

This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.

ACTIVITIES ON THE SURFACE OF WATER

Introduction

This chapter relates to activities that occur on the surface of rivers ~~water~~ within the District as the District does not contain lakes¹. The activities managed by this chapter include the use of motorised and non-motorised craft on rivers for various purposes, and the construction of structures on the surface of rivers ~~water~~.

Activities occurring on the surface of ~~water~~ rivers² can have potential adverse effects on the ecological values, natural character values, recreational values and cultural values associated with the District's rivers. The provisions of this chapter seek to manage these adverse effects, while also providing for the sustainable use of motorised craft.

It is noted that speed and navigational safety associated with the use of watercraft is managed by the CRC Environment Canterbury Navigational Safety Bylaw. Water quality and aquatic biodiversity are managed through the Canterbury Land and Water Regional Plan. The noise effects associated with the use of motorised craft are managed under the Noise ~~(NOISE)~~ Chapter.

Please note, several of the rules below refer to flow levels of rivers. To find information on river flow levels please refer to the following CRC Environment Canterbury websites:

Ōrāri River at Gorge:

<https://www.ecan.govt.nz/data/riverflow/sitedetails/69505>

Ōpihi River at State Highway 1 SH1:

<https://www.ecan.govt.nz/data/riverflow/sitedetails/69607>

Pareora/Pureora River at State Highway 1 SH1:

<https://www.ecan.govt.nz/data/riverflow/sitedetails/70103>

Objectives

ASW-O1 Protecting the values of the District's rivers

The ecological, recreational, natural character and cultural values of the District's rivers are protected from the adverse effects of inappropriate³ activities on the surface of ~~water~~ rivers⁴.

Policies

ASW-P1 Recreational use of non-motorised craft

Enable the non-commercial recreational use of non-motorised craft on rivers throughout the District at any time of the year.

ASW-P2 Use of motorised craft for specified activities

¹ Clause 16(2) RMA

² Clause 16(2) RMA

³ Jet Boating [48.1]

⁴ Clause 16(2) RMA

Enable the use of motorised craft on the surface of the District's rivers at any time of the year for the purpose of carrying out specified environmental management, temporary military training activities (TMTA), and or⁵ search and rescue duties.

ASW-P3 Recreational use of motorised craft within specified areas of identified rivers

~~Provide for the non-commercial recreational use of motorised craft in areas identified in SCHED17 – Schedule of River Protection Areas where any adverse effects associated with their use are:~~

- ~~1. avoided by stipulating the time of the year when the activities can occur and~~
- ~~2. for Jet Boat NZ activities on the Ōpihi River, mitigated by limiting the duration, frequency and nature of those activities.⁶~~

Manage the adverse effects of non-commercial⁷ recreational use of motorised craft in areas identified in SCHED17 - Schedule of River Protection Areas by:

1. providing for their use:
 - a. within stipulated times of the year: and
 - b. within stipulated minimum water flows: and
2. avoiding the use of motorised craft outside the stipulated times and minimum water flow levels within (1), where it would result in adverse effects on the ecological, recreational, natural character, or cultural values of the rivers.⁸

ASW-P4 Commercial activities and structures⁹

Only allow commercial activities and structures on the surface of the District's rivers where it can be demonstrated that the activity and/or structure will not result in any:

1. adverse effects on fish spawning in the areas identified in SCHED13 - Schedule of Fish Spawning Area; and
2. adverse effects on the habitat of breeding birds; and
3. adverse effects on any other flora and fauna within riparian margins; and
4. cumulative adverse effects with other structures and activities on the surface of the river; and
5. adverse effects on the spiritual and cultural values and beliefs of Kāti Huirapa ~~cultural and spiritual values~~¹⁰ associated with the river; and
6. significant adverse effects on other recreational uses.

ASW-P5 Motorised craft within fish spawning areas

Avoid the use of motorised craft within fish spawning areas identified in SCHED13 - Schedule of Fish Spawning Area, except as provided for by ASW-R2.

