

Chapter 12

Surface of Water Activities



12. SURFACE OF WATER ACTIVITIES

ADVICE NOTES:

1. This Chapter applies to activities on the surface of freshwater (s31 RMA). The Bay of Plenty Regional Council controls surface water activities in the coastal marine area which is the area seaward of mean high water springs (MHWS) and up to 1 kilometre upstream from a river mouth (s30 RMA).
2. Resource consent may be required from the Bay of Plenty Regional Council for activities in the bed of a river or stream. Activities on the surface of the water may also require approval from the Bay of Plenty Regional Council under the provisions of the Navigational Safety Bylaw.

12.1 RESOURCE MANAGEMENT ISSUES

1. Incompatible surface of water activities on the same stretch of water may compromise safety and limit public *access*.
2. Surface of water activities may degrade water quality and damage margins of *water bodies*, destroying or modifying ecological *habitats* and important areas for breeding.
3. Surface of water activities can adversely affect the *natural character* and *amenity values* of *water bodies* and adjoining land by causing increased traffic movement, noise and light spill.
4. Surface of water activities may be incompatible with important cultural, spiritual or historic values.
5. Incompatible activities on the surface of water have the potential to create navigational hazards, limit water access and compromise safety to water users.

12.2 OBJECTIVES AND POLICIES

12.2.1 OBJECTIVE

Enabling a wide range of activities on rivers where safety and access and conflicts between activity groups can be managed.

POLICIES

- 12.2.1.1 Manage the location and scale of motorised and *commercial activities* to minimise conflict and risk to safety between activities on the surface of water.
- 12.2.1.2 Ensure that *access* is provided in appropriate locations to avoid damage to the margins of *water bodies*.

12.2.2 OBJECTIVE

Surface of water activities maintain or, where appropriate, enhance the natural character, amenity, recreational, ecological, historic heritage and cultural values of water bodies and their margins.

POLICIES

12.2.2.1 Manage the scale and effects of surface of water activities to ensure that *natural character* and the recreational and ecological values of the *water body* and its margins are maintained and, where appropriate, enhanced.

12.2.2.2 Surface of water activities should not degrade the mauri of *water bodies* and cultural values nor adversely affect historic heritage values.

12.2.2.3 Manage motorised activities on the surface of water to avoid, remedy or mitigate adverse effects on the *amenity values* of the *water bodies* and adjacent land.

12.3 ACTIVITY STATUS

Resource consent is required for all Controlled, Restricted Discretionary, Discretionary and Non-complying activities. Resource consent is not required for Permitted activities provided all relevant standards are met. Additional controls may apply in the Zone and other chapters.

12.3.2 PERMITTED ACTIVITIES

12.3.2.1 Subject to compliance with the relevant Standards the following activities may be established without resource consent from *Council*.

1. Non-motorised recreation activities.
2. Non-commercial motorised recreation activities.
3. *Temporary Military Training Activities* complying with Appendix 3.

12.3.3 CONTROLLED ACTIVITIES

12.3.3.1 The activities listed below may only be established after resource consent has been granted by *Council*. The Council may impose conditions only in relation to the matters over which it has reserved control in 12.4. The activities must comply with the relevant Zone Standards (refer 12.6).

1. *Organised water events*.
2. *Temporary Military Training Activities* not complying with Appendix 3.

12.3.4 RESTRICTED DISCRETIONARY ACTIVITIES

12.3.4.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent and impose conditions only in relation to the matters over which it has restricted its discretion in 12.5. The activities must comply with the relevant Zone Standards (refer 12.6).

1. *Commercial operations*.
2. Houseboats.

12.3.5 DISCRETIONARY ACTIVITIES

12.3.5.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent subject to conditions. The standards in 12.6 will be used as a guideline when assessing the application.

1. Land based structures and facilities, including jetties, wharves, or boat ramps.
2. Activities and structures not provided for above.

