

40.0 Port Zone

40.1 Permitted Activities

40.1.1 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.

- Port activities.
- Commercial activities and services relating to port activities, but excluding vehicle oriented activities and visitor accommodation.
- Railway buildings, structures, services and activities.
- The erection or placement on land (including reclamation) of buildings, structures or services required for, or ancillary to, any permitted activity.
- Buoys and navigational structures.
- Maintenance, repair, alteration and replacement of existing buildings and structures.
- Structures and services ancillary to or normally associated with port structures buildings and activities including piles, pontoons, gangways handrails, cranes, pipelines, cables and other facilities.
- Utility services including wastewater treatment plant, stormwater ponds, water reservoirs, electricity substation, lighting poles and towers.
- Workshops providing facilities associated with cargo and passenger activities.
- Temporary displays and events.
- Demolition and removal of any structure.
- Taking and use of coastal water.
- Disturbance of the seabed associated with the normal operations of vessels and the maintenance, repair, alteration and replacement of existing buildings and structures.
- Discharges to air and land.
- Discharges from the normal operations of vessels and moveable sources.
- Parks and reserves.
- Hazardous substances with an effects ratio no greater than 1.0.
- Signs required by law, order, rule, regulation or bylaw or necessary to ensure navigational safety, public health and safety or for public information.
- Signs naming a building, wharf or structure of identifying a service or product available in the Port Zone.
- Roads.
- Farming.

Conditions for Permitted Activities

40.1.2 Alteration of Foreshore and Seabed, Taking and Use of Coastal Water

40.1.2.1 Drilling and Piling

40.1.2.1.1 Alteration to the foreshore and seabed associated with any drilling or piling operation is a Permitted Activity provided that the activity conforms to the following:

- a) The diameter of the drilled hole shall not exceed 1 metre.
- b) The activity does not produce more than 20 cubic metres of seabed material.
- c) The activity shall be undertaken in a manner which minimises water turbidity.

40.1.2.2 Alteration to Foreshore or Seabed Associated With The Maintenance, Repair, Alteration And Replacement of Existing Buildings And Structures

40.1.2.2.1 Any maintenance, repair, alteration and replacement of existing buildings and structures or any part of a structure within the coastal marine area which involves disturbance to any foreshore or seabed is a Permitted Activity provided that the activity conforms to the following:

40.1.2.2.2 All material removed or demolished from the structure is removed from the coastal marine area.

40.1.2.2.3 No foreshore or seabed material shall be removed from the site.

40.1.2.2.4 All equipment and surplus materials shall be removed from the site on completion of the demolition or removal.

40.1.2.3 The Taking and Use of Coastal Water

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

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

40.1.3 Amenities

40.1.3.1 Noise

All activities shall be conducted so as to ensure that noise arising from such activities does not exceed the following noise limits within the notional boundary of any existing occupied dwelling or within the area occupied by the camping ground located in the Department of Conservation recreation reserve on Marfell's Beach Road:

55 dBA L₁₀ 7.00 am - 10.00 pm Monday to Saturday

50 dBA L₁₀ 7.00 am - 10.00 pm Sunday

45 dBA L₁₀ , and 70 dBA L_{max} At all other times including any public holiday

Provided on any day between 0700 hrs - 2200 hrs the L_{max} limit shall not apply.

Construction activities shall meet the noise standards specified in NZS 6803P : 1984.

Noise standards shall not apply to the following:

- a) Noise generated by trains, vehicles and vessel operations, 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.

40.1.4 Buildings

40.1.4.1 Maximum Building Height

The maximum permitted height of any building shall be 16 metres above ground levels established by reclamation or site development earthworks.

Light towers, poles, aerials, loading ramps, link spans, life towers, flagpoles, machinery rooms and cranes and other cargo lifting or stacking equipment are excluded from this height restriction.

40.1.5 Discharges

40.1.5.1 Discharges from Vessels

In the case of the discharge of bilge water from vessels all grease and oil must be prevented from entering coastal marine water.

