

## 33.0 Port Zone

NOTE: Resource Management (Marine Pollution) Regulations 1998 introduced pursuant to sections 15A, 15B and 15C of the Resource Management Act 1991 control discharges and dumping from ships. The regulations limit the nature and extent of discharges and dumping, in that part of the Port Zone that is coastal marine area. The Council is responsible for administering and enforcing those regulations.

### 33.1 Permitted Activities

The following activities shall be permitted without a resource consent where together with any relevant definition they conform to the conditions for Permitted Activities as well as the general rules:

- Abrasive blasting;
- Air and water discharges;
- Disturbance of foreshore and seabed including by the normal operation of ships;
- Commercial activities;
- Hazardous facility with an effects ratio no greater than 1.0;
- Industrial activities related to port activities;
- Land disturbance;
- Maintenance, repair, additions and alterations to lawful structures;
- Parks and reserves;
- Pest management carried out in accordance with a national or regional pest management strategy;
- Port activities;
- Railway activities;
- Service stations;
- Taking and use of coastal water;
- Use of surfacewater by non-exclusive water-borne activities including by ships;
- Ship building, repair and maintenance; and
- Specifically identified activities listed as permitted on sites in Appendix J.

## Conditions for Permitted Activities

### 33.1.1 Infrastructure and Services

---

#### 33.1.1.1 Vehicle Access

33.1.1.1.1 Every parking and/or loading space shall:

- a) Have such dimensions in accordance with Figure 26. 12 of the Transportation Rules (refer to Chapter 26 General Rules); and
- b) Be provided with such access drives and aisles as are necessary for ingress and egress of vehicles to and from the road, and for the manoeuvring of vehicles within the site. In determining the extent of area required for manoeuvring space, the Council will be guided by the 90 and 99 percentile car and truck tracking curves shown in Figure 26.13 of the Transportation Rules (refer to Chapter 26 General Rules).

33.1.1.1.2 In applying the tracking curves:

- a) where vehicles normally manoeuvre at speeds of less than 10km per hour a minimum clearance of 300mm shall be maintained between the vehicle tracking area curve and any fixed object;
- b) where vehicles normally manoeuvre at speeds greater than 10km per hour a minimum clearance of 600mm shall be maintained between the vehicle tracking curve and any fixed object; and
- c) for public and customer car parking, the 99 percentile tracking curves shall apply.

33.1.1.1.3 Every loading space shall be located on the same site as the activity to which it relates, be available at all times and shall have adequate useable access to that activity or building. Each loading space shall adjoin an adequate area for goods handling and shall be convenient to any service area or service lift.

33.1.1.1.4 In addition every loading space shall be of useable shape and shall be of the following dimensions:

- a) For transport depots and other similar activities, not less than 9 metres in depth;
- b) For warehouses, bulk stores, industry, servicing premises and other similar uses, not less than 8 metres in depth;
- c) Offices and other non-goods handling activities, where the gross floor area is not greater than 1500m<sup>2</sup>, and where on-street space is available for occasional servicing by larger vehicles, 6 metres long, 3 metres wide, 2.6 metres high. (Van Loading Space);
- d) Notwithstanding anything to the contrary in the foregoing standards, where articulated vehicles are used or are intended to be used in connection with any site, sufficient loading space not less than 11 metres in depth shall be provided for the purpose; and
- e) No loading space shall be less than 3.5 metres in width, or such greater width as is required for adequate manoeuvring.

### 33.1.1.2 Drive on and Drive Through Facilities

- a) In the case of drive on and drive through facilities sufficient queuing space shall be provided for on-site such that there is no spill-over of waiting vehicles onto any public street; and
- b) Any such queuing facility shall not obstruct any fixed car parking space or loading space.

### 33.1.1.3 Parking Space Requirements

One space for every 50m<sup>2</sup> of gross floor area of building, except for:

- Car and ship hire, chartering: One space for every two staff members the operation is designed to cater for.
- Marina: One space for every two berths, 10% of which should be assigned to trailer parking.

## 33.1.2 Disturbance of Foreshore and Seabed, Including by the Normal Operation of Ships

---

### 33.1.2.1 Beach Grooming and Beach Re-Contouring within Berthage areas

Any activity which is carried out for the purpose of:

- removing marine debris, litter, or dead seaweed; or
- re-contouring or reshaping sandy beaches undertaken by a public authority.

is a Permitted Activity provided that:

- a) The disturbance does not exceed:
  - metre in depth;
  - 50,000 cubic metres in volume;
  - 4 hectares in area; or
  - 1000 metres in length
 during any 12 month period.
- b) The operation shall not restrict public access to an extent or for a period greater than necessary to complete the clearance.
- c) No contaminants shall be released from equipment being used for the activity, and no refuelling may take place on any area of foreshore or seabed.
- d) Material used for beach replenishment must be of the same grain size as the beach to be replenished and free from noxious or toxic organisms.
- e) The activity must be carried out in a way which minimises the amount of sand removed from the foreshore.
- f) All equipment and materials shall be removed from the site on completion of the clearance operation.
- g) There is no significant disturbance of significant flora or fauna.

### 33.1. 2.2 River and Stream Mouth Cutting

Disturbance of foreshore and seabed, including any associated deposition of natural material and diversion of water, for the purpose of realignment or opening stream and river mouths is a Permitted Activity provided that:

- a) The depth of cut through the beach should be no greater than that necessary to divert the stream flow;
- b) The operation shall not restrict public access to an extent or for a period greater than necessary to complete the cutting operation;
- c) No contaminants shall be released from equipment being used for the cutting operation, and no refuelling may take place on any area of foreshore or seabed;
- d) Excavated material shall be placed on the immediately adjacent foreshore area, and no material shall be removed from the site;
- e) All equipment and materials shall be removed from the site on completion of the cutting operation; and
- f) There is no significant disturbance of significant flora or fauna.

### 33.1. 2.3 Clearance of Stormwater Outfalls

Any activity involving disturbance or drainage of foreshore or seabed carried out for the purpose of clearing the exit of any stormwater outfall is a Permitted Activity provided that:

- a) The depth of any disturbance is limited to the amount necessary to clear the outfall;
- b) The activity shall not restrict public access to an extent and for a period greater than necessary to complete the clearance;
- c) No contaminants shall be released from equipment being used for the clearance operation, and no refuelling may take place on any area of foreshore or seabed;
- d) The activity must not involve disturbance of significant flora or fauna;
- e) All material excavated shall be removed from the site; and
- f) All equipment and materials shall be removed from the site on completion of the clearance operation.

### 33.1. 2.4 Maintenance, Repair, Additions and Alterations to Lawful Structures

Any maintenance, repairs, additions and alteration to any existing lawful structure or any part of an existing lawful structure that is fixed in, on, or over the coastal marine area is a Permitted Activity provided that:

- a) The maintenance or repair does not result in any increase in the area of coastal marine area occupied by the structure;
- b) The maintenance or repair does not substantially change the external appearance of a structure. For the avoidance of doubt, repainting shall not be deemed to substantially alter the appearance of a structure;
- c) The activity shall not involve any excavation of foreshore or seabed greater than 100m<sup>3</sup> in volume; and

- d) The activity does not result in any discharge or deposition of contaminants into the coastal marine area.
- e) The addition or alteration is contained either within the form of the existing structures, or adds no more than 5% to the plan or cross-sectional area of the structure within any 24 month period;

### 33.1.2.5 Demolition or Removal of Structures

Any removal or demolition of any structure or any part of a structure that is fixed in, on, under or over the coastal marine area is a Permitted Activity provided that the activity conforms to the following conditions:

- a) All material removed or demolished from the structure is removed from the coastal marine area;
- b) The activity shall not involve any excavation of foreshore or seabed greater than 1 metre in depth or greater than 100m<sup>3</sup> in volume; and
- c) No foreshore or seabed material shall be removed from the site.

