

# Appendix 1 – Officers Recommended Amendments to Activities on the Surface of Water Chapter

Note the below provisions represent the Section 42A Report Writing Officer's recommended amendments to the provisions of the Proposed District Plan, in response to submissions (with underline used for new text and ~~strikethrough~~ for deleted text).

## Overview

The district has many rivers and lakes which are valued for their important ecological, recreation, natural character, amenity and cultural values. A wide range of activities occur on the surface of rivers and lakes. This includes activities that have a functional need to locate on water surfaces such as jetties and piers, recreation activities such as fishing and boating, and customary activities undertaken by tangata whenua.

The Council has an obligation to manage any actual or potential effects of activities in relation to the surface of water in rivers and lakes. This does not include the mouth of rivers where they are within the CMA. The activities managed by this chapter include the use of motorised and non-motorised craft on rivers and lakes for various purposes, and the construction of structures.

Activities occurring on the surface of water can have potential adverse effects on the ecological values of the freshwater waterbody particularly during fish spawning and bird breeding seasons, recreation values and natural character, and on the associated cultural values.

The Council has responsibilities under the RMA, NZCPS and the RPS to manage activities occurring on and adjacent to waterbodies. Given their overlapping functions, Council needs to work collaboratively with NRC that is responsible for managing water quality and quantity, ecosystems within the Region's freshwater bodies, and activities on the beds of rivers and lakes.

Objective	
<b>ASW-O1</b>	Activities on the surface of water are managed in a way that protects and enhances the ecological, recreation, natural character, amenity and cultural values of the district's rivers and lakes for current and future generations.

Policies	
<b>ASW-P1</b>	Enable the non-commercial recreational use of rivers and lakes where it will not result in adverse effect on ecological, recreation, natural character, amenity or cultural values.
<b>ASW-P2</b>	Provide for activities on the surface of water where: <ol style="list-style-type: none"> <li>a. there is a functional need to locate on the surface of the waterbody;</li> <li>b. the land use is consistent with the characteristics and qualities of the waterbody and adjacent zone or overlay;</li> <li>c. it will not result in adverse effects on the habitat of breeding birds or fish spawning areas;</li> <li>d. it will not result in adverse effects on any other indigenous flora and fauna within the riparian margins of the waterbody;</li> <li>e. it will not result in adverse effects on cultural and spiritual values associated with the waterbody;</li> <li>f. public access is not adversely affected or it is provided or enhanced;</li> <li>g. it will not result in adverse effects on other recreational activities; and</li> <li>h. it will not result in cumulative adverse effects with other structures or activities on the surface of the waterbody.</li> </ol>
<b>ASW-P3</b>	Recognise tangata whenua's relationship with and cultural practices associated with freshwater when managing activities on the surface of water in rivers and lakes, including the ability to undertake customary activities.

<b>ASW-P4</b>	<p>Manage activities on the surface of water to address the effects of the activity, including (but not limited to) consideration of the following matters where relevant to the application:</p> <ol style="list-style-type: none"> <li>whether there is a functional need for the activity or structure to be located on the waterbody;</li> <li>any adverse effects on indigenous biodiversity and riparian margins;</li> <li>any adverse effects on associated wetlands;</li> <li>any adverse effects on cultural and spiritual values;</li> <li>any adverse effects on recreation activity;</li> <li>any adverse effects on public access;</li> <li>any enhancement or provision of public access, including any consideration for launching, retrieval and damage to margins;</li> <li>whether the activity is within a water catchment that serves a public water supply;</li> <li>any cumulative adverse effects;</li> <li>the scale and location of any structure on the waterbody and adjacent land;</li> <li>whether the activity may exacerbate or be adversely affected by a natural hazard, including bank/channel erosion due to activity;</li> <li>servicing requirements, i.e. sewerage, refuse, access to the waterbody and parking;</li> <li>any adverse effect on the characteristics and qualities of the waterbody; and</li> <li>any public benefit.</li> </ol>
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**Rules**

**Notes:**

- There may be rules in other Part 2 - District-Wide Matters and the underlying zones in Part 3 - Area-Specific Matters that apply to a proposed activity, in addition to the rules in this chapter. This includes Part 2 rules relating to natural hazards, public access, light, noise and temporary activities. Activities are also required to comply with Part 3 zone rules applying to the waterbody. These other rules may be more stringent than the rules in this chapter. Ensure that the underlying zone chapter and other relevant District-Wide Matters chapters are also referred to, in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to the *how the plan works* chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.
- The Proposed Regional Plan for Northland, the Operative Regional Water and Soil Plan for Northland, and the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 also guide resource consent decision-making in relation to freshwater resources. Plan users are advised to refer to these documents when considering activities on or in proximity to freshwater resources.

