

39.0 Coastal Marine Zone

39.1 Permitted Activities

39.1.1 Unless expressly limited elsewhere and subject to compliance with the conditions applying to Permitted Activities the activities listed below shall be permitted without a resource consent.

- Alteration, maintenance, reconstruction or replacement of an existing lawful structure.
- Operation of vessels and other related activities.
- Removal or demolition of a structure.
- Erection, placement or operation of a navigation aid for marine transport.
- Minor disturbance of the foreshore and seabed.
- Erection, placement or operation of equipment used for monitoring purposes.
- Erection or placement of an information sign.
- Erection or placement of a maimai or whitebait stand.
- Clearance of Wairau River Mouth for flood and ecological protection.
- Parks, reserves, marine reserves, taipure, mahinga maataitai and maataitai reserves.
- Recreational activity.
- Burial of dead marine mammals.
- Discharges from vessels.
- Taking of water by vessels.
- Boat launching and retrieval.
- Oil spill clean up and use of dispersants in accordance with a National or Regional Oil Spill Contingency Plan.
- Any activity in a river, riverbed channel, or floodway permitted under Rule 27.1.8 of the General Rules.
- Temporary Military Training Activities.
- Discharge of Electro Magnetic Radiation (EMR) provided the level of discharge meets the requirement/limitations of NZS 6609.

Conditions for Permitted Activities

39.1.2 General Conditions

39.1.2.1 Maximum Permitted Height

No structure or part of a structure fixed in, on, under or over any foreshore or seabed, either permanent or temporary, shall exceed a maximum height of 7.5 metres above Mean High Water Springs (MHWS). This section does not apply to existing utility structures.

39.1.2.2 Public Safety

Adequate provision shall be made to ensure that any activity in the coastal marine area does not compromise public safety.

39.1.2.3 Lighting and Glare

Other than lighting required for navigational purposes all exterior lighting associated with activities in the coastal marine area will be directed away from adjacent activities, legal roads and navigational channels, so as to avoid the spill of light or glare that might be one or more of the following:

- a) Detrimental to the amenity of residential or other users;
- b) A hazard to traffic safety on streets outside the coastal marine area;
- c) A hazard to navigation in the coastal marine area.

39.1.2.4 Noise

All activities shall be conducted so as to ensure that noise arising from such activities does not exceed the following noise limits at or within the boundary of any land zoned Urban or Township Residential or within the notional boundary of any dwelling on land zoned Rural:

55 dBA L ₁₀	0700 hrs - 2200 hrs Monday to Friday and 0700 hrs - 1200 hrs Saturday
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45 dBA L ₁₀ , and 70 dBA L _{max}	At all other times including any public holiday
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Provided on any day between 0700 hrs - 2200 hrs the L_{max} limit shall not apply and provided these rules shall not apply to the following:

- a) Noise generated by navigational aids, safety signals, warning devices, or emergency pressure relief valves;
- b) Noise generated by emergency work arising from the need to protect life or limb or prevent loss or serious damage to property or minimise or prevent environmental damage;
- c) Noise generated by vessels under way.

39.1.2.5 Signs

39.1.2.5.1 Signs shall not exceed 1 m² in area.

39.1.2.5.2 This rule shall only authorise a sign which provides information for a public purpose.

39.1.2.6 Heritage and Conservation

39.1.2.6.1 Scheduled Heritage Resources

Refer to Rule 27.3.

39.1.2.6.2 Other sites of Historical, Archaeological or Iwi Significance

Note:

Notwithstanding any permitted activity status herein, an authorisation from the New Zealand Historic Places Trust is required before any person may destroy, damage or modify the whole or part of any historical, cultural or archaeological site.

39.1.2.7 Disturbance of Foreshore and Seabed

39.1.2.7.1 Any foreshore and seabed disturbance associated with one or more of the Permitted Activities listed in Rule 39.1.1 shall also be a Permitted Activity provided that:

- a) Precautions shall be taken to avoid the release of contaminants from equipment being used for the operation.
- b) All equipment and surplus materials shall be removed from the site on completion of the operation.
- c) Where direct disturbance occurs, the foreshore and/or seabed shall be reinstated in a manner which is, in keeping with the pre-existing contour of the foreshore and seabed and the natural character and visual amenity of the area, within six months of the completion of the activity.
- d) In the case of the burial of dead marine mammals and other marine fauna that have been stranded or washed upon the foreshore burial shall only be permitted on the foreshore where it is not practicable to remove the carcass.
- e) Other than for the burial of dead marine mammals, disturbance of the foreshore and seabed shall not exceed 50 cubic metres.

