

Appendix B - Proposed Gore District Plan – Activities on the Surface of Water – Recommendations on submissions

Submission Point	Submitter (S) / Further Submitter (FS)	Section	Provision	Position	Summary of Decision Requested	Reasons	Officer recommendation
S109.098	Department of Conservation	ASW - Activities on the Surface of Water	ASW-Overview	Support in part	While different user groups of the waterways perceive conflict between their activities from time to time, this is not at a scale that requires exclusive separation of activities or other management approaches. Motorised activities do however have the potential to impact on the amenity of the waterways, and adjoining land and could have potential adverse effects on the ecological 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.	The D-G recommends that the overview includes you Motorised activities can disturb birds on the nest or foraging for food at the waters edge as well as fish spawning areas and flora and fauna within riparian margins. For example, Black-billed gulls (At risk-declining) use the Mataura River for nesting and foraging habitat. The breeding season is from August to March each year. Banded Dotterel (At risk declining also use the braided river islands for nesting habitat (July to January). Black-fronted tern (Threatened - Nationally Endangered) are present in low numbers in the Mataura River, their breeding season is from October to January). Motorised craft on the surface of water should only occur where adverse effects on fish spawning areas, habitat of breeding birds and flora and fauna within riparian margins is mitigated.	Accept in part
S64.001	Jet Boating NZ	ASW - Activities on the Surface of Water	ASW-Overview	Support	The submitter supports the wording of point 3 of overview.	The submitter has a view that use and enjoyment of waterways shall be permitted and can be shared by various users/ organisations. Where circumstances exist for specific controls and the like, default permission for use and enjoyment may be modified accordingly. Modifications may include appropriate management of the waterways whilst still enabling shared use of the same	Accept
S64.002	Jet Boating NZ	ASW - Activities on the Surface of Water	ASW-Overview	Amend	Suggested amendment to wording: Motorized activities do however have the potential to have minimal impact on the amenity of the waterways and adjoining land.	The submitter acknowledges that motorized activities have potential for minimal impact on the amenity of waterways and adjoining land but in comparison to the natural fluctuation in river the effects are negligible.	Reject
S64.003	Jet Boating NZ	ASW - Activities on the Surface of Water	ASW-Overview	Amend	Amendment to wording: Discharges to water, taking and using water, and structures and bed disturbance activities in riverbeds may require resource consent approval from Environment Southland. The operative Navigation Safety Bylaws 2009 applies to the Gore district and is also administered by Environment Southland.	The Environment Southland Navigation Safety Bylaw is reviewed every 5 years, and this will be within the term of the District Plan. Therefore, we suggest that the date on the Bylaw be removed and the word "operative" be added.	Accept in part
S109.099	Department of Conservation	ASW - Activities on the Surface of Water	ASW-O1	Support	Retain as notified	The D-G supports this objective to maintain and enhance the values associated with waterbodies and for Mana whenua and tangata whenua to be able to express their cultural relationships with the waterways.	Accept
S64.004	Jet Boating NZ	ASW - Activities on the Surface of Water	ASW-O1	Support	Retain as proposed.	The submitter supports ASW-O1 as it is enabling with respect to recreational activities. It also recognises the benefits of activities on the surface of water to individuals and the community.	Accept
S110.041	Royal Forest and Bird Society of NZ Inc	ASW - Activities on the Surface of Water	ASW-O1	Amend	Add: 4. Do not adversely affect aquatic and riparian ecosystems, wildlife habitats and indigenous biodiversity.	There are no objectives in this section ensuring that ecosystems, habitats and biodiversity is not harmed due to	Reject