40.1.5.2 Discharges to Air

Any discharge to air of contaminants other than from moveable sources, shall comply with the standards for discharges to air prescribed for the Industrial Zone.

40.1.5.3 Discharges to Land - Oil and Grit Traps.

Oil and grit traps shall be installed and maintained in stormwater systems draining parking areas, rail yards, transfer areas and other maintenance areas so as to ensure that any adverse effect of discharges arising therefrom are avoided, remedied or mitigated.

40.1.6 Hazardous Facilities (District Function)

40.1.6.1 Effects Ratio

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

40.1.6.2 Site Design

- a) Any part of the site where liquid or solid hazardous substances are stored or used shall be effectively sealed with materials which are resistant to the substance(s).
- b) Any part of the site where liquid or solid hazardous 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 can be contained and excluded from the stormwater system when 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.
- c) 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.
- d) All stormwater grates shall be clearly marked.
- e) 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 systems'.
- f) Any part of the site where solid or liquid hazardous substances are loaded or unloaded shall be sealed, bunded, and drained.
- g) All vehicle accessways onto that part of a hazardous facility site where hazardous substances are loaded or unloaded shall have cut-off drains installed which are not directly connected to the stormwater system.
- h) Any part of the site where vehicles, equipment or containers that have or may have become contaminated with hazardous 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.
- i) A record will be kept of the quantities of hazardous wastes stored on-site, or taken away for disposal. This record is to be available to the Council, upon request.

40.1.6.3 Waste Management

- a) The storage of hazardous waste on the site shall be in containers that are either covered or located in a roofed area.
- b) A waste audit shall be undertaken for all premises generating waste hazardous substances in volumes greater than 6 m³/week.
- c) All sites where waste hazardous substances or waste containing hazardous substances is, or may be generated must provide appropriate and sustainable disposal procedures. Hazardous waste disposal in or outside the district may only be to facilities which are formally approved by the Council.
- d) A record will be kept of the quantities of hazardous wastes stored on the site, or taken away for disposal. This record to be available to the Council, upon request.

40.1.6.4 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.

40.1.6.5 Signage

All hazardous facilities shall be 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'.

40.1.6.6 Emergency and Evacuation Plan

All hazardous facilities shall have in place an emergency and evacuation plan which deals with possible on-site accidents involving hazardous substances. A current copy of the Plan shall be lodged with the Council.

40.2 Controlled Activities

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

- Any buildings, structures and services for port activities in the coastal marine area not provided for as a Permitted Activity.
- Any activity which is carried out for the purpose of removal, placement, or redistribution of seabed material, sand, marine debris, litter, or dead seaweed or depositing these or other materials for the purpose of maintaining the seabed for port activities or for re-contouring or reshaping of the foreshore.
- Discharges to the coastal marine area (other than the discharge of human effluents) associated with the operational needs of the terminal.

40.2.2 All Controlled Activities shall be subject to the general 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.

40.2.3 Buildings, Structures and Services for Port Activities in the Coastal Marine Area

The erection of buildings, structures and services for Port Activities are Controlled Activities provided they conform to the following Standards and Terms:

40.2.3.1 Standards and Terms

- a) The Standards and Terms for Permitted Activities shall be complied with.

40.2.3.2 Matters Over Which the Council Will Exercise Control

The Council shall exercise control over the following matters:

- a) The adverse effects associated with methods of construction, particularly with regard to effects on coastal processes;
- b) Any provision to be made for public access;
- c) The duration of the consent.

40.2.4 Removal, placement, or redistribution of seabed material, sand, marine debris, litter, or dead seaweed or depositing these or other materials for the purpose of maintaining the seabed for port activities or for re-contouring or reshaping of the foreshore.

