

## 34.0 Marina Zone

NOTE: Resource Management (Marine Pollution) Regulations 1988 introduced pursuant to sections 15A, 15B and 15C of the Act control discharges and dumping from ships. The regulations limit the nature and extent of discharges and dumping, in that part of the Marina Zone that is coastal marine area. The Council is responsible for administering and enforcing those regulations.

### 34.1 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:

- Ship brokering, charter boat hire services, chandlery and sail making services;
- Boat related tourist activities and tourist operator services;
- Boat storage and ship launching;
- Car parking areas and the use of car parking areas for vehicle and trailer parking associated with permitted Marina Zone activities;
- Clearance of stormwater outfalls;
- Clubrooms for marine recreation groups;
- Commercial activities ancillary and complementary to maritime activity;
- Drilling;
- Educational facilities;
- Effluent disposal, greywater, stormwater discharges from onshore activities;
- Hazardous facilities with an effects ratio no greater than 0.075;
- Land disturbance;
- Maintenance, repair, additions and alterations to lawful structures;
- Occupation of space by commercial and other ships, including berthage;
- Parks, reserves;
- Removal or demolition of structures;
- Residential activities ancillary to marina administration;
- Service stations;
- Taking coastal water;
- Use of surfacewater by exclusive and non-exclusive activities; and
- Building, repairing, fuelling and maintenance of ships.

## Conditions for Permitted Activities

### 34.1.1 Infrastructure and Services

#### 34.1.1.1 Vehicle Access

34.1.1.1.1 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);
- 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 General Rules); and
- c) In applying the tracking curves a minimum clearance of 300mm shall be maintained between the vehicle tracking area curve and any fixed object.

#### 34.1.1.2 Parking Space Requirements

34.1.1.2.1 The following provisions shall apply where either:

- An activity is established on a site;
- There is a change of activity; or
- A building(s) is constructed, substantially reconstructed, altered or added to.

34.1.1.2.3 If any activity is not represented in the list below, the activity closest in nature to the new activity should be used, or whether there are two or more similar activities the activity with the higher parking rate shall apply. Alternatively, application may be made to find a new rate.

Activity	Parking Spaces Required
Ship brokering and other retail activities.	One for every 50 m <sup>2</sup> of gross floor area of premises.
Boat hire, chartering	One for every two staff members the operation is designed to cater for.
Marina	One for every two berths 10% of which should be assigned to trailer parking.

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

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

34.1.2.1.1 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.

#### 34.1.2.2 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.

#### 34.1.2.3 Clearance of Stormwater Outfalls

Any activity involving disturbance or damage 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 and 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.

#### 34.1.2.4 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 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;
- d) The activity shall not involve any excavation of foreshore and/or seabed greater than 100m<sup>3</sup> in volume; and
- e) The activity does not result in any discharge or deposition of contaminants into the coastal marine area.

#### 34.1.2.5 Removal or Demolition of Structures

Any removal or demolition of structures is a Permitted Activity provided that:

- a) The activity shall not involve any excavation of foreshore and or/or seabed greater than 100 m<sup>3</sup> in volume; and
- b) The activity does not result in any discharge or deposition of contaminants into the coastal marine area.

### 34.1.3 Amenities

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#### 34.1.3.1 Noise

##### 34.1.3.1.1 Limits

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 the boundary of the Marina Zone:

- 0700 hours - 2200 hours Monday to Friday and 0700 hours -1200 hours Saturday 55 dBA L10
- On any day between 0700 hours and 2200 hours No L<sub>max</sub> limit
- At any other time including any public holiday 45 dBA L10 and 75 dBA L<sub>max</sub>

Except where expressly provide elsewhere noise shall be measured in accordance with the provisions of NZS 6801:1991 Measurement of Sound, and assessed on accordance with NZS 6802:1991 Assessment of Environmental Sound.

#### **34.1.3.1.2 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.

#### **34.1.3.2 Blasting**

##### **34.1.3.2.1 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 exceed 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.

