

# 14. Port Landing Area Zone

## 14.1. Permitted Activities

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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 14.2 and 14.3:

[C]

**14.1.1. Shipping activity, as follows: movement and other activities associated with the berthing and departure of ships; ship anchorage; ship docking and berthage; and mooring activities (except swing moorings).**

[C]

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

[C, D]

**14.1.3. Cargo handling, the storage of cargo, or the loading and unloading of a ship.**

[C, D]

**14.1.4. Establishment or operation of a marine fuel facility.**

[C]

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

[C, D]

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

[C, D]

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

[C, D]

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

[C]

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

[C]

**14.1.10. Temporary structure or equipment for scientific monitoring purposes.**

[C]

**14.1.11. Coastal recreation.**

[C]

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

[R, D]

**14.1.13. Excavation.**

[R, D]

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

[R, D]

**14.1.15. Non-indigenous vegetation clearance.**

[C]

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

[C]

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

[C]

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

## **14.2. Standards that apply to all activities**

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**14.2.1. Construction, use maintenance, repair, replacement or extension of a building or structure.**

- 14.2.1.1. The maximum height of any light tower, crane, lifting device, mast elevator, machinery room, conveyor belt, linkspan or gangway, flagpole or antenna, must not exceed 15m.
- 14.2.1.2. Notwithstanding Standard 14.2.1.1, the maximum height of any structure (including a silo or tank) must not exceed 6m above natural ground level or the ground level established by reclamation.
- 14.2.1.3. The minimum setback of a building or structure to a public road must be 3m.
- 14.2.1.4. The minimum setback of a building or structure to the Coastal Living Zone must be 10m.
- 14.2.1.5. The minimum setback of a building or structure to the boundary of a Zone not specified in 14.2.1.4, except the Coastal Marine Zone, must be 5m.
- 14.2.1.6. The land within the minimum building setbacks must not be used for port operations (except motor vehicle parking), cargo loading, storage or a containment area.
- 14.2.1.7. A building or structure must not be sited within 20m of a Riparian Natural Character Management Area.

**14.2.2. Disturbance of the foreshore or seabed.**

- 14.2.2.1. Any 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.
- 14.2.2.2. The disturbance must be undertaken in a manner which minimises water turbidity.
- 14.2.2.3. The disturbance must not adversely affect navigational safety.

- 14.2.2.4. There must be no contaminants released from equipment being used for the activity.
- 14.2.2.5. All equipment must be removed from the coastal marine area on completion of the operation.

#### **14.2.3. Noise.**

- 14.2.3.1. An activity must be conducted to ensure that noise when measured at the boundary of, or within, the Port Landing Area Zone does not exceed the following noise limits:
  - 7.00 am to 10.00 pm    50 dBA  $L_{Aeq}$
  - 10.00 pm to 7.00 am    40 dBA  $L_{Aeq}$     70dB  $L_{AFmax}$
- 14.2.3.2. 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.
- 14.2.3.3. 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.
- 14.2.3.4. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

#### **14.2.4. Use of external lighting.**

- 14.2.4.1. Light spill onto any land zoned Coastal Living must not exceed 2.5 Lux spill (horizontal and vertical).
- 14.2.4.2. Light spill onto any adjoining zone, except the Coastal Living Zone, must not exceed 10 Lux spill (horizontal and vertical).
- 14.2.4.3. All exterior lighting (except street lights) must be directed away from any land zoned other than Port Landing Area Zone and any road.

#### **14.2.5. Odour.**

- 14.2.5.1. The odour 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.

#### **14.2.6. Smoke.**

- 14.2.6.1. 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.

#### **14.2.7. Dust.**

- 14.2.7.1. The best practicable method must be adopted to avoid dust beyond the legal boundary of the area of land on which the activity is occurring.

#### **14.2.8. Dust from any process vent or stack.**

- 14.2.8.1. The dust must not contain hazardous substances.

- 14.2.8.2. The particulate discharge rate from any air pollution control equipment and dust collection system must not exceed  $250\text{mg}/\text{m}^3$  at any time, corrected to  $0^\circ\text{C}$ , 1 atmosphere pressure, dry gas basis.
- 14.2.8.3. Dust particles must not exceed 0.05mm size in any direction.

### **14.3. Standards that apply to specific activities**

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#### **14.3.1. Maintenance, repair or replacement of a building or structure in the coastal marine area.**

- 14.3.1.1. In the case of replacement the building or structure to be replaced must have been lawfully established.
- 14.3.1.2. There must be no increase in the height, size or scale of the building or structure being replaced.
- 14.3.1.3. There must be no change in the location of the building or structure.