Any activity which is carried out for the purpose of removal, placement, or redistribution of seabed material, sand, marine debris, litter, or dead seaweed or depositing these or other materials for the purpose of maintaining the seabed for port activities or for re-contouring or reshaping of the foreshore are Controlled Activities provided they conform to the following Standards and Terms:

40.2.4.1 Standards and Terms

- a) The disturbance does not exceed 50,000 cubic metres in volume during any 12 month period.
- b) No contaminants shall be released from equipment being used for the activity other than normal operational exhaust emissions, and no refuelling may take place on any area of foreshore or seabed.
- c) All equipment, materials etc. shall be removed from the site on completion of the operation.

40.2.4.2 Matters Over Which the Council Will Exercise Control

The Council shall exercise control over the following matters:

- a) The quantity of material.
- b) Restrictions on public access during the operation.
- c) The nature of material to be used for beach replenishment.
- d) The beach profile to be achieved by the re-contouring.

40.2.5 Discharges to the Coastal Marine Area

Discharges to the coastal marine area (other than the discharge of human effluent) associated with the operational needs of the terminal are a Controlled Activity provided they conform to the following Standards and Terms:

40.2.5.1 Standards and Terms

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

Note:

The point of measurement for determining compliance with the above standards and terms shall be 10 metres from the discharge point.

40.2.5.2 Matters Over Which the Council Will Exercise Control

Council shall exercise control over the following matters:

- 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.

40.3 Discretionary Activities

40.3.1 Application must be made for a resource consent for a Discretionary Activity with respect to the following.

- Activities and discharges provided for as Permitted Activities and Controlled Activities which do not comply with standards and/or conditions.
- Reclamations.
- Buildings and services in the coastal marine area not provided for as a Permitted Activity, Controlled Activity or Limited Discretionary Activity.
- 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.
- Occupation of the coastal marine area.
- Structures in the coastal marine area used in the petroleum and chemical industry.
- Emergency service activities.

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

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

40.3.2.1 Matters over which the Council will Exercise Control

40.3.2.1.1 Any relevant objectives, policies and rules of this Plan.

40.3.2.1.2 Any relevant policies of the New Zealand Coastal Policy Statement.

40.3.2.1.3 Any relevant objectives, policies and methods of the Marlborough Regional Policy Statement.

40.3.2.1.4 The extent to which the proposed activity will contribute to the efficient, economic safe or convenient movement of vessels, cargo and passengers.

40.3.2.1.5 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.

40.3.2.1.6 The likely effects of the proposal on the natural character of the coastal environment.

- 40.3.2.1.7 The extent which the proposal will add cumulatively to any adverse effects of use and development on the coastal environment.
- 40.3.2.1.8 The extent to which the proposed use or development will maintain or enhance public access to and along the coastal marine area and the likely effectiveness of any proposed measures to avoid remedy or mitigate any adverse effects.
- 40.3.2.1.9 The extent to which the proposed activity will maintain or enhance recreational opportunities in the coastal marine area.
- 40.3.2.1.10 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.
- 40.3.2.1.11 The extent to which the proposed use of development may have adverse effects on coastal processes.
- 40.3.2.1.12 The extent to which reclamations and structures have been designed to withstand coastal hazards and extreme storm events.
- 40.3.2.1.13 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.
- 40.3.2.1.14 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.
- 40.3.2.1.15 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.
- 40.3.2.1.16 The extent to which the activity may adversely affect water quality.
- 40.3.2.1.17 The impact of the proposed activity on public safety, in particular navigational safety.
- 40.3.2.1.18 Effect on the traditional and cultural values of the Maori people.

40.3.3 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 or Discretionary and Restricted Coastal Activity as listed below shall be considered in addition to the General Assessment Criteria set out in Rule 40.3.2.

40.3.3.1 Reclamations

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

40.3.3.1.2 Assessment Criteria

a) Size of reclamation and area potentially affected.

- b) The purpose of the reclamation and the need for a location in the coastal marine area including alternatives not involving reclamation.
- c) Effects on public access.
- d) Effect on the natural character of the area.
- e) Ecological effects including effects on life-supporting capacity.
- f) Effect on tidal flows, water quality, erosion and sedimentation.
- g) Effects on landscape and amenity values.
- h) Impact of reclamation on recreational values.
- i) Extent to which reclamation could compromise navigational safety.
- j) Construction methods and materials.
- k) Any actual or potential effects the reclamation may have on people and communities.