Except where expressly provided elsewhere noise shall be measured in accordance with the provisions of NZS 6801:1991 Measurement of Sound, and assessed on accordance with NZS 6802:1991 Assessment of Environmental Sound.

##### **34.1.3.2.2 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.

#### **34.1.3.3 Vibration**

##### **34.1.3.3.1 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.

#### **34.1.3.4 Odour**

As far as reasonably practicable there shall be no discernible odour able to be detected at any residential zoned boundary. In the event of a discernible odour occurring, such action shall be taken as may be necessary by the owner and/or occupier to remedy the situation to the satisfaction of the Council.

#### **34.1.3.5 Lighting**

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

**34.1.3.5.2** 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.

**34.1.3.5.3** 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.

### 34.1.3.6 Buildings

The maximum permitted height of any building shall be 10 metres, with the exception of buildings within that part of the Marina Zone specifically identified in Appendix J, Schedule 4 where the following applies:

- a) The maximum building height shall be limited to 6 metres;
- b) The building shall be limited to 50m<sup>2</sup> in ground floor area; and
- c) Only one building shall be a permitted activity.

### 34.1.3.7 Building Setbacks

- a) Minimum building setback from road boundaries shall be 6 metres;
- b) Minimum building setback from an Urban Residential Zone boundary shall be 6 metres; and
- c) Minimum building setback from a Town Commercial Zone boundary shall be 3 metres.
- d) Clause a) does not apply to buildings within that part of the Marina Zone specifically identified in Appendix J, Schedule 4.

### 34.1.3.8 Outdoor Storage

- a) Any outdoor storage shall be located behind the building setbacks in Rule 34.1.3.7 above other than an area used solely for the storage of cars and boats; and
- b) Except for storage of cars and boats all outdoor storage area shall be screened from public view and shall be screened from an Urban Residential Zone (where applicable) by a solid wall or close boarded fence with a minimum height of 2.0 metres.

### 34.1.3.9 Area to be Landscaped

- a) A minimum of 5% of the site shall be set aside and landscaped;
- b) All required landscaped areas shall be located between the road frontage and front of buildings on the site;
- c) Any landscaped areas shall include a landscaping strip of a minimum average width of 1.5 metres and minimum width of 0.6 metres, adjacent to the road frontage, except across entranceways or on sites or parts of site on the opposite side of a road from an Urban Residential Zone or Town Commercial Zone, where the landscaping strip will be a minimum average width of 4.5 metres and a minimum width of 1.5 metres adjacent to the road frontage; and
- d) Landscaping strips or planting protection areas shall not be covered with any impervious surfaces. Where adjacent to or within carparks, landscape strips shall be protected by wheel stop barriers to prevent damage from parked cars.

## 34.1.4 Hazardous Facilities (District Function)

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### 34.1.4.1 Effects Ratio

- 34.1.4.1.1 Any activity having an 'effects ratio' no greater than 0.075 shall be a Permitted Activity. The 'effects ratio' shall be calculated in accordance with the Hazardous Facility Screening Procedure set out in Appendix C.

#### **34.1.4.2 Site Design**

- 34.1.4.2.1 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).
- 34.1.4.2.2 Any part of the site where liquid or solid hazardous or environmentally damaging substances are stored or used shall be sealed and bunded so that the equivalent of the maximum of the largest container within the bunded area could be contained and excluded from the stormwater system if a spill occurs. In areas where drums are stored, the bunded area shall be able to contain half of the maximum amount of the material stored.
- 34.1.4.2.3 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.
- 34.1.4.2.4 All stormwater grates shall be clearly marked.
- 34.1.4.2.5 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.
- 34.1.4.2.6 Any part of the site where solid or liquid hazardous or environmentally damaging substances are loaded or unloaded shall be sealed, bunded, and drained . This shall not apply to fuel lines and bowsers attached to structures in the coastal marine area.
- 34.1.4.2.7 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.
- 34.1.4.2.8 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, bunded 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 by a suitable trade waste contractor.
- #### **34.1.4.3 Hazardous Waste Management**
- 34.1.4.3.1 The storage of hazardous waste on the site shall be in suitable containers that are either covered or located in a roofed area.
- 34.1.4.3.2 A waste audit shall be undertaken for all premises generating waste hazardous substances in volumes greater than 6m<sup>3</sup>/week.
- 34.1.4.3.3 All sites where hazardous waste 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.
- 34.1.4.3.4 A record shall be kept of the quantities of hazardous wastes stored on the site, or taken away for disposal.

