

## 15. Marina Zone

### Note:

Vegetation clearance, earthworks or land disturbance within, or within a 10 m setback from a natural wetland is managed under Part 3 Subpart 1 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, except where prohibited by this plan.

### Note:

Natural wetland has the meaning given by the National Policy Statement for Freshwater Management and includes, but is not limited to, Significant Wetlands.

### 15.1. Permitted Activities

Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 15.2 and 15.3:

[C]

**15.1.1. Shipping activity as follows: movement and other activities associated with the berthing and departure of ships; ship anchorage; ship docking and berthage; mooring activities; and the loading and unloading of people and goods.**

[C]

**15.1.2. Use of surface water by a ship.**

[D]

**15.1.3. Commercial ship brokering, charter boat hire services, chandlery and sail making services and retail associated with these permitted activities.**

[C, D]

**15.1.4. Commercial boat related tourist activity or a tourist operator service (including a cafe or restaurant).**

[C, D]

**15.1.5. Establishment and operation of a marine fuel facility.**

[D]

**15.1.6. Maintenance, repair and storage of a ship.**

[D]

**15.1.7. Manual scraping of an anti-foul paint coating or bio-foul waste from a ship.**

[D]

**15.1.8. Maritime education and maritime research activity.**

[D]

**15.1.9. Marina administration activity.**

[D]

**15.1.10. Living accommodation facility for marina staff.**

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Add new rules and standards as per additions to 14.3 to provide for manual scraping and wet sanding of anti-foul paint for purpose of removal, and any associated discharge to air.  
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[D]

**15.1.11. Toilets, showers, changing rooms or other ablution facilities including a laundry facility associated with use of the marina.**

[C]

**15.1.12. Maintenance, repair or replacement and use of a building or structure in the coastal marine area, and for Permitted Activity purposes, the construction, use, maintenance, repair or replacement of a building or structure on existing wharves.**

[C, D]

**15.1.13. Removal or demolition of a building or structure.**

[C, D]

**15.1.14. Cable or line on an existing lawfully established structure, where the cable or line is securely fixed and taut against the structure.**

[C, D]

**15.1.15. Marine navigational aid (including lighting), and any supporting structure.**

[C]

**15.1.16. Replacement of a submarine or suspended cable or line.**

[C]

**15.1.17. Removal of submarine or suspended cable or line.**

[C]

**15.1.18. Temporary structure for scientific monitoring purposes or temporary equipment for scientific monitoring purposes.**

[D]

**15.1.19. Transportation activities including: the construction of a road, right of way, path or hardstand area; vehicle parking, manoeuvring and transit; or bus station activity.**

[D]

**15.1.20. Park or reserve.**

[C]

**15.1.21. Coastal recreation.**

[D]

**15.1.22. Use of a clubroom for a marine recreation group.**

[R, D]

**15.1.23. Geotechnical bore drilling for the purposes of investigation of sub-surface conditions.**

[C]

**15.1.24. Dredging and associated disturbance to the foreshore and seabed, to maintain water depth levels in and around berths and the entrance to the marinas, as necessary for ship berthage, manoeuvring and transit.**

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[C]

**15.1.25. Clearance of sand, shell, shingle or other natural material from a river mouth for flood mitigation.**

[C]

**15.1.26. Clearance of sand, shell, shingle or other natural material from a stormwater outfall pipeline, drain or culvert.**

[R, D]

**15.1.27. Excavation.**

[R, D]

**15.1.28. Filling of land with clean fill.**

[R, D]

**15.1.29. Non-indigenous vegetation clearance.**

[C]

**15.1.30. Marine oil spill clean-up activity and the associated release of oil dispersants.**

[C]

**15.1.31. Take and use of coastal water.**

[R]

**15.1.32. Discharge of contaminants to air arising from burning in the open.**

[R]

**15.1.33. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:**

- (a) training people to put out fires;
- (b) creating special smoke and fire effects for the purposes of producing films;
- (c) fireworks display or other temporary event involving the use of fireworks.

