

16. Coastal Marine Zone

This chapter does not contain provisions controlling marine farming. Marine farming remains controlled by rules in the Marlborough Sounds Resource Management Plan and Wairau/Awatere Resource Management 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.

Commented [1]: NES-FW s44A(5)

16.1. 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 16.2 or 16.3:

Commented [2]: Federated Farmers of New Zealand ENV-2020-CHC-58

New rule: Disturbance of the CMA regarding clearing debris

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16.1.1. Use of surface coastal water by a ship in the National Transportation Area and Queen Charlotte Sound.

Commented [3]: WITHDRAWN
Port Marlborough New Zealand Limited
ENV-2020-CHC-49
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.
By memorandum dated 28 May 2021

[C]

16.1.2. Use of surface coastal water by a ship not otherwise controlled by Rule 16.1.1.

Commented [4]: By consent order dated 6 October 2022

[C]

16.1.3. Anchoring of a ship.

[C]

16.1.4. Swing mooring established within a Moorings Management Area or swing mooring for a waka within a Waka Mooring Management Area.

[C]

16.1.5. Coastal recreation.

[C]

16.1.6. Removal or demolition of a building or structure, or any part of a building or structure.

[C]

16.1.7. Cables or lines on existing lawfully established structures, where these are securely fixed and taut against the structure.

[C]

16.1.8. Marine navigational aid (including lighting) and any supporting structure.

[C]

16.1.9. Installation, operation, maintenance, repair and upgrade of National Grid Cook Strait submarine cables including the following:

- (a) disturbance of the foreshore or seabed and associated discharges;
- (b) the discharge of heat to coastal water; and
- (c) associated lighting, navigational aids and signs.

[C]

16.1.10. Repair or maintenance of suspended cables or lines.

[C]

16.1.11. Replacement of a submarine or suspended cable or line.

[C]

16.1.12. Removal of submarine or suspended cable or line.

[C]

16.1.13. Temporary structure for scientific monitoring purposes or temporary equipment for scientific monitoring purposes.

[C]

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

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[C]

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

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[C]

16.1.16. Deposition of sand for beach replenishment or beach renourishment.

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By memorandum dated 20 July 2021

[C]

16.1.17. Non-mechanical removal of natural material from the foreshore or seabed.

[C]

16.1.18. Burial of a dead marine mammal or other dead marine fauna on the foreshore.

[C]

16.1.19. Marine oil spill clean-up activities and the associated release of oil dispersants.

[C]

16.1.20. Take and use of coastal water.

[C]

16.1.21. 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]

16.1.22. Discharge of contaminants to air from the burning of solid fuel in an enclosed pellet burner.

[C]

16.1.23. Discharge of contaminants to air from the burning of solid fuel in a small scale solid fuel burning appliance.

[C]

16.1.24. Occupation of coastal marine area associated with any permitted activity except Coastal Recreation.

[C]

16.1.25. In-water cleaning of bio-fouling of ships, moveable structures or navigational aids and associated discharge of contaminants and biological material.

[C]

16.1.26 Repair and maintenance of existing lawfully established structures

[R]

16.1.27 Discharge of dust.

Commented [8]: New Zealand Transport Agency
ENV-2020-CHC-000056

16.2. Standards that apply to all permitted activities**16.2.1. Disturbance of the foreshore or seabed.**

- 16.2.1.1. Disturbance of the seabed must not occur within a Category A Ecologically Significant Marine Site.
- 16.2.1.2. The disturbance must be undertaken in a manner which minimises water turbidity.
- 16.2.1.3. The disturbance must not adversely affect navigational safety.
- 16.2.1.4. There must be no contaminants released from equipment being used for the activity.
- 16.2.1.5. All equipment must be removed from the coastal marine area on completion of the operation.

16.2.2. Maintenance, repair or replacement of a building or structure.

- 16.2.2.1. In the case of replacement, the building or structure to be replaced must have been lawfully established.
- 16.2.2.2. There must be no increase in the height, size, or scale of the building or structure.
- 16.2.2.3. There must be no change in the location of the building or structure.
- 16.2.2.4. There must be no increase in the glazed area, or change to the location of existing glazing.
- 16.2.2.5. Any paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.
- 16.2.2.6. A building or structure must not be sited within 20m of a Riparian Natural Character Management Area, excluding stock fences.

