

Appendix 1: Recommended Amendments to the Plan

Definitions - Ngā Tautuhinga

Riparian Margin	<p>means all <u>land</u> within:</p> <ul style="list-style-type: none">a. 10m of any wetland <u>that is located in the coastal marine area</u>¹b. 20m of any lake; andc. 10m of any stream or² river with an average bed width greater than 3m. <p><u>As measured from the point of annual fullest flow for a river or annual fullest water level for a lake or Mean High Water Springs for a coastal wetland</u>³.</p> <p><u>Advice Note: Activities within 10m of a natural inland wetland are regulated under the NESF and administered by the West Coast Regional Council.</u></p>
Watercraft⁴	<p><u>means a boat or other vessel that travels on water. This excludes fixed structures on water and use for residential activities.</u></p> <p><u>In relation to the Activities on the Surface of Water Provisions, motorised watercraft means a watercraft that is operated or propelled by a motor.</u></p>

Natural Character and the Margins of Waterbodies

Overview

Waterbodies and their margins are an important part of the West Coast/Te Tai o Poutini Waterbodies are connected (*Ki uta ki ta* from the mountains to the sea) and have important values, including for biodiversity, cultural, recreational⁵ or historical reasons.

Under section 31 of the RMA district councils are responsible for the management of activities on land, including the margins of waterbodies. Natural Character and the margins of waterbodies require protection as a matter of national importance under Section 6(a) of the RMA.⁶ Te Tai o Poutini Plan also manages activities on the surface of waterbodies.⁷

The West Coast Regional Council has responsibility for the management of wetlands, lakes and rivers, including land uses in the beds of rivers. This section of Te Tai o Poutini Plan focuses on the natural character of the margins of wetlands, lakes, and rivers thereby avoiding duplication with Regional Council functions.

The three district councils work with the West Coast Regional Council and Poutini Ngāi Tahu to ensure waterbodies are managed in an integrated way.

Poutini Ngāi Tahu have a special relationship with the mauri of waterbodies, and ancestral, cultural, spiritual or historical associations with waterbodies. Many waterbodies in the West Coast/Te Tai o

¹ Forest and Bird (S560.039, S560.252, S560.509 and S560.076)

² Department of Conservation (S602.015)

³ Buller Conservation Group (S552.028) and Frida Inta (S553.028)

⁴ Department of Conservation (S602.130, S602.022) and Ngāi Tahu (S620.191, S620.192)

⁵ Herenga ā Nuku Aotearoa Outdoor Access Commission (S274.004)

⁶ Buller Conservation Group (S552.094)

⁷ Department of Conservation (S602.100)

Poutini are identified as statutory acknowledgement areas and there are also nohoanga entitlements in place in some locations. These waterbodies contain associated kāinga, pā, important sites for the gathering of kai, tauranga ika and specialised zones for various activities of high cultural value such as cleansing, iriiringa, food preparation and bathing, which continue to be vital to the wellbeing, livelihood and lifestyle of Poutini Ngāi Tahu.

Rivers, streams, lakes and wetlands have important ecological, natural character, recreational⁸ and hydrological values. They provide important habitat for native plants, fish, birds, lizards, frogs, insects and aquatic and terrestrial macroinvertebrate aquatic life and opportunities for access to and along waterways.⁹

Some waterbodies (both natural and artificial) also form an important resource for the generation of hydroelectricity which contributes to the wellbeing of people and communities.¹⁰

The National Policy Statement for Freshwater Management 2020 (NPSFM) guides decision-making regarding the freshwater resources of New Zealand/Aotearoa. In particular the councils must have regard to its objectives and policies in consent decision-making.