39.1.3 Conditions for Structures

39.1.3.1 Alteration, Reconstruction or Replacement of an Existing Structure for Maintenance Purposes.

39.1.3.1.1 Any maintenance including repainting, repair, reconstruction or alteration to any existing lawful structure or any part of an existing lawful structure that is fixed in, on, under, or over any foreshore or seabed, including any associated occupation of land of the Crown or any related part of the coastal marine area is permitted provided:

- a) The maintenance is contained within the form of the existing structure or adds no more than 5% to the Plan or cross-sectional area of the structure within any 24 month period.
- b) There is no significant change to the external appearance of the structure.
- c) Less than 1 cubic metre of foreshore or seabed is disturbed.

39.1.3.1.2 The person undertaking the activity shall throughout the period when the structure or part of the structure occupies land of the Crown or related parts of the coastal marine area, pay to the Council, on behalf of the Crown, any sum of money required to be paid by regulations under Section 360(1c) of the Resource Management Act 1991.

39.1.3.2 Removal or Demolition of Structures

Any removal or demolition of any structure or any part of a structure that is fixed in, on, under, or over any foreshore or seabed is permitted provided:

- a) Less than 50 cubic metres and 50 square metres of foreshore or seabed is disturbed.
- b) All material removed or demolished from the structure is removed from the Coastal Marine Zone and disposed of in an appropriate manner.

39.1.3.3 Erection or Placement of a Maimai or Whitebait Stand

Any erection or placement of any temporary maimai or whitebait stand that is fixed in, on, under, or over any foreshore or seabed, including any associated occupation of land of the Crown or any related part of the coastal marine area, is a Permitted Activity which is allowed without a resource consent provided that:

39.1.3.3.1 Less than 1 cubic metre of foreshore or seabed is disturbed.

39.1.3.3.2 The structure is open piled.

39.1.3.3.3 The structure is located at least 50 metres from any neighbouring structure of any sort.

39.1.3.3.4 In the case of a maimai, the structure, is a maximum size of nine square metres.

39.1.3.3.5 In the case of a whitebait stand, the dimension of the structure perpendicular to the flow of water is either less than ten percent of the width of the water body or three metres, whichever is the lesser.

39.1.3.3.6 The structure is erected or placed and subsequently removed within the following period:

- a) In the case of a maimai, the structure may be erected not more than 1 month prior to the commencement of the season and removed 2 weeks after the season.
- b) In the case of a whitebait stand, 2 weeks either side of the season.

39.1.4 Conditions for Clearance of the Mouths of the Wairau River Diversion

The clearance of the mouths of the Wairau River and Diversion, including their mechanical opening, for flood and ecological protection purposes is a Permitted Activity provided:

- a) The best practicable option is adopted to avoid significant sedimentation of the waterbody.
- b) The activity does not cause a safety hazard to other users of the water body.
- c) Fish passage is not impeded.
- d) The operation shall not restrict public access to an extent or for a period greater than necessary to complete the cutting operation.
- e) 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.

- f) Excavated material shall be placed on the immediately adjacent river mouth area, and no material shall be removed from the site.
- g) All equipment shall be removed from the site on completion of the clearance operation.
- h) Any disturbance or modification of a site identified in accordance with tikanga Maori that is of spiritual or cultural importance to Maori receives the written approval of the affected Tangata Whenua at least five working days before any work is carried out.
- i) The appropriate Fish and Game Council and the Department of Conservation are notified at least five working days before any clearance takes place.
- j) The best practicable option is adopted to avoid increased turbidity.

39.1.5 Conditions Relating to Vessels

39.1.5.1 Discharges From Vessels

The discharge of a vessel's sewage is a Permitted Activity provided that no discharge is permitted within:

- a) 500 metres of a marina, jetty, a pile or swing mooring.
- b) 500 metres of a marine farm.
- c) 500 metres of mean high water springs.