### 33.1.2.6 Drilling

Disturbance and damage of foreshore and seabed associated with any drilling operation is a Permitted Activity provided that the activity conforms to the following:

- a) The diameter of the drilled hole shall not exceed 600mm;
- b) The activity shall be undertaken in a manner which minimises water turbidity; and
- c) The activity shall not involve any significant adverse effect on any significant flora or fauna.

## 33.1.3 Land Disturbance

---

### 33.1.3.1 Land Disturbance General

Any land disturbance activity which meets the conditions below is a Permitted Activity.

#### 33.1.3.1.1 Conditions

- a) Any increase in the concentration of suspended sediment shall not be more than 20% as measured by the 'black disk' method, notwithstanding that the concentration of suspended sediment in run-off water shall not exceed 200 grams/cubic metre at any point of discharge to any receiving water. The effects on the receiving water are to be measured at a distance downstream of two widths of the receiving watercourse or 50 metres, whichever is the lesser;
- b) No woody material of greater than 100mm diameter shall be left in any permanently flowing river, lake, wetland or sea as a result of a land disturbance operation; and
- c) All land disturbance sites are to be stable when subject to a storm event of return frequency probability of 10% or less.

### 33.1.3.1.2 Exception

Except any land disturbance activity that does not comply with the above conditions or is in an area identified as a hazard area that is required for the purposes of constructing or providing access to any structure requiring a building permit under the Building Act 1991, shall not be a Permitted Activity, with no restriction on the exercise of Council's discretion.

### 33.1.3.2 Excavation and Filling

#### 33.1.3.2.1 Conditions

- a) The maximum volume for either excavation or filling shall not exceed 20m<sup>3</sup> in any continuous ten year period;
- b) The gradient of any side cut excavation must not exceed an average of 9.5 (1:6) and must not exceed 11.3 (1:5) along any length of more than 20 metres;
- c) Stormwater controls, water table cut-offs, and culverts are to be installed to ensure that erosion does not occur on the inside edge of the cut. No culvert size less than 300mm may be used to drain any side-cut excavation;
- d) Batters and side castings are to be established by appropriate measures such as seeding, compacting, drainage and/or other methods of revegetation;
- e) Run-off from water tables or surfaces of side-cut excavations is to be directed to stable land areas; and
- f) Except for direct approaches to bridges, crossings and fords; maintenance of rail and public roads; and trenching for cable laying, no excavation or filling must take place within riparian management zones as specified in the schedule of water bodies and Table 1 in Appendix I and as mapped in Ecology Maps in Volume Three, or in a manner or location where the General Conditions for Land Disturbance above can not be complied with.

#### 33.1.3.2.2 Fill Content

In addition to compliance with the conditions relating to the volume of fill material any filling of land or depressions is a Non-Complying Activity where the fill contains:

- a) Putrescible, inflammable or hazardous components;
- b) Material other than rubble, ballast, stones, soily material and demolition material; or
- c) Vegetation which is not incidental to the clearing of sites, and which comprises more than 5% of the fill material, by volume.

#### 33.1.3.2.3 Exemptions

The following activities are exempt from control on the volume of material:

- a) Any works involving the repair or replacement of any utilities; and
- b) Support structures for any permitted or approved buildings, signs, fences and works.

### 33.1.4 Amenities

---

#### 33.1.4.1 Noise

##### 33.1.4.1.1 Limits

Subject to the exception in Clause 33.1.4.1.2, all permitted activities shall be conducted so as to ensure that noise arising from such activities does not exceed the following noise limits:

At any point on land outside the boundary of the Port Zone:

- At any time 65dBA  $L_{10}$
- On any day between 2200 hours and 0700 hours the following day 75dBA  $L_{max}$

Provided at any point within the boundary of any land zoned Urban Residential or at any point within the notional boundary of any dwelling on land zoned Rural One or Rural Two, the following noise limits shall not be exceeded:

- *On any day between 0700 hours and 2200 hours* 55dBA  $L_{10}$
- *At any other time* 45dBA  $L_{10}$   
75dBA  $L_{max}$

##### 33.1.4.1.2 Exception

Nothing in Clause 33.1.4.1.1 shall apply to the following activities, which shall be conducted so as to ensure that noise emanating from those activities does not exceed the existing noise levels depicted on [Figure 1](#) and [Figure 2](#) below at the ports of Picton and Havelock:

- Arrival, departure, berthing, loading or unloading of any ship.
- The operation of ships either stationary or underway.
- Port activities
- Land transport activities.
- Railway activities.

##### 33.1.4.1.3 Assessment

Except where expressly provided for elsewhere in this Plan, sound levels shall be measured in accordance with the provisions of NZS 6801:1991 Measurement of Sound, and assessed in accordance with NZS 6802:1991 Assessment of Environmental Sound, and in respect of the sound levels shown on [Figure 1](#) and [Figure 2](#) below, the measurements shall be taken at the locations where the sound levels are depicted on that Figure with no penalty applied for special audible characteristics should any be present.