The National Environmental Standard for Freshwater Management 2020 (NESFM) has specific rules which relate to freshwater, in particular ~~as relate~~ in relation to activities in the margins of freshwater wetlands. These rules relate to the regional functions of the West Coast Regional Council and are administered by that organisation. The provisions in Tai o Poutini Plan have been developed considering the NESF and what additional provisions are required to fulfil the statutory functions of the district councils in relation to natural character of waterbodies. The Tai o Poutini Plan provisions in relation to riparian margins of wetlands only relate to wetlands in the coastal marine area to avoid duplication with the NESF.¹¹

Plantation Forestry

Plantation forestry is principally regulated by the Resource Management (National Environmental Standard for Commercial Forestry) Regulations 2017 (NES-CF). However the NES-CF allows that district plans can be more stringent where this gives effect to an objective in the National Policy Statement for Freshwater Management. Where provisions within this chapter over-rule the requirements of the NES - CF an advice note to that effect is included within the Rule.

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the zone chapters, a number of District Wide and Overlay chapters also contain provisions that may be relevant for waterbodies, including:

- **Public Access** – The Public Access Chapter contains provisions relating to the provision and maintenance of public access to waterbodies.
- **Subdivision**–The Subdivision Chapter contains provisions which manage subdivision and specific standards in relation to the provision of esplanade reserves and strips, in particular SUB – S9.
- **Activities on the Surface of Water** – The Activities on the Surface of Water Chapter contains provisions that manage activities that occur on the surface of water.
- **Coastal Environment**– The Coastal Environment Chapter contains provisions that manage the natural character of the coastal environment
- **Earthworks**- The Earthworks Chapter includes provisions around earthworks management. These relate to requirements for earthworks within zones and include general standards for earthworks. These rules apply in addition to rules on earthworks within the Natural Character of Waterbodies Chapter.¹²

⁸ Herenga ā Nuku Aotearoa Outdoor Access Commission (S274.004)

⁹ Herenga ā Nuku Aotearoa Outdoor Access Commission (S274.004)

¹⁰ Manawa Energy (S438.103)

¹¹ Forest and Bird (S560.224)

¹² Forest and Bird (S560.511)

- **Ecosystems and Indigenous Biodiversity** -The Ecosystems and Indigenous Biodiversity Chapter contains provisions around vegetation clearance, including in the margins of waterbodies.¹³
- **Energy, Infrastructure and Transport** -The Energy, Infrastructure and Transport Chapter contains policies that are also relevant and should be assessed in relation to energy, infrastructure or transport Activities that trigger resource consent under the Natural Character of Waterbodies Rules.¹⁴

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Also view the Strategic Objectives and Policies¹⁵.

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Natural Character and the Margins of Waterbodies Objectives

NC – O1

To preserve the natural character of lakes, rivers and wetlands and their margins while ~~providing for~~ allowing appropriate subdivision, use and development where adverse effects can be ~~avoided or mitigated~~ appropriately managed in accordance with the effects management hierarchy.¹⁶

NC – O3

To provide for activities which have a functional or operational¹⁷ need to locate in the margins of lakes, rivers and wetlands ~~in such a way that the impacts~~ while ensuring adverse effects¹⁸ on natural character are minimised.

Natural Character and the Margins of Waterbodies Policies

NC – P1

Minimise the adverse effects of activities on the natural character of the riparian margins of lakes, rivers and wetlands by ensuring that subdivision, development¹⁹ and land use is of a form and scale that²⁰ maintains the elements, patterns and processes that contribute to their natural character, and maintains or enhances public access²¹.

NC – P2

~~Provide for~~ Allow indigenous vegetation removal and earthworks within riparian margins of lakes, rivers and wetlands where

1. This is located outside of a significant natural area, and²²
2. Significant adverse effects on natural character are ~~minimised~~ avoided, remedied or mitigated²³ as far as practicable; and:
 - a. It is for the purpose of natural hazard mitigation; or

¹³ Forest and Bird (S560.511)

¹⁴ Transpower New Zealand Limited (S299.085)

¹⁵ Westpower Limited (S547.312)

¹⁶ Department of Conservation (S602.101)