39.1.5.2 Taking of Water by Vessels

The taking and use of sea water for fire-fighting purposes or for the normal operational needs of vessels is a Permitted Activity.

39.1.5.3 Boat Launching

Boat launching including associated foreshore and seabed disturbance is a Permitted Activity provided that:

- 39.1.5.3.1 No contaminants are released.
- 39.1.5.3.2 Not more than 3 cubic metres of sand, shell, shingle or other natural material is disturbed.
- 39.1.5.3.3 Foreshore and seabed is only disturbed to the extent reasonably necessary for the activity.
- 39.1.5.3.4 The foreshore and/or seabed is reinstated in a manner which is, as far as practicable, in keeping with the pre-existing contour of the foreshore and seabed and the natural character and visual amenity of the areas, as soon as is practicable.

39.1.6 Rules Applying to Temporary Military Training Activities

39.1.6.1 Any Temporary Military Training Activity shall be a Permitted Activity, subject to the following conditions:

- a) The written consent of the owner shall have been obtained.

- b) No permanent structures shall be constructed.
- c) This activity shall not involve excavation (permanent or mechanical), unless provided for in this Plan.
- d) Flying activity shall be in compliance with Civil Aviation Regulations or in agreement with the local controlling authority.
- e) The activity shall be limited to a period not exceeding 31 days.
- f) Noise levels measured from a line 20 metres from and parallel to the facade of any dwelling or the legal boundary where this is closer to the dwelling do not exceed the following limits:

Time	Limits (DBA)		
	L ₁₀	L ₉₅	L _{MAX}
(Any Day)			
0630-0730	60	45	70
0730-1800	75	60	90
1800-2000	70	55	85
2000-0630	55		

Impulse noise resulting from the use of explosives, explosives simulators small arms shall not exceed 122dBC

- g) The activity does not exclude or effectively exclude public access from areas of the coastal marine area over 10 hectares (except where such exclusion is required in commercial port areas for reasons of public safety or security).
- h) The activity does not exclude or effectively exclude the public from more than 316 metres along the length of the foreshore; or
- i) The activity does not involve occupation or use of areas greater than 50 hectares of the coastal marine area and such occupation or use would restrict public access to or through such areas.

39.2 Controlled Activities

39.2.1 Application must be made for a resource consent for a Controlled Activity for the following:

- Stormwater discharge.
- Taking of water upto 3,000 m³/day.
- Temporary Military Training Activities.

39.2.2 All Controlled Activities shall be subject to the general standards and conditions applicable to Permitted Activities. In addition the following 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)(b) of the Resource Management Act 1991.

39.2.3 Stormwater Discharge

39.2.3.1 The discharge of stormwater from constructed open drains or piped stormwater drains into the coastal marine area or the discharge of stormwater from constructed open drains or piped stormwater drains into or onto land in the coastal marine zone in circumstances which may result in that stormwater entering water in the coastal marine zone is a Controlled Activity provided that the activity conforms to the following Standards and Terms:

39.2.3.2 Standards and Terms

39.2.3.2.1 The discharge shall not inhibit the gathering of shellfish for human consumption.

39.2.3.2.2 The natural temperature of the water shall not be changed by more than 3 degrees Celsius.

39.2.3.2.3 The adverse effects of the following are to be avoided, remedied or mitigated:

- a) Any pH change.
- b) Any increase in the deposition of matter on the foreshore or seabed.
- c) Any discharge of a contaminant into the water.

39.2.3.2.4 The concentration of dissolved oxygen shall exceed 80% of the saturation concentration.

39.2.3.2.5 There shall be no undesirable biological growths as a result of any discharge of a contaminant into the water.

39.2.3.2.6 Aquatic organisms shall not be rendered unsuitable for human consumption by the presence of contaminants.

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

39.2.3.3 Matters Over Which the Council Will Exercise Control

The Council reserves control over and may impose conditions with respect to:

- 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.
- f) Entrapment and disposal of contaminants.

39.2.4 The Taking of Water

39.2.4.1 The taking and use of sea water from the coastal marine area, within 200 metres of MHWS, not exceeding 3000 cubic metres per day is a Controlled Activity provided that the activity conforms to the following terms:

39.2.4.1.1 Terms

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

39.2.4.2 Matters Over Which the Council Will Exercise Control

The matters over which Council will exercise its control are:

- a) The duration of consent.
- b) The information and monitoring requirements.
- c) The administrative charges payable.
- d) The location of the intake.

