

SECTION 13.6 **ACTIVITIES ON THE SURFACE OF WATER DISTRICT WIDE ACTIVITY**

13.6.1 INTRODUCTION

Activities on the surface of water are jointly controlled by the Hastings District Council, the Hawke's Bay Regional Council and the Maritime Safety Authority. While the Regional Council is primarily responsible for controlling surface of water activities in the Coastal Marine Area, the District Council's functions include the control of any actual or potential effect of activities in relation to the surface of inland waters. These effects can include loss of water quality, conflict between activities in relation to water bodies and impacts on ecological systems and habitats.

The Water Recreation Regulations 1979, establish restrictions governing the control of activities on the surface of water outside of gazetted harbours relating to safety matters. These include, among other things, speed restrictions on all inland waterways, including a 5 knot speed limit within 200 metres of the shore and within 30 metres of any other vessel, raft, or person in the water. These regulations are enforced by the Maritime Safety Authority. In addition, the Hawke's Bay Regional Council has the ability under the Local Government Amendment Act (No.2) 1999 to prepare and enforce by-laws for navigational safety in all waterways within the Region. In terms of the District Plan then, the important issue is what (if any) additional controls are required over and above those imposed by these Regulations.

The Hastings District contains a number of rivers and lakes that have recreational, commercial, natural and cultural significance. The major recreational waters of the District include the Clive, Ngaruroro, Tukituki, Tutaekuri and Mohaka rivers and their contributory streams, and Lakes Tutira and Opouahi. Additional water bodies of significance include Lake Oinga, Lake Poukawa, the Esk River and the Karamu and Maraetotara Streams.

The recreational demands on these water bodies have resulted in the need for limited controls on some surface of water activities. Such controls relate to speed boating, jet and water skiing and the impacts these uses can have on other more passive pursuits such as rafting, boating, angling, game bird shooting, yachting and rowing, as well as on ecological systems and habitats.

13.6.2 RESOURCE MANAGEMENT ISSUES

- ***Surface of the Water activities contribute to the social and economic well being of the District's communities.***

A wide range of recreational and commercial activities utilise the District's Lakes and Rivers. Surface of Water Activities such as rafting, power boating and jet skiing provide social and commercial opportunities within the District while a vast range of recreational water uses provide an essential function for the communities' well being.

- ***Surface of Water Activities can have detrimental effects on the quality of the water resource and its flora and fauna.***

While the Regional Council has prime responsibility in maintaining water quality and quantity, some activities in certain locations can have harmful effects on aquatic ecosystems and the margins of waterbodies through inappropriate levels of activity. For example motor boats operating in shallow waters can have detrimental impacts on plant life and fish spawning sites.

- ***The use of the surface of water bodies by different activities can create conflicts between these activities or other uses occurring on land adjoining the water bodies.***

As the range of activities occurring on water bodies increases, activities such as angling and power boating, can come into conflict with one another because of their different needs and the inability of these needs to be met compatibly when the activities occur at the same time on a water body.

13.6.3 OBJECTIVES

- SWO1 *To provide for the social and economic well being of the District's communities by enabling a wide range of recreational, commercial, cultural and water protection activities to occur on the lakes and rivers of the District, while ensuring that any significant adverse effects of the activities on the environment are avoided, remedied or mitigated.*
- SWO2 *To protect the natural character of rivers and lakes and their margins within the District by avoiding, remedying or mitigating the adverse effects of surface water activities.*

13.6.4 POLICIES

- SWP1 **Segregate activities which are incompatible with particular water body environments, or with other activities occurring on the surface of water.**

Explanation

As conflicts can occur between different types of surface water activities, the safe and efficient management of the surface water resource requires that some standards be set in place to remove the potential risk to the safety of people participating in these activities. This is achieved by restricting the access of particular activities to certain water bodies in the District. In identifying which waterbodies are suitable for certain types of activities, the plan has also taken into account whether those activities will have any significant adverse effects on the waterbody.

Sections of the Ngaruroro, Mohaka, and Clive Rivers has been specifically set aside for Motorised Water Recreation Activities in the District. These rivers are recognised as being suitable for these activities because of their more consistent water flow rates, and their ease of navigation.

- SWP2 **Ensure that surface water activities avoid, remedy or mitigate their adverse effects on other surface water activities, or activities adjoining the waterbodies.**

Explanation

Many activities being undertaken on the Surface of Water are recreational and transitory in nature. This makes them difficult to regulate. Certain activities, particularly those using powered water craft can create a nuisance to other water users, and adjoining landowners. Hours of Operation for Activities on the Surface of Water will be used to reduce potential conflicts, in addition to segregating users onto different waterbodies.

