

## Rule 3.4 Activities on the Surface of Water

### Rule Statement

This rule controls the effects of activities occurring on the surface water of the Waikato River and Lake Rotoroa (Hamilton Lake) while facilitating a range of recreational opportunities. This rule also applies to Lake Rotokaeo (Forest Lake) and Horseshoe Lake (Rotongahere).

Structures such as jetties and pontoons can also have impacts on the surface of water and their effects on natural character, water flows, and as potential navigation hazards needs to be controlled through the District Plan. Some of these structures are attached to the bed of the Waikato River or Lake Rotoroa and are therefore controlled through the Proposed Waikato Regional Plan.

Managing activities on the surface of water is complicated by the infrequent use of the river by large numbers of individuals, for whom it is a recreational resource. However the effects from such use on the waterbody, its adjoining banks, and neighbours can be adverse and the plan does have a role in creatively managing these effects.

### Expected Outcome

Activities on the surface of water are undertaken in a manner that avoids, remedies or mitigates adverse effects on the natural values of the waterbody, and on the amenity of adjoining land uses.

### Means of Compliance

The following rules shall be read in conjunction with the standards and performance assessments in the underlying zone, and all other rules in the Plan.

The activity status and standards in this rule may be modified by Overlay Rules in [Rule Section 2.0](#).

The activity status of a Permitted or Controlled Activity may be altered from the activity list below where the activity cannot meet one or more of the standards in this rule. For clarification of activity status, see [Rule 3.4.4 – Failure to Meet Standards](#).

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Section 3.3 Activities on the Surface of Water.

### 3.4.1 Activities

#### a) Permitted Activities

The following activities are Permitted Activities provided they comply with the standards in Rule 3.4.2:

- Non-motorised water activities
- Motorised water activities on the Waikato River only (except Events and residential activities on boats).

#### b) Controlled Activities

The following activities shall be Controlled Activities provided they comply with the standards in Rule 3.4.2 and the relevant standards in Rule 3.4.3, and will be controlled in respect of the matters identified:

- Events for motorised water activities on the Waikato River
  - with respect to the speed, size and frequency of motorised craft; hours of operation of surface water activities relating to an event, including associated activities carried out on adjacent land; timing of the event with respect to the water level of the river.

#### c) Discretionary Activities

The following activities are Discretionary Activities:

- Any event not provided for as a controlled activity for motorised water activities on the Waikato River
- Jetties and Pontoons
- Residential use of boats.

#### d) Non-Complying Activities

The following activities are Non-Complying Activities:

- Any motorised water activity on any lake
- Any activity not provided for above.

### 3.4.2 Specific Standards

The following standards apply to the activities specified below.

#### a) Events for Motorised Water Activities on the Waikato River

- i) Any event shall have a maximum duration of two days.
- ii) A maximum of three events in order of consent granted on the Waikato River shall be allowed to take place per year.

### 3.4.3 Failure to Meet Standards

- a) Activities which do not comply with one or two standards in Rule 3.4.2 are **Discretionary Activities**.

## Performance Assessment

In determining any resource consent Council shall have regard to the expected outcome for this rule and the relevant underlying zone, to any related objectives and policies, and to the following.

### 3.4.4 Performance Outcomes – Controlled Activities

In assessing a resource consent for a Controlled Activity, Council can impose conditions on the following matters.

- a) **Size, Speed and Frequency of Motorised Craft**

- i) The operation of any motorised craft shall not result in any reduction in the stability of river banks.
- ii) The operation of any motorised craft shall not impact on any identified significant habitat along river margins.

- b) **Hours of Operation**

Adjoining residents shall be protected from unreasonable levels of noise and disturbance particularly outside of daylight hours.

- c) **Flow Levels**

Events should not take place when the Waikato River is in flood, or low flow condition.

### 3.4.5 Assessment Criteria – Restricted Discretionary and Discretionary Activities

Restricted Discretionary Activities will be assessed only in respect of the subject matter of the standard with which the activity was unable to comply.

Discretionary Activities will be assessed against, but not limited to, the assessment criteria below.

- a) **General Criteria**

- i) The extent to which any disturbance to residents in or adjoining the waterbody may be mitigated.
- ii) Any effects on the natural values of the waterways, especially banks and vegetation along the river.
- iii) Any effects on wildlife caused by disturbance to nesting or feeding sites.
- iv) The cumulative effect of events on natural values, bank stability, and erosion.
- v) The need for associated land-based activities for the operation of any activity and the impact on natural values that may be caused.

- vi) The speed and size of any vessels to be used on surface waterways, and any likelihood of bank erosion.
- vii) Any impediment to water flows and the potential to snag debris and flotsam.
- viii) The ability to retain navigable waters at all times.