

Activities on the Surface of Water

Overview

The water bodies in the district are highly valued for a range of recreational activities including, swimming, fishing, and boating. This plan does not restrict the use of the surface of water for recreational activities but does manage tourism activities. Tourism activities are important for economic and social wellbeing but they also have the potential to increase the intensity and frequency of use of an area and as a consequence, the potential for conflict between activities arises. Tourism activities also have the potential to conflict with the natural and cultural values of water bodies.

Structures such as jetties, whitebait stands and piers that are fixed to the bed of a lake or river are managed by the Waikato Regional Council and the Manawatū Whanganui Regional Council. The regional councils also have the responsibility of maintaining water quality and quantity. However, on the surface of water, regional and district council roles can intersect. For example, some surface water activities in certain locations can have detrimental impacts on aquatic ecosystems and the margins of water bodies through inappropriate levels of activity. Additionally, motorised boats operating in shallow waters can have adverse effects on plant life and fish spawning sites. As the range of activities occurring on water bodies increases, their compatibility with one another and their impacts on the environment need to be carefully considered.

Water bodies are not zoned in Waitomo district but they are subject to the rules in this chapter and other relevant chapters such as the [temporary activities](#), [ecosystems and indigenous biodiversity](#) and the [noise chapters](#).

Objectives

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

- ASW-O1.** Enable people to readily access and safely enjoy using the surface of water for a range of activities.
- ASW-O2.** Protect the natural character, cultural and ecological values of water bodies from inappropriate use and development.
- ASW-O3.** Maintain and enhance the amenity values of water bodies and their margins.
- ASW-O4.** Give effect to the directions and outcomes in the Waikato River Vision and Strategy and the Waipā Accord.

Policies

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

- ASW-P1.** Ensure conflict between users is managed by segregating activities which are incompatible with particular water body environments, or with other activities (including temporary activities) occurring on the surface of water as far as practicable.
- ASW-P2.** Ensure any activities (including temporary activities) proposing to locate on the surface of the water, including structures and tourism activities, are appropriate having regard to the:

1. Particular natural character, ecological, cultural, historical, amenity and/or recreational values of the water body and the impact of the activity on these values; and
2. Purpose of the activity and whether it has a functional need to locate on the surface of the water; and
3. Ability to provide, maintain, or enhance public access to the water body; and
4. Ability to restore and rehabilitate the water body and/or off-set any adverse effects; and
5. Ability to maintain or enhance the natural character and natural functions of the water body and its margins; and
6. Potential to create new or exacerbate existing natural hazards, including flooding or streambank erosion.

ASW-P3. Provide for the use of the surface of water for private recreational activities, outdoor education activities, navigational aids, signs and surface safety structures.

ASW-P4. Where an activity or structure may adversely affect areas of cultural or spiritual values or associations of importance to mana whenua, ensure appropriate consultation and/or cultural advice is obtained from mana whenua as kaitiaki.

Rules

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

- ASW - 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: Where the structure is attached to the bed of a lake or river, a resource consent may also be required from the Waikato Regional Council or Manawatū-Whanganui Regional Council.

Pursuant to Section 86B(3) of the RMA, the following rules that protect or relate to water have immediate legal effect: ASW-R1 to ASW-R7.

ASW - Table 1 - Activities Rules

The rules in this table apply to activities on the surface of water in all zones	
ASW-R1.	Permitted activities on the surface of water

Activity status: PER

Where:

1. The activity is for private recreational use including swimming, canoeing, rafting, boating, food gathering, hunting, angling, kayaking and jet boating; or

2. The activity is an outdoor education activity; or
3. The activity is carried out by a local authority or organisation exercising powers, functions and duties required as part of their responsibilities under any relevant statutory provisions; or
4. The activity is a navigational aid, sign or surface structure erected or permitted by the Harbour Master.

Activity status where compliance is not achieved: N/A

ASW-R2.	Structures on the surface of the water
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Activity Status: PER

Where:

1. The structure is an intake or discharge structure less than or equal to 2 m²; or
2. The structure is for hydro-electricity generation of up to and including 5 kW of electricity per holding (see [ENGY-R7](#)).

Activity status where compliance is not achieved: RDIS

Matters over which discretion is restricted:

- (a) Effects on existing recreational values; and
- (b) The benefits from the proposed structure; and
- (c) Whether the proposed structure would adversely impede or affect the flow of flood waters; and
- (d) The extent to which the activity impacts on natural character, cultural and amenity values; and
- (e) Effects on water bodies which have cultural spiritual and/or historic values and interests or associations of importance to mana whenua, the impact on those values, and the outcome of any consultation and/or cultural advice provided by mana whenua as kaitiaki, including with respect to mitigation measures; and
- (f) Effects on public access to any water body; and
- (g) Effects on any scheduled site or feature; and
- (h) Whether the activity adversely affects any adjoining land-based activities; and
- (i) The extent to which alternative locations have been considered.

ASW-R3.	Temporary events on the surface of water
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Activity Status: PER

Where:

1. The temporary event complies with the provisions applicable to the relevant zone adjacent to the surface of water. See the [temporary activities chapter](#).

ASW-R4.	Noise on the surface of water
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Activity Status: PER

Where:

1. The use of the surface of water does not result in noise levels in excess of the permitted noise levels in the general rural zone. See the [noise chapter](#).

ASW-R5.	Tourism activities on the surface of water	
Activity Status: PER	Where: 1. The activity does not involve motorised craft; and 2. The activity does not exceed 30 paying customers per day; and 3. The activity does not require exclusive use of an area of water; and 4. Activities on the surface of water underground (including caving and cave tubing or the use of a punt) require a resource consent for a discretionary activity.	Activity status where compliance is not achieved: DIS
ASW-R6.	Activities not otherwise listed in ASW - Table 1	
Activity Status: DIS		Activity status where compliance is not achieved: N/A
ASW-R7.	Exemptions	

1. The following activities are exempt from the provisions of ASW – Table 1:
 - (i) Municipal water supply intake structures; and
 - (ii) Rural water supply intake structures; and
 - (iii) Structures 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
 - (iv) Municipal wastewater discharge structures; and
 - (v) The operation and maintenance of existing district roads, bridges and state highways; and
 - (vi) 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 Mokauti 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
 - (vii) Provisions specific to new hydro-electricity generation activities are contained in the [energy chapter](#).

ASW - Table 2 - Performance Standards

There are no Performance Standards