ASW-P6 Other non-commercial activities

~~Avoid the use of non-commercial motorised craft not otherwise~~ Except as provided in ASW-P2 to ASW-P5, avoid the use of non-commercial motorised craft where the use of motorised craft will result in: ~~unless the use of motorised craft will not result in~~¹¹:

- ~~1. occurs outside of~~ adverse effects on fish spawning and bird breeding season/s¹²; and
- ~~2. occurs outside of bird breeding season/s; and~~¹³

⁵ Consequential amendment to NZDF [151.14]

⁶ Jet Boating [48.2]

⁷ Consequential amendment to Jet Boating [48.2]

⁸ Jet Boating [48.2]

⁹ Consequential amendment associated with Te Rūnanga o Ngāi Tahu [185.78]

¹⁰ Te Rūnanga o Ngāi Tahu [185.77]

¹¹ Panel Decision Report Part 7, Section 2.6

¹² Jet Boating [48.4]

¹³ Jet Boating [48.4]

- ~~3.2~~ will not result in¹⁴ adverse effects on other flora and fauna within riparian margins as a consequence of activities on the surface of the water river¹⁵; and
- ~~4.3~~ will not result in¹⁶ cumulative adverse effects with other commercial activities on the surface of the river; and
- ~~5.4~~ will not result in adverse effects on the spiritual and cultural values and beliefs of Kāti Huirapa cultural and spiritual values¹⁷ associated with the river; and
- ~~6.5~~¹⁸ will not result in¹⁹ significant adverse effects on other recreational uses.

Rules

Note: ~~Activities not listed in the rules of this chapter are classified as a permitted under this chapter. The rules within this ASW chapter take precedence over apply instead of~~²⁰ the rules in Part 3 – Area-Specific Matters - Zone Chapters.²¹ For certain activities, consent may be required by rules in more than one chapter in the District Plan. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW — How the Plan Works - General Approach.

ASW-R1	The use of non-motorised craft on all the District's rivers for non-commercial recreational uses	
All rivers	Activity status: Permitted	Activity status when compliance not achieved: Not Applicable
ASW-R2	The use of motorised craft for specific environmental management, <u>temporary military training activities, and</u> or²² search and rescue purposes	
All rivers	Activity status: Permitted Where: PER-1 The use is for search and rescue purposes; or PER-2 The use is for scientific research; or PER-3 The use is for resource management monitoring undertaken by <u>CRC Canterbury Regional Council</u> or <u>Timaru District Council</u> or their contractors; or	Activity status when compliance not achieved: Discretionary

¹⁴ Jet Boating [48.4]

¹⁵ Clause 16(2) RMA

¹⁶ Jet Boating [48.4]

¹⁷ Te Rūnanga o Ngāi Tahu [185.77]

¹⁸ Schedule 1, Clause 16(2)

¹⁹ Jet Boating [48.4]

²⁰ Panel Decision Report, Part 1, Section 4.3.

²¹ Clause 16(2) RMA

²² Consequential amendment to NZDF [151.14]

	<p>PER-4 The use is for undertaking a statutory responsibility by <u>CRC Canterbury Regional Council</u> or <u>Timaru District Council</u> or their contractors; or</p> <p>PER-5 The use is for hydrological survey undertaken by the National Institute of Water and Atmospheric Research, <u>CRC Canterbury Regional Council</u> or <u>Timaru District Council</u> or their contractors; or</p> <p>PER-6 The use is for the control and management of sports fish (as defined in the Conservation Act 1987) and game (as defined in the First Schedule of the Wildlife Act 1953) by the Fish and Game Council or its successors; or</p> <p>PER-7 The use is for the control and management of indigenous fish and any other flora and fauna by Te Rūnanga o Arowhenua or the Department of Conservation (or its successors), for the purpose of exercising their respective duties and functions under the Conservation Act 1987, the Wildlife Act 1953 and the Fisheries Act 1983; <u>or</u></p> <p>PER-8 The use is for <u>TMTA training military training activities</u> where the duration of the activity does not exceed a total of 31 calendar days <u>per year</u>²³, excluding set-up and pack-out activities; <u>or</u>²⁴</p> <p>PER-9 The use is for <u>undertaking inspections of regionally significant infrastructure and resource consent monitoring by a network utility operator.</u>²⁵</p>	
ASW-R3	The recreational use of motorised craft on the Rangitata River	
1. River Protection Area above	<p>Activity status: Permitted</p> <p>Where:</p>	Activity status when compliance not achieved with PER-1: Discretionary