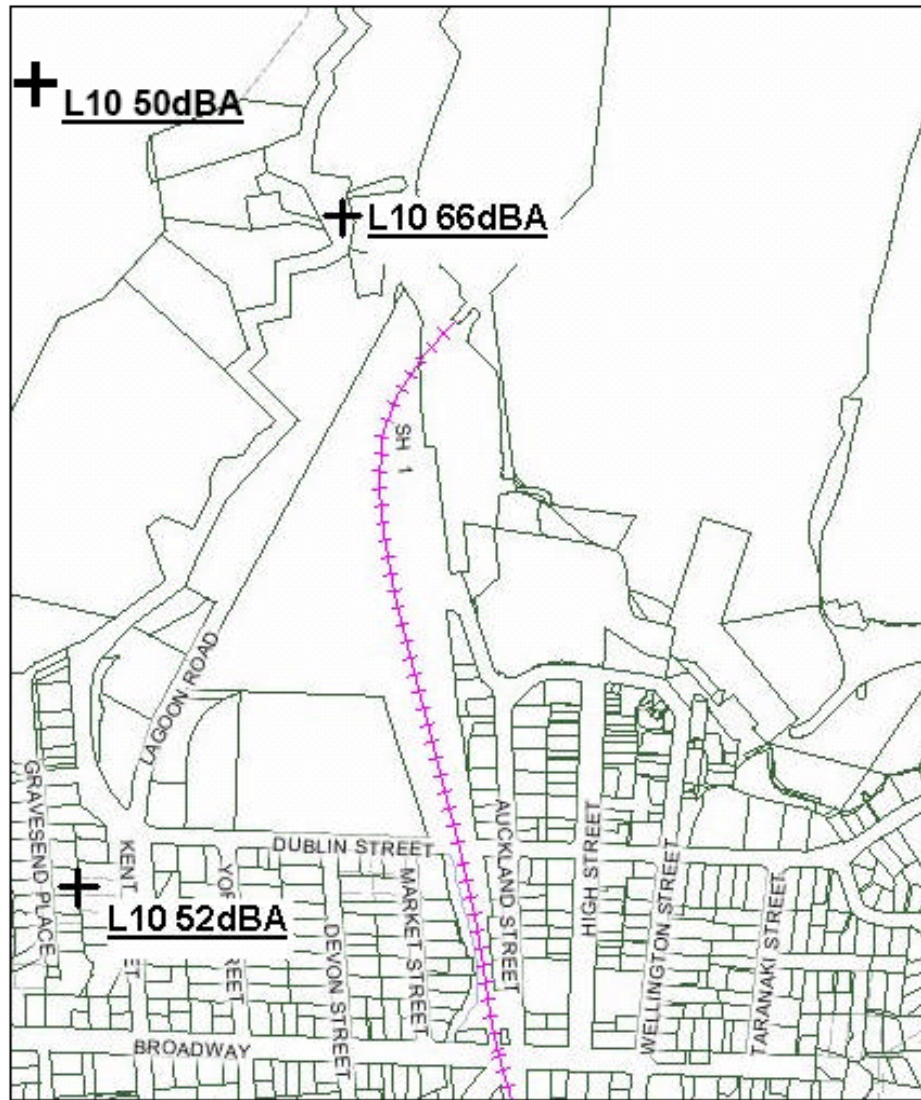


Figure 1: Picton Port Noise Assessment Locations and Existing Levels



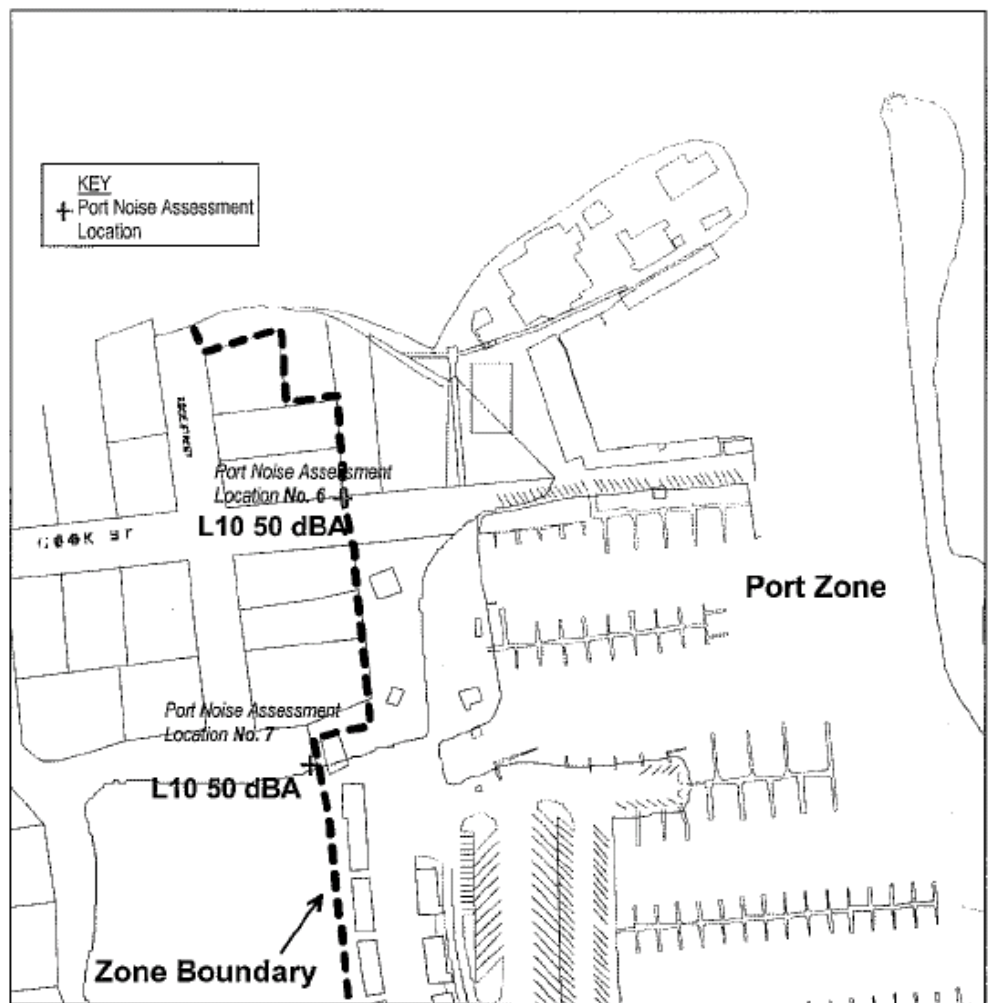


Figure 2: Havelock Port Noise Assessment Locations and Existing Levels

#### 33.1.4.1.4 Construction Noise

Construction noise shall not exceed the recommended limits in and shall be measured and assessed in accordance with the provisions of NZS6803P:1984 The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work.

#### 33.1.4.2 Blasting

##### 33.1.4.2.1 Airblast Overpressure

Airblast overpressure from blasting on any land shall not exceed a peak non-frequency weighted (Linear or Flat) level of 115 dB, provided this level may be exceeded by up to 5% of the total number of blasts over any 12 month period. The level should not exceed 120 dB (Linear Peak) at any time.

##### 33.1.4.2.2 Vibration

Vibration from a site due to blasting shall not exceed a peak particle velocity of 5mm per second provided this level may be exceeded on up to 5% of the total number of blasts over a period of 12 months. The level shall not exceed 10mm per second at any time.

### **33.1.4.3 Vibration**

#### **33.1.4.3.1 Inside buildings**

Vibration from a site measured inside any dwelling in any zone shall not exceed a peak particle velocity of 0.1 metres per second.

### **33.1.4.4 Lighting**

**33.1.4.4.1** All exterior lighting shall be directed away from adjacent properties and legal roads so as to avoid any significant adverse effects on the neighbourhood and/or traffic safety.

**33.1.4.4.2** No activity shall result in greater than 10 Lux spill (horizontal and vertical) of light onto any adjoining property, measured 2 metres inside the boundary of any adjoining property.

**33.1.4.4.3** No activity shall result in a greater than 2.5 Lux spill (horizontal and vertical) of light onto any adjoining property which is zoned Urban Residential or Town Commercial.

### **33.1.4.5 Maximum Building Height**

**33.1.4.5.1** The maximum permitted height of any building, including silos and tanks, but excluding any light tower, crane, lifting device, mast elevator, machinery room, conveyor belt, linkspan or gangway, flagpole and antenna, shall be 12 metres.

**33.1.4.5.2** The maximum permitted height of any light tower, crane, lifting device, mast elevator, machinery room, conveyor belt, linkspan or gangway, flagpole and antenna, shall be 35 metres.

### **33.1.4.6 Building Setbacks**

**33.1.4.6.1** Minimum building setback from road boundaries shall be 3 metres;

**33.1.4.6.2** Minimum building setback from an Urban Residential Zone boundary shall be 6 metres; and

**33.1.4.6.3** Minimum building setback from a Town Commercial Zone boundary shall be 3 metres.

## **33.1.5 The Taking and Use of Coastal Water**

---

**33.1.5.1** The taking and use of water from the Port Zone not exceeding 3,000 cubic metres per day is a Permitted Activity, provided that the activity does not:

- a) Change natural water and sediment movement patterns; and
- b) Change natural water quality.

## **33.1.6 Discharges**

---

For the avoidance of doubt, unless otherwise specified, the rule and these standards do not require consent for discharges from 'moveable' sources in terms of section 15(2) of the Act, unless subject to other specific rules in the Plan.

