

## **ASW - Activities on the Surface of Water**

The natural environment of Kaikōura provides a setting for a range of land and water based recreational activities including fishing, marine mammal encounters, walking, camping, diving, surfing, rafting, canoeing, tramping, hunting and climbing. The popularity of Kaikōura as a tourist destination has grown rapidly in recent years, as a result of the abundant marine life, in particular whales, dolphins and seals.

The Clarence, Kahutara, Kowhai, Hapuku and Kekerengu and other rivers are used to varying degrees for active and passive recreational activities. Maritime Rule Part 91 made under the Maritime Transport Act 1994 superseded the Water Recreation Regulations 1979. The Regional Council's Navigation Safety Bylaws, made in accordance with Maritime Rule Part 91, regulate and control the use of vessels on navigable waters. This has the effect of allowing power boating on these rivers when flows are sufficient, subject to compliance with any relevant rules in the District Plan. There are many lakes in the District, the largest Lake Rotorua is 46 ha in area, with the smaller Lake Rotoiti nearby. Both of these lakes have recreation and wildlife conservation values. Under the Resource Management Act, the Council is required to recognise and provide for public access to and along the District's lakes, rivers and coastal areas as a matter of national importance. The Department of Conservation manages a range of reserves, of varying sizes and in many locations throughout the district, for different conservation purposes. Activities on the surface of waterbodies may have adverse effects on ecological functioning and habitat. Council is required to ensure that adverse effects of these activities are managed in accordance with the purposes and principles of the Resource Management Act 1991.

### **Ownership and Management**

There are three main statutes relating to the provision and management of public open space and recreation areas - the Resource Management Act, the Reserves Act 1977. and the Conservation Act 1987. The Resource Management Act gives Council responsibility for managing the land resources and the surface of the waterbodies.

To assist the Council in managing the coastline within the Kaikōura township, the Council has prepared a Coastal Management Strategy. This document provides a forward planning framework for the development of the coastal environment from the Whaleway Station to Point Kean and at South Bay from the Coastguard to the Caves Restaurant.

The Reserves Act covers management of land classified as scenic, recreation, nature, historic, scientific, government or local purpose reserve. This act is administered by both the Council and the Department of Conservation. The Council manages a range of reserves including recreation, esplanade and road reserves under the Reserves Act. The Department of Conservation manages a range of reserves, of varying sizes and in many locations throughout the district, for different conservation purposes.

The Conservation Act is administered by the Department of Conservation and applies to all land held by the Crown for conservation purposes, including conservation parks, wilderness areas, marginal strips and stewardship areas. The Department is required by the Conservation Act to manage the lands held under this Act for the purpose of preserving and protecting natural and historical resources, in order to maintain their intrinsic values, provide for their appreciation and recreational enjoyment by the public, and safeguard the options for future generations. Generally, the types of activities and consequently the effects within a reserve are those indicated by management plans under the above legislation. In the case of lands managed by the Department of Conservation, the Department has prepared a Conservation Management Strategy for the Nelson/Marlborough Conservancy. The Plan provides for activities in accordance with the provisions of this strategy. Activities that are undertaken on conservation lands other than in accordance with this strategy or that have adverse effects that extend beyond the boundaries of the reserve area are managed through the provisions of the Plan.

Key defined terms for this chapter	
Term	Definition
Amenity or amenity values	has the same meaning as defined in Section 2 of the Resource Management Act 1991, which at the notification date of this Plan, means:  <i>"those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes."</i>
Lake	means any naturally occurring body of fresh water which is entirely or almost entirely surrounded by land.
Open Space	means any land or space which is not substantially occupied by buildings and which provides benefits to the general public as an area of visual, cultural, educational, or recreational amenity values.
Recreational Activity	means the use of land and/or buildings for the primary purpose of recreation and/or entertainment which is not commercial and includes the sale of food and beverage for consumption on the site, provided it is ancillary to the recreational activity. Recreational activities include sport

	clubs, art, craft and hobby clubs (i.e., painting, pottery, bridge, chess, photography clubs. and outdoor recreation pursuits) but excludes any recreational activity within the meaning of residential activity.
Reserve	means any land set apart for any public purpose; for full definition see the Reserves Act 1977.
River	has the same meaning as defined in Section 2 of the Resource Management Act 1991, which at the notification date of this Plan means:  <i>"a continually or intermittently flowing body of fresh water; and includes a stream and modified water course; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal) for the supply of water for electricity power generation, and farm drainage canal."</i>
Waterbody	means any lake, river or wetland as defined in this section of the plan and includes any other permanent or intermittent body of water including any stream, dam or pond.

## Issues

<b>ASW-I1</b>	<b>Surface of water</b>
Activities on the surface of water can have adverse effects on the <i>amenity</i> and habitat values of their surrounding environment and the quality and enjoyment of <i>recreational activities</i> .	

## Objectives

<b>ASW-O1</b>	<b>Provide for activities on the surface of water</b>
To provide for activities on the surface of water where adverse effects on other activities and on <i>amenity</i> , ecological functioning and habitat values are adequately avoided, remedied or mitigated.	

## Policies

<b>ASW-P1</b>	<b>Ensure health, safety, and <i>amenity</i> of people and <i>waterbodies</i></b>
To ensure that people undertake activities on the surface of water without affecting the health, safety and recreational <i>amenity</i> of other people using the surface of the water.	
<b>ASW-P2</b>	<b>Enable visitors to <i>waterbodies</i></b>
To enable residents and visitors to the District to utilise the District's <i>lakes</i> and <i>ivers</i> for a range of activities	
<b>ASW-P3</b>	<b>Protect natural and cultural values of <i>waterbodies</i></b>
To protect the habitat and cultural values of the surface of waterbodies, in particular Lake Rotorua and Lake Rotoiti.	
<b>ASW-P4</b>	<b>Encourage riparian planting of <i>waterbodies</i></b>
To encourage the use of riparian plantings in and along the margins of waterbodies to control surface runoff.	