²³ Panel Decision Report, Part 7, Section 7.8.1

²⁴ NZDF [151.14]

²⁵ OWL [181.72]

Red Rocks (RPA-1)	PER-1 The use is not for a commercial activity; and	Activity status when compliance not achieved with PER-2: Non-complying
	PER-2 The use is undertaken between August and February (inclusive); and	Activity status when compliance not achieved with PER-3: Prohibited
	PER-3 The use is not within any of the fish spawning areas identified in SCHED44 ²⁶ - Schedule of Fish Spawning Area.	
2. River Protection Area below Red Rocks (RPA-2)	Activity status: Permitted Where: PER-1 The use is not for a commercial activity.	Activity status when compliance not achieved with PER-1: Discretionary
ASW-R4 The recreational use of motorised craft on the Ōrāri River		
River Protection Area Between the mouth of the Ōrāri Gorge and the Factory Road Bridge (RPA-3)	Activity status: Permitted Where: PER-1 The use is not for a commercial activity; and	Activity status when compliance not achieved with PER-1: Discretionary
	PER-2 The use is undertaken between March January ²⁷ and August (inclusive); and	Activity status when compliance not achieved with PER-2 or PER-3: Non-complying
	PER-3 The flow at the Ōrāri Gorge is 20 cumecs or greater.	
ASW-R5 The recreational use of motorised craft on the Ōpihi River		
River Protection Area between <u>State Highway 1</u> SH1 Bridge and confluence of the Ōpihi and	Activity status: Permitted Where: PER-1 The use is not for a commercial activity; and	Activity status when re compliance not achieved with PER-1 and PER-2 ³² : Discretionary
	PER-2 The use is not for a commercial activity; and	<u>Activity status when compliance not achieved with PER-2 or PER-3: Non-complying</u> ³³

²⁶ Dir. General Conservation [166.88]²⁷ Jet Boating [48.6]³² Gerard, R [40.3], Jet Boating 48.7] and Clearwater, R [243.3]³³ Gerard, R [40.3], Jet Boating 48.7] and Clearwater, R [243.3]

Opuha/ Ōpūaha Rivers (RPA-4)	<p>The use is undertaken between <u>March January²⁸ and August (inclusive)²⁹, and</u></p> <p><u>PER-3</u> The flow, when measured at the State Highway 1 Bridge, is 20 cumecs or greater.³⁰</p> <p>The use is a Jet Boat New Zealand (or its successor) organised event that complies with the following standards:</p> <ul style="list-style-type: none"> • there are no more than two events per calendar year; and • the event occurs between September and February (inclusive); and • the event occurs between the hours of 10am and 3pm; and • the flow when measured at the State Highway 1 Bridge is 20 cumecs or greater.³¹ 	
ASW-R6 The recreational use of motorised craft on the Pureora / Pareora River		
River Protection Area between Evans Crossing and State Highway 1 Bridge (RPA-5)	<p>Activity status: PER</p> <p>Where:</p> <p>PER-1 The use is not for a commercial activity; and</p> <p>PER-2 The use is undertaken between <u>March January³⁴ and August (inclusive); and</u></p> <p>PER-3 The flow when measured at the State Highway 1 Bridge is 20 cumecs or greater.</p>	<p>Activity status when compliance not achieved with PER-1: Discretionary</p> <p>Activity status when compliance not achieved with PER-2 and PER-3: Non-complying</p>
<u>ASW-R6A7</u> <u>The recreational use of motorised craft on the Te Ngawai River</u>		
<u>River Protection Area between the Timaru District boundary and confluence of</u>	<p><u>Activity status: Permitted</u></p> <p><u>Where:</u></p> <p><u>PER-1</u> <u>The use is not for a commercial activity; and</u></p>	<p><u>Activity status when compliance not achieved with PER-1: Discretionary</u></p> <p><u>Activity status when compliance not achieved with PER-2 or PER-3: Non-complying³⁵</u></p>