### **33.1.6.1 Discharges to Air**

#### **33.1.6.1.1 Discharge for the Purpose of Ventilation**

The discharge from any premise for the purpose of ventilation or from a fume cupboard shall be a Permitted Activity provided that:

- a) There is no objectionable odour or dust at or beyond the property boundary, or beyond 20 metres from any point of discharge when it is sited on public land;
- b) There are no offensive, adverse, or objectionable health effects beyond the property boundary; and
- c) Any fume cupboard installed prior to 1 October 1993 shall have existing rights of operation, provided it complies with the Building Act 1991, and the Health and Safety in Employment Act 1992. New fume cupboards in buildings undergoing significant building alteration, shall comply with New Zealand Standard 7203:1992.

#### 33.1.6.1.2 Discharges of Displaced Air

The discharge into air of any contaminant from tanks used for the storage of liquids (including petrol and diesel oil) or from the venting of gas pipelines, pumps, compressors or tanks shall be a Permitted Activity provided that:

- a) There is no objectionable odour or dust at or beyond the property boundary, or beyond 20 metres from the point of discharge whichever distance is less.

#### 33.1.6.1.3 Discharges of Water Vapour

Any discharge into air of condensed water vapour, including steam shall be a Permitted Activity provided that:

- a) Any plume does not impair visibility on any road or in any aircraft flight path;
- b) There is no drift of an objectionable plume onto an adjacent property; and
- c) There is no venting of steam or water vapour directly above footpaths or onto other properties.

#### 33.1.6.1.4 Discharge From Small Scale Fuel Burning Equipment

The discharge into air from an industrial trade premise, or from a non-moving source that is not an industrial or trade premise, of:

- Products of combustion from fuel burning equipment using coal, oil, or untreated wood at a rate not exceeding 40 kilowatts, or
- Methane, or natural or liquefied petroleum gas at a rate not exceeding 5 Megawatts

shall be a Permitted Activity provided that:

- a) The discharge is from a chimney or exhaust flue;
- b) There is no objectionable smoke at or beyond the property boundary;
- c) Smoke does not adversely affect visibility on any road;
- d) There is no objectionable odour at or beyond the property boundary; and
- e) There is no objectionable deposition of particulate matter from smoke onto any land or structure at or beyond the property boundary.

### 33.1.6.1.5 Discharges Associated with Storage, Transfer and Disposal of Waste

The discharge of particulate matter, dust and odour into air from any source (whether moveable or not) that is used for the storage, transfer, treatment and disposal of solid or liquid waste management purposes or for composting organic material is a Permitted Activity provided that there is no objectionable deposition of dust at or beyond the property boundary.

### 33.1.6.1.6 Discharges from Particular Industrial or Trade Premises

The discharges of contaminants into air from:

- Premises for the manufacture of beverages, including soft drinks, extraction of fruit juices, fermentation of wine, distillation of spirits, and alcoholic beverages;
- Premises used as or associated with funeral parlours, chapels, stonemasons;
- Premises used as or associated with the manufacture of household, industrial, electrical and garden equipment and appliances, excluding the manufacture of concrete products, rubber goods, processes involving the galvanising of steel;
- Premises used for food processing by deep fat frying or oil frying of any animal or vegetable matter where the processes have either singly or together a raw material capacity of less than five tonnes an hour;
- Premises used for joinery, including the manufacture, restoration or finishing of furniture and wood crafts, and cabinet making;
- Premises used for powder coating and spraypainting;
- Premises used for the application of surface coating, including printing or manufacture of packaging materials, and printing of paper;
- Premises used for the drying of grain and vegetable matter;
- Premises used for the manufacture of furnishings, clothing, carpets, but excluding rubber underlay;
- Premises used for the operation of drycleaning, dyeing, laundering and cleaning facilities;
- Premises used for the processing of food including baking, cooking, freezing and canning, but excluding the production of milk powders;
- Premises used for the retail and wholesale distribution of automotive fuels, oils, liquefied gases and gases;
- Premises used for the retail and wholesale distribution of fuels used for industrial processing and home heating;
- Premises used for the sale, servicing or repairs to motor vehicles, trains, trailers, ships or like equipment, including body and engine repairs, panel beating, fibre-glassing, and painting, when carried out in a booth or enclosure that has been designed to contain any emission of paint overspray;
- Premises used for the storage of food in refrigerated units;
- Premises used for the storage, blending and distribution of bulk products, including fertiliser, animal feeds, roading materials, gardening materials, and concrete processing materials; and
- Premises used solely for animal slaughtering.

is a Permitted Activity provided that:

- a) There is no objectionable odour at or beyond the property boundary;
- b) There is no objectionable deposition of dust at or beyond the property boundary; and
- c) There is no offensive, adverse, or objectionable health effects beyond the property boundary.

### **33.1.6.1.7 General Rules Relating to Dust Emissions**

33.1.6.1.7.1 Any person undertaking an activity resulting in the emission of dust shall adopt the best practicable option to avoid, remedy or mitigate adverse effects resulting from the dust emissions on the receiving environment.

33.1.6.1.7.2 The discharge of non-toxic dusts from any process vent or stack is a Permitted Activity subject to the following conditions:

- a) Any air pollution control equipment and dust collection system shall be designed to achieve a particulate discharge rate of  $125\text{mg}/\text{m}^3$  (corrected to 0 degrees Celsius, 1 atmosphere pressure, dry gas basis) and at no time shall emissions exceed  $250\text{mg}/\text{m}^3$  (corrected to 0 degrees Celsius, 1 atmosphere pressure, dry gas basis);
- b) No particles in the emission shall be larger than 0.5 millimetres in diameter.

33.1.6.1.7.3 Notwithstanding the above, there shall be no visible emission of dust from any process vent or stack (note that 'dust' refers to solid particulate and does not include emissions of vapour or droplets); and

33.1.6.1.7.4 The discharge of non-toxic dust from any process vent or stack shall not result in deposition of solid material on property owned or occupied by persons other than those who carry out the activity.

### **33.1.6.2 Abrasive Blasting Operations**

#### **33.1.6.2.1 Non Mobile Source**

The discharge of contaminant into air from abrasive blasting, other than from a mobile source, is a Permitted Activity provided the following conditions are met:

##### **33.1.6.2.1.1 Conditions**

- a) The surface to be blasted shall not contain any lead, zinc, arsenic, chromium, cadmium, copper, mercury, tributyl tin or thorium-based compounds;
- b) When using dry abrasive blasting techniques, all items shall be blasted within an abrasive blasting enclosure, and air extracted from the enclosure shall be filtered so that there is no visible discharge of dust;
- c) When using wet abrasive blasting techniques, there shall be no discharge of water spray beyond the boundary of the subject property;
- d) The discharge shall not raise the ambient dust deposition rate by more than  $4\text{g}/\text{m}^2$  per 30 days at any point beyond the boundary of the subject property; and
- e) Sand or any other material used for abrasive blasting shall contain not more than 5% free silica on a dry weight basis, and shall not be reused.

### **33.1.6.2.2 Mobile Source**

The discharge of contaminant into air from abrasive blasting using a mobile source and wet abrasive blasting techniques is a Permitted Activity provided the following conditions are met:

#### **33.1.6.2.2.1 Conditions**

- a) The surface to be blasted shall not contain any lead, zinc, arsenic, chromium, cadmium, copper, mercury, tributyl tin or thorium-based compounds;
- b) The Council and owners or occupiers of properties adjacent to the subject property shall be notified of the location, date and duration of the proposed abrasive blasting operation at least five working days before the commencement of the work;
- c) Sand or any other material used for abrasive blasting shall contain not more than 5% free silica on a dry weight basis;
- d) The operator shall so far as is practicable collect all debris and used blasting materials;
- e) All collected debris and used blasting materials shall be removed from the site daily and when operations are completed;
- f) There shall be no discharges of water spray beyond the boundary of the subject property, or beyond 50 metres of the discharge when sited on public land; and
- g) There shall be no visible discharge of dust beyond the boundary of the subject property, or beyond 50 metres of the discharge when sited on public land.