¹⁷ WMS Group (S599.069), TiGa Minerals and Metals Limited (S493.064), Birchfield Coal Mines (S601.050), BRM Developments Limited (S603.034), Birchfields Ross Mining Limited (S604.044), Phoenix Minerals Limited (S606.035), Whyte Gold Limited (S607.033), KiwiRail Holdings Limited (S442.060), Bathurst Resources (S491.024), Waka Kotahi (S450.102), Manawa Energy (S438.105) and Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663.050)

¹⁸ Department of Conservation (S602.103), Waka Kotahi (S450.102)

¹⁹ Forest and Bird (S560.248)

²⁰ Department of Conservation (S602.104)

²¹ Herenga ā Nuku Aotearoa Outdoor Access Commission (S274.009)

²² Inger Perkins (S462.017)

²³ Westpower Limited (S547.316), Grey District Council (S608.609), Manawa Energy (S438.107)

- b. It is for the maintenance, repair, upgrade and extension of network utilities, energy activities²⁴ and infrastructure including the national grid; or
- c. It is for the establishment, operation, maintenance or upgrading of renewable energy generation structures or infrastructure where this has a functional or operational need to be located in a riparian margin; or
- d. It is for Poutini Ngāi Tahu ~~cultural purposes~~ Activities or Māori Purpose Activities in accordance with an Iwi/Papatipu Rūnanga Management Plan²⁵; or
- e. It is for the repair and maintenance of legally established structures; or
- f. The activity has a functional or operational need to be located adjoining a waterbody

NC – P3

Provide for buildings and structures within riparian margins of lakes, rivers and wetlands where these:

- a. Have a functional need or operational need²⁶ for their location; and
- b. They are of a form and scale that will not adversely ~~effect~~ affect ²⁷the natural character of the riparian area.

NC – P4

Encourage the restoration and enhancement of the natural character of the riparian margins of lakes, rivers and wetlands including pest plant and pest animal control²⁸.

Advice Notes:

1. The Objective and Policy in the Public Access Chapter should also be considered when assessing resource consents in relation to activities in the margins of waterbodies²⁹.
2. This policy should be considered through the resource consenting process alongside Policy FC – P6 and also Rule FC – R12 which provide for financial contributions for offsetting and compensation³⁰.

Public Access - Te Āheinga Tūmatanui

Public Access Policies

NC – P5 PA – P1³¹

Reduction in public access to waterbodies can be considered when natural hazard mitigation works are required to protect communities from a significant natural hazard threat. When assessing proposals for natural hazard structures, effects on public access should be considered and ways to minimise them found, including:

- a. Provision of alternate certain and enduring access; and

²⁴ Westpower Limited (S547.317)

²⁵ Ngāi Tahu (S620.174)

²⁶ WMS Group (S599.071), TiGa Minerals and Metals Limited (S493.066), Birchfield Coal Mines Ltd (S601.052), BRM Developments Limited (S603.036), Birchfield Ross Mining Limited (S604.46), Phoenix Minerals Limited (S606.037), Whyte Gold Limited (S607.035), Bathurst Resources (S491.026), Westpower Limited (S547.319), Manawa Energy (S438.108) and Grey District Council (S608.611).

²⁷ Grey District Council (S608.610)

²⁸ New Zealand Agricultural Aviation Association (S166.017)

²⁹ Buller Conservation Group (S552.098) and Frida Inta (S553.098)

³⁰ Forest and Bird (S560.259)

³¹ Buller Conservation Group (S552.098) and Frida Inta (S553.098)

- b. Provision of public amenity or opportunity for environmental benefit along the structure, provided that the physical integrity of the structure is maintained.