²⁸ Jet Boating [48.6]

²⁹ Gerard, R [40.3], Jet Boating [48.7] and Clearwater, R [243.3]

³⁰ Gerard, R [40.3], Jet Boating [48.7] and Clearwater, R [243.3]

³¹ Gerard, R [40.3], Jet Boating 48.7] and Clearwater, R [243.3]

³⁴ Jet Boating [48.6]

³⁵ Jet Boating [48.7]

<u>the Te Ngawai and Ōpihi Rivers (RPA-6)</u>	<u>PER-2</u> <u>The use is undertaken between June and July (inclusive); and</u> <u>PER-3</u> <u>The flow, when measured at the Cave, is 10 cumecs or greater.</u>	
<u>ASW-R6B8</u>	<u>The recreational use of motorised craft on the Te Moana River</u>	
<u>River Protection Area between the Sheep Dip Road Bridge and the confluence of the Te Moana and Waihi Rivers (RPA-7)</u>	<u>Activity status: Permitted</u> <u>Where:</u> <u>PER-1</u> <u>The use is not for a commercial activity; and</u> <u>PER-2</u> <u>The use is undertaken between June and July (inclusive); and</u> <u>PER-3</u> <u>The flow, when measured at Glentohi, is 10 cumecs or greater.</u>	<u>Activity status when compliance not achieved with PER-1: Discretionary</u> <u>Activity status when compliance not achieved with PER-2 or PER-3: Non-complying³⁶</u>
<u>ASW-R6C9</u>	<u>The recreational use of motorised craft on the Waihi River</u>	
<u>River Protection Area between the Timaru District boundary and the Te Awa Road Bridge (RPA-8)</u>	<u>Activity status: Permitted</u> <u>Where:</u> <u>PER-1</u> <u>The use is not for a commercial activity; and</u> <u>PER-2</u> <u>The use is undertaken between June and July (inclusive); and</u> <u>PER-3</u> <u>The flow, when measured at the DOC Reserve, is 10 cumecs or greater.</u>	<u>Activity status when compliance not achieved with PER-1: Discretionary</u> <u>Activity status when compliance not achieved with PER-2 or PER-3: Non-complying³⁷</u>
<u>ASW-R710</u>	<u>Other commercial activities on the surface of the District's rivers</u>	
<u>All rivers</u>	<u>Activity status: Discretionary</u>	<u>Activity status when compliance not achieved: Not Applicable</u>
<u>ASW-R811</u>	<u>Structures on the surface of the District's rivers</u>	

³⁶ Jet Boating [48.7]³⁷ Jet Boating [48.7]

All rivers	Activity status: Discretionary	Activity status when compliance not achieved: Not Applicable
ASW-R912	All other activities on the surface of the District's rivers	
All rivers	Activity status: Non-complying Where: NC-1 <u>The Any activity is not listed in any other rules above in this chapter.</u>	Activity status when compliance not achieved: Not Applicable
ASW-R4013	Use of motorised craft within the fish spawning areas <u>except as provided by ASW-R2</u> ³⁸	
Fish Spawning Area Overlay	Activity status: Prohibited	Activity status when compliance not achieved: Not Applicable

³⁸ Clause 16(2) RMA