[C]

**15.1.34. Occupation of the coastal marine area associated with any permitted activity except Coastal Recreation.**

[C]

**15.1.35 In-water cleaning of biofouling of ships, moveable structures or navigational aids and associated discharge of contaminants and biological material.**

[R]

**15.1.36 The discharge of contaminants into air from the storage or transfer of petroleum products, including vapour ventilation and displacement.**

[R]

**15.1.37 Discharge of dust,**

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## 15.2. Standards that apply to all permitted activities

### 15.2.1. Construction, use, maintenance, repair, replacement or extension of a building or structure.

- 15.2.1.1. The maximum height of a building or structure must not exceed 10m above natural ground level or the ground level established by reclamation.
- 15.2.1.2. The minimum setback of a building or structure to a public road must be 3m.
- 15.2.1.3. The minimum setback of a building or structure to the Urban Residential 2 Zone must be 6m.
- 15.2.1.4. The minimum setback of a building or structure to the boundary of any Zone not specified in 15.2.1.3, except the Coastal Marine Zone, must be 3m.
- 15.2.1.5. A building or structure must not be sited within 20m of a Riparian Natural Character Management Area.
- 15.2.1.6. A building or structure must be set back at least 8m from a river or the landward toe of any stopbank.
- 15.2.1.7. The land within the minimum building setbacks to any land zoned Urban Residential 2 must not be used for marina operations (including motor vehicle parking).
- 15.2.1.8. Where a building is to be located in that part of the Marina Zone in Waikawa Bay that is identified in Appendix 10, the following additional performance standards apply:
  - (a) the maximum building height must not exceed 6m;
  - (b) the building must not exceed 50m<sup>2</sup> in ground floor area;
  - (c) only one building is permitted.

### 15.2.2. Disturbance of the foreshore or seabed.

- 15.2.2.1. All adverse effects arising from disturbance of the foreshore or seabed must be able to be remedied by natural processes within 7 days of the disturbance.
- 15.2.2.2. The disturbance must be undertaken in a manner which minimises water turbidity.
- 15.2.2.3. The disturbance must not adversely affect navigational safety.
- 15.2.2.4. There must be no contaminants released from equipment being used for the activity.
- 15.2.2.5. All equipment must be removed from the coastal marine area on completion of the operation.

### 15.2.3. Noise.

- 15.2.3.1. An activity must not cause noise that exceeds the following limits at any point within the boundary of any other property zoned Marina or be conducted to ensure that noise when measured at the notional boundary of any noise sensitive activity within the zone does not exceed the following limits:

7.00 am to 10.00 pm	60dB L <sub>Aeq</sub>
10.00 pm to 7.00 am	45dB L <sub>Aeq</sub> 75dB L <sub>AFmax</sub>

15.2.3.2. An activity undertaken within the Marina Zone must be conducted to ensure that noise when measured at any point within any site zoned Urban Residential 2 or Business 1 or notional boundary of any site zoned Open Space 1, Coastal Living or Coastal Environment does not exceed the following limits:

7.00 am to 10.00 pm	55dB LAeq
10.00 pm to 7.00 am	45dB LAeq 75dB LAfmax

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15.2.3.3. The following activities are excluded from having to comply with the noise limits:

- (a) noise generated by a navigational aid, safety signal, warning device, or emergency pressure relief valve;
- (b) noise generated by emergency work arising from the need to protect life or limb or prevent loss or serious damage to property or minimise or prevent environmental damage;
- (c) noise generated by a ship under way.

15.2.3.4. Noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with, NZS 6802:2008 Acoustics – Environmental Noise.

15.2.3.5. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with NZS 6803:1999 Acoustics – Construction Noise.

#### 15.2.4. Use of external lighting.

15.2.4.1. Light spill onto any land zoned Urban Residential 2 must not exceed 2.5 Lux spill (horizontal and vertical).

15.2.4.2. Light spill onto any adjoining zone, except Urban Residential 2 Zone, must not exceed 10 Lux spill (horizontal and vertical) measured from 2m into the adjoining zone.

15.2.4.3. All exterior lighting (except street lights) must be directed away from any land zoned other than Marina Zone and any road.

#### 15.2.5. Storage of waste.

15.2.5.1. Waste must not be stored within 6m of the boundary of any land zoned Urban Residential 2.

15.2.5.2. Stored waste must be screened from public view.

15.2.5.3. Stored waste must be in a covered container.

15.2.5.4. Contaminants must not be discharged from a waste storage container.

#### 15.2.6. Odour.

15.2.6.1. There must be no objectionable or offensive odour to the extent that it causes an adverse effect at or beyond the legal boundary of the site.

##### Note:

For the purpose of this performance standard, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by a Council officer. In determining whether an odour is offensive or objectionable, the "FIDOL" factors must be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location). For the purposes of this performance

standard, the "site" comprises all that land owned or controlled by the entity undertaking the activity causing the odour.