<b>ASW-R1</b>	<b>Permitted activities on the Surface of Water</b>
	<p>1. Activity status: Permitted</p> <p>Where:</p> <p style="padding-left: 40px;">a. An activity is not listed below as a Restricted Discretionary, Discretionary, or Prohibited activity.</p>

<b>ASW-R2</b>	<b>Motorised watercraft on the Clarence River</b>
	<p>1. Activity status: Restricted discretionary.</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>1. Effects on other <i>river</i> users</li> <li>2. Effects on recreational values</li> <li>3. Effects on <i>amenity</i> values</li> </ol>

	<ol style="list-style-type: none"> <li>4. Effects on ecological and conservation values</li> <li>5. Effects on cultural values.</li> </ol>
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<b>ASW-R3</b>	<b>Motorised watercraft on Lake Rotorua, Lake Rotoiti, or Lyell Creek</b>
	<ol style="list-style-type: none"> <li>1. Activity status: Discretionary</li> </ol> <p>Where:</p> <ol style="list-style-type: none"> <li>a. The activity is not otherwise listed as a Prohibited activity under ASW-R4.</li> </ol>

<b>ASW-R4</b>	<b>Jet skis and jet boards on Lake Rotorua, Lake Rotoiti, or Lyell Creek and its tributaries.</b>
	<ol style="list-style-type: none"> <li>1. Activity status: Prohibited.</li> </ol>

## Methods Other Than Rules

<b>ASW-M1</b>	<b>Methods relating to <i>waterbodies</i></b>
<ol style="list-style-type: none"> <li>1. Provision of rules controlling activities on the surface of water.</li> <li>2. Education and advocacy supporting the use of riparian planting.</li> <li>3. Through the Council’s annual planning process: <ol style="list-style-type: none"> <li>a. Assist the Department of Conservation in reviewing the existing protected status of the District’s <i>lakes</i> and work with the Department, Te Runanga o Ngāi Tahu and specific interest groups such as the Fish &amp; Game Council to ensure that the wildlife habitat and cultural values of these areas are adequately protected;</li> <li>b. Continue to support the provisions of Maritime Rules administered and enforced by the Maritime Safety Authority and Navigation Safety Bylaws made by the Regional Council to regulate and control the use of vessels on navigable waters.</li> </ol> </li> </ol>	

## Principal Reasons

ASW-PR1	Requirement to control activities and manage effects on surface <i>waterbodies</i>
<p>The Resource Management Act requires the Council to control activities on the surface of <i>lakes</i> and <i>rivers</i>. These powers are complementary to Maritime Rules administered by the Maritime Safety Authority and Navigation Safety Bylaws made by the Regional Council, which control the speed and operation of motorised and other craft on the District’s navigable waters.</p> <p>While the surface of the Clarence River is used for active commercial and private <i>recreational activity</i>, the surface of other waterbodies in the District such as the Kahutara, Kowhai, Hapuku and Kekerengu rivers are not used extensively for active <i>recreational activities</i>.</p> <p>At present there is limited active <i>recreational activity</i> on waterbodies within Kaikōura District. However, Council needs the ability to control the effects of any future activities on the surface of water.</p> <p>In some situations, the enjoyment of passive recreation associated with waterbodies can be adversely affected by the enjoyment by others of active recreation. This is particularly so, where active recreation involves the use of motorised equipment. The Council considers that people should be able to enjoy both passive recreation and active recreation within the District. For this reason, the Council will continue to support the application and enforcement of the Maritime Rules and any Navigation Safety Bylaws.</p> <p>Motorised vessels may adversely affect <i>amenity</i> and habitat values associated with waterbodies, due to the noise and wake they create. Therefore, it is desirable to avoid the effects of motorised vessels where <i>amenity</i> or habitat values are threatened. Maritime Rules and Navigation Safety Bylaws can only regulate and control vessels for safety or navigation reasons or to prevent nuisances. The Plan contains district-wide rules to control effects of activities on the environment.</p> <p>Lakes Rotorua and Rotoiti are of particularly significant conservation value and cultural value. It is important that these values are retained. Methods such as planting of riparian areas are a useful non-regulatory method of protecting the values of the District’s waterbodies.</p>	

## Anticipated Environmental Results

<b>ASW-A1</b>	<b><i>Waterbodies</i> used for recreational pursuits while protecting values and safety</b>
Use of the District's <i>rivers</i> and <i>lakes</i> for a wide range of recreational pursuits provided these are consistent with the protection of significant natural values, environmental <i>amenity</i> and public safety.	
<b>ASW-A2</b>	<b>Protection of natural and cultural values</b>
Protection of the cultural values and habitat values of Lakes Rotorua and Rotoiti.	
<b>ASW-A3</b>	<b>Incorporating cultural values and opinions relating to <i>waterbodies</i></b>
The incorporation of the values and opinions of Te Runanga o Ngāi Tahu, and their concerns relating to recreational and water-based activities in the District.	
<b>ASW-A4</b>	<b>Maintenance of values of <i>waterbodies</i></b>
Implementation of the policies and methods in a manner that will result in the maintenance of the ecological, conservation, recreation, and landscape values of these <i>open spaces</i> .	