

Overview

District plans must recognise and provide for matters of national importance identified in the Act. The preservation of the natural character of wetlands, and lakes and rivers and their margins is a matter of national importance, which means that this plan must protect their values from inappropriate subdivision, use and development. Water bodies are of particular spiritual and intrinsic significance to mana whenua and are also enjoyed by the community for a range of commercial and recreational uses.

This plan must ensure that the effect of activities in close proximity to water bodies does not adversely affect their natural qualities and character. As such, the provisions of this section manage activities such as buildings and structures, effluent disposal and earthworks which may have an adverse effect on natural character. To give effect to the outcomes in the Waikato River Vision and Strategy, a number of provisions in this chapter place particular emphasis on protecting the Upper Waipa sub-catchments which are tributaries of the Waikato River and also broadly align to the karst overlay areas which are highly sensitive to changes in hydrological conditions. [Please note that natural character of the coastal environment is addressed in the coastal environment chapter.](#)

Objective

Refer also to the relevant objectives in Part 2 District - Wide Matters and Part 3 - Area Specific Matters

NATC-O1. The natural character of wetlands, and lakes and rivers and their margins are protected from inappropriate subdivision, use and development.

Policies

Refer also to the relevant policies in Part 2 District - Wide Matters and Part 3 - Area Specific Matters

NATC-P1. Protect and enhance the qualities and values of wetlands, and lakes and rivers and their margins by:

1. Requiring that activities are setback from wetlands, lakes and rivers; and
2. Avoiding activities which could generate effects that compromise the values of wetlands, and lakes and rivers and their margins; and
3. Ensuring the location, scale, intensity and form of subdivision, use and development are appropriate; and
4. Avoiding any activity, particularly earthworks and vegetation clearance, where this will adversely affect the qualities and values of wetlands, and lakes and rivers and their margins; and

5. Avoiding developments in locations that are of significance to mana whenua; and
6. Providing for plantation forestry and mineral extraction activities only where the ensuing operations do not adversely affect the qualities and values of wetlands, and lakes and rivers and their margins; and
7. Providing for the continued operation of lawfully established farming activities and recreational hunting; and
8. Promoting restoration and rehabilitation, giving special regard to areas where natural values have been compromised; and
9. Safeguarding the life-supporting capacity of freshwater ecosystems and maintaining or enhancing indigenous biodiversity.

NATC-P2. When considering the appropriateness of subdivision, land use or development activities, ensure the values of wetlands, and lakes and rivers and their margins are preserved by:

1. Assessing the functional need necessity of the activity being located in or near wetlands, and lakes and rivers and their margins; and
2. Recognising the potential for restoration, rehabilitation or enhancement of natural character to mitigate the adverse effects of an activity; and
3. Ensuring sufficient development setbacks are in place; and
4. Avoiding the significant adverse effects of subdivision, use and development where these would damage, diminish or compromise natural character; and
5. Ensuring that activities are carried out in a way that maintains or enhances water quality and freshwater ecosystems; and
6. Providing for the continued operation of lawfully established farming activities; and
7. Recognising and protecting the following natural elements, patterns, processes and experiential qualities which contribute to natural character:
 - (i) Waterbodies in their natural states or close to their natural state; and
 - (ii) Freshwater landforms and landscapes; and
 - (iii) Freshwater physical processes, including the movement of water and sediment; and
 - (iv) Biodiversity; and
 - (v) Biological processes and patterns; and
 - (vi) Water flows and levels, and water quality; and
 - (vii) The experience of the above elements, patterns and processes.

NATC-P3. Give effect to the directions and outcomes in the Waikato River Vision and Strategy and the Waipā Accord through provisions relating to building setbacks, removal of indigenous vegetation and management of earthworks in the Upper Waipa sub-catchments.

Rules

The rules that apply to activities in proximity to water bodies are contained in the tables listed below. To undertake any activity, it must comply with all the rules listed in:

- NATC - Table 1 – Activities Rules; and
- Any relevant provision in Part 2 District-Wide Matters; and
- Any relevant provision in Part 3 Area Specific Matters.

Where an activity breaches more than one rule, the most restrictive status shall apply to the activity.

[Refer to Part 1 - How the Plan Works](#) for an explanation of how to use this plan, including activity status abbreviations.

Note: See the rules in the [coastal environment chapter](#) if the activity is undertaken adjoining a water body within the coastal marine area.

Note: For vegetation clearance, land disturbance and earthworks within 10 m of a natural wetland see the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.

Note: Unless otherwise stated, commercial forestry activities are regulated under the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017.