### **33.1.6.3 Effluent Disposal**

#### **33.1.6.3.1 General**

Provision must be made for the satisfactory disposal of all effluent and greywater generated from onshore activities in accordance with the requirements of the Plan. The requirements of the Plan are deemed to have been met where all effluent and greywater is connected to a public system expressly designed for this purpose.

#### **33.1.6.3.2 Trade Waste Disposal**

- a) Collection of waste on-site shall be in suitable containers that are either covered or located in a roofed area; and
- b) Process waste shall not be discharged into stormwater systems, fresh water or coastal water.

### **33.1.6.4 Discharges to Coastal Water**

#### **33.1.6.4.1 Discharges Other than Effluent or Stormwater**

Discharges (other than the disposal of effluents or stormwater) associated with the operational needs of the Port shall be a Permitted Activity provided that after reasonable mixing and disregarding any natural variations:

- a) The natural temperature of the water shall not be changed by more than 3 degrees Celsius;
- b) The concentration of dissolved oxygen in the discharge shall exceed 80% of the saturation concentration;

- c) There shall be no undesirable biological growths as a result of any discharge of contaminant into the water;
- d) Aquatic organisms shall not be rendered unsuitable for human consumption by the presence of contaminants; and
- e) Any pH change, increase in the deposition of matter on the foreshore or seabed or discharge of contaminant into water shall not have any adverse effect on aquatic life.

#### **33.1.6.4.2 Stormwater Discharges (Point Source and Non Point Source)**

##### **33.1.6.4.2.1 Point Source Stormwater**

33.1.6.4.2.1.1 For a period extending five years from the date the Plan becomes operative, any existing, lawfully established discharge of point source stormwater into water in the coastal marine area is a Permitted Activity.

33.1.6.4.2.1.2 After this time the discharge of point source stormwater into the coastal marine area shall be a Controlled Activity

##### **33.1.6.4.2.2 Non Point Source Stormwater**

The discharge of non point source water to land or any natural water shall be a Permitted Activity provided that:

- a) The discharge shall not cause any significant erosion of land;
- b) The discharge shall not have any significant effect on water quality;
- c) The discharge shall not have any adverse effect on any fisheries, wildlife habitats or recreational values of any waterbody;
- d) The discharge does not contain stormwater from an area where hazardous substances are stored unless:
  - Hazardous substances cannot enter the stormwater; or
  - There is an interceptor system in place to collect hazardous contaminants or diverted contaminated stormwater to a trade waste system.
- e) The above provisions do not apply to the drainage of naturally occurring wetlands or lakes.

#### **33.1.7 Ship Building, Repairs and Maintenance**

---

Ship building repairs and maintenance is a Permitted Activity provided that the activity does not cause contaminants to be discharged into freshwater, coastal water or deposited on the foreshore or seabed.

#### **33.1.8 Hazardous Facilities (District Function)**

---

**Advisory Note:** For the avoidance of doubt, the controls in this section or in Appendix C are not applicable to the transportation, storage and use of hazardous substances as cargo or fuel in ships, trains and other 'moveable' sources in terms of section 15(2) of the Resource Management Act, unless subject to other specific rules in the Plan.

##### **33.1.8.1 Effects Ratio**

33.1.8.1.1 Any activity having an 'effects ratio' no greater than 1.0 shall be a Permitted Activity. The 'effects ratio' shall be calculated in accordance with the Hazardous Facility Screening Procedure set out in Appendix C.

### **33.1.8.2 Site Design**

- 33.1.8.2.1 Any part of the site where liquid or solid hazardous or environmentally damaging substances are stored or used shall be effectively sealed with materials which are resistant to the substance(s).
- 33.1.8.2.2 Any part of the site where liquid or solid hazardous or environmentally damaging substances are stored or used shall be sealed and banded so that the equivalent of the maximum of the largest container within the banded area could be contained and excluded from the stormwater system if a spill occurs. In areas where drums are stored, the banded area shall be able to contain half of the maximum amount of the material stored.
- 33.1.8.2.3 Any bunds shall be constructed from materials which are resistant to the substance that the bund is designed to contain, so as to prevent the substance entering the soil.
- 33.1.8.2.4 All stormwater grates shall be clearly marked.
- 33.1.8.2.5 Storage of petroleum products in underground tanks shall comply with the most recent version of the Code of Practice for Design, Installation and Operation of Underground Petroleum Storage Systems.
- 33.1.8.2.6 Any part of the site where solid or liquid hazardous or environmentally damaging substances are loaded or unloaded shall be sealed, banded, and drained. This shall not apply to fuel lines and bowsers attached to structures in the coastal marine area.
- 33.1.8.2.7 All vehicle accessways onto that part of a hazardous facility site where hazardous and environmentally damaging substances are loaded or unloaded shall have cut off drains installed which are not directly connected to the stormwater system.
- 33.1.8.2.8 Any part of the site where vehicles, equipment or containers that have or may have become contaminated with hazardous or environmentally damaging substances are washed, shall be sealed, banded and drained so that process effluent (run-off) from the washdown area is discharged into the foulwater system, or collected and stored in tanks for removal.
- 33.1.8.2.9 A record will be kept of the quantities of hazardous wastes stored on-site, or taken away for disposal.

### **33.1.8.3 Hazardous Waste Management**

#### **33.1.8.3.1 Conditions**

- a) The storage of hazardous waste on the site shall be in suitable containers that are either covered or located in a roofed area;
- b) A waste audit shall be undertaken for all premises generating waste hazardous substances in volumes greater than 6m<sup>3</sup>/week;
- c) All sites where waste hazardous substances or waste containing hazardous substances is, or may be generated must provide appropriate and sustainable disposal procedures. Hazardous waste disposal in or outside the district may only be to facilities which are formally approved by the Council; and
- d) A record will be kept of the quantities of hazardous wastes stored on the site, or taken away for disposal. This record to be available to the Council, upon request.



**33.1.8.4 Fire Safety**

All hazardous facilities where flammable hazardous substances are either used or stored shall have adequate fire safety equipment in place in compliance with the requirements of the Dangerous Goods Regulations.

**33.1.8.5 Signage**

All hazardous facilities shall be adequately signposted according to the most recent version of the Code of Practice for Warning Signs for Premises Storing Hazardous Substances of the New Zealand Chemical Industry Council.

**33.1.8.6 Emergency and Evacuation Plan**

All hazardous facilities shall have in place an emergency and evacuation plan which deals with possible on-site accidents involving hazardous substances. A current copy of the plan shall be made available to the Council, upon request.

**33.1.9 Hazards/Riparian Management**

---

**33.1.9.1** Except for internal alterations within an existing structure, building activity is not a Permitted Activity within the coverage of the Natural Hazards overlay identified on the Planning Maps.

**33.1.9.2** All proposed buildings and structures shall be set back a minimum of at least 8 metres from the top of any waterbody or where there is a stopbank at least 8 metres from the landward toe of that stopbank.

**33.2 Controlled Activities**

---

**33.2.1** Application must be made for a resource consent for a Controlled Activity with respect to the following:

- Maintenance dredging for river and navigation management and berthage purposes;
- Stormwater discharge; and
- Structures used in the petroleum and chemical industry up to 10,000 litres.