**15.2.7. Smoke.**

15.2.7.1. The smoke must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

**15.2.8. Dust.**

15.2.8.1. There must be no objectionable or offensive discharge of dust to the extent that it causes an adverse effect (including on human health) at or beyond the legal boundary of the site.

## Note 1:

For the purpose of this performance standard, an offensive or objectionable discharge of dust is one which can be detected and is considered to be offensive or objectionable by a Council officer. In determining whether dust is offensive or objectionable, the "FIDOL" factors must be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location). For the purposes of this performance standard, the "site" comprises all that land owned or controlled by the entity undertaking the activity causing the dust.

## Note 2:

This performance standard shall not apply if the discharge of dust is authorised by an air discharge permit. .

**15.2.9. Particulate from any process vent or stack.**

15.2.9.1. The particulate must not contain hazardous substances such that it causes an adverse effect (including on human health) at or beyond the legal boundary of the site.

15.2.9.2. The concentration of particulate discharged from any air pollution control equipment and dust collection system must not exceed 250mg/m<sup>3</sup> at any time, corrected to 0°C, 1 atmosphere pressure, dry gas basis.

This standard does not apply to discharges to air which are subject to standards for specific permitted activities.

## 15.3. Standards that apply to specific permitted activities

**15.3.1. Commercial boat related tourist activity or a tourist operator service (including a cafe or restaurant).**

15.3.1.1. The activity must not involve visitor accommodation.

**15.3.2. Maintenance, repair and storage of a ship.**

15.3.2.1. The activity must not involve any abrasive blasting.

15.3.2.2. There must be no contaminants released into the coastal marine area.

**15.3.3. Manual scraping of an anti-foul paint coating or bio-foul waste from a ship.**

15.3.3.1. All anti-foul or bio-foul waste, coating waste or other contaminant removed must be captured

15.3.3.2. The waste and contaminants captured must be stored for disposal in a covered container located in a roofed area.

15.3.3.3. The waste must not be disposed of to the coastal marina area.

15.3.3.4. The activity must not result in any paint entering a waterbody (including coastal water).

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15.3.3.5. The activity must not result in deposition of anti-foul or bio-foul material on property owned or occupied by persons other than those who carry out the activity.

**15.3.4. Living accommodation facility for marina staff.**

15.3.4.1. The accommodation must be on-site and ancillary to the operation of the marina.

15.3.4.2. The accommodation must only be provided to employees of the operator of the marina.

**15.3.5. Maintenance, repair or replacement and use of a building or structure in the coastal marine area.**

15.3.5.1. In the case of replacement a building or structure to be replaced must have been lawfully established.

15.3.5.2. There must be no increase in the height, size or scale of a building or structure.

15.3.5.3. There must be no change in the location of a building or structure.

**15.3.6. Removal or demolition of a building or structure.**

15.3.6.1. Where a building or structure is in the coastal marine area, it must be removed in its entirety, including piles and any subsurface structures.

15.3.6.2. Material removed or demolished from a building or structure must not be disposed of in the coastal marine area.

15.3.6.3. Foreshore or seabed material must not be removed from the coastal marine area.

**15.3.7. Marine navigational aid (including lighting), and any supporting structure.**

15.3.7.1. The erection or placement of a marine navigational aid (including lighting) must be carried out by, or on behalf of, Maritime New Zealand.

15.3.7.2. Prior to installation, the GPS mapping co-ordinates and a description of the marine navigational aid must be provided to the Harbour Master.

**15.3.8. Replacement of a submarine or suspended cable or line.**

15.3.8.1. A cable or line must not be removed except where it traverses through a Category A or B Ecologically Significant Marine Site.

15.3.8.2. A cable or line being replaced must be removed from the coastal marine area.

15.3.8.3. A replacement cable or line must be laid or suspended within a horizontal distance of no more than two times the depth of water from the cable or line which is being replaced.

15.3.8.4. A replacement cable or line must be put in place within 1 month of the removal of the original cable or line.

15.3.8.5. The cable or line must be laid or suspended by, or on behalf of, a Network Utility Operator.

15.3.8.6. Prior to installation, the Network Utility Operator must provide location co-ordinates and details of a replacement cable or line to the Council.

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**15.3.9. Temporary structure for scientific monitoring purposes or temporary equipment for scientific monitoring purposes.**

- 15.3.9.1. The structure or equipment must not be located within the coastal marine area for longer than 3 months.
- 15.3.9.2. The structure or equipment must not exceed 2m in length, 2m in width and 2.5m in height above water level.
- 15.3.9.3. Prior to installation, the GPS mapping co-ordinates and a description of the structure or equipment must be provided to the Harbour Master.
- 15.3.9.4. The structure or equipment must not adversely affect navigational safety.
- 15.3.9.5. There must be no contaminants released as a result of the activity, or from equipment being used for the activity.