Natural Character and the Margins of Waterbodies Rules

Permitted Activities

NC -R1 ~~Indigenous Vegetation Clearance and~~³² Earthworks within the Riparian Margin of a River, Lake or Wetland

Activity Status Permitted

Where this is outside of any Significant Natural Area identified in Schedule Four and for:

- a. Fence lines; or
- b. Maintenance, operation, minor upgrade and repair of network utilities, ~~critical infrastructure or renewable energy generation~~³³ activities; or
- c. New network utilities and regionally significant³⁴ infrastructure where these are underground and located within a formed legal road or attached to an existing bridge,³⁵ or
- d. Connections to wastewater, stormwater and reticulated network utility systems and underground energy and infrastructure connections³⁶; or
- e. Installation of an environmental monitoring and extreme weather event monitoring facility; or
- f. Maintenance and repair of lawfully established structures; or
- g. The construction of parks facilities, parks furniture or public access points within an Open Space and Recreation Zone; or
- h. The establishment of a river crossing point up to 3m wide; or
- i. Poutini Ngāi Tahu Activities; or
- j. Activities on Māori Purpose Zoned land or a site of significance to Māori in Schedule Three³⁷ and is being undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; or
- k. Maintenance and repair of natural hazard mitigation structures;³⁸ or
- l. ~~Activities~~ New natural hazard mitigation structures and upgrading of existing natural hazard mitigation structures undertaken by a statutory agency or their nominated contractor; or
- m. Clearance of pest plants and pest animals for biosecurity purposes³⁹; or
- n. Arable, horticultural or pastoral farming use where this is lawfully established activity that is no greater in intensity, scale, or character over time than at 14 July 2022.⁴⁰

³² Forest and Bird (S560.508)

³³ Westpower Limited (S547.323)

³⁴ Manawa Energy (S438.110)

³⁵ Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663.051)

³⁶ Westpower Limited (S547.323)

³⁷ Ngāi Tahu (S620.176)

³⁸ William McLaughlin (S567.211), Chris & Jan Coll (S558.133), Chris J Coll Surveying Limited (S566.133), Buller District Council (S538.223) and Laura Coll McLaughlin (S574.133)

³⁹ New Zealand Agricultural Aviation Association (S166.018)

⁴⁰ Horticulture New Zealand (S486.037) and Federated Farmers (S524.079)

2. ~~The amount of indigenous vegetation clearance is not greater than 20m² per 200m length of Riparian Margin⁴¹;~~
3. The amount of earthworks is not greater than 25m³ per 200m length of Riparian Margin; and
4. All earthworks stockpiles are located outside of the Riparian Margin of the waterbody; and
5. Unless carried out by a statutory agency or their nominated contractor responsible for natural hazard mitigation, ~~the clearance and~~⁴² earthworks are not located within areas used and identified for natural hazard mitigation structures that are owned or managed by a statutory agency⁴³.

Advice Note:

1. Rules in other Overlay Chapters particularly Historic Heritage, Sites and Areas of Significance to Māori, Natural Hazards and Natural Features and Landscapes may also apply in these locations.
2. Also refer to rules in the Energy, Infrastructure and Transport Chapters for activities in relation to those matters.
3. Activities within the margins of waterbodies and wetlands are also the subject of regulation under the NES Freshwater, NPS Freshwater and the West Coast Regional Land and Water Plan.
4. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - PF.

NC – R2 Buildings and Structures within the Riparian Margin of a River, Lake or Wetland

Activity Status Permitted

1. Where the buildings and structures have a functional or operational need to locate in the riparian margin and⁴⁴ are:
 - a. Network utilities, including energy activities and infrastructure⁴⁵;
 - b. Temporary whitebait stands and temporary mai mai for game bird hunting provided these are removed within 2 weeks of the end of the game bird season;
 - c. Environmental monitoring facilities;
 - d. Parks facilities and parks furniture within an Open Space and Recreation Zone;
 - e. Natural hazard mitigation structures constructed by a statutory agency or their nominated contractor; or
 - f. Renewable energy generation facilities ~~where these have a functional or operational need to locate within the riparian margin;~~ or
 - g. Stormwater discharge structures and water supply intake structures constructed in accordance with NZS 4404 Code of Practice for Land Development and Subdivision Infrastructure; or
 - h. Temporary bridges constructed as part of a temporary military training activity; or⁴⁶
 - i. Pump sheds⁴⁷

