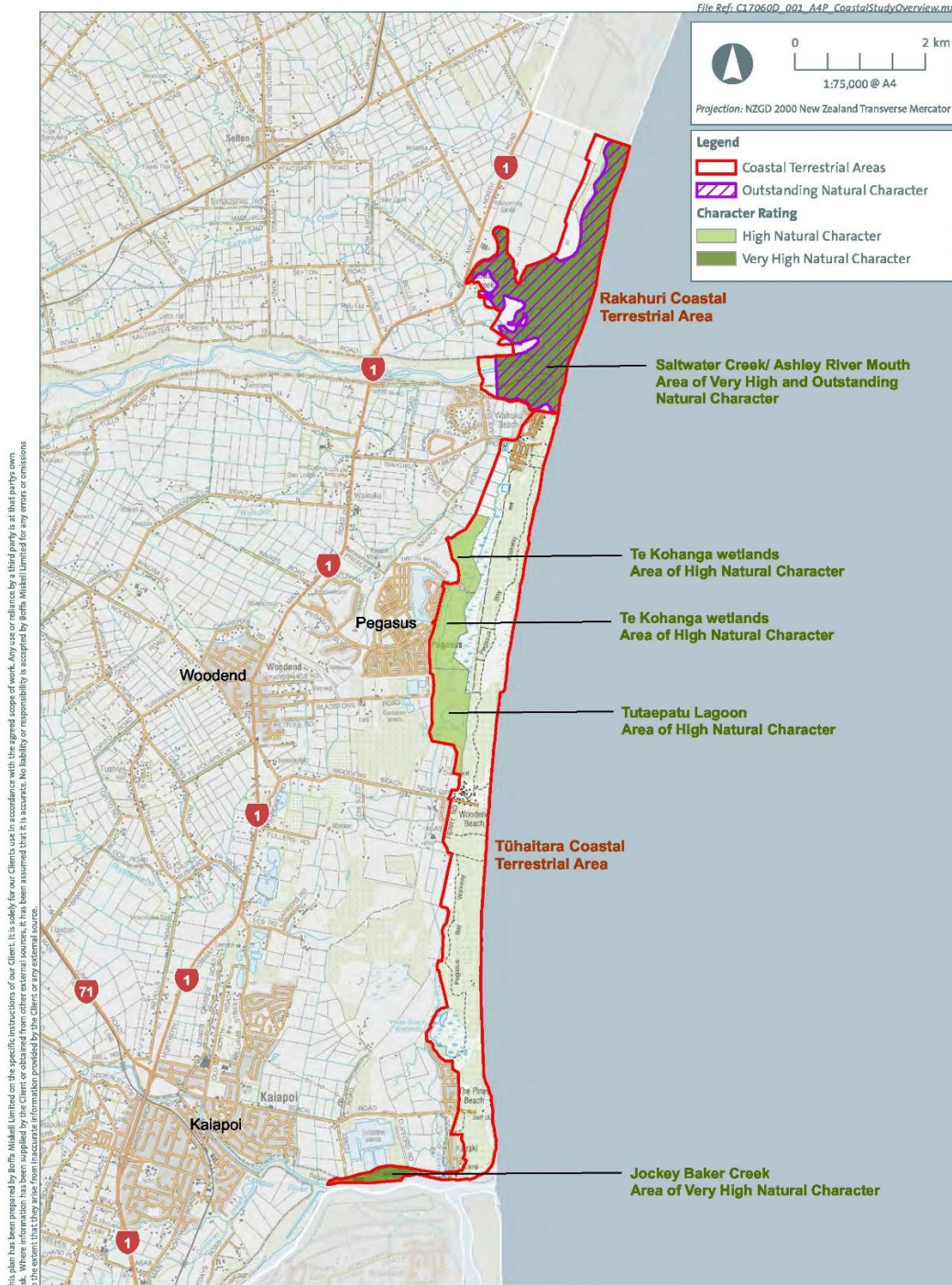
Outstanding Natural Character

### Coastal Marine Area Boundary



## Appendix F. Map of Natural Character Waterbodies in the Waimakariri Coastal Environment

Map extracted from the *Waimakariri Coastal Natural Character Study: Natural Character Study of the Waimakariri Coastal Environment*. 2018. Report prepared by Boffa Miskell Limited for Waimakariri District Council. Pg 3.



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Data Sources:  
Topo maps sourced from LINZ topo 50 map series.  
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Figure 01