**15.3.10. Park or reserve.**

- 15.3.10.1. The park or reserve must be owned, managed or administered by the Marlborough District Council.
- 15.3.10.2. All activities within the park or reserve must also comply with the rules of the Open Space 1 Zone.

**15.3.11. Coastal recreation.**

- 15.3.11.1. The activity must not involve occupation of the coastal marine area.

**15.3.12. Geotechnical bore drilling for the purposes of investigation of sub-surface conditions.**

- 15.3.12.1. The bore must be drilled by a Recognised Professional.
- 15.3.12.2. A copy of the bore log, including a grid reference identifying the bore location, must be supplied to the Council in a suitable electronic format within 20 working days of drilling of the bore.
- 15.3.12.3. On completion of the geotechnical investigation, the bore must be sealed or capped to prevent any potential contamination of groundwater.

**15.3.13. Dredging and associated disturbance to the foreshore and seabed, to maintain water depth levels in and around berths and the entrance to the marinas, as necessary for ship berthage, manoeuvring and transit.**

- 15.3.13.1. No more than 10,000m<sup>3</sup> of foreshore and seabed material per marina must be disturbed by any person within a calendar year.
- 15.3.13.2. At least 10 working days prior to the commencement of the activity, Maritime New Zealand and the Council must be advised in writing of the nature and duration of the intended works.
- 15.3.13.3. The depth of any seabed disturbance must be limited to the amount necessary to maintain water depth levels.
- 15.3.13.4. Dredged material must not be deposited within the coastal marine area.
- 15.3.13.5. The activity must be undertaken in a manner which minimises water turbidity.
- 15.3.13.6. The activity must not adversely affect navigational safety.
- 15.3.13.7. There must be no contaminants released from equipment being used for the activity.

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**15.3.14. Clearance of sand, shell, shingle or other natural material from a river mouth for flood mitigation.**

- 15.3.14.1. The clearance must be carried out by, or on behalf of, the Marlborough District Council.
- 15.3.14.2. The clearance must be limited to the amount necessary to clear the river mouth for flood mitigation purposes.
- 15.3.14.3. All equipment must be removed from the site on completion of the operation.
- 15.3.14.4. The best practicable option must be adopted to avoid significant sedimentation.
- 15.3.14.5. The clearance must not cause a safety hazard to other users of the river mouth.
- 15.3.14.6. There must be no contaminants released from equipment being used for the activity.
- 15.3.14.7. Fish passage must not be impeded.
- 15.3.14.8. Refuelling of equipment must not take place on any area of foreshore or seabed.

**15.3.15. Clearance of sand, shell, shingle or other natural material from a stormwater outfall pipeline, drain or culvert.**

- 15.3.15.1. The clearance must be undertaken by non-mechanical means, or be undertaken by, or on behalf of, the Marlborough District Council.
- 15.3.15.2. The clearance must be limited to the amount necessary to clear the outfall, pipeline, drain or culvert for flood mitigation purposes.
- 15.3.15.3. All equipment must be removed from the site on completion of the clearance.
- 15.3.15.4. The best practicable option must be adopted to avoid significant sedimentation.
- 15.3.15.5. The clearance must not cause a safety hazard to other users of the area.
- 15.3.15.6. There must be no contaminants released from equipment being used for the clearance.
- 15.3.15.7. Fish passage must not be impeded.
- 15.3.15.8. Refuelling of equipment must not take place on any area of foreshore or seabed.

**15.3.16. Excavation.**

- 15.3.16.1. Excavation must not be in, or within 8m of, a river (except an ephemeral river when not flowing) or the coastal marine area.
- 15.3.16.2. Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except an ephemeral river or intermittently flowing river, when not flowing) or the coastal marine area.
- 15.3.16.3. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 15.3.16.4. Water control measures and sediment control measures must be designed, constructed and maintained in an area disturbed by excavation, such that the area is stable and the measures remain effective after completion of the

excavation. The diameter of a culvert used to drain excavation must not be less than 300mm.

- 15.3.16.5. Excavation must not cause water to enter onto any adjacent land under different ownership.