#### 34.1.4.4 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.

#### 34.1.4.5 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.

#### 34.1.4.6 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 may be lodged with the Council.

### 34.1.5 Discharges

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#### 34.1.5.1 Discharges to Air

##### 34.1.5.1.1 Dust Emissions

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

34.1.5.1.2 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); and
- b) No particles in the emission shall be larger than 0.5 millimetres in diameter.

34.1.5.1.3 Notwithstanding the conditions 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).

34.1.5.1.4 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.

#### 34.1.5.2 Effluent Disposal

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.



### 34.1.5.3 Discharges to Coastal Water

#### 34.1.5.3.1 Water Quality Standard

The water quality standard to be complied with by discharges to coastal water is the same as for shellfish gathering defined in the Act. 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 growth 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 on discharge of contaminant into water shall not have any adverse effect on aquatic life.

#### 34.1.5.3.2 Stormwater Discharges (Point Source and Non Point Source)

##### 34.1.5.3.2.1 Point Source Stormwater

34.1.5.3.2.1.1 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.

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

##### 34.1.5.3.2.2 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.

### 34.1.6 Taking and Use of Coastal Water

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The taking and use of water from the Marina 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.

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

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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.

### **34.1.8 Hazards/Riparian Management**

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34.1.8.1 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.

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

### **34.1.9 Protected Items**

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Refer to rules relating to Heritage items (General Rules Chapter).

### **34.1.10 Land Disturbance**

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#### **34.1.10.1 Land Disturbance General**

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

- 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 10% probability or less.

#### **34.1.10.1.1 Exemptions**

Except any land disturbance activity which does not meet 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 be a Discretionary Activity, with no restriction on the exercise of Council's discretion.

### 34.1.10.2 Excavation and Filling

#### 34.1.10.2.1 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, watertable 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 watertables 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.

#### 34.1.10.2.2 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) Putrecible, 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.

#### 34.1.10.2.3 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.

## 34.2 Controlled Activities

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

- Abrasive blasting;
- Maintenance dredging of channels in and around berths;
- Maintenance dredging of the mouth of the marina; and
- Stormwater discharge.

All Controlled Activities shall be subject to the conditions applicable to Permitted Activities. In addition the following standards apply to certain 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 Act.

### 34.2.1 Abrasive Blasting Operations

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#### 34.2.1.1 Standards

The discharge of contaminant into air from abrasive blasting using a mobile source or wet abrasive blasting techniques provided the following standards are complied with:

- 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.

#### 34.2.1.2 Matters Over Which Control is Reserved

- a) Recovery of toxic materials from the blasting enclosure; and
- b) Methods for disposal of toxic materials.

### 34.2.1.3 Conditions

In granting consent to a Controlled Activity for a permanent or fixed abrasive blasting operation the Council may impose conditions relating to:

- a) The standard of emission;
- b) Recovery of toxic materials from the blasting enclosure;
- c) The method of disposal of toxic material; and
- d) Monitoring.

## 34.2.2 Point Source Stormwater Discharges

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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:

### 34.2.2.1 Standards

The contaminant or water discharged (either by itself or when combined with the same, similar, or 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; and
- h) Render unsuitable for human consumption any shellfish.