Commented [9]: New Zealand Transport Agency
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16.2.3. Noise.

- 16.2.3.1. An activity must be conducted to ensure that noise when measured
 - (a) at the notional boundary of a camping ground or hut administered by Marlborough District Council or the Department of Conservation, located in the Open Space 1, 2, or 3 Zones, where the zone adjoins the Coastal Marine Zone; or
 - (b) at any point within the notional boundary of any habitable building on land zoned Coastal Living, Coastal Environment or Rural Environment;

does not exceed the following noise limits:

7.00 am to 10.00 pm	50-dB L _{Aeq}	
10.00 pm to 7.00 am	40-dB L _{Aeq}	70dB L _{AFmax}

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

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- (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.

16.2.3.3. 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.

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

16.2.4. Odour.

16.2.4.1. 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.

16.2.5. Smoke.

16.2.5.1. 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.

16.2.6. Dust.

16.2.6.1. 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.

16.2.7. Particulate from any process vent or stack.

16.2.7.1. 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.

16.2.7.2. The concentration of particulate discharged from any air pollution control equipment and dust collection system must not exceed 250mg/m³ at any time, corrected to 0°C, 1 atmosphere pressure, dry gas basis.

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

16.2.8 Use of external lighting.

16.2.8.1 All external lighting on jetties and boatsheds shall be fully shielded to prevent any light spillage above the horizontal plane of the light source.

16.2.8.2 All outdoor lighting and exterior lighting excluding lighting required for safe navigation under the Maritime Transport Act, must be directed away from roads so as to avoid any adverse effects on traffic safety.

16.2.9 Activities in the vicinity of the National Grid Cook Strait submarine cables.

16.2.9.1 Except for works associated with the National Grid Cook Strait submarine cables there shall be no disturbance, anchoring or occupation of the foreshore within the area identified in the Schedule 8 of Appendix 16.

Note:

The Submarine Cables and Pipelines Protection Act 1996, the associated Submarine Cables and Pipeline Protection Order 1992, and Submarine Cables and Pipelines Protection Amendment Order 1999 contain further restrictions on fishing and anchoring within the Cook Strait Cable Protection Zone.

Commented [12]: Transpower New Zealand Limited
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By consent order dated 6 October 2022

16.3. Standards that apply to specific permitted activities

16.3.1. Use of surface coastal water by a ship in the National Transportation Area and Queen Charlotte Sound.

16.3.1.1. A high speed ship must not exceed a ship speed of 15 knots, with the exception of the MV Aratere which must not exceed a ship speed of 19 knots.

16.3.1.2. A ship exceeding 500 gross registered tonnes must not exceed a ship speed of 15 knots.

Commented [13]: By consent order dated 6 October 2022

16.3.2. Anchoring of a ship.

16.3.2.1. Except for marine farm barges or structures the ship must not be anchored to the foreshore or seabed for more than 60 consecutive days or more than 90 days within any 12 month period, within the same embayment, inlet, or estuary.

16.3.2.2 The ship must not be anchored within a Category A Ecologically Significant Marine Site listed in Appendix 27.

16.3.3. Swing mooring established within a Moorings Management Area or a swing mooring for a waka within a Waka Mooring Management Area.

16.3.3.1. A bylaw is in place that has established a licensing system for the allocation and management of swing moorings within Moorings Management Areas or swing moorings for waka within a Waka Mooring Management Area.

16.3.3.2. Prior to the establishment and occupation of the mooring, a Moorings Management Area licence must be granted by the Moorings Manager.

16.3.4. Coastal recreation.

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

16.3.5. Removal or demolition of a building or structure, or any part of a building or structure.

- 16.3.5.1. The building or structure, or that part of the building or structure being removed or demolished, must be removed from the Coastal Marine Zone in its entirety, including all piles and subsurface structures.
- 16.3.5.2. Material removed or demolished from a building or structure must not be disposed of in the Coastal Marine Zone.
- 16.3.5.3. Foreshore or seabed material must not be removed from the coastal marine area.