**15.3.17. Filling of land with clean fill.**

- 15.3.17.1. No filling in excess of 1000m<sup>3</sup> must occur within any 24 month period.
- 15.3.17.2. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 15.3.17.3. Water control measures and sediment control measures must be designed, constructed and maintained in a fill area, such that the area is stable and the measures remain effective after completion of the filling. The diameter of a culvert used to drain excavation must not be less than 300mm.
- 15.3.17.4. When the filling has been completed, the filled area must be covered with at least 200mm of soil, and sown down with a suitable vegetative cover or other means to achieve a rapid vegetative cover must be used.
- 15.3.17.5. Filling must not be in, or within 8m of, a river (except an ephemeral river when not flowing) or the coastal marine area.
- 15.3.17.6. Filling must not cause water to enter onto any adjacent land under different ownership.

**15.3.18. Non-indigenous vegetation clearance.**

Note:

Standards 15.3.18.1, 15.3.18.5, 15.3.18.6 do not apply in the case of clearance of species listed in the Biosecurity New Zealand Register of Unwanted Organisms or the Marlborough Regional Pest Management Plan

- 15.3.18.1. Vegetation must not be removed by fire or mechanical means within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing) or the coastal marine area.
- 15.3.18.2. All trees must be felled away from a river (except an ephemeral river, or intermittently flowing river when not flowing) or the coastal marine area.
- 15.3.18.3. Notwithstanding 15.3.18.2, where trees are leaning over a river, lake, Significant Wetland or coastal marine area, they must be felled in accordance with industry safety practices.
- 15.3.18.4. Except for trees felled in accordance with 15.3.18.3 no tree or log must be dragged through the bed of a river (except an ephemeral river or intermittently flowing river when not flowing) or the coastal marine area.
- 15.3.18.5. Wheeled or tracked machinery must not be operated in, or within 8m of, a river (except an ephemeral river or intermittently flowing river, when not flowing) or the coastal marine area.
- 15.3.18.6. On completion of a vegetation clearance, a suitable vegetative cover that will mitigate soil loss, must be restored on the site so that, within 24 months the amount of bare ground is to be no more than 20% greater than prior to the vegetation clearance taking place.
- 15.3.18.7. The depth of topsoil removed must not exceed more than 20mm over more than 15% of any vegetation clearance site.
- 15.3.18.8. Woody material greater than 100mm in diameter or soil debris must:

- (a) not be left within 8m of, or deposited in, a river (except an ephemeral river or intermittently flowing river, when not flowing) or the coastal marine area;
- (b) not be left in a position where it can enter, or be carried into, a river (except an ephemeral river) or the coastal marine area;
- (c) be stored on stable ground;
- (d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.

**15.3.19. Marine oil spill clean-up activity and the associated release of oil dispersants.**

- 15.3.19.1. Oil spill dispersants must be used by a person described in Section 467 of the Maritime Transport Act 1994.

**15.3.20. Take and use of coastal water.**

- 15.3.20.1. The take and use must not change sediment movement patterns or water quality.

**15.3.21. Discharge of contaminants to air arising from burning in the open.**

- 15.3.21.1. Only material generated on the same property or a property under the same ownership can be burned.
- 15.3.21.2. The total volume of material being burned must not exceed 2m<sup>3</sup>.

**15.3.22. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:**

- (a) training people to put out fires;**
- (b) creating special smoke and fire effects for the purposes of producing films;**
- (c) fireworks display or other temporary event involving the use of fireworks.**

- 15.3.22.1. The Council must be notified at least 5 working days prior to the burning activity commencing.

- 15.3.22.2. Any discharges for purposes of training people to put out fires must take place under the control of Fire and Emergency New Zealand, the New Zealand Defence Force or any other nationally recognised agency authorised to undertake firefighting research or firefighting activities.

**15.3.23 In-water cleaning of biofouling of ships, moveable structures or navigational aids and associated discharge of contaminants and biological material.**

- 15.3.23.1 The owner or operator of the ship, structure or navigational aid shall ascertain, and produce on request by the Council, details of the anti-foul coating used on the ship, structure or navigational aid, the planned service life as specified by the coating manufacturer, and the cleaning method recommended by the coating manufacturer.
- 15.3.23.2. The anti-foul coating on the ship, moveable structure or navigational aid shall not have exceeded its planned service life as specified by the manufacturer.
- 15.3.23.3. The cleaning method shall be undertaken in accordance with the coating manufacturer's recommendations.
- 15.3.23.4 The cleaning of microfouling and goose barnacles may occur without capture.