**33.2.2 Standards**

---

All Controlled Activities shall be subject to the general conditions applicable to Permitted Activities. In addition the following standards shall apply to specified activities. An application for a resource consent may be considered without notification or the need to obtain the written approval of affected persons in accordance with section 94(1) of the Resource Management Act.

**33.2.3 Maintenance Dredging for River and Navigation Management, and Berthage Purposes**

---

Disturbance and damage of foreshore and seabed associated with dredging river mouth areas and navigation channels for river and navigation management and berthage purposes, including any associated discharge of water or contaminants, is a Controlled Activity provided that the activity conforms to the following standards and terms:

### **33.2.3.1 Standards**

33.2.3.1.1 The disturbance does not exceed:

- a) 50,000 cubic metres in volume;
- b) 4 hectares in area; or
- c) 1000 metres in length

in any 12 month period.

33.2.3.1.2 The activity shall be undertaken in a manner which minimises water turbidity.

### **33.2.3.2 Terms**

33.2.3.2.1 A coastal permit in respect of the activity may be granted for a period not exceeding five years.

33.2.3.2.2 The consent holder shall pay to the Council, on behalf of the Crown, any sum of money required to be paid by regulation made under section 360(1)(c) of the Act.

### **33.2.3.3 Matters Over Which Control is Reserved**

33.2.3.3.1 The matters over which the Council shall exercise its control are:

- a) The duration of the consent;
- b) The information and monitoring requirements;
- c) The administrative charges payable;
- d) The method of dredging;
- e) The depth of dredging;
- f) The frequency and timing of dredging;
- g) The volume of material removed; and
- h) Disposal of tailings.

## **33.2.4 Point Source Stormwater Discharge**

---

The discharge of point source stormwater into the coastal marine area or the discharge of point source stormwater into or onto land in coastal marine zone in circumstances which may result in that stormwater entering the coastal marine zone is a Controlled Activity provided that:

### **33.2.4.1 Standards**

33.2.4.1.1 The contaminant or water discharged (either by itself or when combined with the same, similar, or other contaminants or water) will not give rise to all or any of the following effects:

- a) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
- b) Any conspicuous change in colour or visual clarity;
- c) Any emission of objectionable odour;
- d) Any significant effects on aquatic life;
- e) Any significant reduction in water quality;
- f) Be detrimental to the health, safety or welfare of persons using the water;

- g) Be poisonous or harmful to animals, birds, or fish around or in the water;
- h) Render unsuitable for human consumption any shellfish; and/or
- i) Damage the seabed.

#### 33.2.4.2 Terms

A discharge permit in respect of the activity may be granted for a period not exceeding 10 years.

#### 33.2.4.3 Matters Over Which Control is Reserved

The matters over which the Council will exercise its control are:

- a) The duration of the consent;
- b) The information and monitoring requirements;
- c) The administrative charges payable;
- d) The volume, rate and nature of the discharge;
- e) The discharge point; and
- f) Entrapment and disposal of contaminants.

### 33.3 Limited Discretionary Activities

- Minor Non Compliance;
- Activities within Riparian Management Zones (specified in Appendix I and Volume Three Maps); and
- Other Limited Discretionary Activities (Rule 33.3.5).

#### 33.3.1 Minor Non-Compliance

---

Minor non-compliance with the conditions for Permitted Activities may be permitted to the extent specified below and will be considered by way of a Limited Discretionary Consent. An application for a resource consent may be considered without notification or the need to obtain the written approval of affected persons in accordance with section 94(1A) of the Act.

- Building setbacks by up to 20% of the maximum specified condition;
- Buildings exceeding the maximum permitted height by up to a maximum of 20% of the specified condition; and
- Parking requirements.

#### 33.3.2 Limits to the Council's Discretion

---

In each of the above cases the Council's discretion shall be limited to a consideration of the adverse effects expected to directly result from the proposed non-compliance; together with such matters listed in 33.3.3 below as are relevant to the non-compliance.

All applications for minor non-compliance shall be non-notified, however, the Council may require the written approval of every person who may in the Council's judgement be adversely affected by the granting of the consent for non-compliance unless it is considered unreasonable in the circumstances to require such approval.

### **33.3.3 Matters for Consideration in the Exercise of Council's Discretion**

---

In considering any application for minor non-compliance the Council will in the exercise of its discretion have regard to the following matters:

The non-compliance should not:

- a) Diminish the natural character of the locality, having regard to the natural character areas identified in Appendix Two, Volume One;
- b) Detract from the openness of the site when viewed from the street;
- c) Detract from the functioning of the roading networks;
- d) Adversely affect privacy enjoyed on adjoining residential properties;
- e) Significantly diminish the daylight available to adjoining properties or cause shading of outdoor living areas, service courts, open space or habitable rooms on adjoining properties;
- f) Adversely affect on-site vehicle manoeuvring or car parking areas or affect the safe flow of traffic on adjoining roads; and
- g) Adversely affect public access to the coastal marine area.

### **33.3.4 Activities within Riparian Management Zones (specified in Appendix I and Ecology Maps in Volume Three)**

---

#### **33.3.4.1 Matters to Which Council has Restricted the Exercise of its Discretion:**

- a) The effects on the natural clarity of any river, lake, wetland or the sea;
- b) The effects of the entry of any woody material into any river, lake, wetland or the sea;
- c) The effects on natural hazard management, including stability of riparian management zones and river control matters;
- d) Protection of riparian habitat diversity;
- e) Protection of in-stream habitat; and
- f) Provision of physical public access where legal public access is provided for.

### **33.3.5 Other Limited Discretionary Activities**

---

Application must be made for a resource consent for a Limited Discretionary Activity for the following:

- **Any activity reclaiming foreshore and/or seabed which is:**
  - less than 1 hectare; or
  - extends less than 100 metres in all directions, including incremental reclamations connected to or part of another reclamation which

was commenced or received a resource consent after the 5 May 1994, and the sum of the existing and proposed reclamations do not exceed these dimensions.

- **Any activity involving the erection of a structure or structures which will impound or effectively contain:**
  - less than 4 hectares of the coastal marine area; or
  - is a floating or open pile structure which can be demonstrated to not adversely impede water flows.
- **Any activity involving the erection of a structure or structures which is:**
  - solid (or presents a significant barrier to water or sediment movement), and when established on the foreshore and/or seabed extends less than 300 metres in length more or less parallel to the line of mean high water springs (including separate structures which total less than 300 metres contiguous length); or
  - a submarine or sub-aqueous cable; or
  - a floating or open pile structure.
- **Any activity involving the erection of a structure or structures which is:**
  - solid (or presents a significant barrier to water or sediment movement), and is sited obliquely or perpendicular in horizontal projection to the line of mean high water springs in the coastal marine area, and is in horizontal projection less than 100 metres; or
  - a submarine or sub-aqueous cable.
- **Any activity involving in any 12 month period, disturbance of foreshore and/or seabed, including any removal of sand, shell or shingle or other material:**
  - in volumes less than or equal to 50,000 cubic metres; and
  - extracted from areas less than 4 hectares; and
  - extending less than 1000 metres in length over foreshore and/or seabed.

#### **33.3.5.1 Limits to the Council's Discretion**

In each of the cases listed in Rule 33.3.3 above, the Council's discretion shall be limited to a consideration of the adverse effects expected to directly result from such matters listed in Standard 33.3.3.2 below as are relevant.

An application for a resource consent may be considered without notification or the need to obtain the written approval of affected persons in accordance with section 94(1A) of the Act.