- **SWP3 Mitigate adverse effects of Motorised Water Recreation Activities on the flora and fauna of waterbodies by limiting the frequency of activity and the time of year when it can occur (other than on selected sections of the Ngaruroro, Clive and Mohaka Rivers).**

Explanation

The presence of motorised craft on surface water bodies can have detrimental effects on plant and animal life through noise disturbance, wave lap and/or physical contact particularly at certain periods of the year when water levels are low. To ensure the environment is not damaged, the frequency of access to these water bodies will be restricted, as well as the time of year when access can occur.

Such restrictions do not apply on selected sections of the Ngaruroro, Clive and Mohaka Rivers, consistent with their gazetting under the Water Recreation Regulations, for the purpose of allowing small craft to exceed the 5 knot speed limit. The identification and unrestricted frequency of use of these defined sections of rivers for motorised water recreation activities is one method in which potential conflict between different surface of water activities, and adverse effects by such activities on the flora and fauna of other waterbodies, is largely avoided.

13.6.5 METHODS

The Objectives and Polices will be implemented through the following methods:

- **Hastings District Plan**

Surface of Water Activities District Wide Activity: This section includes Performance Standards to mitigate the effects of activities on other water users, on adjoining land use activities, and the natural amenity and intrinsic values of waterbodies.

- **National Coastal Policy Statement**
- **Hawke's Bay Regional Policy Statement and Plans**
- **Hawke's Bay Water Resources Plan**
- **Hawke's Bay Coastal Plan**
- **Water Recreation Regulations 1979**
- **Reserves Act 1977**

The Hastings District Council shall liaise with the Department of Conservation to ensure Reserves and wildlife refuges are maintained in a manner that enhances their ecological integrity while offering natural areas for compatible recreational uses.

13.6.6 ANTICIPATED OUTCOMES

It is anticipated that the following specific outcomes will be achieved:

- Potential conflicts between surface of water activities and adjoining activities will be avoided, remedied or mitigated.

- A wide range of recreational, commercial and cultural activities will be able to utilise the District's water resources.
- Protection of the natural amenity and intrinsic values of waterbodies.

13.6.7 RULES

The activity status and performance standard requirements provided for by these rules may be modified by the specific provision of individual Resource Management Units (RMUs). It will be necessary to check first whether the activity is located within a RMU because any activity must comply with the RMU provisions first, before applying the following rules.

13.6.7.1 PERMITTED ACTIVITIES

The following activities shall be Permitted, provided that they comply with the General Performance Standards and Terms in Sections 13.6.8 and the relevant Specific Performance Standards and Terms in Section 13.6.9.

- PASSIVE AND NON- MOTORISED WATER RECREATION ACTIVITIES.
- NON-COMMERCIAL MOTORISED WATER RECREATION ACTIVITIES ON THE NGARURORO, CLIVE AND MOHAKA RIVERS.
- NOXIOUS PLANT CONTROL ACTIVITIES.
- THE USE OF MOTORISED CRAFT ON ALL WATERBODIES CARRIED OUT BY A LOCAL AUTHORITY OR ANY OTHER ORGANISATION EXERCISING POWERS, FUNCTIONS AND DUTIES REQUIRED AS PART OF THEIR RESPONSIBILITIES UNDER ANY RELEVANT STATUTORY PROVISIONS.

13.6.7.2 CONTROLLED ACTIVITIES

- (a) The following activities shall be Controlled provided they comply with the General Performance Standards and Terms in Section 13.6.8 and the relevant Specific Performance Standards and Terms in Section 13.6.9.
- UP TO THREE TEMPORARY EVENTS PER YEAR, FOR NON-COMMERCIAL MOTORISED WATER RECREATION ACTIVITIES ON THE TUKITUKI AND TUTAEKURI RIVERS.
- (b) Applications for Controlled Activities will be considered without notification or the need to obtain the written approval of affected parties. Conditions may be imposed in relation to the matters over which control will be exercised, identified in the Assessment Criteria in Section 13.6.10 of the Plan.

13.6.7.3 RESTRICTED DISCRETIONARY ACTIVITIES

- (a) For the following activities the Council will restrict the exercise of its discretion to the ability of the activity to achieve the particular outcome(s) of the General or Specific Performance Standard(s) and Terms in Sections 13.6.8 or 13.6.9 which it fails to meet, the ability of the activity to meet the remaining General and relevant Specific Performance Standards and Terms in Sections 13.6.8 and 13.6.9 and the relevant Assessment Criteria in Section 13.6.11.
- ANY PERMITTED OR CONTROLLED ACTIVITY NOT MEETING ONE OR MORE OF THE GENERAL OR RELEVANT SPECIFIC PERFORMANCE STANDARDS AND TERMS IN SECTIONS 13.6.8 AND 13.6.9.1(a) to (c).

- (b) Applications may be considered without the need to obtain the written approval of affected persons and may be considered without notification. Activities will be assessed and conditions may be imposed in relation to those matters identified in Section 13.6.11 that Council has restricted its discretion over.

