



SURFACE OF WATER - RULES

SW3.1 Rule Statement

The following rules shall apply to activities undertaken on the surface of water within the Ruapehu District. Regard shall be had to all Objectives and Policies which may be relevant to any proposed activity subject to the provisions of this Rule. This includes, but shall not be limited to the Surface of Water - Policy section.

For the purpose of clarification the provisions contained in the Rural Zone do not apply to activities in relation to the surface of water. Please also note that the Regional Council is responsible for controlling the taking, use, damming, and diversion of water, and the control of the quantity, level, and flow of water in any water body.

SW3.2 Rules

SW3.2.1 Permitted Activities

The following activities are Permitted Activities provided they comply with the General Conditions outlined in section SW3.3 below.

- (a) Water recreation activities (including commercial and motorised recreation activities).
- (b) Water transport activities (including commercial and motorised transport activities).
- (c) Conservation activities.
- (d) The use of motorised craft on all water bodies 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.
- (e) Navigational aids and beacons and the establishment, operation and maintenance of hydrological and meteorological services.
- (f) Temporary structures and machinery associated with the maintenance and repair of Electricity Generation Activities.

SW3.2.2 Controlled Activities

The following activities are Controlled Activities provided they comply with the General Conditions outlined in section SW3.3.

Such activities shall be considered without the need to obtain written approval from affected parties and without the need for notification. Applications will be assessed and conditions imposed only in respect of the Matters of Control specified below and the Assessment Criteria outlined in section SW3.4.1.

- (a) Temporary structures (excluding temporary structures and machinery associated with the maintenance and repair of Electricity Generation Activities)
Council has reserved control over the following matters:
 - (i) Visual impact of the structure
 - (ii) Duration for which the structure will be erected.
 - (iii) Potential for navigational or safety hazard
- (b) Commercial motorised water recreation and transport activities
- (c) Council has reserved control over the following matters:
 - (i) Noise



SW3.2.3 Discretionary Activities

The following activities are Discretionary Activities.

Applications will be assessed against but not limited to, the relevant Assessment Criteria outlined in section SW3.4.2.

- (a) Any activity that is provided for as a Permitted Activity by Rule SW3.2.1 or a Controlled Activity by Rule SW3.2.2 but fails to meet one or more of the General Conditions outlined in section SW3.3 Relevant Objectives and Policies – SW2.2, SW2.3 and SW2.4
- (b) Permanent structures or moorings on the surface of any lake and river.
Relevant Objectives and Policies – SW2.2, SW2.3 and SW2.4
- (c) Any other activity not specifically referred to or provided for by Rules SW3.2.1, SW3.2.2, SW3.2.3(a) or SW3.2.3(b).
Relevant Objectives and Policies – SW2.2, SW2.3 and SW2.4

SW3.3 General Conditions

Compliance with the following General Conditions is required for all Permitted and Controlled Activities as outlined in rules SW3.2.1 and SW3.2.2 above.

SW3.3.1 Noise

- (a) Powered watercraft shall be fitted with effective mufflers during all movement on water and shall not exceed the following noise limits at any point within any notional boundary.
 - (i) 7:00am to 9:00pm (On any day): Sound Exposure Level (SEL) 85dBA
 - (ii) 9:00pm to 7:00am (The following day) Sound Exposure Level (SEL) 78dBA
 Provided no moving craft shall emit noise in excess of a Sound Exposure Level of 90 dBA in any single driveby measured at any stationary point more than 25m from the line of travel of the craft.
- (b) Measurement and assessment of noise levels shall be in accordance with New Zealand Standards NZS 6801:2008 *Acoustics – Measurement of Environmental Sound* and 6802:2008 *Acoustics – Environmental Noise*.

SW3.3.2 Temporary Structures

- (a) Bulk
 - (i) Any structure shall not exceed 20m²
- (b) Duration
 - (i) No temporary structure shall be established for more than a four month contiguous time period within any twelve month period.

SW3.3.3 Temporary Structures and Machinery Associated with the Maintenance and Repair of Electricity Generation Activities

- (a) Duration
 - (i) No temporary structure shall be established for more than seven consecutive days and not greater than six events shall occur within any twelve month period.



SW3.4 Assessment Criteria

SW3.4.1 Controlled Activities

Controlled Activities will be assessed with regard to the assessment criteria outlined below.

- (a) Structures
 - (i) The bulk and scale of the structure and its visual impact upon the amenity and character of the surrounding area.
 - (ii) The duration for which the structure will be erected.
 - (iii) Extent to which the structure will pose a potential navigational or safety hazard to other users of the water body.
 - (iv) The extent to which the activity would generate benefits relating to the social, cultural and economic wellbeing of communities.
- (b) Noise
 - (i) Scale, character and nature of the operation including the frequency of use and size of vessels associated with the activity.
 - (ii) Extent to which the activity will reduce opportunities for other recreational activities, enjoyment of the natural environment and, particularly, the amenity and values of the water body.
 - (iii) Extent to which the noise levels is likely to adversely affect wildlife
 - (iv) The likely effect of the noise levels upon the character and amenity of the surrounding environment.

SW3.4.2 Discretionary Activities

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

- (a) Scale, character and nature of the activity including the frequency of use and size of vessels associated with the activity.
- (b) The potential for conflict between the activity/structure and other users of the same water body to compromise public safety and the safety of other users of the water body.
- (c) Effects of the activity on identified cultural values of the relevant water body.
- (d) Effects of associated activities on land including the impact on public access to the District's water bodies.
- (e) Effect on the range of recreation opportunities available in the District and the resulting effect on the quality of the experience.
- (f) Extent to which the activity will reduce opportunities for other recreational activities, enjoyment of the natural environment and, particularly, the amenity and values of the water body.
- (g) Extent to which the activity is likely to adversely affect the habitat of wildlife
- (h) Extent of the visual domination of the structures on the surface of the water, particularly viewed from any public place.
- (i) Levels of traffic congestion or reduction in levels of traffic safety associated with the activity and compatibility with the adjoining road
- (j) Potential for adverse effects on the conservation values of river or lake (in particular the values of natural character).
- (k) The likely effect of the noise levels upon the character and amenity of the surrounding environment.
- (l) The extent to which the activity would generate benefits relating to the social, cultural and economic wellbeing of communities.
- (m) The extent to which the structure or activity is required through necessity to be located on the surface of the waterbody as opposed to being sited in any other alternative location.