

Chapter 12

Surface of the Water



12. SURFACE OF WATER ACTIVITIES

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).

12.1 RESOURCE MANAGEMENT ISSUES

1. Incompatible surface of water activities on the same stretch of water may compromise safety and limit **disturbance 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.

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.

12.3.1 These provisions apply in addition to the relevant Zone and additional controls may apply in the following Chapters:

- Landscapes and Vegetation – refer **Chapter 13**
- Heritage – refer **Chapter 14**
- Natural Hazards – refer **Chapter 18**

NOTE:

Resource consent may be required from the Bay of Plenty Regional Council for activities in the bed of a river or stream.

12.3.2 PERMITTED ACTIVITIES

12.3.2.1 The following activities do not require land use consent if they comply with the relevant Zone standards:

1. Non-motorised recreation activities.
2. Non-commercial motorised recreation activities.

12.3.3 CONTROLLED ACTIVITIES

12.3.3.1 The following activities require land use consent from the **Council**. Activities must also comply with the relevant Zone Standards:

1. **Organised water events.**

12.3.4 RESTRICTED DISCRETIONARY ACTIVITIES

12.3.4.1 The following activities require land use consent from the **Council** and consent may be granted or refused. Activities must also comply with the relevant Zone Standards.

1. **Commercial operations.**
2. Houseboats.

12.3.5 DISCRETIONARY ACTIVITIES

12.3.5.1 The following activities require land use consent from the **Council** and consent may be granted or refused. The Zone standards 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 STANDARDS

12.4.1 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.

12.5 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

12.5.1 The **Council** has reserved control over the following matters for all Controlled activities and may impose conditions in relation to these matters:

12.5.1.1 *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.

12.5.1.2 *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.

12.5.1.3 Structures associated with the activity

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

12.5.1.4 Carparking and access

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

12.5.1.5 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.

12.5.1.6 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.

12.6 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES

12.6.1 The **Council** has restricted discretion control over the following matters for the identified Restricted Discretionary activities. Consent may be granted or refused in relation to these matters and, if consent is granted, **Council** may impose conditions on these matters:

12.6.1.1 Relocation of a dwelling or building that does not comply with the zone performance

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

12.6.1.2 Carparking and access

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

12.6.1.3 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.

12.6.1.4 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.

12.7 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.