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						the effects of surface water activities and structures, and this should be added	
FS14.020	NZ Transport Agency Waka Kotahi			Oppose	Disallow	The New Zealand Transport Agency (NZTA) does not support the objective proposed by Royal Forest and Bird. The request goes beyond the scope of directives of the relevant NPSs (Freshwater, Indigenous Biodiversity) which allow for the application of the effects hierarchy (not a straight avoidance approach as requested).	Accept
S109.100	Department of Conservation	ASW - Activities on the Surface of Water	ASW-O2	Support	Retain as notified	The D-G supports this objective to maintain and enhance the values associated with waterbodies and for Mana whenua and tangata whenua to be able to express their cultural relationships with the waterways.	Accept
S139.062	Hokonui Rūnanga Inc	ASW - Activities on the Surface of Water	ASW-O2	Support in part	Amend to read ~~Mana whenua and tangata whenua are able to express their cultural relationships with the waterways and continue to practice various cultural activities or rituals without being unreasonably restricted by other activities and their associated facilities or structures.~~ Activities and structures on the surface of water bodies do not impede access to and exercise of mahinga kai or degrade the mauri of the water body; and Enable mana whenua to express their cultural relationships with the waterways and continue to practice customary uses."	Wherever possible the plan provisions should specify the particular effects of concern to mana whenua to ensure the plan provisions are clear and that appropriate effects are identified and assessed, including when Hokonui Rūnanga Inc may be an affected party.	Reject, subject to Hearing Stream 3
S64.005	Jet Boating NZ	ASW - Activities on the Surface of Water	ASW-O2	Amend	Amendment to wording. Mana whenua and tangata whenua are able to express their cultural relationships with the waterways and continue to practice various cultural activities or rituals without being unreasonably restricted by other activities and their associated facilities or structures, whilst also reasonably enabling shared use and enjoyment by others.	The objectives provide for iwi and cultural and spiritual association with waterways. It allows associated activities and rituals without unreasonable restriction by other activities. JBNZ supports the shared use and enjoyment of waterways. It does not support exclusive use except in exceptional circumstances where this level of management is warranted and agreed.	Reject
S64.006	Jet Boating NZ	ASW - Activities on the Surface of Water	ASW-P1	Support	Retain as proposed.	The submitter supports ASW-P1 as it enables recreational jetboating activities and infers it can occur shared with others seeking recreational and cultural use and enjoyment.	Accept
S146.059	Southland District Council	ASW - Activities on the Surface of Water	ASW-P2	Support in part	Reconsideration of the placement of ASW-P2 in to a Natural Character chapter or supported in such a chapter.	May be better suited in the NATC Natural Character chapter or supported in such a chapter.	Reject
S64.007	Jet Boating NZ	ASW - Activities on the Surface of Water	ASW-P2	Amend	Suggested amendment to wording. Prioritize the health and safety of those undertaking ~~non-commercial and non-motorized recreational and cultural~~ activities within waterbodies and their margins.	The policy prioritises the health and safety of specific users, where the submitter considers it equally important for all users of the waterway. Management and control of activities should reflect the specific circumstances of the waterway and activities. Hence classification of users is inappropriate and unnecessary.	Reject

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S101.067	Transpower New Zealand Limited	ASW - Activities on the Surface of Water	ASW-P3	Support in part	Amend Policy ASW-P3 as follows: "ASW-P3 Enable the location of infrastructure and equipment used for monitoring or testing, where there is a functional need or operational need for this to be located on or above the surface of waterbodies"	The Policy appropriately enables infrastructure to be located above the surface of waterbodies where there is a functional need. However, Transpower considers that it is equally important to provide for activities that have an operational need for locating above a waterbody. That is, the need to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints. Transpower seeks an amendment to Policy ASW-P2 to reference 'operational need'. Such an approach is consistent with the direction in Policy 3 of the NPSET.	Accept
S64.008	Jet Boating NZ	ASW - Activities on the Surface of Water	ASW-P3	Amend	Suggested amendment to wording. Enable the location of infrastructure and equipment used for monitoring or testing, where there is a functional need for this to be located on or above the surface of waterbodies and it does not create an unacceptable navigational hazard to waterway users.	The submitter generally supports ASW-P3, however is concerned that some infrastructure and/or equipment may present as an unacceptable navigation hazard to waterway users.	Reject
S109.101	Department of Conservation	ASW - Activities on the Surface of Water	ASW-P4	Support	Retain as notified	The D-G supports the polies which seek to protect the values of the districts waterbodies and avoid adverse effects of surface water activities. The objective and policies are consistent with RMA Part 2, Section 6c, Section 31(1)(e) and the NPS-FM.	Accept
S146.060	Southland District Council	ASW - Activities on the Surface of Water	ASW-P4	Support in part	Reconsideration of the placement of ASW-P4(1) into a Natural Character chapter or supported in such a chapter.	May be better suited in the NATC Natural Character chapter or supported in such a chapter.	Accept
S109.102	Department of Conservation	ASW - Activities on the Surface of Water	ASW-P5	Support	Retain as notified	The D-G supports the polies which seek to protect the values of the districts waterbodies and avoid adverse effects of surface water activities. The objective and policies are consistent with RMA Part 2, Section 6c, Section 31(1)(e) and the NPS-FM.	Accept
S146.061	Southland District Council	ASW - Activities on the Surface of Water	ASW-P5	Support in part	Reconsideration of the placement of ASW-P5(1)(a) into a Natural Character chapter or supported in such a chapter.	May be better suited in the NATC Natural Character chapter or supported in such a chapter.	Accept
S109.103	Department of Conservation	ASW - Activities on the Surface of Water	ASW-P6	Support	Retain as notified	The D-G supports the polies which seek to protect the values of the districts waterbodies and avoid adverse effects of surface water activities. The objective and policies are consistent with RMA Part 2, Section 6c, Section 31(1)(e) and the NPS-FM.	Accept
S64.009	Jet Boating NZ	ASW - Activities on the Surface of Water	ASW-P6	Support	Retain as proposed.	The submitter supports ASW-P6 and agrees to maintain a safe environment for surface of water activities, including the navigation of watercraft.	Accept