40.3.3.2 Structures Which Impound or Effectively Contain the Coastal Marine Area

40.3.3.2.1 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.

40.3.3.2.2 Assessment Criteria

- a) Size of structure and area potentially affected.
- b) The purpose of the structure and the need for a location in the coastal marine area.
- c) Effect on tidal flows, water quality and sedimentation.
- d) Effect on the natural character of the area.
- e) Effects on landscape and amenity values.
- f) Effects on public access.
- g) Ecological effects.
- h) Extent to which structure could compromise navigational safety.
- i) Construction methods and materials.
- j) The stability and structural integrity of the structure with respect to wave action.
- k) Any actual or potential effects the structure may have on people and communities.

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

40.3.3.3.1 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; or
- b) Is a submarine or sub-aqueous cable; or
- c) Is a floating or open pile structure;

is a Discretionary Activity.

40.3.3.3.2 Assessment Criteria

- a) Size of structure and area potentially affected.
- b) The purpose of the structure and the need for a location in the coastal marine area.
- c) Effect on tidal flows, water quality and sedimentation.
- d) Effect on the natural character of the area.
- e) Effects on landscape and amenity values.
- f) Effects on public access.
- g) Ecological effects.
- h) Extent to which structure could compromise navigational safety.
- i) Construction methods and materials.
- j) The stability and structural integrity of the structure with respect to wave action.
- k) Any actual or potential effects the structure may have on people and communities.

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

40.3.3.4.1 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.

40.3.3.4.2 Assessment Criteria

- a) Size of structure and area potentially affected.

- b) The purpose of the structure and the need for a location in the coastal marine area.
- c) Effect on tidal flows, water quality and sedimentation.
- d) Effect on the natural character of the area.
- e) Effects on landscape and amenity values.
- f) Effects on public access.
- g) Ecological effects.
- h) Extent to which structure could compromise navigational safety.
- i) Construction methods and materials.
- j) The stability and structural integrity of the structure with respect to wave action.
- k) Any actual or potential effects the structure may have on people and communities.

40.3.3.5 Structures not elsewhere provided for

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

40.3.3.5.2 Assessment Criteria

- a) Size of structure and area potentially affected.
- b) The purpose of the structure and the need for a location in the coastal marine area.
- c) Effect on tidal flows, water quality and sedimentation.
- d) Effect on the natural character of the area.
- e) Effects on landscape and amenity values.
- f) Effects on public access.
- g) Ecological effects.
- h) Extent to which structure could compromise navigational safety.
- i) Construction methods and materials.
- j) The stability and structural integrity of the structure with respect to wave action.
- k) Any actual or potential effects the structure may have on people and communities.

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

40.3.3.6.1 Any activity not covered by Rule 40.2.4, involving in any 12 month period, disturbance of foreshore and seabed for specific purposes, including any removal of sand, shell or shingle is a Discretionary Activity.

40.3.3.6.2 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.

40.3.3.7 Depositing Material on the Foreshore and/or Seabed

40.3.3.7.1 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.

40.3.3.7.3 Assessment Criteria

- a) Particle size, sorting, parent material of deposit relative to that of receiving sediments (the two should be similar)
- b) The nature and significance of any contaminants in the material to be deposited.
- c) The suitability of the deposition site.
- d) Ecological effect.
- e) Effect on recreational values and use of coastal marine area.

40.3.3.8 Discharges to Water

40.3.3.8.1 Any discharge to water that is not a discharge of human sewage is a Discretionary Activity.

40.3.3.8.2 Assessment Criteria

Any mixing zone will be established in accordance with the relevant provisions elsewhere in this plan.

