
Appendix 1: Recommended Amendments to the Plan

Note that additions to Plan text are shown as underlined with any text to be removed shown as ~~struck out~~. Those provisions specifically affected by Variation 1: Activities on the Surface of Water are:

- **Policy ASW-P4 – added**
- **Rule ASW-R4A – added**
- **Rule ASW-R6 - amended**

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

ASW

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 water surfaces such as jetties and piers, recreation activities like fishing and boating and cultural activities undertaken by Poutini Ngāi Tahu.

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.
- **Sites and Areas of Significance to Māori** - Many rivers and lakes have a high degree of significance to Poutini Ngāi 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 and Areas of Significance to Māori provisions also apply.

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, amenity and Poutini Ngāi Tahu values of the District's rivers, lakes and lagoons are protected from the adverse effects of activities and structures on the surface of water.

Also the Strategic Objectives and Policies

Activities on the Surface of Water Policies	
ASW - P1	Enable the non-commercial use of non-motorised water craft on rivers lakes and lagoons.
ASW - P2	Enable the non-commercial use of motorised water craft on rivers lakes and lagoons on the West Coast where this does not impact significantly on natural character, ecosystem and biodiversity values, Poutini Ngāi Tahu values, public access, amenity or disruption of natural quiet.
ASW - P3	Provide for commercial activities and structures on the surface of West Coast/Te Tai o Poutini rivers, lakes and lagoons provided that the activity does not create: <ol style="list-style-type: none"> a. Adverse effects on <ol style="list-style-type: none"> i. Significant natural heritage values including identified scheduled sites; ii. Cultural and spiritual values including sites and areas of significance to Māori; iii. Poutini Ngāi Tahu values and in particular as relate to culturally significant rivers and lakes; b. Significant adverse effects on <ol style="list-style-type: none"> i. Amenity values; ii. Ecological values; iii. Natural character; iv. Other recreational uses; and c. Cumulative adverse effects with any other structures or activities on the surface of waterbodies.
ASW - P4	<u>Enable the use of the Port of Greymouth and Westport Harbour Ports and their use of the Māwheranui/Grey and Kawatiri/Buller Rivers for port activities and commercial activities associated with the ports</u>

Activities on the Surface of Water Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

Permitted Activities

ASW - R1	Use of Non-motorised Watercraft for Non-commercial Use on the Surface of Rivers, Lagoons and Lakes
Activity Status Permitted Advice Note: Use of non-motorised watercraft for temporary events on the surface of waterbodies within Sites and Areas of Significance to Māori are also subject to Rule SASM - R5.	Activity status where compliance not achieved: N/A

ASW - R2	Use of Motorised Watercraft for Non-commercial Use on the Surface of Rivers, Lagoons and Lakes	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. This does not occur on the surface of Lake Mahinapua or Mahinapua Creek/Tuwharewhare, Waitangiroto River, Makaawhio River, Arahura River, Kaimata/New River, Makatata Stream or Saltwater Lagoon (at Paroa) except: <ol style="list-style-type: none"> a. As provided for in an Iwi/Papatipu Rūnanga Management Plan for these awa, roto and hāpua; or b. Where the activity is for: <ol style="list-style-type: none"> i. Scientific investigations or monitoring; ii. Law enforcement; iii. Search and rescue work; iv. 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; v. 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 vi. Biosecurity work carried out by West Coast Regional Council or Fish and Game New Zealand. <p>Advice Note:</p> <ol style="list-style-type: none"> 1. Refer to Maritime New Zealand for Navigational Safety Rules under the Water Recreation Regulations. These include rules for boat speed and avoiding collisions on the water. 2. Use of motorised watercraft for temporary events on the surface of waterbodies within Sites and Areas of Significance to Māori are also subject to Rule SASM - R5. 	<p>Activity status where compliance not achieved: Discretionary</p>	
ASW - R3	Installation of Structures on the Surface of Artificial Lakes and Ponds	
Activity Status Permitted	Activity status where compliance not achieved: N/A	
ASW - R4	Installation of Structures on the Surface of Natural Waterbodies	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. These are whitebait stands installed in accordance with West Coast Whitebait Fishing Regulations; or 2. These are temporary swimming platforms installed for a single swimming season; or 	<p>Activity status where compliance not achieved: Controlled where standard 2 is not complied with.</p>	

<p>3. 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, Mahinapua Creek/Tuwharewhare, Makatata Stream or Lake Mahinapua and have written approval of the relevant Poutini Ngāi Tahu rūnanga - Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio.</p> <p>Advice Note:</p> <ol style="list-style-type: none"> 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 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. 	<p>Discretionary where standards 1 and 3 are not complied with.</p>
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ASW - R4A	Use of watercraft for Commercial Activities and Port Activities on the Surface of Water
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<p>Activity Status: Permitted <u>Where: This is the use of the surface of water for commercial activities on water and other Port Activities</u></p> <ol style="list-style-type: none"> 1. <u>Associated with Port of Greymouth and harbour, and seaward of the State Highway 6 Bridge on the Māwheranui/Grey River, and including within the Erua Moana Lagoon; or</u> 2. <u>Associated with Westport Harbour Port and harbour, and seaward of the State Highway 67 Bridge on the Kawatiri/Buller River.</u> 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
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Controlled Activities	
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ASW - R5	Permanent Swimming Platforms on the Surface of Natural Waterbodies
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<p>Activity Status Controlled</p> <ol style="list-style-type: none"> 1. Where this does not occur in the Arahura River, Makaawhio River, Makatata Stream or Lake Mahinapua. <p>Matters of control are:</p> <ol style="list-style-type: none"> 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. 	<p>Activity status where compliance not achieved: Discretionary</p>
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Restricted Discretionary Activities	
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ASW - R6	Commercial Activities on the Surface of Rivers, Lagoons and Lakes <u>not associated with Westport Harbour Port and Port of Greymouth</u>
<p>Activity Status Restricted Discretionary Where:</p> <ol style="list-style-type: none"> 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. <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> 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 of noise on the natural character, ecological and amenity values; and f. Effects on Poutini Ngāi Tahu cultural values including access to mahinga kai and scheduled sites and areas. <p>Advice Note:</p> <ol style="list-style-type: none"> 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. 	<p>Activity status where compliance not achieved: Discretionary</p>
Discretionary Activities	
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 Rules.
<p>Activity Status Discretionary</p> <p>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.</p>	<p>Activity status where compliance not achieved: N/A</p>