16.3.6. Marine navigational aid (including lighting) and any supporting structure.

- 16.3.6.1. The erection or placement of a marine navigational aid (including lighting) must be carried out by, or on behalf of, Maritime New Zealand or be placed in accordance with authority issued by the Harbourmaster.
- 16.3.6.2. Prior to installation, the GPS mapping co-ordinates and a description of the marine navigational aid must be provided to the Harbour Master.

16.3.7. Installation, operation, maintenance, repair and upgrade of National Grid Cook Strait submarine cables including the following:

- (a) disturbance of the foreshore or seabed and associated discharges;
- (b) the discharge of heat to coastal water; and
- (c) associated lighting, navigational aids and signs.

- 16.3.7.1. Material must not be disturbed beyond 200m from MHWS.
- 16.3.7.2. The repair, maintenance or replacement works must not adversely affect navigational safety.
- 16.3.7.3. There must be no contaminants released from equipment being used for the activity.

16.3.8. Replacement of a submarine or suspended cable or line.

- 16.3.8.1. A cable or line must not be removed except where it traverses through a Category A or B Ecologically Significant Marine Site.
- 16.3.8.2. A cable or line that is being replaced must be removed from the Coastal Marine Zone.
- 16.3.8.3. If a replacement cable or line is within the Marlborough Sounds or Port Underwood area of the Coastal Marine Zone, that 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.
- 16.3.8.4. A replacement cable or line in any location not provided for within Rule 16.3.8.3, must be laid or suspended within a horizontal distance of no more than three times the depth of water from the cable or line which is being replaced.
- 16.3.8.5. A replacement cable or line must be put in place within 1 month of the removal of the original cable or line.
- 16.3.8.6. A cable or line must be laid or suspended by, or on behalf of, a Network Utility Operator.
- 16.3.8.7. Prior to installation, the Network Utility Operator must provide location co-ordinates and details of a replacement cable or line to the Council.

16.3.9. Temporary structure for scientific monitoring purposes or temporary equipment for scientific monitoring purposes.

- 16.3.9.1. The structure or equipment must not be located within the Coastal Marine Zone longer than 12 months.
- 16.3.9.2. The structure or equipment must not exceed 2m in length, 2m in width and 2.5m in height above water level.
- 16.3.9.3. Prior to installation, the GPS mapping co-ordinates and a description of the structure or equipment must be provided to the Harbour Master.
- 16.3.9.4. The structure or equipment must not adversely affect navigational safety.
- 16.3.9.5. There must be no contaminants released as a result of the activity, or from equipment being used for the activity.
- 16.3.9.6. The structure or equipment must not be located within a Category A Ecologically Significant Marine Site.

Commented [14]: Clause 16

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

- 16.3.10.1. The clearance must be carried out by, or on behalf of, the Marlborough District Council.
- 16.3.10.2. Disturbance must be limited to the amount necessary to clear the river mouth for flood mitigation purposes.
- 16.3.10.3. All equipment must be removed from the site on completion of the operation.
- 16.3.10.4. The best practicable option must be adopted to avoid significant sedimentation.
- 16.3.10.5. The clearance must not cause a safety hazard to other users of the river mouth.
- 16.3.10.6. There must be no contaminants released from equipment being used for the activity.
- 16.3.10.7. Fish passage must not be impeded.
- 16.3.10.8. Refuelling of equipment must not take place on any area of foreshore or seabed.

Commented [15]: Federated Farmers of New Zealand ENV-2020-CHC-58

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

- 16.3.11.1. Disturbance must be undertaken by non-mechanical means, or be undertaken by, or on behalf of, the Marlborough District Council or the New Zealand Transport Agency.
- 16.3.11.2. Disturbance must be limited to the amount necessary to clear the outfall pipeline, drain or culvert for flood protection purposes.
- 16.3.11.3. All equipment must be removed from the site on completion of the operation.
- 16.3.11.4. The best practicable option must be adopted to avoid significant sedimentation.
- 16.3.11.5. The clearance must not cause a safety hazard to other users of the waterbody.
- 16.3.11.6. There must be no contaminants released from equipment being used for the activity.
- 16.3.11.7. The clearance works must not result in fish passage being impeded.