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S132.066	KiwiRail Holdings Ltd	ASW - Activities on the Surface of Water	ASW-P6	Not Stated	Clarification sought.	Requires clarification on whether Council has the jurisdiction to include objectives, policies and rules that relate to activities/structures/infrastructure on the surface of waterbodies. KiwiRail reserves the right to submit once clarification is received.	Accept
S101.068	Transpower New Zealand Limited	ASW - Activities on the Surface of Water	ASW-R3	Support	Retain Rule ASW-R3 as notified.	Transpower supports Rule ASW-R3 because the Rule provides for the operation, maintenance and upgrading of infrastructure in a manner that gives effect to Policy 2 and Policy 5 of the NPSET.	Accept
S132.067	KiwiRail Holdings Ltd	ASW - Activities on the Surface of Water	ASW-R3	Support	Retain ASW-R3 as proposed.	KiwiRail supports ASW-R3 subject to the clarification sought of ASW-P6. Supports the permitted activity status associated with ongoing operation, maintenance and upgrading of infrastructure. KiwiRail have a bridge that crosses the Mataura River, this rule will allow for the ongoing operation, maintenance, or upgrading of this critical infrastructure. KiwiRail reserve the right to change / withdraw this submission point.	Accept
S147.008	New Zealand Defence Force	ASW - Activities on the Surface of Water	ASW-R4	Support	Retain rule as notified or wording of similar effect.	NZDF supports the inclusion of a permitted use of motorised watercraft to undertake statutory functions of a government department or local government body	Accept
S64.010	Jet Boating NZ	ASW - Activities on the Surface of Water	ASW-R4	Support	Retain as proposed.	The submitter supports ASW-R4.	Accept
S64.011	Jet Boating NZ	ASW - Activities on the Surface of Water	ASW-R6	Support	Retain as proposed.	This rule reflects the broad circumstances for an Existing Use Right and permits it. This is a pragmatic rule that is welcomed.	Accept
S64.012	Jet Boating NZ	ASW - Activities on the Surface of Water	ASW-R7	Oppose	Amend to: Sport and Recreation Activity Mataura River Activity Status: Permitted Where: 1. The activity does not utilise any motorized watercraft; or 2. The use of motorised watercraft complies with the Operative Environment Southland Navigation Safety Bylaw, the relevant Regional Plans in particular for structures in the beds of rivers.	The submitter proposes that the surface of water activities in the PDP are consistent with adjacent District Plans, given the Mataura River flows in from Southland and out to Southland. The Southland District Council use the Environment Southland Navigation Safety Bylaw to manage surface of water activities.	Reject
S109.104	Department of Conservation	ASW - Activities on the Surface of Water	ASW-R7	Support	Retain as notified	The D-G supports the rule to include restrictions around the timing and speed limit for motorised watercraft.	Accept
FS13.1	Jet Boating New Zealand			Oppose	Disallow	This submission is completely inconsistent with the outcome JBNZ is seeking for maintained access to the Mataura River.	Reject

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S109.105	Department of Conservation	ASW - Activities on the Surface of Water	ASW-R8	Support	Retain as notified	The D-G supports the discretionary status for all activities on the surface of water bodies on other rivers than the Mataura River that do not comply with the permitted activity rules.	Accept
S109.106	Department of Conservation	ASW - Activities on the Surface of Water	ASW-R9	Support in part	Amend ASW-R9 to include a clarification note to clarify that the rule does not include fish exclusion barriers which are sometimes required to avoid trout or undesirable species incursions where there is non-diadromous galaxias habitat	The D-G supports the prohibited activity status for damming of waters within the Mataura River, Otamita Stream and any tributaries. However, a note may be required here to clarify that this does not include 'fish exclusion barriers' which might be desirable to avoid trout or undesirable species incursions where there is non-diadromous galaxias habitat.	Reject