- 15.3.23.5 Any coverage of macrofouling cleaned (other than goose barnacles) shall be no more than light fouling, and all biological material greater than 50 microns in diameter dislodged during cleaning shall be captured and disposed of at an approved landfill.
- 15.3.23.6 If any person undertaking or responsible for the cleaning suspects that harmful or unusual aquatic species (including species designated as unwanted organisms or pest species under the Biosecurity Act 1993) are present on the ship, structure or navigational aid, that person shall take the following steps:
- (a) any cleaning activities commenced shall cease immediately; and
  - (b) the Marlborough District Council and the Ministry for Primary Industries shall be notified without unreasonable delay; and
  - (c) the cleaning may not recommence until notified by the Council to do so, or in the event a designated unwanted organism or pest species is found, notified to do so by the Ministry for Primary Industries.

For further context and guidance on anti-fouling and in-water cleaning of vessels and structures refer to the Anti-fouling and In-water Cleaning Guidelines (June 2013).

**15.3.24. The discharge of contaminants into air from the storage or transfer of petroleum products, including vapour ventilation and displacement.**

- 15.3.24.1. There shall be no objectionable or offensive odours to the extent that it causes an adverse effect at or beyond the boundary of the site.

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ENV-2020-CHC-49  
New standard: Clearance of indigenous vegetation  
By memorandum dated 28 May 2021

## 15.4. Controlled Activities

Application must be made for a Controlled Activity for the following:

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**15.4.1. Discharge of contaminants to air from the spray application of paint or adhesive coating materials of surfaces not within a spray booth, other than a road.**

*Standards and terms:*

- 15.4.1.1. Spray coating must not occur on surfaces of fixed structures that can practicably be dismantled and transported to a spray booth.
- 15.4.1.2. The coating material must not contain di-isocyanates or organic plasticisers.
- 15.4.1.3. The discharge must occur at least 10m from any sensitive receptor beyond the boundary of the property where spray coating is undertaken.
- 15.4.1.4. There must be no dispersal or deposition of particles beyond the boundary of the property where the discharge originates.

*Matters over which the Council has reserved control:*

- 15.4.1.5. The standard of emission.
- 15.4.1.6. Recovery of toxic materials from the blasting enclosure.
- 15.4.1.7. Methods for disposal of toxic materials.
- 15.4.1.8. Requirement for monitoring.

[R]

**15.4.2. Discharge of contaminants to air from the application of coating materials (including paints and powders) through spray application undertaken within an enclosed booth.***Standards and terms:*

- 15.4.2.1. The spray booth must be fitted with an air extraction system vertically discharging all contaminants and exhaust air to an emission stack, and if coatings containing di-isocyanates are used the extraction system must include a suitable filter system to minimise discharges to air of di-isocyanates.
- 15.4.2.2. The emission stack must be a height of at least 2m above the ridgeline of the roof of any building, land or other substantial structure within a radius, from the stack, of 35m.
- 15.4.2.3. The discharge must be directed vertically into the air and must not be impeded by any obstruction above the stack which decreases the vertical efflux velocity, below that which would occur in the absence of such obstruction.
- 15.4.2.4. The discharge must be through a filtration system that removes at least 95% of particulate matter from the discharge.

*Matters over which the Council has reserved control:*

- 15.4.2.5. The standard of emission.
- 15.4.2.6. Recovery of toxic materials from the blasting enclosure.
- 15.4.2.7. Methods for disposal of toxic materials.
- 15.4.2.8. Requirement for monitoring.

[R]

**15.4.3. Discharge of contaminants to air from water blasting or from dry abrasive blasting, other than from the use of a moveable source from any industrial or trade premise.***Standards and terms:*

- 15.4.3.1. There must be no discharge of water spray, dust or other contaminant beyond the boundary of the property.
- 15.4.3.2. Where the discharge occurs from public land there must be no discharge of water spray, dust or other contaminant beyond 50m from the discharge point or beyond the boundary of the public land, whichever is the lesser.
- 15.4.3.3. There must be no discharge of water spray, dust or other contaminant into the coastal marine area.
- 15.4.3.4. The surface to be blasted must not contain lead, zinc, arsenic, chromium, copper, mercury, asbestos, tributyl tin, thorium-based compounds, and other heavy metals including anti foul paint containing these substances.
- 15.4.3.5. For dry abrasive blasting all items must be blasted within an abrasive blasting enclosure and the discharge must be via a filtered extraction system that removes at least 95% of particulate matter from the discharge.
- 15.4.3.6. For dry abrasive blasting the free silica content of a representative sample of the blast material must be less than 5% by weight.

