
OFFICER'S RESPONSE TO QUESTIONS FROM THE HEARINGS PANEL

DATE: 5 May 2022

HEARING: Activities on the Surface of Water

HEARING DATE: 10 May 2022

PREPARED BY: Rachael Carruthers

Introduction

The purpose of this report is to provide a written response to the questions posed by the Hearings Panel on the respective section 42A report for the Activities on the Surface of Water Chapter.

Questions and Answers

Paragraph or Plan reference	Question from the Hearings Panel
8.9	<p>You conclude paragraph 8.9 by saying <i>"This leaves the Hearing Panel with the scope to determine on which lakes it is appropriate to control motorized watercraft, and the nature of these controls."</i></p> <ul style="list-style-type: none">What did you mean by that and has that resulted in any recommended amendments to the notified provisions?
Officer response:	<p>ASW-P1 as notified applies only to the district's high country lakes. The recommended amendment to ASW-P1 would provide the Panel with the scope to consider managing motorised watercraft on other lakes within the district, including Te Waihora/Lake Ellesmere.</p>
10.4	<p>Regarding Te Waihora (Lake Ellesmere) and the submission of CCC, what weight did you place on the desirability of avoiding having two different rule regimes controlling surface water craft and in particular SDC's obligations under RMAs74(2)(c)?</p>
Officer response:	<p><i>It would indeed be desirable to have a consistent management regime across the whole of Te Waihora Lake Ellesmere, but this needs to be balanced with a need to have provisions that are efficient, effective and enforceable.</i></p> <p><i>As noted in the evidence of Dr Smith,¹ motorised watercraft launched on the western side of the lake do not restrain themselves to that part of the lake that is within Selwyn, but rather use the whole lake. In the same way, it is likely that watercraft launched within the City boundary move into the area of the lake within Selwyn District.</i></p> <p><i>The Christchurch District Plan (CDP) limits the use of motorised watercraft on the surface of Te Waihora Lake Ellesmere to activities associated with "customary</i></p>

¹ https://www.selwyn.govt.nz/data/assets/pdf_file/0008/805427/Appendix-3-Supporting-Technical-Report.pdf, para 25

Paragraph or Plan reference	Question from the Hearings Panel
	<p><i>harvesting, recreational and commercial fishing, game bird shooting, and park management activities”.² Non-compliance results in an RDIS status.³ This existing rule appears to form the basis of the new rule requested by CCC.</i></p> <p><i>Customary harvesting, commercial fishing and park management activities are defined terms in the CDP.</i></p> <p><i>‘Customary harvesting’ is broadly equivalent to the PDP definition of ‘mahinga kai’, ‘commercial fishing’ has the same meaning as s2(1) of the Fisheries Act 1996, and ‘park management activities’ is defined as meaning the day to day management, operations and maintenance of parks and reserves, with some specific inclusions listed. The PDP definition of ‘conservation activities’ covers some of these activities. ‘Lake management activities’, as requested by CCC, is not a defined term, and does not appear to have an approximate equivalent in the PDP.</i></p> <p><i>Adopting the CDP provisions would not provide for law enforcement or emergency search and rescue activities on the lake, because they are outside the range of the permitted activities requested by CCC.</i></p> <p><i>It is the speed of motorised watercraft that causes disturbance to birds inhabiting the lake, not the purpose for which the watercraft is being used. It seems likely that the rationale for allowing certain activities is that these are less likely to be undertaken at a speed that causes severe disturbance to birds.</i></p> <p><i>Unfortunately, the CDP rules do not manage the speed of watercraft, and so a power boat, launched from anywhere around the lake, can move at any speed permitted by the harbour master, provided that they have fishing gear or a firearm on board.</i></p> <p><i>It would be useful to receive information from CCC regarding the number of consent applications they have received, the monitoring and the enforcement actions they have undertaken in relation to activities on the lake, but it would appear that the CDP rules are inefficient, ineffective and unenforceable.</i></p>

² Christchurch District Plan, Chapter 18 Open Space, 18.8.1.1 Permitted activities
<https://districtplan.ccc.govt.nz/pages/plan/Book.aspx?exhibit=DistrictPlan&hid=308515>

³ Christchurch District Plan, Chapter 18 Open Space, 18.8.1.3 Restricted discretionary activities
<https://districtplan.ccc.govt.nz/pages/plan/Book.aspx?exhibit=DistrictPlan&hid=308515>