### 34.2.2.2 Terms

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

### 34.2.2.3 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.

### 34.2.3 Maintenance Dredging

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Disturbance and damage of foreshore and seabed associated with dredging of the marina and its entrance areas including any associated discharge of water or contaminants, is a Controlled Activity provided that the activity conforms to the following standards and terms:

#### 34.2.3.1 Standards

34.2.3.1.1 The disturbance does not exceed:

- 50,000 cubic metres in volume;
- 4 hectares in area; or
- 1000 metres in length

in any 12 month period.

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

#### 34.2.3.2 Terms

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

34.2.3.2.2 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.

#### 34.2.3.3 Matters Over Which Control is Reserved

34.2.3.3.1 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.

## 34.3 Limited Discretionary Activities

- Minor Non Compliance;
- Activities within Riparian Management Zones (specified in Apprnxix I and Volume Three Maps); and
- Other Limited Discretionary Activities (Rule 34.3.5).
- Placement and use (including occupation) of swing moorings in Appendix J, Schedule 4.1.

### 34.3.1 Minor Non Compliance

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Minor non-compliance with the conditions for Permitted Activities may be permitted to the extent specified and will be considered by way of a Limited Discretionary Consent.

- Buildings and structures within 8 metres of any stopbank up to 100% dispensation;
- 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;
- Landscaping requirements; and
- Parking requirements.

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

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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 Rule 34.3.3 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.

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

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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) Significantly reduce the usability or amenity of open space, living courts, or service courts on the applicant's site;
- g) Adversely affect on-site vehicle manoeuvring or car parking areas or affect the safe flow of traffic on adjoining road; and
- h) Adversely affect public access to the coastal marine area.

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

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#### **34.3.4.1 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.

### **34.3.5 Placement and use (including occupation) of swing moorings in Appendix J, Schedule 4.1.**

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#### **34.3.5.1 Matters to which Council has restricted the exercise of its discretion:**

- a) Location within that part of the Marina Zone specifically identified in Appendix J, Schedule 4; and
- b) The type and specification of mooring including the swing arc; and
- c) The availability of space within that part of the Marina Zone specifically identified in Appendix J, Schedule 4; and
- d) Reservation of space within the Mooring Management Areas for the relocation of all moorings in Appendix J, Schedule 4.1; and
- e) The duration and expiry conditions including whether the proposal would unduly hinder the development of a marina within that part of the Marina Zone specifically identified in Appendix J, Schedule 4; and
- f) Whether the application gives effect to policy 3.5.

### **34.3.6 Other Limited Discretionary Activities**

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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.

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

In each of the cases listed in Rule 34.3.3 above, the Council's discretion shall be limited to a consideration of the adverse effects expected to directly result from such matters listed in Rule 34.3.3.2 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.

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

In considering any application for the activities listed in Rule 34.3.3 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.

#### 34.3.6.3 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.

## **34.4 Discretionary Activities**

Application must be made for a Discretionary Activity.

- 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;
- Any activity listed as a Permitted Activity and either adversely affecting or being affected by any hazard area identified on the Planning Maps as a hazardous area;
- Discharges to the Coastal Marine Area;
- Discharges;
- Occupation of the coastal marine area;
- Hazardous facilities with an effects ratio greater than 0.075;
- Disturbance of foreshore and seabed, including removal of sand, shingle or shell or other material;
- New or extended seabed reclamation;
- Reclamations;
- Marinas;
- Structures in the coastal marine area more or less parallel to mean high water springs;
- 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.

### **34.4.1 General Assessment Criteria**

In addition to any specific standards set out in Rule 34.4.2 the General Assessment Criteria set out below shall be applied to Discretionary Activities.