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16.3.11.8. Refuelling of equipment must not take place on any area of foreshore or seabed.

16.3.12. Deposition of sand for beach replenishment or beach renourishment.

16.3.12.1 The activity is undertaken at Shelley Beach, Picton Foreshore or Waikawa Bay.

16.3.12.2. The deposition must be carried out by, or on behalf of, the Marlborough District Council.

16.3.12.3. Sand deposition must be limited to the amount necessary to replace what has been lost through natural processes.

16.3.12.4 Sand used for beach replenishment must be of the same grain size as the beach to be replenished.

16.3.13. Non-mechanical removal of natural material from the foreshore or seabed.

16.3.13.1. Natural material must not be removed from Shelley Beach, Picton Foreshore or Waikawa Bay.

16.3.13.2. No more than 0.5m³ of natural material, including but not limited to sand, shell or shingle but not including vegetation, must be removed by any individual within a calendar year.

16.3.14. Burial of a dead marine mammal or other dead marine fauna on the foreshore.

16.3.14.1. The marine carcass must have either resulted from a stranding or have been washed up on the foreshore through natural tidal processes.

16.3.14.2. It must not otherwise be practical to move the carcass to a more appropriate disposal location.

16.3.14.3. Iwi representatives must be notified as early as practicable after discovery and prior to the commencement of the burial.

16.3.14.4. Disturbance to the foreshore or seabed must be limited to the minimum amount of disturbance necessary for carcass burial.

16.3.15. Marine oil spill clean-up activities and the associated release of oil dispersants.

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

16.3.16. Take and use of coastal water.

16.3.16.1. Except for the ordinary operation of a ship the take of coastal water must not be from within the following Ecologically Significant Marine Sites:

- (a) Whangarae Bay – No. 1.1;
- (b) Greville Harbour/Wharariki – No. 1.7;
- (c) Anakoha Bay Estuary – No. 2.25;
- (d) Tuna, Harvey and Duncan Bay Estuaries – No. 3.10;
- (e) Clova Bay – No. 3.14;
- (f) Kaiuma Estuary – No. 3.19;
- (g) Havelock-Mahakipawa Estuaries – No. 3.20;
- (h) Kenepuru Estuary – No. 3.21;
- (i) Okiwa Bay – No. 4.1;
- (j) Ngakuta Bay – No. 4.5;
- (k) Shakespeare Bay – No. 4.10;

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- (l) Whatamongo Bay – No. 4.12;
- (m) Deep Bay – No. 5.7;
- (n) Wairau Lagoon – No. 8.2.

16.3.17. 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.

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

16.3.17.2. 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.

16.3.18. Discharge of contaminants to air from the burning of solid fuel in an enclosed pellet burner.

16.3.18.1. The burner must only burn fuels approved for use in the device.

16.3.19. Discharge of contaminants to air from the burning of solid fuel in a small scale solid fuel burning appliance.

16.3.19.1. The appliance must only burn fuels approved for use in the device.

16.3.19.2. The appliance must be operated so that all reasonable steps are taken to minimise the amount of smoke discharged.

16.3.20 In-water cleaning of bio-fouling of ships, moveable structures or navigational aids and associated discharge of contaminants and biological material.

16.3.20.1 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.

16.3.20.2. 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.

16.3.20.3. The cleaning method shall be undertaken in accordance with the coating manufacturer's recommendations.

16.3.20.4 The cleaning of microfouling and goose barnacles may occur without capture.

16.3.20.5 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.

16.3.20.6 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).

16.3.21 Repair and maintenance of existing lawfully established structures.

16.3.21.1 There must be no increase in the height, size or scale of the structure.

16.4. Controlled Activities

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

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16.4.1. Use of surface water by a high speed ship or a ship that exceeds 500 gross registered tonnes, which is travelling at a ship speed exceeding 15 knots in the National Transportation Area for the purposes of undertaking measurements of Wave Energy, including any associated disturbance of the foreshore or seabed.

