

16 Activities on the Surface of the Water

16.1 Rule Statement

This chapter provides for activities on the surface of the water throughout the district. The Waikato River and associated hydro lakes, and other waterways in the district primarily adjoin land within the Rural Zone, Rural Residential Zone, and the Electricity Generation Zone. These zone provisions manage land uses along the margins of rivers, lakes and other waterways in the district, with the provisions in this chapter managing activities on the surface of the water.

The Waikato River, Te Waihou River and other waterways in the district have significant natural, landscape, cultural, recreational and historic values that need to be recognised and protected. The RMA requires that the natural character of lakes and rivers be preserved as a matter of national importance. Restoring and protecting the health and wellbeing of the waterways in the Waikato catchment is also essential to achieve the Vision and Strategy for the Waikato River. However, it is recognised that the levels of use on the district's waterways currently are relatively low, and therefore the district plan takes a permissive management approach.

Recreational use of waterways is transient in nature and normally does not involve permanent structures. The potential effects associated with such uses are generally minimal and short-term. Commercial and tourism operations involving motorised craft can have greater effects given the more intensive and repetitive nature of such operations, and sometimes the need for permanent structures. Therefore commercial activities and the construction of permanent structures on the surface of the water are subject to the greatest levels of control in recognition of their potential to cause conflict with other users, and to adversely affect the natural character and amenity of waterways and adjoining land uses. Noise associated with the use of motorised craft can affect the experience of other users of the lakes and rivers and also affect other adjoining land uses.

The provisions have also recognised the existence of hydro electric generation activities along the Waikato River within the electricity generation core sites. These activities involve temporary and permanent structures and activities on the surface of the river. While the provisions of the Electricity Generation Zone apply to land covered by water (ie the river bed), the following rules have sought to provide for hydro-related activities on the surface of the water itself.

Powers and duties relating to waterbodies are split between several organisations, with the Regional Council managing navigation safety issues through a bylaw, and also controlling structures on the bed of the lake or river. The role of the district council is to manage activities on or over the surface of the water. The provisions have sought to avoid duplication of responsibilities, although the assessment criteria for discretionary activities do include such matters as public safety and conflict between users when considering consent applications for activities on the surface of the water.

16.2 Anticipated Environmental Results

The activities on the surface of the water rules are intended to achieve the following anticipated environmental results:

- That the natural character of lakes and rivers in the district and the health and wellbeing of the Waikato River and its catchments, is not detrimentally affected by activities on the surface of the water
- That the recreational usage of waterways is not restricted to enable the public to access, use and enjoy the lakes and rivers in the district
- That commercial operations on the surface of the water, and the presence of permanent structures, are controlled to manage effects in respect of natural, landscape, cultural, recreational and historic values of waterways, and the potential amenity effects
- Noise from non-recreational surface water activities is managed to preserve the amenity of residents in adjoining zones
- That structures and activities on the surface of the water related to hydro-electric power generation are provided for.

The surface water activity rules are a method to implement the objectives and policies contained within Chapter 5 (Objectives and Policies for the District's Rural Areas), and Chapter 6 (Objectives and Policies for Managing the District's Natural Values).

16.3 Activities

16.3.1 Permitted Activities

The following activities on the surface of the water are permitted activities throughout the district provided they comply with the Performance Standards set out in Rule 16.4 below.

- a) Use of non-motorised vessels, except commercial activities
- b) Fishing, food gathering and recreational activities
- c) Maimai
- d) Moored vessels including the mooring
- e) Temporary floating structures (must not exceed a four month contiguous period within any 12 month period)
- f) Other temporary structures of up to 5m² in size
- g) Any existing permanent structure on the surface of the water that was lawfully established prior to 7 November 2012
- h) Any commercial or tourism activity, or event, on the surface of the water involving a motorised vessel that was lawfully established prior to 7 November 2012
- i) Use of motorised vessels, except those listed in Rule 16.3.3
- j) Structures and activities on the surface of the water ancillary to hydroelectric power generation on waterbodies located within the Electricity Generation Zone
- k) Safety signage or buoys erected under the authority of the Regional Council.

16.3.2 Restricted Discretionary Activities

The following activities on the surface of the water are restricted discretionary activities throughout the district:

- a) Any activity listed in Rule 16.3.1 that does not conform to Rule 16.4.

The specific matters where discretion is reserved are identified in Rules 8.3.3 and 8.3.4 and shall be used when considering a resource consent application for an activity on the surface of the water.

16.3.3 Discretionary Activities

Activities on the surface of the water that are not permitted or restricted discretionary will be discretionary activities throughout the district.

The following activities on the surface of the water are discretionary activities throughout the district, if not lawfully established prior to 7 November 2012:

- a) Any commercial or tourism activity, whether involving a motorised vessels or not
- b) Any community event for motorised vessels
- c) Any permanent structure on the surface of the water, other than structures permitted by Rule 16.3.1

For those activities where resource consent has been granted and the activity subsequently established, the activity may continue within the bounds of that consent.

The assessment criteria contained in Rules 8.4.1 and 8.4.7 shall be used when considering a resource consent application for an activity on the surface of the water that is a discretionary activity, with the Performance Standards in Rule 16.4 used as a guide for assessment purposes.

16.4 Performance Standards

The following Performance Standards apply throughout the district in respect of activities on the surface of the water that are specified in Rule 16.3.1 (Permitted Activities), and to restricted discretionary activities in the zone if granted. Failure to comply with one or more of the performance standards results in that activity being a restricted discretionary activity.

16.4.1 Noise generated by activities on the surface of the water

Noise levels from activities on the surface of water shall comply with the standards in Chapter 15 Noise.

16.4.2 Scale of activities on the surface of the water

- a) Maimais shall not exceed 10 square metres in area.

ADVISORY NOTES: The Waikato Regional Council manages navigation safety (including vessels, people, hazards and associated activities) on navigable rivers in the region through the Navigation Safety Bylaw. It aims to ensure the safety of users on these waterways, and sets out safe practices for people using the lakes and rivers for water skiing, swimming, boating, kayaking or other activities, by seeking to reduce the conflicts between different activities. The exclusion zone required in the Navigation Safety Bylaw between hydro dams and activities on the surface of the water is 200 metres.

Structures associated with surface water activities that are attached to the bed of lakes and rivers may also require resource consent from the Regional Council.

Moorings permitted under Rule 16.3.1 d) above do not include the part of the mooring fixed to the bed of the river or lake, which may need consent from the Regional Council.

Any organised temporary event involving people or vessels may also require a Navigation Safety temporary event permit from the Regional Council, to suspend speed provisions or reserve an area of the waterways, for the purpose of ensuring safety standards are met for event participants and for the general public.