13.6.7.4 DISCRETIONARY ACTIVITIES

- (a) The following activities shall be Discretionary Activities, and may be assessed against, but not restricted to those matters identified in the Assessment Criteria in Section 13.6.11 of the Plan, and any relevant Objectives and Policies of the Section and underlying zone.
- COMMERCIAL MOTORISED WATER RECREATION ACTIVITIES.
 - THE FOURTH OR ANY SUBSEQUENT TEMPORARY EVENTS PER YEAR, FOR NON-COMMERCIAL MOTORISED WATER RECREATION ACTIVITIES ON THE TUKITUKI AND TUTAEKURI RIVERS.

13.6.8 GENERAL PERFORMANCE STANDARDS AND TERMS

The following General Performance Standard and Term applies.

13.6.8.1 NOISE

Activities shall comply with the provisions of Section 14.2 of the District Plan on Noise (Note Rule 14.2.9.8 'Watercraft').

Outcome

The outcomes of Section 14.2 of the District Plan on Noise will be achieved.

13.6.9 SPECIFIC PERFORMANCE STANDARDS AND TERMS

The following Performance Standards and Terms shall apply.

13.6.9.1 UP TO THREE TEMPORARY EVENTS PER YEAR, FOR NON-COMMERCIAL MOTORISED WATER RECREATION ACTIVITIES, ON THE TUKITUKI AND TUTAEKURI RIVERS

(a) Organised Event

Non-commercial motorised water recreation activities shall only be allowed to take place as part of an organised temporary event.

Outcome

The effects of activities will be mitigated by limiting the hours of operation and the duration of one-off events.

(b) Timing of Events

Any temporary event shall only take place between August and October (inclusive).

(c) Hours of Operation

Activities relating to a temporary event, including those carried out on surface water bodies and ancillary activities carried out on adjacent land, shall not be carried out before 8.00 am or after 11.30 p.m.

(d) Duration of Events

Any temporary event shall be a maximum duration of two days.

(e) Events Per Year

A maximum of three temporary events per water body shall be allowed to take place per year.

13.6.9.2 NON-COMMERICAL MOTORISED WATER RECREATION ACTIVITIESLIMITATIONS TO ACCESS ON SPECIFIED RIVERS

Access for Non-Commercial Motorised Water Recreation Activities shall be limited to the following sections of river:

- Ngaruroro River:** From the South Pacific Ocean to the confluence with the Taruarau River.
- Clive River:** From the Clive Bridge to the confluence of the Karamu and Raupare Stream.
- Mohaka River:** Hastings District/Wairoa District Boundary (Mokonui Road end) to the Pakaututu Road Bridge.

13.6.10 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIESExplanation of Assessment Criteria:

For Controlled Activities, the following identify those matters which Council may exercise its control over, or matters in respect of which Council may impose conditions, in accordance with the Rules above.

13.6.10.1 UP TO THREE TEMPORARY EVENTS PER YEAR, FOR NON-COMMERCIAL MOTORISED WATER RECREATION ACTIVITIES ON THE TUKITUKI AND TUTAEKURI RIVERS(a) Access and Parking

Access to land, where special events are to be held, shall be located to ensure traffic safety is maintained. The provision of adequate carparking is also required, and Council will require information on the number of persons attending the event in order to assess what parking is to be provided.

Outcome

The safety and efficiency of the roading network will be maintained.

(b) Effects on Waterbodies

When considering an application for a temporary event, Council shall have regard to the water level of a water body in order to assess the potential for ecosystem damage in regard to aquatic flora and fauna. The Council may consult with the Hawke's Bay Regional Council, the Fish and Game Council and the Department of Conservation in order to determine what conditions may be appropriately applied when considering an application for consent.

Outcome

Activities will occur at a time that will neither adversely effect fish spawning or have a detrimental impact on sensitive aquatic flora and fauna.

13.6.11 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY AND DISCRETIONARY ACTIVITIES
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Explanation of Assessment Criteria:

For Restricted Discretionary Activities, the following identify those matters which Council has restricted its discretion over in assessing resource consent applications; For Discretionary Activities, the following identify those matters which Council may assess the activity against. Council's assessment is not however restricted to these matters.

- (a) The extent to which the proposed activity may adversely impact on the intrinsic values of any significant landscape character and/or riparian area as well as the potential for the proposed activity to adversely impact on any cultural values.
- (b) The extent to which alternative locations have been considered.
- (c) The effects of the scale, character and nature of the activity on other Surface of Water Activities and its compatibility with activities adjacent to the waterbody.
- (d) The actual and potential adverse effects of the surface water activity on the aquatic ecosystem, water body margins and any river control works.
- (e) The extent to which the activity is identified with the locality and the contribution of the activities to the wider amenity and character of the area, as well as to the economic well being of the community.
- (f) The ability of the roading hierarchy to accommodate any additional traffic generated by the activity.