Standards and terms:

- 16.4.1.1. A resource consent will apply only to the ship for which consent has been obtained and will be distinguished by the International Maritime Organisation number and name.
- 16.4.1.2. The ship must carry Data Recording Devices which must be operated at all times whilst the ship is travelling in the National Transportation Area.
- 16.4.1.3. Whilst operational, the Data Recording Devices must record:
 - (a) date and time (to the nearest second);
 - (b) the ship's plan position based on either WSG84, NZGD2000 or the NZTM projection datum;
 - (c) the speed of the ship over the ground;
 - (d) Ship Speed through the water.
- 16.4.1.4. Data must be recorded in the Data Recording Devices at a Set Interval of not more than 60 seconds.
- 16.4.1.5. Plan position must be accurate to within 30m and must be recorded to a precision of 5m or better.
- 16.4.1.6. The Data Recording Devices recording of ship speed over the ground and Ship Speed through the water must be accurate to within 0.5 knots and must be recorded to a precision of 0.1 knots or better.
- 16.4.1.7. The data recorded by the Data Recording Devices must be retained and archived on board the ship in an electronic format readable by the Council for a period of no less than 6 months except where that data is available to the Council through an Automatic Identification System.
- 16.4.1.8. The Data Recording Devices must be of a type that ensures no data can be manually tampered with and all archived records must be stored in a manner that prevents manual adjustment of data.
- 16.4.1.9. Where the ship is fitted with equipment capable of transmitting the data recorded in the Data Recording Devices instantaneously to a compatible

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New controlled activity 16.4.XX. Works for the deposition and/or removal of sand for beach replenishment and/or beach recontouring, to manage the visual appearance and recreational utility of a public beach which is intermittently the subject of erosion and/or aggradation of sand.
By memorandum dated 20 July /2021

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receiving device held by the Council, the consent holder must ensure that the relevant data specified in Standard 16.4.1.3(a) to 16.4.1.3(d) (inclusive) is transmitted instantaneously to that receiver for the duration of the ship's passage through the National Transportation Area.

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- 16.4.1.10. Where any fault or technical problems occur in the operation of the Data Recording Devices or any related equipment or systems, the consent holder must immediately arrange for the equipment or systems to be serviced and must advise the Council of the fault or problem and the intended programme and time frame to effect the service and any necessary repairs.
- 16.4.1.11. Where a fault or technical problem affecting the Data Recording Devices or any related equipment or systems results in the Data Recording Devices being inoperable for a period of more than two weeks, the maximum Ship Speed must be limited to 15 knots.

Matters over which the Council has reserved control:

- 16.4.1.12. The duration of the consent.
- 16.4.1.13. The spatial limits of defined navigation corridors within which a ship is permitted to travel provided that these do not interfere with the safe navigation of the Ship and are consistent with national and international regulations.
- 16.4.1.14. Maximum values of Ship Speed over defined areas within the National Transportation Area.
- 16.4.1.15. Approved method(s), frequency and certification of calibration of the Data Recording Device(s) required by the Plan to measure Ship Speed.
- 16.4.1.16. The Set Interval for data recorded in the Data Recording Devices.
- 16.4.1.17. The format, storage method, mode of transmission and frequency of transmission to the Council of the data recorded in the Data Recording Devices.
- 16.4.1.18. The administrative charges payable.

Commented [22]: By consent order dated 6 October 2022

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16.4.2. Use of surface water within the National Transportation Area by a high speed ship, or a ship that exceeds 500 gross registered tonnes, which is travelling at a ship speed exceeding 15 knots, including any associated disturbance of the foreshore or seabed.

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Standards and terms:

- 16.4.2.1. The ship must not propagate waves that exceed the Wash Rule identified in Appendix 12 in the National Transportation Area.
- 16.4.2.2. The duration period of any consent must not exceed 20 years.
- 16.4.2.3. A resource consent will apply only to the ship for which consent has been obtained and will be distinguished by the International Maritime Organisation number and name.
- 16.4.2.4. The ship must carry Data Recording Devices which must be operated at all times whilst the ship is travelling in the National Transportation Area.
- 16.4.2.5. Whilst operational, the Data Recording Device must record:
- (a) date and time (to the nearest second);
 - (b) the ship's plan position based on either WSG84, NZGD2000 or the NZTM projection datum;

