
6. SURFACE OF WATER ACTIVITIES

6.1 SECTION INTRODUCTION

- 6.1.1 Water is an invaluable resource for residential, commercial, and industrial use; it provides habitats for flora and fauna, and contributes to the landscapes of the district. Water also provides recreation opportunities for the community and visitors to the district. The Bay of Plenty Regional Council – Environment Bay of Plenty, has the primary responsibility for managing issues relating to the sustainable management of the district's, and the region's, water resources. These will be addressed through the Regional Council's water plan.
- 6.1.2 However Section 9 of the Act includes, in the definition of land, the surface of water in any lake or river which are an integral and inseparable part of the surrounding land. Section 31 of the Act gives Council the responsibility of managing the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes.
- 6.1.3 Recreation activities on the surface of water often compete for the use of this resource. Water Regulations govern the operation and safety of watercraft. The Plan is concerned with the effects of those activities. Noise, dust, and lightspill are common effects generated from surface of water activities, however most of these activities are temporary in nature and so need to be provided for.
- 6.1.4 It is not possible to manage the effects of activities on water in isolation without also considering the effects of the activity on the surrounding land. Surface of water activities can impact on the water body ecosystem. The land and water interface, margins and banks of water bodies, are areas that require careful management to ensure their continued stability. Where the preservation of the natural character of lakes and rivers and their margins and the protection of them from inappropriate subdivision, development and use is a matter of national importance pursuant to Section 6 of the Resource Management Act 1991. Careful resource management is also required to ensure that habitats of flora and fauna and the water body system including the banks and margins are not adversely affected by activities on the surface of water.
- 6.1.5 The Harbour Development Zone located in the Waioeka River Estuary includes the coastal marine area extending in a strip adjacent to the existing Wharf area. It has been developed as part of Environment Bay of Plenty's Regional Coastal Environment Plan. The zone has high cultural and recreational values with a potential for tourism related activities. The Harbour Development Zone provides for the concentration of new development in modified areas adjacent to existing public services. The inclusion of the Opotiki Harbour Development Zone in the Regional Coastal Environment Plan also serves the purpose of guiding development away from sensitive locations such as Ohiwa Harbour.

6.1.6 To manage the activities on the surface of the waters of the district effective integrated management must occur. Many water bodies are not sourced within the district but instead flow through, therefore cross boundary management is required. The management and control of activities need to be consistent with adjoining regional and territorial councils.

6.2 RESOURCE MANAGEMENT STRATEGY

6.2.1 *Resource management issues*

1. Surface of water activities competing for use on the same stretch of water may result in safety being compromised, and may adversely affect the amenity values of an area.
2. Surface of water activities can adversely affect neighbouring properties by causing increased traffic movement, noise, and lightspill.
3. Surface of water activities may infringe on public access to the district's water bodies.
4. Surface of water activities can affect water quality by the release of discharges, and cause turbidity and mixing of water.
5. Access to and from the water for these activities can adversely affect the land-water edge. A concentration of activities without adequate access could severely erode the water body margin.
6. Surface of water activities may destroy or modify ecological habitats on land or in the waters of the district. Activities can also adversely affect the breeding activities of bird species.
7. Surface of water areas may be of importance to Iwi and Hapu of the district for cultural, spiritual, or historical value.

6.2.2 *Objectives and policies*

Objective 1. Management of potential effects of activities in relation to the surface of water, including the management of user conflicts.

Policies 1.1 Control the effects of surface of water activities to ensure that the environmental quality of the water body and surrounding margins is not compromised, where effects such as release of discharges, increased turbidity, mixing of water and water margins erosion need to be avoided, remedied or mitigated.

1.2 To promote management practices which enhance and protect riparian areas adjoining rivers, streams, and creeks within the district.

1.3 Provide for Iwi and Hapu input into decisions, where the effects of activities may affect water, and water areas that are of importance.

Objective 2. Allow for a range of surface water activities where the existing or future environmental character of water bodies is maintained or enhanced.

- Policies**
- 2.1 To promote management practices which enhance and protect riparian areas adjoining rivers, streams, and creeks within the district.
 - 2.2 Use esplanade reserves and esplanade strips to secure riparian areas adjoining the water bodies of the district.

Objective 3. Allow for a range of surface water activities only where the effects of such are avoided, remedied, or mitigated.

Policies 3.1 Ensure appropriate conditions are included in resource consents for surface of water activities for avoiding, remedying, or mitigating the adverse effects of activities.