39.2.5 Temporary Military Training Activities (not a Permitted Activity)

39.2.5.1 Any Temporary Military Training Activity which does not comply with the relevant permitted activity conditions shall be a Controlled Activity.

39.2.5.2 Matters Over Which the Council May Exercise Control

In considering an application for a Controlled Activity the Council may exercise its discretion over the following matters:

- a) Duration of the activity.
- b) Earthworks.
- c) The location, duration and frequency of any noise omissions.

39.3 Discretionary Activities

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

- Activities listed as Permitted or Controlled Activities which do not comply with standards and/or conditions. Except that this provision shall not apply to activities listed as Non-Complying or Prohibited Activities.
- Reclamations.
- Structures which impound or effectively contain the coastal marine area.
- 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 not elsewhere provided for.
- Disturbance of foreshore and seabed including any removal of sand, shell or shingle.
- Discharges to water.

- Depositing material on the foreshore and/or seabed.
- Deliberate introduction of exotic or introduced plants into the coastal marine area.
- Occupation of the coastal marine area.
- Structures in the coastal marine area used in the petroleum and chemical industry.
- Marine farms.
- Emergency service activities.

39.3.2 General Assessment Criteria (Pursuant to Sections 67(1)(k) and 75(1)(k) of the Resource Management Act 1991)

Any application for a Discretionary, or Non-Complying Activity shall be considered in terms of the following assessment criteria. For some activities specific standards and criteria also apply.

39.3.2.1 Matters the Subject of Assessment

- 39.3.2.1.1 Any relevant objectives, policies and rules of this Plan.
- 39.3.2.1.2 Any relevant policies of the New Zealand Coastal Policy Statement.
- 39.3.2.1.3 Any relevant objectives, policies and methods of the Marlborough Regional Policy Statement.
- 39.3.2.1.4 The likely effects of the proposal on the natural character of the coastal environment.
- 39.3.2.1.5 The necessity for the proposed use or development to be within the coastal marine area and the extent to which alternative options to a location within the coastal marine area have been considered.
- 39.3.2.1.6 The extent to which existing facilities of a similar scale and nature to the proposed use or development are located in the vicinity of the site of the proposed use or development especially on land.
- 39.3.2.1.7 The extent which the proposal will add to the cumulative adverse effects of use and development on the coastal environment, including those associated with similar existing uses or developments nearby.
- 39.3.2.1.8 The extent to which the proposed use or development will maintain or enhance public access to the coastal marine area without compromising the natural character of the coast.
- 39.3.2.1.9 The extent to which the proposed activity will maintain or enhance amenity values and/or recreational opportunities in the coastal marine area, without compromising the natural character of the coast.
- 39.3.2.1.10 The extent to which the proposal may require dredging, reclamation, impoundment, and/or foreshore protection works and structures, and the likely effectiveness of any provisions to avoid, mitigate, or remedy actual or potential adverse environmental effects caused by such activities.
- 39.3.2.1.11 The likely effect of the proposal on physical coastal processes, in particular:
- a) Avoiding activities which aggravate or interfere with natural coastal processes; and,

- b) Avoiding activities which are adversely affected by the presence of coastal hazards and extreme storm events.
- 39.3.2.1.12 Any effects of the proposed activity on those in the neighbourhood and, where relevant, on the wider community, including any socio-economic and cultural effects.
- 39.3.2.1.13 Where the proposed activity is situated within or near an outstanding natural feature or landscape, the extent to which the activity will damage, compromise or otherwise adversely affect the feature or particular landscape values of that area.
- 39.3.2.1.14 The extent to which the proposed activity will damage or otherwise modify an area of indigenous flora or the habitat of indigenous fauna within the site or area, the integrity and functioning of coastal marine ecosystems, including effects resulting from enhanced public access, and the likely effectiveness of any proposed measures to avoid, remedy or mitigate adverse effects.
- 39.3.2.1.15 The effect of the proposed activity on an area of significant conservation value identified in Appendix D.
- 39.3.2.1.16 The extent to which the proposed activity will restrict public access and the likely effectiveness of any proposed measures to avoid or mitigate adverse effects, including the provision of alternative routes or points of public access.
- 39.3.2.1.17 The extent to which the proposed activity will adversely affect any site or area of cultural heritage value, and the likely effectiveness of any proposed measures to avoid or mitigate adverse effects.
- 39.3.2.1.18 The extent to which the proposed activity will cause or exacerbate coastal erosion or other natural hazards.
- 39.3.2.1.19 The extent to which provision is made to maintain or enhance water quality.
- 39.3.2.1.20 The impact of the proposed activity on public safety, in particular navigational safety.