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- (c) the speed of the ship over the ground;
 - (d) Ship Speed through the water.
- 16.4.2.6. Data must be recorded in the Data Recording Devices at a Set Interval of not more than 60 seconds.
- 16.4.2.7. Plan position must be accurate to within 30m and shall be recorded to a precision of 5m or better.
- 16.4.2.8. The Data Recording Devices recording of ship speed over the ground and Ship Speed through the water must be accurate to within 0.5 knots and must be recorded to a precision of 0.1 knots or better.
- 16.4.2.9. The data recorded by the Data Recording Devices must be retained and archived on board the ship in an electronic format readable by the Council for a period of no less than 6 months except where that data is available to the Council via an Automatic Identification System.
- 16.4.2.10. The Data Recording Devices must be of a type that ensures no data can be manually tampered with and all archived records must be stored in a manner that prevents manual adjustment of data.
- 16.4.2.11. Where the ship is fitted with equipment capable of transmitting the data recorded in the Data Recording Devices instantaneously to a compatible receiving device held by the Council, the consent holder must ensure that the relevant data specified in Standard 16.4.2.5(a) to 16.4.2.5(d) (inclusive) is transmitted instantaneously to that receiver for the duration of the ship's passage through the National Transportation Area.
- 16.4.2.12. Where any fault or technical problems occur in the operation of the Data Recording Devices or any related equipment or systems, the consent holder must immediately arrange for the equipment or systems to be serviced and must advise the Council of the fault or problem and the intended programme and time frame to effect the service and any necessary repairs.
- 16.4.2.13. Where a fault or technical problem affecting the Data Recording Devices or any related equipment or systems results in the Data Recording Devices being inoperable for a period of more than two weeks, the maximum Ship Speed must be limited to 15 knots.
- Matters over which the Council has reserved control:*
- 16.4.2.14. The duration of the consent.
- 16.4.2.15. The spatial limits of defined navigation corridors within which a ship is permitted to travel provided that these do not interfere with the safe navigation of the ship and are consistent with national and international regulations.
- 16.4.2.16. Maximum values of Ship Speed over defined areas within the National Transportation Area.
- 16.4.2.17. Approved methods, frequency and certification of calibration of the Data Recording Device(s) required by the Plan to measure Ship Speed.
- 16.4.2.18. The Set Interval for data recorded in the Data Recording Devices.
- 16.4.2.19. The format, storage method, mode of transmission and frequency of transmission to the Council of the data recorded in the Data Recording Devices.
- 16.4.2.20. The purpose, timing and criteria for review of any of the conditions of consent.

Commented [26]: By consent order dated 16 October 2022

Commented [27]: By consent order dated 6 October 2022

16.4.2.21. The administrative charges payable.

16.5. Restricted Discretionary Activities

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

[C]

16.5.1. A swing mooring within a Moorings Management Area or a waka swing mooring within a Waka Mooring Management Area where no bylaw is in place that has established a licensing system for the allocation and management of swing moorings.

Matters over which the Council has restricted its discretion:

- 16.5.1.1. Location within a Moorings Management Area or Waka Mooring Management Area.
- 16.5.1.2. The type and specification of mooring including the swing arc.
- 16.5.1.3. The availability of space within the Moorings Management Area or Waka Mooring Management Area.
- 16.5.1.4. Where the Moorings Management Area is in Waikawa Bay, the reservation of space for the relocation of moorings in that part of the Marina Zone in Waikawa Bay that is identified in Appendix 10.

Commented [28]: 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 [29]: Port Marlborough New Zealand Limited
ENV-2020-CHC-49
By consent order dated 23 December 2022

16.6. Discretionary Activities

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

[C]

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

[C]

16.6.2. Mooring.

[C]

16.6.3. Jetty.

[C]

16.6.4. Boatshed.

[C]

16.6.5. Slipway.

[C]

16.6.6. Any dredging, bottom trawling, or deposition within the buffer for any Ecologically Significant Marine Site specified in Appendix 27.

[C]

16.6.7. Occupation of the coastal marine area, except by a marine farm, not associated with any Permitted Activity in the Coastal Marine Zone.