*Matters over which the Council has reserved control:*

- 15.4.3.7. The standard of emission.

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 By memorandum dated 6 April 2022

- 15.4.3.8. Recovery of toxic materials from the blasting enclosure.
- 15.4.3.9. Methods for disposal of toxic materials.
- 15.4.3.10. Requirement for monitoring.

## 15.5. Restricted Discretionary Activities

Application must be made for a Restricted Discretionary Activity for the following:

[C]

### 15.5.1. Construction and use of a building or structure (including the extension of an existing building or structure) and associated occupancy of the coastal marine area.

*Standards and terms:*

- 15.5.1.1. The building or structure (or extension thereof) must be necessary for the operational requirements of the marina.
- 15.5.1.2. The building or structure (or extension thereof) must not be located in that part of the Marina Zone in Waikawa Bay identified in Appendix 10.

*Matters over which the Council will exercise discretion:*

- 15.5.1.3. Benefits likely to arise from use of the building or structure.
- 15.5.1.4. The design of the building or structure, including size and construction materials.
- 15.5.1.5. The visual appearance of the building or structure.
- 15.5.1.6. Effects on the surrounding hydrodynamic and geomorphic environment.
- 15.5.1.7. Environmental effects resulting from construction.
- 15.5.1.8. The location of the building or structure, including associated effects on public access to the coastal marine area.
- 15.5.1.9. Effects on the cultural values of Marlborough's tangata whenua iwi.

[C]

### 15.5.2. Disturbance of the foreshore and seabed associated with Rule 15.5.1, including the removal of sand, shell, shingle or other natural material, required as part of the construction and use of a building or structure that is necessary for the operation of the marina.

*Standards and terms:*

- 15.5.2.1. No more than 10,000m<sup>3</sup> of foreshore and seabed material must be disturbed by any person within a calendar year.
- 15.5.2.2. Material must not be deposited within the coastal marine area.
- 15.5.2.3. There must be no contaminants released from equipment being used for the activity.
- 15.5.2.4. The disturbance of the foreshore or seabed must not be located in that part of the Marina Zone in Waikawa Bay identified in Appendix 10.

*Matters over which the Council will exercise discretion:*

- 15.5.2.5. Water clarity.

**Commented [ 13 ]:** New Zealand Transport Agency  
ENV-2020-CHC-000056

New restricted discretionary rule and standards in relation to noise sensitive activities (See appendix B of appeal)

**Commented [ 14 ]:** Port Marlborough New Zealand Limited  
ENV-2020-CHC-49  
By consent order dated 23 December 2022

**Commented [ 15 ]:** Port Marlborough New Zealand Limited  
ENV-2020-CHC-49  
By consent order dated 23 December 2022

- 15.5.2.6. The quantity and nature of material to be disturbed and removed from the coastal marine area.
- 15.5.2.7. Effects on the surrounding hydrodynamic and geomorphic environment.
- 15.5.2.8. Controls on sedimentation during disturbance.
- 15.5.2.9. Restrictions on public access during the operation.
- 15.5.2.10. Effects on the cultural values of Marlborough's tangata whenua iwi.

[C]

**15.5.3. Reclamation of the foreshore and seabed.**

*Standards and terms:*

- 15.5.3.1. The reclamation must be necessary for the operation of the marina.
- 15.5.3.2. The reclamation must not exceed more than 1ha in area.
- 15.5.3.3. The reclamation of the foreshore or seabed must not be located in that part of the Marina Zone in Waikawa Bay identified in Appendix 10.

*Matters over which the Council will exercise discretion:*

- 15.5.3.4. Benefits likely to arise from use of the reclamation.
- 15.5.3.5. The quantity and composition of material to be deposited within the coastal marine area.
- 15.5.3.6. Location of the reclamation.
- 15.5.3.7. Effects on the surrounding hydrodynamic and geomorphic environment.
- 15.5.3.8. Effects on any terrestrial or marine ecosystems.
- 15.5.3.9. Effects resulting from any increased risk of natural hazards.
- 15.5.3.10. Restrictions on public access during the operation.
- 15.5.3.11. Effects on the cultural values of Marlborough's tangata whenua iwi.

