

22. Surface Of Water

22.1 Introduction

22.1.1 Section 31(e) of the Resource Management Act 1991 states that Council shall "Control any actual or potential effects of activities in relation to the surface of water in rivers and lakes".

22.1.2 The Act excludes artificial watercourses such as irrigation and water supply races, canals for the supply of water to electricity generators and farm drain canals from the definition of rivers and lakes. Accordingly uses of the surface of water of these bodies cannot be regulated by this section. However modified natural water courses are included in the definition of rivers and lakes and thus can be regulated by the provisions in this section.

22.1.3 These duties should not be confused with those of Regional Councils. Regional Councils control and manage the effects of activities on land and in water so as to avoid, remedy or mitigate adverse effects. In this respect Environment Waikato and the Manawatu-Wanganui Regional Council are responsible for managing the districts water resources in the Coastal Marine Area and in lakes, rivers and streams in respect of, taking, using, damming and diverting water, discharging contaminants to water and the taking and using geothermal energy. It is also the responsibility of the Regional Council to administer uses and activities that utilise the bed of any river or lake.

22.1.4 Several other organisations also have legislative responsibilities to administer activities related to the surface of rivers and lakes. These include the Maritime Safety Authority of New Zealand. Council acknowledges the specific responsibilities of these organisations and has taken steps to as far as possible avoid any duplication in the regulation of activities.

22.2 Resource Management Issues

22.2.1 The use of rivers and lakes by motor boats and similar craft may result in the amenity of adjacent land uses being disrupted as a result of increased noise emissions.

22.2.2 The wake from motor boats and similar pleasure craft may accelerate erosion of river and lake banks, or conflict with other recreational activities such as fishing.

22.2.3 The use of motor boats and similar pleasure craft may adversely affect trout spawning habitats and the habitats of indigenous species.

22.3 Objectives

22.3.1 To ensure that rivers and lakes are used by motor boats and other pleasure craft in a manner which does not significantly affect amenities of the adjoining area, or other recreational activities. *Issue 22.2.1*

22.3.2 To ensure that rivers and lakes are used by motor boats and other pleasure craft in a manner that does not increase river bank erosion. *Issue 22.2.2*

22.3.3 To ensure that rivers and lakes are used by motor boats and other pleasure craft in a manner which does not significantly adversely affect trout spawning habitats and the habitats of indigenous species. *Issues 22.2.3*

22.4 Policies

22.4.1 That motor boats and other pleasure craft using lakes and rivers avoid, remedy or mitigate noise emissions to a level that does not adversely affect the quality of the environment for adjacent land uses. *Objective 22.31*

22.4.2 That motor boats and other pleasure craft be operated so as to avoid, remedy or mitigate any incidence of increased erosion of river banks and to minimise conflict with other recreational activities. *Objective 22.3.2*

22.4.3 That motor boats and other pleasure craft be operated so as to avoid, remedy, or mitigate any adverse effects on trout spawning habitats and the habitats of indigenous species. *Objective 22.3.3*

22.5 Rules

22.5.1 Permitted Activities

- (a) Any activity that is a permitted activity in the Conservation Zone or the Rural Zone, and carried out on the surface of water, subject to compliance with Rule 22.5.4, and which is not a Non-complying Activity in Rule 22.5.3. *Policies 22.4.1, 22.4.2, 22.4.3*
- (b) Any water-based recreational activity subject to compliance with Rule 22.5.4. *Policies 22.4.1, 22.4.2, 22.4.3*

22.5.2 Discretionary Activities

Any activity not included in Rule 22.5.1 or 22.5.3.

22.5.3 Non-Complying Activities

The use of motorised vessels on the Awakino River from its source to the State Highway 3 bridge at Mahoenui is a Non-Complying Activity.

22.5.4 Conditions for Permitted Activities

- (a) Should any erosion occur as a result of surface of water activities the responsible party shall remedy it as soon as practicable. *Policy 22.4.2*
- (b) No use of the surface of water shall result in adverse effects on the habitat of trout and indigenous species, including tuna (long fin and short fin eels), piharau (lampreae), inanga (whitebait), poroka (cockabully), koaro (glaxias brevipinnis), kokopu (glaxias postveetis), kaingo (tidal cockles), koura (freshwater crayfish) and kairo (freshwater mussels/pipi). In particular no use of the surface of any water shall adversely affect the spawning habitat of trout during the months April to August. *Policy 22.4.3*
- (c) No use of the surface of water shall result in noise levels in excess of the permitted noise levels in Rule 20.5.1 in the relevant zone adjoining the surface of water. *Policy 22.4.1*

Note : The Regional Plan also establishes procedures for undertaking any work on the bed or margin of a water body.

22.5.5 Assessment Criteria for Discretionary Activities

- (a) The objectives and policies of this section.
- (b) The sensitivity of the banks of the water body to erosion and the degree of erosion which presently exists.
- (c) The degree of non-compliance with the conditions for Permitted Activities.
- (d) The sensitivity of the receiving environment to the emission of noise and mitigation measures proposed to ensure that adverse effects are avoided, remedied or mitigated.
- (e) The significance of the ecosystem or habitat and its sensitivity to the proposed use or activity.
- (f) The measures proposed to avoid, remedy or mitigate the effect of erosion on the banks of the water body and the impact of the use on significant ecosystem.

22.6 **Anticipated Environmental Outcomes**

- (a) Noise effects from surface water activities maintained to similar levels as other land use activities.
- (b) Bank erosion limited to acceptable levels.
- (c) Effects on trout spawning habitats avoided, remedied or mitigated.