⁴¹ Forest and Bird (S560.508)

⁴² Forest and Bird (S560.508)

⁴³ William McLaughlin (S567.211), Chris & Jan Coll (S558.133), Chris J Coll Surveying Limited (S566.133) and Laura Coll McLaughlin (S574.133)

⁴⁴ Buller Conservation Group (S552.100), Frida Inta (S553.100), Westpower Limited (S547.329) and Manawa Energy (S438.111)

⁴⁵ Westpower Limited (S547.328), KiwiRail Holdings Limited (S442.063)

⁴⁶ New Zealand Defence Force (S519.03)

⁴⁷ Horticulture New Zealand (S486.038) and Federated Farmers of New Zealand (S524.080)

Advice Note: Rules in other Overlay Chapters particularly Historic Heritage, Sites and Areas of Significance to Māori, Natural Hazards and Natural Features and Landscapes may also apply in these locations.

~~NC – R3 – New Natural Hazard Mitigation Structures~~

~~Activity Status Permitted~~

Where

- ~~1. These are constructed by a Statutory Agency or their authorised contractor.⁴⁸~~

NC – R34⁴⁹ Indigenous Vegetation Clearance and⁵⁰ Earthworks within the Riparian Margin of a River, Lake or Wetland not meeting Permitted Activity Standards

Activity Status Discretionary

Advice Note:

1. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - PF
2. The NES – Freshwater has extensive regulation around works that can be undertaken in or near any natural wetland. These rules are administered by the West Coast Regional Council and are not repeated in this Plan.

NC – R45 Buildings and Structures within Riparian Margin of a River, Lake or Wetland not meeting Permitted Activity Rules

Activity Status Discretionary

NC – R53⁵¹ Natural Hazard Mitigation Structures within the Riparian Margin of a River, Lake or Wetland not meeting Permitted Activity Standards

Activity Status Restricted⁵² Discretionary

Matters of Discretion

1. Design and location of the structure
2. Visual impact of the structure
3. Methods to avoid, remedy or mitigate adverse effects on natural character or public access.

⁴⁸ Department of Conservation (S602.109) and Forest and Bird (S560.255)

⁴⁹ Grey District Council (S608.617)

⁵⁰ Forest and Bird (S560.508)

⁵¹ Grey District Council (S608.618)

⁵² William McLaughlin (S567.220, S567.212, S567.215, S567.217), Chris & Jan Coll (S558.134, S558.137 and S558.139), Laura Coll McLaughlin (S574.134, S574.137 and S574.139), Chris J Coll Surveying Limited (S566.134, S566.137 and S566.139) and Grey District Council (S608.067)

Ecosystems and Biodiversity

Permitted Activities

Rule ECO – Rxxx Indigenous Vegetation Clearance within the Riparian Margin of a River, Lake or Wetland⁵³

Activity Status Permitted

1. Where this is outside of any Significant Natural Area identified in Schedule Four, and for:
 - a. Fence lines; or
 - b. Maintenance, operation, minor upgrade and repair of network utilities critical infrastructure or renewable energy generation⁵⁴; or
 - c. New network utilities and critical infrastructure where these are underground and located within a legal road or attached to an existing bridge; or
 - d. Connections to wastewater, stormwater and reticulated network utility systems and underground energy and infrastructure connections⁵⁵; or
 - e. Installation of an environmental monitoring and extreme weather event monitoring facility; or
 - f. Maintenance and repair of lawfully established structures; or
 - g. The construction of parks facilities, parks furniture or public access points within an Open Space and Recreation Zone; or
 - h. The establishment of a river crossing point up to 3m wide; or
 - i. Poutini Ngāi Tahu Activities; or
 - j. Activities on Māori Purpose Zoned land or a site of significance to Māori in schedule three⁵⁶ and is being and undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; or
 - k. Maintenance and repair of natural hazard mitigation structures;⁵⁷ or
 - l. Activities New natural hazard mitigation structures undertaken by a statutory agency or their nominated contractor; or
 - m. Clearance of pest plants and pest animals for biosecurity purposes⁵⁸; or
 - n. Arable, horticultural or pastoral farming use where this activity is no greater in intensity, scale, or character over time than at 14 July 2022.⁵⁹; and
2. The amount of indigenous vegetation clearance is not greater than 20m² per 200m length of Riparian Margin;