6.2.3 *Methods of implementation*

The objectives and policies of this section will be implemented by the following methods:

- 1. Rules
- 2. Other methods

6.3 **RULES**

The following rules provide for permitted activities, controlled activities, and discretionary activities.

6.3.1 *Permitted activities*

The following activities may be undertaken on the surface of water without a resource consent.

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

6.3.2 *Controlled activities*

The following activities may be established after a land use consent has been granted by Council.

1. Organised water events.

The Council has reserved control over the following matters.

6.3.2.1 Frequency, duration and intensity of event

- i. The number of races and the expected duration of the event.
- ii. The number, size and nature of vessels and attendant vehicles likely to be involved.

6.3.2.2 Effects on the margins of water bodies

- i. The location points for launching and retrieval of vessels.
- ii. Modification, damage, disturbance or destruction to indigenous fauna, or habitats of indigenous flora.
- iii. The likelihood of bank and channel erosion and a result of the activity.

6.3.2.3 Structures associated with the activity

- i. The location of any temporary buildings associated with the event.
- ii. The location of temporary food selling premises

6.3.2.4 Carparking and access

- i. The requirements for car parking associated with the activity.
- ii. The requirements for vehicular and pedestrian access.

6.3.2.5 Noise effects

- i. Whether the noise generated from the activity is intermittent or continuous
- ii. Need to identify areas likely to be adversely affected by the noise generated.
- iii. The measures undertaken to avoid, remedy, or mitigate the noise effects of the activity.

6.3.2.6 Lightspill effects

- i. Whether the activity will generate lightspill effects onto properties adjoining the water body
- ii. Measures undertaken to avoid, remedy, or mitigate the lightspill effects from the activity.

Council can impose conditions on a resource consent for a controlled activity only in relation to the matters stated above.

6.3.3 *Discretionary activities*

The following activities may be established where a land use consent has been granted by Council.

1. Commercial operations.
2. Houseboats.
3. Land based structures and facilities, including jetties, wharves, or boat ramps associated with discretionary activities.

The Council may grant or refuse consent for a discretionary activity

Any person undertaking activities on, in, or under the water should also consult the Bay of Plenty Regional Council, Environment Bay of Plenty.

Activities related to the bed of a stream or river are governed by the Bay of Plenty Regional Council and are outside the jurisdiction of this District Plan

6.4 STANDARDS

There are no applicable standards in this section.

6.5 SUBDIVISION

The requirements for subdivision are stated in **Section 10** of the Plan.

6.6 OTHER METHODS

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

1. Liaise closely with the Bay of Plenty Regional Council – Environment Bay of Plenty, Gisborne District Council, Whakatane District Council, and the Department of Conservation, and local Iwi, where there are cross-boundary issues in relation to surface of water activities.
2. Use other technical expertise from other agencies, such as Department of Conservation, Eastland Fish and Game Council, National Institute of Water and Atmospheric Research, Forest Research and Logging Industry Research Organisation, to gauge the effects of activities on the water.
3. Encourage riparian management regimes along the margins of water bodies in the district, as required.

4. Encourage Landcare programmes that have a focus on riparian management and sustainable management of the water and land interface.

6.7 EXPLANATION

- 6.7.1 The reasons for the foregoing objectives, policies and methods are stated below.
- 6.7.2 The Council has responsibility for managing the actual or potential effects of activities in relation to the surface of water in rivers and lakes, including effects on land margins, flora and fauna along land margins, and on neighbouring residential areas.
- 6.7.3 Rules are the principal method for managing the effects of activities undertaken on the surface of water. These rules state the permitted, controlled, and discretionary activity classification for activities. In respect of applications involving controlled activities there are assessment criteria to be considered and conditions of consent will be based on such criteria. In respect of applications involving discretionary activities, conditions may be imposed as the Council considers appropriate.
- 6.7.4 The rules of this section are supported by other methods. The other methods are included to encourage community initiative and implementation of riparian management areas along water bodies. Management of riparian areas can help to maintain the integrity of water body margins, and can provide habitats for a variety of fauna and flora.

6.8 ANTICIPATED ENVIRONMENTAL OUTCOMES

- 6.8.1 Environmental outcomes anticipated from the implementation of the objectives and policies of this section are:
 - 4 Surface of water activities undertaken in a safe and environmentally sound manner.
 - 4 Potential conflicts between competing users managed and resolved.