39.3.3 Particular Standards and Criteria Applicable to Listed Discretionary Activities (Pursuant to Sections 67(1)(k) and 75(1)(k) of the Resource Management Act 1991)

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 39.3.2

39.3.3.1 Reclamations

39.3.3.1.1 Any activity reclaiming foreshore and/or seabed is a Discretionary Activity.

39.3.3.1.2 Assessment Criteria

- a) Size of reclamation and area potentially affected.
- b) Effects on public access.
- c) Effect on the natural character of the area.
- d) Ecological effects including effects on life-supporting capacity.
- e) Effects on landscape and amenity values.
- f) Impact of reclamation on recreational values.

- g) Any actual or potential effects the reclamation may have on people and communities.

39.3.3.2 Structures Which Impound or Effectively Contain the Coastal Marine Area

39.3.3.2.1 Any activity involving the erection of a structure or structures which:

- a) Will impound or effectively contain the coastal marine area; or
- b) Is a floating or open pile structure which can be demonstrated to not adversely impede water flows

is a Discretionary Activity.

39.3.3.2.2 Assessment Criteria

- a) Size of structure and area potentially affected.
- b) The degree to which other similar structures in the area could serve the same purpose.
- c) Effect on water and sediment movement.
- d) Effect on the natural character of the area.
- e) Effects on landscape and amenity values.
- f) Ecological effects.
- g) Extent to which structure could compromise navigational safety.
- h) The stability and structural integrity of the structure with respect to wave action.
- i) Any actual or potential effects the structure may have on people and communities.

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

39.3.3.3.1 Any activity involving the erection of a structure or structures which is:

- a) Solid (or presents a significant barrier to water or sediment movement), and when established on the foreshore and/or seabed is more or less parallel to the line of mean high water springs; or
- b) Is a submarine or sub-aqueous cable; or
- c) Is a floating or open pile structure;

is a Discretionary Activity.

39.3.3.3.2 Assessment Criteria

- a) Size of structure and area potentially affected.
- b) The degree to which other similar structures in the area could serve the same purpose.
- c) Effect on water and sediment movement.
- d) Effect on the natural character of the area.

- e) Effects on landscape and amenity values.
- f) Ecological effects.
- g) Extent to which structure could compromise navigational safety.
- h) The stability and structural integrity of the structure with respect to wave action.
- i) Any actual or potential effects the structure may have on people and communities.

39.3.3.4 Structures in the Coastal Marine Area Oblique or Perpendicular to Mean High Water Springs

39.3.3.4.1 Any activity involving the erection of a structure or structures which is:

- a) 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; or

- b) Is a submarine or sub-aqueous cable;

is a Discretionary Activity.

39.3.3.4.2 Assessment Criteria

- a) Size of structure and area potentially affected.
- b) The degree to which other similar structures in the area could serve the same purpose.
- c) Effect on water and sediment movement.
- d) Effect on the natural character of the area.
- e) Effects on landscape and amenity values.
- f) Ecological effects.
- g) Extent to which structure could compromise navigational safety.
- h) The stability and structural integrity of the structure with respect to wave action.
- i) Any actual or potential effects the structure may have on people and communities.

39.3.3.5 Structures Not Elsewhere Provided For

39.3.3.5.1 Any structure that is not provided for elsewhere is a Discretionary Activity.

39.3.3.5.2 Assessment Criteria

- a) Size of structure and area potentially affected.
- b) The degree to which other similar structures in the area could serve the same purpose.
- c) Effect on water and sediment movement.
- d) Effect on the natural character of the area.
- e) Effects on landscape and amenity values.

- f) Ecological effects.
- g) Extent to which structure could compromise navigational safety.
- h) The stability and structural integrity of the structure with respect to wave action.
- i) Any actual or potential effects the structure may have on people and communities.