⁵³ Forest and Bird (S560.508)

⁵⁴ Westpower Limited (S547.323)

⁵⁵ Westpower Limited (S547.323)

⁵⁶ Ngāi Tahu (S620.176)

⁵⁷ William McLaughlin (S567.211), Chris & Jan Coll (S558.133), Chris J Coll Surveying Limited (S566.133), Buller District Council (S538.223) and Laura Coll McLaughlin (S574.133)

⁵⁸ New Zealand Agricultural Aviation Association (S166.018)

⁵⁹ Horticulture New Zealand (S486.037) and Federated Farmers (S524.079)

3. Unless carried out by a statutory agency or their nominated contractor responsible for natural hazard mitigation, the clearance is not located within areas used and identified for natural hazard mitigation structures that are owned or managed by a statutory agency⁶⁰..

Advice Note:

1. Rules in other Overlay Chapters particularly Historic Heritage, Sites and Areas of Significance to Māori, Natural Hazards and Natural Features and Landscapes may also apply in these locations.
2. Activities within the margins of waterbodies and wetlands are also the subject of regulation under the NES Freshwater, NPS Freshwater and the West Coast Regional Land and Water Plan.
3. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - PF.

Rule ECO – Rxxx Indigenous Vegetation Clearance within the Riparian Margin of a River, Lake or Wetland not meeting Permitted Activity Standards⁶¹

Activity Status Discretionary

Advice Note:

1. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES- PF
2. The NES – Freshwater has extensive regulation around works that can be undertaken in or near any natural wetland. These rules are administered by the West Coast Regional Council and are not repeated in this Plan.
3. Where assessing resource consents for indigenous vegetation clearance under this rule, assessment against the policies of both the Ecosystems and Biodiversity Chapter and the Natural Character and the Margins of Waterbodies Chapter will be required. Where relevant the policies in the Energy, Infrastructure and Transport Chapters should also be assessed.

Activities on the surface of water - Ngā mahi ki te kārewa o te wai

Overview

On the West Coast/Te Tai o Poutini a range of activities occur on the surface of rivers, streams, lagoons and lakes. These include activities that have a functional need to locate on watersurfaces such as jetties and piers, recreation activities like fishing and boating and cultural activities undertaken by Poutini Ngāi Tahu. Some waterbodies (both natural and artificial) also form an important resource for the generation of hydroelectricity which contributes to the wellbeing of people and communities⁶².

The provisions in this chapter manage the effects of activities on the surface of water. Many of the activities that occur on the surface of water have few effects (e.g. occasional recreational boating or sailing). Other, more permanent activities such as structures have potential to generate adverse effects which could compromise important water values (such as the natural character, ecological, cultural, amenity and recreational values of waterbodies).

Other relevant Te Tai o Poutini Plan provisions

- **Natural Character and the Margins of Waterbodies** - Many activities on the surface of water may also involve activities in the riparian margin of the adjacent riverbank or lakeside. Provisions for managing activities next to waterbodies are found in the Natural Character and the Margins of Waterbodies Chapter.