12.4 CONTROLLED ACTIVITIES: MATTERS OVER WHICH CONTROL IS RESERVED

12.4.1 The *Council* has reserved control over the following matters :

12.4.1.1 Frequency, duration and intensity of event

1. The number of races and the expected duration of the event.
2. The number, size and nature of vessels and attendant vehicles likely to be involved.
3. The effect on other user groups and adjacent *sites* on land.
4. Sanitation

12.4.1.2 Effects on the margins of water bodies

1. The location points for launching and retrieval of vessels and how the margins will be protected from damage.
2. Modification, damage, *disturbance* or destruction to indigenous fauna or *habitats* of indigenous flora.
3. The likelihood of bank and channel erosion as a result of the activity.

12.4.1.3 Structures associated with the activity

1. The location of any *temporary buildings* associated with the event.
2. The location of temporary *food selling premises*.

12.4.1.4 Carparking and access

1. The requirements for carparking associated with the activity.
2. The requirements for vehicular and pedestrian *access*.

12.4.1.5 Noise effects

1. Whether the noise generated from the activity is intermittent or continuous.
2. Areas likely to be adversely affected by the noise generated, especially adjacent *sites* on land.
3. The measures undertaken to avoid, remedy or mitigate the noise effects of the activity.

12.4.1.6 Light spill effects

1. Whether the activity will generate light spill effects onto properties adjoining the ***water body***.
2. Measures undertaken to avoid, remedy or mitigate the light spill effects from the activity.

12.4.1.7 Temporary military training activities not complying with Appendix 3

1. Location in relation to noise sensitive activities.
2. Hours of operation and duration.

12.5 RESTRICTED DISCRETIONARY ACTIVITIES: MATTERS OVER WHICH DISCRETION IS RESTRICTED

12.5.1 The *Council* has restricted its discretion over the following matters:

12.5.1.1 Landscapes and Indigenous Habitats

1. Location of activity:
 - a. The location and extent of the surface of water affected by the activity.
 - b. The effect on other user groups.
2. Effects on the *water body* and its margins:
 - a. The location points for launching and retrieval of vessels and how the margins will be protected from damage.
 - b. Modification, damage, *disturbance* or destruction to indigenous fauna or habitats of indigenous flora.

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- c. Cultural and historic heritage values associated with the *water body*.

12.5.1.2 **Carparking and access**

1. The requirements for carparking associated with the activity.
2. The requirements for vehicular and pedestrian *access*.

12.5.1.3 **Noise effects**

1. Whether the noise generated from the activity is intermittent or continuous.
2. Areas likely to be adversely affected by the noise generated.
3. The measures undertaken to avoid, remedy or mitigate the noise effects of the activity.

12.5.1.4 **Light spill effects**

1. Whether the activity will generate light spill effects onto properties adjoining the *water body*.
2. Measures undertaken to avoid, remedy or mitigate the light spill effects from the activity.

12.6 **STANDARDS**

These Standards apply, unless otherwise stated, to all permitted, controlled and restricted discretionary activities, unless otherwise stated. They will be used as a guideline when assessing applications for discretionary and non-complying activities.

Temporary Military Training Activities are exempt from complying with these standards.

- 12.6.1 The standards in the underlying Rural or Rural Coastal Zone (as shown on the Planning Maps) shall apply to activities on the surface of water.

12.7 **OTHER METHODS**

12.7.1 Other methods for achieving the objectives and policies of this section are:

1. Provide information to local Iwi about applications which may affect them.
2. Liaise with the Bay of Plenty Regional Council, Gisborne District Council, Whakatāne District Council, and the Department of Conservation and local Iwi, where required, for the appropriate management of surface of water activities.
3. Use technical expertise from other agencies, such as Department of Conservation, Fish and Game New Zealand and other organisations to identify the potential effects of activities on the surface of the water.
4. Encourage Landcare programmes that have a focus on *riparian management areas* and sustainable management of the water and land interface.

5. Input into the review and development of Regional Navigation Safety Bylaws.

12.8 ENVIRONMENTAL RESULTS EXPECTED

Environmental results expected from the implementation of the objectives, policies and rules in this section are:

- A. Effects of surface of water activities on *natural character*, ecological, social and ecological values are minimised.
- B. Activities on the surface of water do not detract from *amenity values* of other users and adjacent land.
- C. The mauri of *water bodies* is not adversely affected.
- D. Potential conflicts between competing users are managed and avoided as far as practicable.