39.3.3.6 Disturbance of Foreshore and Seabed Including any Removal of Sand, Shell or Shingle

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

- a) Maintenance dredging;
- b) In volumes not greater than 50,000 cubic metres; and
- c) Extracted from areas less than 4 hectares; and
- d) Extending less than 1,000 metres over foreshore or seabed;

is a Discretionary Activity.

39.3.3.6.2 Any other activity involving, in any 12-month period, disturbance of foreshore and seabed for specific purposes, including any removal of sand, shell or shingle is also a Discretionary Activity.

39.3.3.6.3 Assessment Criteria

- a) Extent of disturbance and area potentially affected.
- b) Water quality effects.
- c) Physical effects including erosion, scouring and deposition.
- d) Effect on the natural character of the area.
- e) Effects on landscape and amenity values.
- f) Ecological effects including effects on the benthic environment.
- g) Any actual or potential effects the disturbance may have on people and communities.

39.3.3.7 Depositing Material on the Foreshore and/or Seabed

39.3.3.7.1 Any activity involving the depositing of any material on the foreshore and/or seabed at a site in the coastal marine area in any 12 month period, that is not otherwise regulated by any other rule within this Zone, is a Discretionary Activity.

39.3.3.7.2 Assessment Criteria

- a) Effects on visual appearance including colour, amenity and recreation values.
- b) Effects on water quality.
- c) Effects on ecological values including effects on the benthic environment.
- d) Effects on the natural character of the area.

- e) Particle size, sorting, parent material of deposit relative to that of receiving sediments (the two should be similar).
- f) The nature and significance of any contaminants in the material to be deposited.
- g) The suitability of the deposition site.

39.3.3.8 Discharges to Water

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

39.3.3.8.2 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.

39.3.3.8.3 Any discharge to water that is not covered by Rules 39.3.3.8.1-39.3.3.8.3 is a Discretionary Activity.

39.3.3.8.4 Standards

- a) The discharge shall not inhibit the gathering of shellfish for human consumption.
- b) The natural temperature of the water shall not be changed by more than 3 degrees Celsius.
- c) Any pH change shall not have any significant adverse effect on aquatic life.
- d) Any increase in the deposition of matter on the foreshore or seabed shall not have any significant adverse effect on aquatic life.
- e) Any discharge of a contaminant into the water shall not have any significant adverse effect on aquatic life.
- f) The concentration of dissolved oxygen shall exceed 80% of the saturation concentration.
- g) There shall be no undesirable biological growths as a result of any discharge of a contaminant into the water.
- h) Aquatic organisms shall not be rendered unsuitable for human consumption by the presence of contaminants.
- i) The visual clarity of the water shall not be so low as to be unsuitable for bathing.

39.3.3.8.5 Assessment Criteria

- a) Any mixing zone will be established in accordance with the relevant provisions elsewhere in this plan.
- b) The impact of the discharge having regard to inter alia the effect of: currents, tides, waves, and winds, on horizontal transport and vertical mixing of the contaminant.
- c) The impact of the discharge having regard to inter alia, temperature, BOD5, nutrients, pathogens/bacteria, suspended solids, and pH.
- d) The chemical content of the discharge, including any heavy metals or other toxic substances.

- e) The effectiveness of any mitigation measures.
- f) An assessment of the benefits and costs of the method of disposal.
- g) Whether there are alternative methods of disposal.
- h) An assessment of the risk to the environment in the event of equipment or other infrastructural failure.

39.3.3.9 Occupation of the Coastal Marine Area

39.3.3.9.1 Any activity involving occupation of the coastal marine area which:

- a) Would exclude or effectively exclude public access from areas of the coastal marine zone over 10 hectares (except where such exclusion is required for reasons of public safety or security);
- b) Would exclude or effectively exclude the public from more than 316 metres along the length of the foreshore; or
- c) Would involve occupation or use of areas greater than 50 hectares of the coastal marine zone and such occupation or use would restrict public access to or through such areas;

is a Discretionary Activity.

39.3.3.9.2 Any activity involving exclusive occupation of the coastal marine area not covered by Rule 39.3.3.9.1 above shall also be a Discretionary Activity.