Pursuant to Section 86B(3) of the RMA, the following rules that protect or relate to water have immediate legal effect: NATC-R1-R5

NATC - Table 1 – Activities Rules

The rules in this table apply to activities adjoining water bodies outside of the coastal marine area in all zones		
NATC-R1.	Removal of indigenous vegetation within 5 m from the edge of a water body	
Activity Status: PER Where: <ol style="list-style-type: none"> 1. The trimming, pruning or removal of indigenous vegetation can occur within 5 m from the bankfull channel width (see NATC - Figure 1) only if the activity is undertaken: <ol style="list-style-type: none"> (i) Under the direction or control of the Department of Conservation on public conservation estate or Waitomo District Council on a Council reserve; or 	Activity status where compliance is not achieved: RDIS Matters over which discretion is restricted: <ol style="list-style-type: none"> (a) The location and extent of the activity and its effects on hydrological and ecological values of the water body; and (b) Whether the activity would create new or exacerbate existing natural hazards, including flooding or stream bank erosion; and 	

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| <ul style="list-style-type: none"> (ii) In accordance with the terms of a Queen Elizabeth II Covenant, Nga Whenua Rahui Kawenata, Heritage Protection Order or covenant under the Reserves Act 1977 or Conservation Act 1987 or other relevant order, covenant, consent notice or encumbrance <u>where the works are for the purpose of conservation activities only</u>; or (iii) To remove, dead, <u>diseased</u> or damaged indigenous vegetation <u>or indigenous vegetation</u> presenting an imminent <u>danger threat</u> to human life; or (iv) Within 2 m of a fenceline, to maintain or construct perimeter fences to exclude stock from a water body; or (v) For maintenance purposes on or within 2 m of existing roads, tracks or water intake/discharge structures; or (vi) For pest <u>species</u> management <u>and any other</u> activities <u>as</u> identified in the Waikato Regional Pest Management Plan <u>and for the removal of material infected by unwanted organisms under the Biosecurity Act 1993</u>; or (vii) For conservation activities. | <ul style="list-style-type: none"> (c) The extent to which the activity can be relocated to meet setback requirements from the water body; and (d) The functional and operational need to clear indigenous vegetation; and (e) The extent to which existing vegetation is retained in order to mitigate the effects of streambank and slope erosion, sedimentation, water quality degradation and loss of indigenous species habitat; and (f) The location, timing of construction, design and density of soil disturbance and vegetation removal activities and any rehabilitation measures proposed; and (g) Effects on the relationship of mana whenua and their culture and traditions with the site and any wāhi tapu or other taonga affected by the activity; and (h) The extent of adverse cumulative effects at a catchment scale on hydrological and ecological values; and (i) Measures to avoid, remedy or mitigate adverse effects of the activity on hydrological and ecological values of the water body. |
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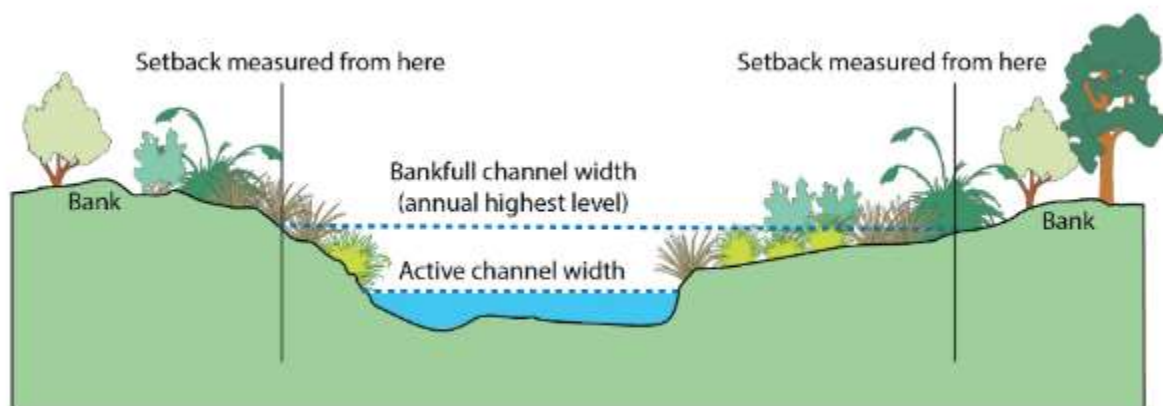
Note: Also see the rules in the [ecosystems and indigenous biodiversity chapter](#) if the activity is undertaken within a significant natural area.

Note: For vegetation clearance within 10 m of a natural wetland see the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.