⁶⁰ William McLaughlin (S567.211), Chris & Jan Coll (S558.133), Chris J Coll Surveying Limited (S566.133) and Laura Coll McLaughlin (S574.133)

⁶¹ Forest and Bird (S560.508)

⁶² Westpower Limited (S547.395, S547.394)

- **Sites and Areas of Significance to Māori** - Many rivers and lakes have a high degree of significance to Poutini Ngai Tahu and are identified in Schedule Three Sites and Areas of Significance of Māori. Where rivers or lakes are included within Schedule Three the Sites of Significance to Māori provisions also apply.
- **Energy, Infrastructure and Transport** - The Energy, Infrastructure and Transport Chapter contains policies that are also relevant and should be assessed in relation to Energy, Infrastructure or Transport Activities that trigger resource consent under the Activities on the Surface of Water Rules.⁶³

Other relevant regulations

The responsibility for managing the effect of activities on the bed of waterbodies lies with the West Coast Regional Council and are managed through the West Coast Regional Land and Water Plan.

Activities on the Surface of Water Objective

ASW – O1 The ecological, recreational, natural character, landscape, natural feature⁶⁴, amenity and Poutini Ngai Tahu values of the Districts' rivers, lakes and lagoons are protected from the adverse effects of activities and structures on the surface of water.

Activities on the Surface of Water Rules

ASW – R2 Use of Motorised Watercraft for Non-commercial Use on the Surface of Rivers, Lagoons and Lakes

Activity Status Permitted

Where:

1. This does not occur on the surface of Lake Māhinapua or Māhinapua Creek/Tuwharewhare, Waitangiroto River, Makaawhio River, Arahura River, Kaimata/New River, Makatata Stream or Saltwater Lagoon (at Paroa) except:
 - a. As provided for in an Iwi/Papatipu Rūnanga Management Plan for these awa, roto and hāpua; or
 - b. Where the activity is for:
 - i. Mātauranga Māori monitoring;
 - ii. Scientific investigations or monitoring;
 - iii. Law enforcement;
 - iv. Search and rescue work;
 - v. Conservation work undertaken by the Department of Conservation in respect of their duties under the Conservation Act 1987, Wildlife Act 1953 or Fisheries Act 1983;
 - vi. 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 Fish and Game New Zealand; or
 - vii. Biosecurity work carried out by West Coast Regional Council or Fish and Game New Zealand.
 - viii. Access to landlocked parcels where primary and physical access is only achieved through crossing the waterway
 - ix. Use of Lake Māhinapua for the yachting regattas and club sailing associated with the Lake Māhinapua Aquatic Club during the sailing season of October to April where the craft are propelled by a motor but not exceeding a speed of 5 knots⁶⁵

⁶³ Westpower Limited (S547.396)

⁶⁴ Department of Conservation (S602.129)

⁶⁵ Lake Māhinapua Aquatic Club Inc (S332.002)

ASW – R3 Installation of Structures on the Surface of Artificial Lakes and Ponds and Artificial Watercourses⁶⁶
Activity Status Permitted

ASW – R4 Installation of Structures on the Surface of Natural Waterbodies
Activity Status Permitted

Where:

1. These are temporary⁶⁷ whitebait stands installed in accordance with West Coast Whitebait Fishing Regulations; or
2. These are temporary mai mai installed for the purposes of lawful gamebird hunting provided these are removed within 2 weeks of the end of the game bird season;
3. These are temporary swimming platforms installed for a single swimming season; or
4. These are structures installed by Poutini Ngāi Tahu that are identified in an Iwi/Papatipu Rūnanga Management Plan for Arahura River, Makaawhio River, Waitangiroto River, Māhinapua Creek/Tuwharewhare, Makatata Stream or Lake Māhinapua ~~and have written approval of the relevant Poutini Ngāi Tahu rūnanga – Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio; or~~
5. This is the laying of temporary marker buoys by the Lake Māhinapua Aquatic Club Inc. on Lake Māhinapua during sailing season October to April⁶⁸; or
6. This is the operation, maintenance and repair of existing structures where this is of the same or similar scale and intensity as of 14 July 2022⁶⁹.