**Commented [ 16]:** Port Marlborough New Zealand Limited ENV-2020-CHC-49

New matter of discretion : to consider positive effects of reclamation activity

**Commented [ 17]:** Port Marlborough New Zealand Limited ENV-2020-CHC-49

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**Commented [ 19]:** Port Marlborough New Zealand Limited ENV-2020-CHC-49  
By consent order dated 31 January 2023

[C]

**15.5.4. Swing moorings in Waikawa Bay (including associated disturbance of the foreshore and seabed and occupation of the coastal marine area).**

*Standards and terms:*

- 15.5.4.1. The mooring must have been previously consented and have one of the following Council mooring numbers in Waikawa Bay:

154	157	158	389	986	2294	2325	2333	2334	2383	2392
2502	2541	2542	2557	2559	2563	2582	2584	2625	2633	2759
2775	2782	3146	3175							

- 15.5.4.2. The mooring must be located on its previously consented site.

*Matters over which the Council will exercise its discretion:*

- 15.5.4.3. The type and specification of mooring including the swing arc.
- 15.5.4.4. The availability of space for swing moorings within that part of the Marina Zone in Waikawa Bay identified in Appendix 10.

- 15.5.4.5. The reservation of space within the Mooring Management Areas for the relocation of all moorings in Standard 15.5.4.1.
- 15.5.4.6. The duration and expiry conditions including whether the proposal would unduly hinder the development of a marina within that part of the Marina Zone in Waikawa Bay identified in Appendix 10.

## 15.6. Discretionary Activities

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Application must be made for a Discretionary Activity for the following:

[C, R, D]

- 15.6.1. Any activity provided for as a Permitted Activity, Controlled Activity or Restricted Discretionary Activity that does not meet the applicable standards.**

[D]

- 15.6.2. Any use of land not provided for as a Permitted Activity or limited as a Prohibited Activity.**

[C]

- 15.6.3. Any use of the coastal marine area not provided for as a Permitted Activity or Restricted Discretionary Activity, or limited as a Prohibited Activity.**

[C]

- 15.6.4. Any take, use, damming or diversion of coastal water not provided for as a Permitted Activity or limited as a Prohibited Activity.**

[C, R]

- 15.6.5. Any discharge of contaminants into or onto land, or to air not provided for as a Permitted Activity or Controlled Activity, or limited as a Prohibited Activity.**

## 15.7. Prohibited Activities

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The following are Prohibited Activities for which no application can be made:

[C, R]

- 15.7.1. Discharge or dumping of hazardous waste onto land and from onshore into the coastal marine area.**

[C]

- 15.7.2. Discharge or dumping of waste and litter from onshore into the coastal marine area.**

[R]

- 15.7.3. Discharge of contaminants to air arising from the burning in any small scale solid fuel burning appliance of any of the following materials:**

- (a) wood having a moisture content of more than 25% dry weight;
- (b) wood which is painted, stained, oiled or coated;
- (c) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic, except that



woodfuel burnt in a fuel burning device (external combustion) may contain incidental amounts of anti-sapstain chemicals;

- (d) pellets containing greater than 10mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;
- (e) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;
- (f) metals and materials containing metals including but not limited to cables;
- (g) materials containing asbestos;
- (h) material containing tar or bitumen;
- (i) all rubber, including but not limited to, rubber tyres;
- (j) synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastics;
- (k) waste oil (excluding re-refined oil);
- (l) peat;
- (m) sludge from industrial processes;
- (n) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.

[R]

15.7.4. Discharge of contaminants to air arising from the deliberate burning in the open of any of the materials in the following list, except where material is present in minor quantities and cannot be separated from the principal material being burnt, or where the discharge arises from the burning of material for training people to put out fires as provided for as a Permitted Activity or authorised by a resource consent;

- (a) wood which is painted, stained, oiled or coated;
- (b) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic, except that woodfuel burnt in a fuel burning device (external combustion) may contain incidental amounts of anti-sapstain chemicals;
- (c) pellets containing greater than 10mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;
- (d) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;
- (e) metals and materials containing metals including but not limited to cables;
- (f) materials containing asbestos;
- (g) material containing tar or bitumen;
- (h) all rubber, including but not limited to, rubber tyres;
- (i) synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastics;
- (j) waste oil (excluding re-refined oil);
- (k) peat;
- (l) sludge from industrial processes;

- (m) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.

[C]

- 15.7.5. From 6 June 2022, the discharge of human sewage, except Grade A or B treated sewerage, from a ship within 750m of MHWS or into the coastal marine area identified as a Restricted Area for Discharges from Ships.

[C]

- 15.7.6. From 6 June 2022, the discharge of human sewage, except Grade A or B treated sewerage, from a ship within 1000m of a marine farm.

[C]

- 15.7.7. Discharge of untreated human sewage into the coastal marine area.

Appeals Version