#### **33.3.5.2 Matters to Which the Council has Restricted the Exercise of its Discretion**

In considering any application for the activities listed in Rule 33.3.5 above, the Council will in the exercise of its discretion have regard to the following matters:

- a) The effects of the activity on water quality and ecosystems;
- b) The design and external appearance of structures;
- c) The method undertaken to carry out works;

- d) The effect of the activity on public access;
- e) The character of the surrounding landscape;
- f) The effects on coastal processes, including the effects on erosion/aggradation of adjacent shorelines; and
- g) The effects of the activity on tangata whenua values.

### 33.3.5.3 Resource Consent Conditions

Any resource consent may include conditions relating to any one or more of the following in addition to those matters contained in section 108 of the Act:

- a) The bulk and location of structures;
- b) The protection or enhancement of amenity values;
- c) The protection or enhancement of water quality and ecosystems;
- d) The protection of any significant environmental or cultural feature;
- e) The design and appearance of any structures;
- f) Financial contributions in accordance with the requirements of the Plan;
- g) Bonds or covenants to secure the performance of consent conditions;
- h) Where applicable the permit holder shall pay to the Council, on behalf of the Crown, any sum of money required to be paid by regulations made under section 360(1)(c) of the Act; and
- i) Where approval is given for new works and structures within the coastal marine area, the applicant will be required by consent conditions to notify the Maritime Safety Authority of New Zealand and the Hydrographic Office of the Royal New Zealand Navy of the consent.

## 33.4 Discretionary Activities

Application must be made for a Discretionary Activity.

- Activities listed as permitted activities and either adversely affecting or being affected by any hazard area identified on the Planning Maps as a hazardous area;
- Activities listed as Permitted or Controlled Activities which do not comply with standards and/or conditions or with the provisions for minor non compliance dealt with as Limited Discretionary Activities;
- Clubrooms and maritime educational facilities;
- Depositing material on the foreshore and seabed;
- Discharges to the coastal marine area;
- Occupation of the coastal marine area;
- Hazardous facilities having an effect ratio greater than 1.0;
- Disturbance of foreshore and seabed, including removal of sand, shingle or shell or other material;
- Reclamations;
- Structures in the coastal marine area more or less parallel to mean high water spring;

- Structures in the coastal marine area oblique or perpendicular to mean high water springs;
- Structures in the coastal marine area used in the petroleum and chemical industry; and
- Structures which impound or effectively contain the coastal marine area;
- Industrial activities not related to port activities.

In addition to any specific standards set out in Rule 33.4.2 the General Assessment Criteria set out in Rule 33.4.1 shall be applied to Discretionary Activities.

### **33.4.1 General Assessment Criteria**

---

Any application for a Discretionary or Non-Complying Activity shall generally comply with the conditions for Permitted Activities. In addition they shall be considered in terms of the following assessment criteria. For some activities specific standards as specified also apply.

#### **33.4.1.1 Matters for Assessment**

- 33.4.1.1.1 Any relevant objectives, policies and rules of the Plan.
- 33.4.1.1.2 Any relevant objectives, policies and rules of the New Zealand Coastal Policy Statement.
- 33.4.1.1.3 Any relevant objectives, policies and rules of any policy, statement or plan prepared under the Resource Management Act.
- 33.4.1.1.4 The requirements of Part II, sections 5, 6, 7 and 8; sections 104, 105; and the Fourth Schedule of the Act.
- 33.4.1.1.5 The likely effects of the proposal on:
  - 33.4.1.1.5.1 The locality and wider community and in particular:
    - a) Whether the proposal will enhance or maintain the amenity values of the surrounding area;
    - b) Whether the proposal creates any demand for services or infrastructure at a cost to the wider community;
    - c) Whether the proposal contributes to the character of the surrounding area and helps maintain the cultural values of the community;
    - d) The safety and convenience of vehicle, cycle and pedestrian traffic on adjacent roads; and the need for safe on-site provision for vehicle access and parking;
    - e) The landscape and natural features of the locality and water environment; and the need for landscape planting or treatment to supplement the existing landscape or to compensate for any expected change in the landscape; or
    - f) Whether the proposal has any adverse effects on roading, traffic movement or road safety.
  - 33.4.1.1.5.2 The amenities of the area and in particular that any proposal does not have any significant adverse effects on:
    - a) The usual background noise characteristics of the locality and the likely extent and significance of any increase in noise;

- b) The visual qualities of the surrounding area; or
  - c) Any view or vista which contributes to the aesthetic coherence of a locality.
- 33.4.1.1.5.3 Any significant environmental features and in particular that the proposal does not:
- a) Significantly adversely affect any habitat of any indigenous species; or
  - b) Compromise the integrity of any terrestrial or marine ecosystem;
  - c) Diminish the natural character of the locality, having regard to the natural character areas identified in Appendix Two, Volume One.
- 33.4.1.1.5.4 Natural and physical resources so that any proposal:
- a) Complements any building or other feature constructed by people in the locality which contributes to the character of the locality;
  - b) Does not have an adverse effect on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga or any historic place or known archaeological site;
  - c) Does not reduce water quality beyond a zone of reasonable mixing; or
  - d) Does not increase any risk from natural hazards.
- 33.4.1.1.5.5 In terms of the discharge of contaminants and the use of hazardous substances that any proposal:
- a) Does not generate noise, dust fumes, smoke or odours which are likely to be noxious, dangerous, offensive or objectionable to any occupier of an adjoining property.
- 33.4.1.1.5.6 The physical or natural environment or community such that some form of financial contribution is necessary and should be imposed as a condition of consent. A financial contribution may be required in the following circumstances (except for a single dwellinghouse on one lot) or as otherwise required in the Plan where:
- a) Any activity will lead to increased pressure on or demand for the use of any public reserve, facilities or infrastructure including roads, walkways, and refuse disposal systems;
  - b) Any activity is likely to impact negatively upon the development capability of any adjoining land in terms of sewage servicing capacity;
  - c) Any activity lends or will lend to a situation where off-site effects can be mitigated, but unless required by condition of consent be at the cost of the Council; or
  - d) Where the proposal will create a need for public works, services, reserves, or capital expenditure.

## 33.4.2 Particular Criteria and Standards Applicable to Listed Discretionary Activities

---

The criteria specified for any particular Discretionary Activity as listed below shall be considered in addition to the general assessment criteria set out in Rule 33.4.1.

The conditions for Permitted Activities may be used as guidelines for siting.



**33.4.2.1 Reclamation**

33.4.2.1.1 Any activity reclaiming foreshore and/or seabed which is.

- a) Equal to or greater than 1 hectare; or
- b) Extends 100 or more metres linear in any direction; or
- c) Is an incremental reclamation connected to, or part of, another reclamation which;
  - was commenced or received a resource consent after 5 May 1994, and
  - the sum of the existing and proposed reclamations are equal to or exceed the dimensions in the first two bullet points of this rule;

is a Discretionary Activity.

**33.4.2.1.2 Assessment Criteria**

- a) Whether the reclamation or drainage is necessary;
- b) Whether the final appearance will harmonise with the character of the surrounding landscape;
- c) Whether the reclamation or drainage has made allowance for the effects of sea level rise, waves and currents and earthquakes; and
- d) Whether the reclamation has any significant adverse effect on ecological values and tangata whenua values.

**33.4.2.2 Structures Which Impound or Effectively Contain the Coastal Marine Area**

33.4.2.2.1 Any activity involving the erection of a structure or structures, which will impound or effectively contain more than 4 hectares, of the coastal marine area is a Discretionary Activity.