### 34.4.1.1 Matters for Assessment

- 34.4.1.1.1 Any relevant objectives, policies and rules of any policy, statement or plan prepared under the Resource Management Act.
- 34.4.1.1.2 Any relevant objectives, policies and rules of the New Zealand Coastal Policy Statement.
- 34.4.1.1.3 Any relevant objectives, policies and rules of any other plan having jurisdiction over the Coastal Marine Area.
- 34.4.1.1.4 The requirements of section 104 of the Act.
- 34.4.1.1.5 The likely effects of the proposal on:
- 34.4.1.1.5.1 The locality and wider community and in particular:
- Whether the proposal will enhance or maintain the amenity values of the surrounding area;
  - Whether the proposal creates any demand for services or infrastructure at a cost to the wider community;
  - Whether the proposal contributes to the character of the surrounding area and helps maintain the cultural values of the community; and
  - Whether the proposal has any adverse effects on roading, traffic movement or road safety.
- 34.4.1.1.5.2 The amenities of the area and in particular that any proposal does not have any significant adverse effects on:
- The visual qualities of the surrounding area;
  - Any significant ridgeline or significant landscape; and
  - Any view or vista which contribute to the aesthetic coherence of a locality.
- 34.4.1.1.5.3 Any significant environmental features and in particular that the proposal does not:
- Significantly adversely affect any habitat of any indigenous species; and
  - Compromise the integrity of any terrestrial or marine ecosystem; and
  - Whether the proposal will diminish the natural character of the locality, having regard to the natural character areas identified in Appendix Two, Volume One.
- 34.4.1.1.5.4 Natural and physical resources so that any proposal:
- Complements any building or other feature constructed by people in the locality which contributes to the character of the locality;
  - Maintains the future use potential of any renewable resource;
  - Should 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 archaeological site;
  - Does not reduce water quality beyond a zone of reasonable mixing; and
  - Does not increase any risk from natural hazards.
- 34.4.1.1.5.5 In terms of the discharge of contaminants that any proposal:
- 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.

34.4.1.1.5.6 The physical and 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, 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; and
- d) Where the proposal will create a need for public works, services, reserves, or capital expenditure.

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

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The criteria specified for any particular discretionary activities as listed below shall be considered in addition to the general assessment criteria set out in Rule 34.4.1.

##### 34.4.2.1 Reclamation

34.4.2.1.1 Any activity reclaiming foreshore and/or seabed which is:

- equal to or greater than 1 hectare; or
- extends 100 or more metres in any direction; or
- 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.

##### 34.4.2.1.2 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 impact on ecological values and tangata whenua values.

- 34.4.2.2 Structures Which Impound or Effectively Contain the Coastal Marine Area**
- 34.4.2.2.1 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.
- 34.4.2.3 Structures in the Coastal Marine Area More or Less Parallel to Mean High Water Springs**
- 34.4.2.3.1 Any activity involving the erection of a structure or structures:
- which are solid (or present 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.
- 34.4.2.4 Structures in the Coastal Marine Area Oblique or Perpendicular to Mean High Water Springs**
- 34.4.2.4.1 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 more than 100 metres;
- is a Discretionary Activity.
- 34.4.2.5 Structures in the Coastal Marine Area used in the Petroleum and Chemical Industry**
- 34.4.2.5.1 Any activity involving the erection of structures for the storage or containment of any petroleum, petroleum products, or contaminants is a Discretionary Activity.
- 34.4.2.6 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.
- 34.4.2.7 Disturbance of Foreshore and/or Seabed Including any Removal of Sand, Shell or Shingle or Other Material**
- 34.4.2.7.1 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.

#### 34.4.2.7.2 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.

#### 34.4.2.8 Depositing Substances in the Coastal Marine Area

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

##### 34.4.2.8.2 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.

#### 34.4.2.9 Discharges to the Coastal Marine Area

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

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

34.4.2.9.3 Any discharge to the coastal marine area other than Rule 34.4.2.9 or not provided for elsewhere in the Plan is a Discretionary Activity only and will be assessed in respect of:

##### 34.4.2.9.4 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 impact of the discharge having regard to:
  - Temperature;
  - BOD;
  - 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.