Commented [30]: Aroma (NZ) Limited and Aroma
Aquaculture Limited
ENV-2020-CHC-45

Commented [31]: KPF Investments & United Fisheries
(previously AJ King Family Trust and SA King Family Trust)
ENV-2020-CHC-73

Commented [32]: Clearwater Mussels Limited and Talley's
Group Limited
ENV-2020-CHC-55

Commented [33]: Environmental Defence Society
ENV-2020-CHC-67

Commented [34]: Friends of Nelson Haven & Tasman Inc
ENV-2020-CHC-33

Commented [35]: HARO Partnership
ENV-2020-CHC-40

Commented [36]: Just Mussels Ltd, Tawhitinui Greenshell
Ltd and Waimana Marine Ltd
ENV-2020-CHC-77

Commented [37]: Marine Farming Assn Inc & Aquaculture
NZ
ENV-2020-CHC-74

Commented [38]: The New Zealand King Salmon Co.
Limited
ENV-2020-CHC-51

Commented [39]: Clearwater Mussels Limited and Talley's
Group Limited
ENV-2020-CHC-55

- [C]
16.6.8. [Restoration or creation of shellfish reefs.](#) Commented [40]: Clause 16
- [C]
16.6.9. [Livestock entering into the coastal marine area.](#) Commented [41]: Clause 16
- [C]
16.6.10. Any use of the coastal marine area, except a marine farm, not provided for as a Permitted Activity, Controlled Activity or Restricted Discretionary Activity, or limited as a Prohibited Activity. Commented [42]: Clause 16
- [C]
16.6.11. Any take, use, damming or diversion of coastal water not provided for as a Permitted Activity or limited as a Prohibited Activity. Commented [43]: Clause 16
- [C]
16.6.12. Any discharge of contaminants to air not provided for as a Permitted Activity, or limited as a Prohibited Activity. Commented [44]: Clause 16

16.7. Prohibited Activities

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

- [R]
16.7.1. 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 0.02w-% (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]

16.7.2. 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]

16.7.3. From 9 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]

16.7.4. 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]

16.7.5. Discharge of treated or untreated human sewage from land based activities into the coastal marine area, except for the discharge of treated human sewage from regionally significant infrastructure.

[C]

16.7.6. Dredging, bottom trawling, anchoring, deposition and reclamation within any Category A Ecologically Significant Marine Site listed within Appendix 27.

[C]

Commented [45]: Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu
ENV-2020-CHC-46

Commented [46]: Friends of Nelson Haven & Tasman Inc
ENV-2020-CHC-33

Commented [47]: Marine Farming Assn Inc & Aquaculture NZ
ENV-2020-CHC-74

16.7.7 Dredging, bottom trawling, deposition and reclamation within any Category B Ecologically Significant Marine Site listed within Appendix 27.

[C]

16.7.8. Removal of anti-foul paint from a ship.

[C]

~~16.7.9 The use of surface water within that part of Queen Charlotte Sound/Tōtaranui not on the National Transportation Route by High speed ships, or ships that exceed 500 gross registered tonnes, which are travelling at ships speeds greater than 15 knots.~~

Commented [48]: Aroma (NZ) Limited and Aroma Aquaculture Limited
ENV-2020-CHC-45

Commented [49]: KPF Investments & United Fisheries (previously AJ King Family Trust and SA King Family Trust)
ENV-2020-CHC-73

Commented [50]: Clearwater Mussels Limited and Talley's Group Limited
ENV-2020-CHC-55

Commented [51]: HARO Partnership
ENV-2020-CHC-40

Commented [52]: Just Mussels Ltd, Tawhitinui Greenshell Ltd and Waimana Marine Ltd
ENV-2020-CHC-77

Commented [53]: Marine Farming Assn Inc & Aquaculture NZ
ENV-2020-CHC-74

Commented [54]: The New Zealand King Salmon Co. Limited
ENV-2020-CHC-51

Commented [55]: KiwiRail Holdings Limited
ENV-2020-CHC-57

Commented [56]: Amended to reflect decision of the MEP Hearing Panel
MEP Update 7 – 04/11/20

Appeals Version

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