39.3.3.9.3 **Assessment Criteria**

- a) The impact on other users of the coastal environment.
- b) The impact on cultural and landscape values.
- c) Any effects on the ecology, fauna and flora of the surrounding environment.
- d) Alienation of public space.

39.3.3.10 Structures in the Coastal Marine Area used in the Petroleum and Chemical Industry

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

39.3.3.10.2 **Assessment Criteria**

- a) The location of any special natural features, or ecological area.
- 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.
- f) Compliance with any relevant codes of practice or guidelines.
- g) 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, waste disposal, quality of discharges and emergency procedures and monitoring systems.

- h) Provision for site management (operational) plans and emergency plans. Proposals for monitoring the storage, use and transportation of hazardous substances.
- i) Consideration of practicable alternative operating methods or sites.
- j) Council may require the provision of a bond sufficient to cover the anticipated costs of removing structures and reinstating the site.

39.3.3.11 Deliberate Introduction of Exotic or Introduced Plants into the Coastal Marine Area

39.3.3.11.1 Any activity involving the deliberate introduction or planting of any exotic or introduced plant in, on, or under any foreshore or seabed in an area where that plant is not already present is a Discretionary Activity.

39.3.3.11.2 Assessment Criteria

- a) The impact on existing ecosystems including ecological processes and communities and species of indigenous flora and fauna.
- b) The potential for plant dispersal through the effects of currents, tide and wind.

39.3.3.12 Marine Farms

39.3.3.12.1 Assessment Criteria

An assessment of the present nature of the site, both physical and biological including - nature of the sea floor, species found in the area.

39.3.3.12.2 The impact on the marine ecology of feed proposed to be added to the environment, including the type and amount of feed, and an assessment of its effect on the environment.

39.3.3.12.3 The impact on the environment of the species to be farmed.

39.3.3.12.4 Consideration of navigational matters including adequate clearance from:

- a) The shoreline;
- b) Adjacent marine farms;
- c) Jetties and other points of access to the shore;
- d) Headlands;
- e) Navigational routes;
- f) Anchorages and mooring areas;
- g) Water ski lanes;
- h) Sub aqueous cables;
- i) The safety of the structures proposed.

39.3.3.12.5 An accessway free of surface structures, navigable by small craft, may be required through farms occupying an extensive stretch of coastline (generally those exceeding 400 metres in length).

39.3.3.12.6 Consideration of aesthetic and cultural matters including:

- a) Proximity to residences, land zoned for residential use, and land subdivided for residential use;
 - b) Proximity to, and likely effect on areas of scenic value; ecological value; recreational value; historic or traditional importance.
- 39.3.3.12.7 Particular site requirements of different forms of marine farming.
- 39.3.3.12.8 Likely effect on areas used for commercial and recreational fishing.
- 39.3.3.12.9 The visual impact of the farm and its operation.
- 39.3.3.12.10 The effect of the activity on areas of natural character.
- 39.3.3.12.11 Likely effects on water quality and ecology.
- 39.3.3.12.12 The alienation of public space.
- 39.3.3.12.13 The extent to which the marine farm requires ancillary on-shore facilities, and the extent to which these are included in a concurrent consent process.

39.3.4 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 the quality and quantity of natural waters or water systems.
- d) The protection of any significant environmental 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.
- 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 Authority and the Hydrographic Office of the Royal New Zealand Navy of the consent.

39.4 Non-Complying Activities

39.4.1 Application must be made for a resource consent for a Non-Complying Activity for the following:

- Any activity not provided for as a Permitted, Controlled, Discretionary, or Prohibited Activity shall be deemed to be a Non-Complying Activity.
- Any subdivision.

- Any residential activity.
- Any discharge to air from an industrial or trade premise.

39.5 Prohibited Activities

39.5.1 The following are Prohibited Activities for which no resource consent shall be granted:

- Disposal in the coastal marine area of waste matter (including shell, offal or any other matter).
- The disposal of hazardous waste substances to land or water.
- The combustion of:
 - Materials associated with the recovery of metals from insulated electrical cables in the open; or
 - Materials and metals used in motor vehicles in the open; or
 - Any other PVC plastic, or rubber tyres, waste oils, treated timber, or agricultural chemical wastes in the open.

Note:

In the open means other than in an enclosed incineration device with a chimney.