Advice Note:

1. Whitebait stands are primarily regulated by the West Coast Regional Council through the West Coast Regional Land and Water Plan.
2. Where structures are proposed on the surface of waterbodies check the Natural Character and the Margins of Waterbodies provisions to determine whether consent is required for the landward portion of the structure located in any riparian margin.
3. Where structures are proposed on the surface of waterbodies within Sites and Areas of Significance to Māori these also subject to Rule SASM – R6 in the Sites and Areas of Significance to Māori Chapter
4. Written approval is from the relevant Poutini Ngāi Tahu rūnanga - Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio and from Te Rūnanga o Ngāi Tahu in relation to Lake Māhinapua⁷⁰

ASW – R5 Permanent Swimming Platforms on the Surface of Natural Waterbodies
Activity Status Controlled

1. Where this does not occur in the Arahura River, Makaawhio River, Makatata Stream or Lake Mahinapua.

Matters of control are:

- a. Size, design and location of structure;
- b. Water safety measures;
- c. Compliance with any Iwi/Papatipu Rūnanga Management Plan or where this does not exist, advice from the relevant Poutini Ngāi Tahu Rūnanga – Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio; and
- d. Management of effects on natural character of the waterbody and its margins and

⁶⁶ Westpower Limited (S547.403)

⁶⁷ Ngāi Tahu (S620.197)

⁶⁸ Lake Māhinapua Aquatic Club Inc (S332.002)

⁶⁹ Westpower Limited (S547.0504)

⁷⁰ Ngāi Tahu (S620.197)

- e. Management of effects on ecological, biodiversity and conservation values⁷¹;

**ASW – R6 Commercial Activities on the Surface of Rivers, Lagoons and Lakes
Activity Status Restricted Discretionary**

Where:

1. Any commercial activity on the Makaawhio River, Arahura River, Lake Mahinapua, Mahinapua Creek/Tuwharewhare, Makatata Stream, Saltwater Lagoon (at Paroa), Waitangiroto River or Kaimata/New River is in accordance with an Iwi/Papatipu Rūnanga Management Plan and has written approval of the relevant Poutini Ngāi Tahu rūnanga – Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio

Discretion is restricted to:

- a. Effects on public access and recreational use of the waterbody;
- b. Effects on landscape, natural features or natural character of the waterbody and its margins;
- c. Effects on the amenity values or any adjacent residential activities;
- d. Effects on significant natural or historic heritage values including effects on scheduled sites or areas;
- e. Effects on ecological, biodiversity and conservation values⁷²
- f. Effects of noise on the natural character, ecological and amenity values; and
- g. Effects on Poutini Ngāi Tahu cultural values including access to mahinga kai and scheduled sites and areas.

Advice Note:

1. Where activities are proposed on the surface of waterbodies within Sites and Areas of Significance to Māori these also subject to rules in the Sites and Areas of Significance to Māori Chapter
2. Written approval is from the relevant Poutini Ngāi Tahu rūnanga - Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio and from Te Rūnanga o Ngāi Tahu in relation to Lake Māhinapua.

**ASW – R7 Use of Motorised Watercraft for Non - Commercial Use, Commercial Activities, and Structures on the Surface of Water not meeting Permitted, Controlled or Restricted Discretionary Activity provided for in another⁷³ Rules.
Activity Status Discretionary**

Notification: Any activity not provided for in an Iwi/Papatipu Rūnanga Management Plan for Makaawhio River, Arahura River, Lake Mahinapua, Mahinapua Creek/Tuwharewhare, Waitangiroto River, Makatata Stream Saltwater Lagoon (at Paroa) or Kaimata/New River always be limited notified to the relevant Poutini Ngāi Tahu rūnanga and may be publicly notified. When making notification decisions in relation to this rule, the Council will be informed by advice from Poutini Ngāi Tahu and should the application be notified, it will be served on the relevant Poutini Ngāi Tahu Rūnanga⁷⁴

Amendments to Planning Maps

- Amend the zoning maps so that waterbodies are identified as General Rural Zone.

⁷¹ Department of Conservation (S602.132)

⁷² Department of Conservation (S602.133)

⁷³ Forest and Bird (S560.528)

⁷⁴ Ngāi Tahu (S620.200)