**33.4.2.3 Structures in the Coastal Marine Area More or Less Parallel to Mean High Water Springs**

33.4.2.3.1 Any activity involving the erection of a structure or structures:

- Which are solid (or presents a significant barrier to water or sediment movement);
- When established on the foreshore and/or seabed would extend 300 metres or more, in length more or less parallel to the line of mean high water springs (including separate structures which incrementally total at least 300 metres contiguously);

is a Discretionary Activity.

### **33.4.2.4 Structures in the Coastal Marine Area Oblique or Perpendicular to Mean High Water Springs**

**33.4.2.4.1** Any activity involving the erection of a structure or structures:

- which is solid (or presents a significant barrier to water or sediment movement); and
- which is sited obliquely or perpendicular to the line of mean high water springs in the coastal marine area; and
- which in horizontal projection is 100 metres or more in length;

is a Discretionary Activity.

### **33.4.2.5 Structures in the Coastal Marine Area Used in the Petroleum and Chemical Industry**

**33.4.2.5.1** Any activity involving the erection of structures for the storage or containment of any petroleum, petroleum products, or contaminants is a Discretionary Activity.

### **33.4.2.6 Assessment Criteria for all Structures**

- a) Whether the structure is necessary;
- b) Whether the final appearance will harmonise with the character of the surrounding landscape;
- c) Whether the structure has made allowance for the effects of sea level rise, waves and currents and earthquakes; and
- d) Whether the structure has any significant adverse effect on ecological values and tangata whenua values.

### **33.4.2.7 Disturbance of Foreshore and/or Seabed Including Any Removal of Sand, Shell or Shingle or Other Material**

**33.4.2.7.1** Any activity involving, in any 12-month period, disturbance of foreshore and/or seabed for specific purposes, including any removal of sand, shell or shingle or other material which is:

- in volumes greater than 50,000 cubic metres; and
- extracted from areas of greater than 4 hectares; and
- extending greater than 1000 metres in length over foreshore and/or seabed;

is a Discretionary Activity.

### **33.4.2.7.2 Assessment Criteria**

- a) Whether the disturbance is necessary;
- b) Whether the final appearance will harmonise with the character of the surrounding landscape;
- c) Whether the disturbance has made allowance for the effects of sea level rise, waves and currents and earthquakes; and

- d) Whether the disturbance has any significant adverse effect on ecological values and tangata whenua values.

#### **33.4.2.8 Depositing Substances in the Coastal Marine Area**

Any activity involving deposition of any material in the coastal marine area is a Discretionary Activity.

##### **33.4.2.8.1 Assessment Criteria**

- a) Whether the deposition is necessary;
- b) Whether the final appearance will harmonise with the character of the surrounding landscape;
- c) Whether the deposition has made allowance for the effects of sea level rise, waves and currents and earthquakes; and
- d) Whether the deposition has any significant adverse effect on ecological values and tangata whenua values.

#### **33.4.2.9 Occupation of the Coastal Marine Area**

Any activity involving occupation of the coastal marine area is a Discretionary Activity.

##### **33.4.2.9.1 Assessment Criteria**

- a) Whether the occupation is necessary;
- b) Whether the final appearance will harmonise with the character of the surrounding landscape;
- c) Whether the occupation has made allowance for the effects of sea level rise, waves and currents and earthquakes; and
- d) Whether the occupation has any significant adverse effect on ecological values and tangata whenua values.

#### **33.4.2.10 Discharges to the Coastal Marine Area**

**33.4.2.10.1** Any discharge of treated human sewage to the coastal marine area, is a Discretionary Activity.

**33.4.2.10.2** Any discharge to the coastal marine area in respect of which the applicant may desire to rely on section 107(2)(a) is also a Discretionary Activity.

**33.4.2.10.3** Any discharge to the coastal marine area other than Rules 33.4.2.10.1 or not provided for elsewhere in the Plan is a Discretionary Activity.

##### **33.4.2.10.4 Assessment Criteria**

- a) The effect of the discharge having regard to the effect of currents, tides, waves, and winds on horizontal transport and vertical mixing of the contaminant;
- b) The effect of the discharge having regard to:
  - Temperature;
  - BOD<sub>5</sub>;
  - Suspended solids;

- pH;
  - The chemical content of the discharge, including any heavy metals or other toxic substances; and
  - Dissolved solids.
- c) The effectiveness of any mitigation measures; and
- d) The impact on the foreshore of any structure associated with the discharge.

### **33.4.2.11 Hazardous Facilities (District Function)**

#### **33.4.2.11.1 Assessment Criteria**

- a) The location of any special natural features, or other environmentally sensitive areas, to be protected;
- b) The possibility of exposure to natural hazards;
- c) The density of surrounding development;
- d) The availability of an access to a suitable transport route;
- e) The risks associated with transportation to or from the site; and
- f) Compliance with any relevant codes of practice or guidelines.

33.4.2.11.1.2 Specific requirements may be imposed to ensure that any undue risk posed by the facility is avoided or mitigated. Particular regard will be given to site layout, site management and emergency procedures and monitoring systems. Consideration will be given, as appropriate, to issues such as:

- a) The equipment relating to the particular risk posed by the facility;
- b) Stormwater detention and treatment;
- c) Sustainable treatment and disposal methods for hazardous waste;
- d) Adherence to management systems such as the NZCIC Responsible Care Programme or recognised standards for environment management systems;
- e) Provision for site monitoring, the storage, use and transportation of hazardous substances;
- f) Consideration of practicable alternative operating methods or sites; and
- g) Provision of a bond sufficient to cover the anticipated cost of removing structures and reinstating the site.

### **33.4.3 Resource Consent Conditions**

---

Any resource consent may include conditions relating to any one or more of the following:

- a) All those matters contained in sections 104 and 108 of the Act;
- b) The bulk and location of buildings;
- c) The landscape treatment and maintenance thereof;
- d) Access, traffic and parking;
- e) Control of wastes, discharges and hazardous substances;

- f) The protection and enhancement of amenity values;
- g) The protection and enhancement of the quality and quantity of natural waters or water systems;
- h) Financial contributions in accordance with the requirements of the Plan;
- i) Bonds or covenants to secure performance of consent conditions;
- j) Landscape design and appearance, and site layout;
- k) The protection of future roading options and the management of traffic impacts;
- l) Where applicable the permit holder shall pay to the Council, on behalf of the Crown, any sum of money required to be paid by regulations made under section 360(1)(c) of the Act; and
- m) Written notice to the Hydrographer of the Royal New Zealand Navy of the structure or work at the time the structure of work is completed.

### **33.5 Non-Complying Activities**

- Any activity other than a Prohibited Activity which is neither a Permitted Activity, Controlled Activity, Limited Discretionary Activity nor a Discretionary Activity shall be deemed to be a Non-Complying Activity;
- Depositing material in the coastal marine area, other than that elsewhere provided for; and
- Any activity involving the introduction of any exotic plant species to the coastal marine area is a Non-Complying Activity.

### **33.6 Prohibited Activities - being activities for which no resource consent shall be granted**

- Dumping of hazardous waste substances onto land and from onshore into the coastal marine area;
- The discharge into the coastal marine area of untreated human sewage from land based infrastructure;
- The dumping of waste and litter from onshore into the coastal marine area; and
- The combustion of:
  - materials associated with the recovery of metals from insulated electrical cables; or
  - materials and metals used in motor vehicles; or
  - any other PVC plastic, or rubber tyres, treated timber, or agricultural chemical wastes.