<b>ASW-R1</b>	<b>The use of non-motorised craft for a non-commercial recreation activity or a customary activity</b>	
Surface of all rivers and lakes in all zones	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The use is a non-commercial recreation activity or a customary activity.</p> <p><b>PER-21</b> The craft is not used for residential activity.</p> <p><b>PER-3</b> The craft is used for search and rescue, scientific investigations, noxious flora and fauna control, maintenance of the habitat of indigenous fauna, or monitoring; or irrigation network maintenance on Waingaro and Manuwai Reservoirs.</p>	Activity status where compliance not achieved with PER-1, PER-2 or PER-3: Discretionary
<b>ASW-Rx</b>	<b>The use of non-motorised craft for other activities</b>	
Surface of all rivers and lakes in all zones	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The craft is used for:</p> <ol style="list-style-type: none"> <li>search and rescue; irrigati</li> <li>scientific investigations;</li> <li>noxious flora and fauna control;</li> <li>maintenance of the habitat of indigenous fauna;</li> </ol>	Activity status where compliance not achieved with PER-1: Discretionary

	<p>5. <u>monitoring; or</u>                  6. <u>irrigation network maintenance on reservoirs</u></p>	
<b>ASW-R2</b>	<b>The use of motorised craft for a non-commercial recreation activity</b>	
<p><b>Surface of all rivers and lakes in all zones</b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b>                  The use is a non-commercial recreation activity.</p> <p><b>PER-21</b>                  The craft is not used for residential activity.</p> <p><b>PER-3</b>                  The craft is used for search and rescue, scientific investigations, noxious flora and fauna control, maintenance of the habitat of indigenous fauna, or monitoring; or irrigation network maintenance on Waingaro and Manuwai Reservoirs.</p> <p><b>PER-42</b>                  With the exception of activities provided for in PER-3, The activity does not occur on any of the following water bodies:</p> <ol style="list-style-type: none"> <li>1. Lake Ngatu;</li> <li>2. Lake Owhariti;</li> <li>3. Lake Heather;</li> <li>4. Lake Rotorua;</li> <li>5. Far North Dune Lakes;</li> <li>6. Waitangi River (above Haruru Falls);</li> <li>7. Waingaro Reservoir; or</li> <li>8. Manuwai Reservoir.</li> </ol>	<p><b>Activity status where compliance not achieved with PER-1 or PER-2, PER-3 or PER-4: Discretionary</b></p>
<b>ASW-Rx</b>	<b>The use of motorised craft for other activities</b>	
<p><b>Surface of all rivers and lakes in all zones</b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b>                  The craft is used for:</p> <ol style="list-style-type: none"> <li>a. <u>search and rescue;</u></li> <li>b. <u>scientific investigations;</u></li> <li>c. <u>noxious flora and fauna control;</u></li> <li>d. <u>maintenance of the habitat of indigenous fauna;</u></li> <li>e. <u>monitoring; or</u></li> <li>f. <u>irrigation network maintenance on reservoirs</u></li> </ol>	<p><b>Activity status where compliance not achieved with PER-1: Discretionary</b></p>
<b>ASW-R3</b>	<b>Structures</b>	
<p><b>Surface of all rivers and lakes in all zones</b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b>                  The structure is associated with:</p> <ol style="list-style-type: none"> <li>a. a river crossing;</li> <li>b. scientific investigations;</li> <li>c. noxious flora and fauna control;</li> <li>d. maintenance of the habitat of indigenous fauna</li> <li>e. monitoring; or</li> <li>f. irrigation network maintenance on <del>Waingaro and Manuwai</del> reservoirs.</li> </ol>	<p><b>Activity status where compliance not achieved with PER-1: Discretionary</b></p>

<b>ASW-R4</b>	<b>Activities not otherwise listed in this chapter</b>	
<b>Surface of all rivers and lakes in all zones</b>	<b>Activity status: Non-complying</b>	<b>Activity status where compliance not achieved: Not applicable</b>