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

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

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

##### **34.4.2.11.1 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 and access to suitable transport routes;
- e) The risks associated with transportation to or from the site; and
- f) Compliance with any relevant codes of practice or guidelines.

34.4.2.11.2 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 environmental management systems;
- e) Provision for site management (operational) plans and emergency plans;
- f) Proposals for site monitoring, the storage, use and transportation of hazardous substances;
- g) Consideration of practicable alternative operating methods or sites; and
- h) Provision of bond sufficient to cover the anticipated costs of removing structures and reinstating the site.

#### **34.4.2.12 Marinas**

34.4.2.12.1 Marina development within that part of the Marina Zone specifically identified in Appendix J, Schedule 4, shall comply with the following:

- a) All exterior lighting shall be shielded when viewed from above and directed away from adjacent properties and legal roads.

##### **34.4.2.12.2 Assessment Criteria**

The following matters shall be assessed as part of any resource consent application for a marina, in addition to other criteria where applicable under 34.4.1 and 34.4.2.

- a) Any effects on swing moorings which were lawfully established on or before 17<sup>th</sup> June 2010;
- b) The extent of clearance of coastal indigenous vegetation and any proposed reinstatement;
- c) Any navigation aids and signage;
- d) Provision for public access and signage, and vehicle access for adjoining mooring holders;
- e) Car parking provided and layout of vehicle access including:
  - i) Sufficient carparks for marina users. Rule 34.1.1.2.3 will be used to determine appropriate carpark ratios;
  - ii) Carparks for use by consent holders for swing moorings in Appendix J, Schedule 4.1 at a minimum rate of 1 carpark space per 3 swing moorings.
- f) Enhancement of the foreshore area at the north west end of that part of the Marina Zone specifically identified in Appendix J, Schedule 4;
- g) Landscaping proposed to ensure the integration of the marina with the surrounding environment. A landscape plan prepared by a qualified landscape architect shall be submitted to the Council as part of the application demonstrating how the development shall be integrated into the surrounding environment. The landscape plan shall include:
  - i) Planting areas that include robust locally sourced coastal tree and shrub species.
  - ii) All hard landscape areas and landscape fixtures (including colours and materials).
  - iii) Landscape management plan incorporating landscape specifications and maintenance measures.
- h) Any adverse effects on tangata whenua in respect of access to and habitat for mahinga kai (cultural harvesting), waahi tapu and other taonga or any historic place or archaeological site, including any provision for off-set mitigation of effects;
- i) Any positive effects that may be generated by the proposal, including the efficiency of storing vessels within purpose built and serviced marina facilities when compared with other forms of mooring.

### **34.4.3 Resource Consent Conditions**

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

- a) All those matters contained in section 108 of the Act;
- b) The bulk and location of buildings;
- c) The protection or enhancement of amenity values;
- d) The protection or enhancement of the quality and quantity of natural waters or water systems;



- e) The protection of any significant environmental feature;
- f) The protection of any iwi, heritage or archaeological sites or features;
- g) The design and appearance of any buildings;
- h) Financial contributions in accordance with the requirements of the Plan;
- i) Bonds or covenants to secure the 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 of work at the time the structure of work is completed.

### 34.5 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.
- Any activity involving the introduction of any exotic plant species to the coastal marine area is a Non-Complying Activity.
- Any swing mooring identified in Appendix J, Schedule 4.1, at any time after 6 calendar months following the grant of consent for any development in that part of the Marina Zone specifically identified in Appendix J, Schedule 4.
- Placement and use (including occupation of the coastal marine area and maintenance) of swing moorings not listed in Appendix J, Schedule 4.1.

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

- The continuous residential occupation, for a period exceeding 20 working days, of any ship which is not equipped with facilities for the collection and disposal of sewage effluent to a public sewage disposal system;
- Dumping of hazardous waste substances onto land and from onshore into the coastal marine area; and

- The dumping of waste and litter from onshore into the coastal marine area.
- 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.