#### **14.3.2. Removal or demolition of a building or structure.**

- 14.3.2.1. Where a building or structure, is in the coastal marine area, it must be removed in its entirety, including piles and any subsurface structures.
- 14.3.2.2. Material removed or demolished from a building or structure must not be disposed of in the coastal marine area.
- 14.3.2.3. Foreshore or seabed material must not be removed from the coastal marine area.

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

- 14.3.3.1. The erection or placement of a marine navigational aid (including lighting) must be carried out by, or on behalf of, Maritime New Zealand.
- 14.3.3.2. Prior to installation, the GPS mapping co-ordinates and a description of the marine navigational aid must be provided to the Harbour Master.

#### **14.3.4. Replacement of a submarine or suspended cable or line.**

- 14.3.4.1. A cable or line being replaced must be removed from the coastal marine area.
- 14.3.4.2. A replacement cable or line must be laid or suspended in the same location as the cable or line being removed.
- 14.3.4.3. A replacement cable or line must be put in place within 2 months of the removal of the original cable or line.
- 14.3.4.4. A cable or line must be laid or suspended by, or on behalf of, a Network Utility Operator.
- 14.3.4.5. Prior to installation, the Network Utility Operator must provide location co-ordinates and details of a replacement cable or line to the Council.

#### **14.3.5. Temporary structure or equipment for scientific monitoring purposes.**

- 14.3.5.1. The structure or equipment must not be located within the coastal marine area for longer than 31 days in any calendar year.
- 14.3.5.2. The structure or equipment must not exceed 2m in length, 2m in width and 1.5m in height.

- 14.3.5.3. Prior to installation, the GPS mapping co-ordinates and a description of the structure or equipment must be provided to the Harbour Master.
- 14.3.5.4. The structure or equipment must not adversely affect navigational safety.
- 14.3.5.5. There must be no contaminants released as a result of the activity, or from equipment being used for the activity.

**14.3.6. Coastal recreation.**

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

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

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

**14.3.8. Excavation.**

- 14.3.8.1. Excavation must not be in, or within 8m of, a river (except an ephemeral river when not flowing) or the coastal marine area.
- 14.3.8.2. 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.
- 14.3.8.3. Batters must be designed and constructed to ensure they are stable and remain effective after completion of the excavation.
- 14.3.8.4. 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.

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

- 14.3.9.1. The filling must not use commercial clean fill.
- 14.3.9.2. No filling in excess of 1000m<sup>3</sup> must occur within any 24 month period.
- 14.3.9.3. A filled area must be designed, constructed and maintained to ensure it is stable and remains effective after completion of filling.
- 14.3.9.4. 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 a fill area must not be less than 300mm.

- 14.3.9.5. When 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.
- 14.3.9.6. Filling must not be in, or within 8m of, a river (except an ephemeral river when not flowing) or the coastal marine area.

#### **14.3.10. Non-indigenous vegetation clearance.**

- 14.3.10.1. 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.
- 14.3.10.2. 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.
- 14.3.10.3. 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.
- 14.3.10.4. 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.
- 14.3.10.5. 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.
- 14.3.10.6. The depth of topsoil removed must not exceed more than 20mm over more than 15% of any vegetation clearance site.
- 14.3.10.7. 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.
- 14.3.10.8. Vegetation clearance must not cause any conspicuous change in the colour or visual clarity of a flowing river after reasonable mixing, or the coastal marine area, measured as follows:
  - (a) hue must not be changed by more than 10 points on the Munsell scale;
  - (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the vegetation clearance site;
  - (c) the change in reflectance must be <50%.

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

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

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

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

## **14.4. Discretionary Activities**

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

[C, R, D]

- 14.4.1. Any activity provided for as a Permitted Activity that does not meet the applicable standards.**

[D]

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

[C]

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

[C]

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

## **14.5. Prohibited Activities**

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

[C]

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

[C]

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

[R]

- 14.5.3. Discharge of contaminants to air arising from the burning 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;
- (d) pellets containing greater than 10 mg/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;
- (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.

[C]

**14.5.4. From 9 June 2022, the discharge of human sewage, except Grade A or B treated sewerage, from a ship within 1000m of MHWS.**

[C]

**14.5.5. From 9 June 2022, the discharge of human sewage, except Grade A or B treated sewerage, from a ship within 1000m of a marine farm.**

[C]

**14.5.6. Discharge of untreated human sewage into the coastal marine area.**