- a) The effects 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.
- b) The effect of the discharge having regard to inter alia temperature; BOD₅; nutrients, pathogens/bacteria, suspended solids; pH; the chemical content of the discharge, including any heavy metals or other toxic substances.
- c) Ecological effects including the effect of the discharge on the gathering of shellfish for human consumption.
- d) The effectiveness of any mitigation measures.
- e) Whether there are reasonable practical alternative methods of discharge.
- f) An assessment of the risk to the environment in the event of equipment or other infrastructural failure.
- g) Effects on the recreational use of the coastal marine area.

- h) Whether there are any possible alternative methods of disposal and the applicants reason for making the proposed choice.

40.3.3.9 Discharges to Air

40.3.3.9.1 Assessment Criteria

40.3.3.9.2 The extent to which the discharge is noxious, toxic, dangerous, offensive or objectionable, at or beyond the boundary of the property, or has or is likely to have an adverse effect on the environment.

40.3.3.9.3 The extent to which the discharger has adopted the best practicable option to avoid, remedy or mitigate any adverse effects on the environment.

40.3.3.10 Occupation of the Coastal Marine Area

40.3.3.10.1 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.

40.3.3.10.2 Any activity involving exclusive occupation of the coastal marine area not covered by Rule 40.3.3.10.1 above shall be a Discretionary Activity.

40.3.3.10.3 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.

40.3.3.11 Hazardous Facilities and Structures in the Coastal Marine Area used in the Petroleum and Chemical Industry

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

40.3.3.11.2 Assessment Criteria

40.3.3.11.2.1 The location of any special natural features, or other environmentally sensitive areas, to be protected.

40.3.3.11.2.2 The possibility of exposure to natural hazards.

40.3.3.11.2.3 The type and intensity of activities in the surrounding area.

40.3.3.11.2.4 The availability of an access to suitable transport routes.

40.3.3.11.2.5 The risks associated with transportation to or from the site.

- 40.3.3.11.2.6 Compliance with any relevant codes of practice or guidelines.
- 40.3.3.11.2.7 Specific requirements be imposed to ensure that any undue risk posed by the facility is avoided or mitigated. Particular regard will be given to site layout, site management and emergency procedures and monitoring systems. Consideration will be given, as appropriate, to issues such as:
- a) The equipment relating to the particular risk posed by the facility.
 - b) Stormwater detention and treatment.
 - c) Sustainable treatment and disposal methods for hazardous waste.
 - d) Adherence to management systems such as the NZCIC Responsible Care Programme or recognised Standards for Environment Management Systems.
- 40.3.3.11.2.8 Provision for site monitoring the storage, use and transportation of hazardous substances.
- 40.3.3.11.2.9 Consideration of practicable alternative operating methods or sites.
- 40.3.3.12 Deliberate Introduction of Exotic or Introduced Plants into the Coastal Marine Area**
- 40.3.3.12.1 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.

40.4 Non-Complying Activities

- Any activity which is not a Permitted Activity, Controlled Activity, Limited Discretionary Activity or a Discretionary Activity shall be deemed to be a Non-Complying Activity.
- Any discharge of human sewage to the coastal marine area shall be a Non-Complying Activity.
- Any discharge to the coastal marine area in respect of which the applicant may desire to rely on section 107(2)(a) is a Non-Complying Activity.

40.5 Resource Consent Conditions

- 40.5.1 Any resource consent may include conditions relating to any one or more of the following:
- All those matters contained in Section 108 of the Act and including any condition relating to:
- a) The bulk and location of buildings.
 - b) The landscape treatment and maintenance thereof.
 - c) Access, traffic and parking.
 - d) Control of wastes, discharges and hazardous substances.
 - e) The protection and enhancement of amenity values.

- f) The protection and enhancement of the quality and quantity of natural waters or water systems.
- g) Financial contributions in accordance with the requirements of the Plan.
- h) Bonds or covenants to secure performance of consent conditions.
- 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.

40. 6 Prohibited Activities

40. 6.1 The following are Prohibited Activities for which no resource consent shall be granted:

- Disposal 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.