For the purposes of NATC-R1 to R4 a water body is:

- (i) A perennial watercourse with a bankfull channel width of 3 m or more; or
- (ii) In the Upper Waipa River sub-catchments as identified on the Planning Maps, a perennial watercourse with a bankfull channel width of 2 m or more; or
- (iii) A lake equal to or larger than 0.25 ha.

NATC - Figure 1



NATC-R2.	Buildings and structures within 25 m from the edge of a water body	
<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> Buildings or structures can be located within 25 m of a natural wetland or 25m from the bankfull channel width (see NATC - Figure 1) only if the building or structure is; <ol style="list-style-type: none"> An intake or discharge structure less than or equal to 4 m²; or Hydro-electricity generation of up to and including 5kW of electricity per site where the footprint of the structure is less than or equal to 2 m²; or A structure associated with a maimai up to 10 m² in area and no more than 2.5 m in height as measured from the floor level of the maimai; or A structure associated with a whitebait stand that has an area less than or equal to 4 m²; or A park facility or park furniture or a new publicly accessible walkway or cycleway; <p>AND</p> <ol style="list-style-type: none"> The provisions of this rule apply to feed pads and wastewater treatment systems including domestic septic tank systems and farm effluent ponds; and The provisions of this rule do not apply to fences. 	<p>Activity status where compliance is not achieved: DIS</p>	
NATC-R3.	Setbacks for cultivation	
<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> Cultivation must be located at least 5 m from the edge of any water body as measured from the bankfull channel width (see NATC – Figure 1). <p><i>Note: For land disturbance within 10 m of a natural wetland see the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.</i></p>	<p>Activity status where compliance is not achieved: RDIS</p> <p><u>Matters over which discretion is restricted:</u></p> <ol style="list-style-type: none"> <u>The location and extent of the activity and its effects on hydrological and ecological values of the water body; and</u> <u>The extent to which the activity can be relocated to meet setback requirements from the water body; and</u> The functional and operational need to clear indigenous vegetation; and The extent to which existing vegetation is retained in order to mitigate the effects of streambank and slope erosion, sedimentation, water quality degradation and loss of indigenous species habitat. 	

NATC-R4.	Earthworks within 5 m from the edge of a water body
<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Earthworks up to 15 m³ can occur within 5 m from the bankfull channel width (see NATC - Figure 1) only if the activity is undertaken: <ol style="list-style-type: none"> (i) Under the direction or control of the Department of Conservation, Waikato or Manawatū-Whanganui Regional Councils or Waitomo District Council; or (ii) To maintain or construct perimeter fences for stock exclusion; or (iii) For maintenance of culverts and bridges; or (iv) For maintenance associated with bank stabilisation and erosion protection; or (v) For maintenance associated with stormwater detention and treatment facilities; or (vi) For maintenance purposes on or within 2 m of existing roads, tracks or water intake/discharge structures; or (vii) As part of maintenance of existing drains; <u>or</u> (viii) <u>For conservation activities.</u> <p><i>Note: For earthworks within 10 m of a natural wetland see the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.</i></p>	<p>Activity status where compliance is not achieved: DIS</p>
NATC-R5.	Exemptions
<ol style="list-style-type: none"> 1. The following activities are exempt from the provisions of NATC – Table 1: <ol style="list-style-type: none"> (i) Municipal water supply intake structures and buildings; and (ii) Rural water supply intake structures; and (iii) Municipal wastewater discharge structures and buildings; and (iv) Structures, earthworks or vegetation clearance for flood management or protection purposes or drainage works where these are undertaken by the Waikato or Manawatū-Whanganui Regional Councils, Waitomo District Council or on their behalf by an approved contractor; and (v) The operation and maintenance of existing district roads, bridges, <u>railway corridors</u> and state highways; and (vi) Earthworks and vegetation clearance required in the event of a track being destroyed by flooding or landslide or other natural hazard and there are no alternative options to obtain access to undertake existing farming activities or to access an existing residential unit; and (vii) The following sites in the rural production zone with a primary purpose of hydroelectric power generation: RPROZ-14 Wairere Hydro Power Station, Aria Road and RPROZ-15 Mokauiti Hydro Power Station, Totoro Road and RPROZ-16 Speedies Road Hydro Power Station, Speedies Road and RPROZ-17, Boulder Creek Road Hydro Power Station, Waipa Valley Road; and (viii) Provisions specific to new hydro-electricity generation activities are contained in the <u>energy chapter</u>. <p><i>Note: For vegetation clearance, land disturbance and earthworks within 10 m of a natural wetland see the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.</i></p>	