

Chapter 5

Marine Services Zone



5. MARINE SERVICES ZONE

5.1 RESOURCE MANAGEMENT ISSUES

1. There is an opportunity to create a high quality marina interface with the Ōpōtiki Town commercial area which will require careful planning, design and engineering to achieve good urban design outcomes.
2. The integrity of the stopbank needs to be maintained to provide ongoing flood protection and this may include upgrade if necessary.
3. *Commercial activities* should be managed to avoid compromising the viability of existing centres.
4. *Amenity values* of activities in adjoining zones can be adversely affected by noise, glare and visual effects.
5. *Hazardous substance* use, storage, or disposal facilities within areas susceptible to natural hazards can have significant adverse effects on the quality of the environment.
6. Activities within the zone may use substances that have the potential to contaminate the site, stormwater draining from the site and adjoining natural and physical resources.
7. Inadequate provision made for site manoeuvrability and *access* to the adjacent street network can affect the efficient and effective movement of vehicles within and adjoining the zone.
8. New sensitive activities located within a marina area can result in reverse sensitivity effects.
9. The population and environment could be harmed from unwanted organisms such as flies, mites, ticks, mosquitoes (including exotic mosquitoes capable of carrying disease) or other insects which may cause a health nuisance to nearby residents.

5.2 OBJECTIVES AND POLICIES

OBJECTIVE

- 5.2.1 A Marine Services Zone that achieves good urban design outcomes at the interface between the town and Waioeka and Ōtara Rivers whilst providing for the infrastructure and operational needs of marine related industries and recreational boating.**

POLICIES

- 5.2.1.1 To provide for a marina within the Marine Services Zone subject to the Structure Plan and a comprehensive design that is functional and has high *amenity values*.
- 5.2.1.2 Establish connectivity between the town centre and the Marine Services Zone.

- 5.2.1.3 Maintain and enhance pedestrian and cycle connections through the Marine Services Zone.
- 5.2.1.4 Ensure that *access* to a marina *site* is designed so that vehicles, pedestrians and cyclists have safe and efficient *access*.
- 5.2.1.5 Provide for *temporary activities* within the Marine Services Zone to promote the public's enjoyment and use.
- 5.2.1.6 Control the location and design of *commercial/retail activities* within the zone to ensure that the qualities and characteristics of the zone are maintained and that adverse amenity effects are avoided or mitigated.
- 5.2.1.7 Avoid significant adverse effects on ecological values and avoid, remedy or mitigate other adverse effects of activities on ecological values. Any residual adverse effects are to be offset in a manner consistent with Schedule 13 of the Regional Coastal Environment Plan.
- 5.2.1.8 Ensure that there is adequate on-site parking and manoeuvring space for vehicles using the Marine Services Zone while taking into account the adjacent public *road* network.
- 5.2.1.9 Manage the effects of activities within the zone that use, store or dispose of *hazardous substances* to prevent contamination of waterways and soil.
- 5.2.1.10 Provide for limited *commercial activities* within the zone to enable a marina to function.
- 5.2.1.11 Enable a range of activities that relate to the harbour and marine environment whilst managing any adverse effects.
- 5.2.1.12 Recognise and conserve cultural values.
- 5.2.1.13 Provide for cultural activities.
- 5.2.1.14 Recognise the relationship tangata whenua have with the area.

OBJECTIVE

- 5.2.2 **Activities within the Marine Services Zone are undertaken in a manner that avoids, remedies, or mitigates the effects of natural hazards.**

POLICIES

- 5.2.2.1 Manage activities that have a need to locate in flood prone areas or areas potentially affected by coastal inundation so that the effects of hazards can be mitigated by protection measures such as stopbanks, flood gates, minimum floor levels or design.
- 5.2.2.2 Manage activities to ensure the integrity of the stopbank is maintained and where practicable enhanced.
- 5.2.2.3 Ensure that activities within the Marine Services Zone do not adversely affect the efficient functioning and capacity of ponding areas within or adjacent to the zone.

OBJECTIVE

- 5.2.3 Activities in the Marine Services Zone maintain or enhance the amenity values and public access to and along the coastal marine area.**

POLICIES

- 5.2.3.1 Ensure that the marina and associated *commercial activities* are designed and operate in a way that maintains *amenity values* of the adjacent residential and commercial areas.
- 5.2.3.2 Ensure that activities operating in the Marine Services Zone do so in a manner that maintains and enhances public access to and along the coastal marine area within the zone.
- 5.2.3.3 Ensure that any development provides for *landscaping* to enhance the visual amenity of the zone and adjacent areas.

OBJECTIVE

- 5.2.4 Activities must have a functional need to locate in the *Coastal Environment* in proximity to the wharf infrastructure.

POLICY

- 5.2.4.1 To recognise and provide for activities that need access to wharf and marine related services in the *Coastal Environment*.

5.3 ACTIVITY STATUS

Resource consent is required for all Controlled, Restricted Discretionary, Discretionary and Non-complying activities. Resource consent is not required for Permitted activities provided all relevant standards are met.

Additional controls may apply in the following Chapters:

- Chapter 12 – Surface of Water Activities
- Chapter 13 – Landscapes, Indigenous Vegetation and Habitats
- Chapter 14 – Heritage
- Chapter 15 – Subdivision
- Chapter 16 – Financial Contributions
- Chapter 17 – Network Utilities
- Chapter 18 – Natural Hazards
- Chapter 19 – Coastal Environment Overlay

5.3.2 PERMITTED ACTIVITIES

5.3.2.1 Subject to compliance with the Zone Standards in 5.6, unless otherwise stated, the following activities may be established without resource consent from *Council*.

1. Activities on reserves as provided for in the Reserves Act 1977 or in an approved Reserve Management Plan.
2. *Temporary Activities*.
3. Maintenance work carried out by Bay of Plenty Regional Council on established drainage and flood control scheme works.
4. *Temporary buildings* and associated activities required for a *building* or construction project of not more than 12 months duration.
5. *Signs* listed in 5.6.12.1.
6. *Temporary Military Training Activities* complying with Appendix 3.
7. Navigational Aids.
8. Operation of a marina facility and associated maintenance.
9. Maintenance of lawfully existing wharf facilities.
10. Cafés.
11. *Restaurants*.
12. Carparking facilities.
13. Boat storage.
14. Boat sales.
15. Boat dry stack.
16. Tourism operations.
17. Harbour Master office.
18. Loading and unloading cargo and associated cargo handling activities.
19. Chandlery.
20. Vessel refuelling.
21. On water vessel maintenance.
22. Storage of aquaculture related equipment and materials.

23. Emergency services training and associated management activities.
24. *Accessory buildings* and activities *accessory* to a Permitted Activity.

5.3.3 CONTROLLED ACTIVITIES

5.3.3.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may impose conditions only in relation to the matters over which it has reserved control in 5.4. The activities must comply with the Zone Standards in 5.6, unless otherwise stated.

1. *Places of assembly*.
2. *Temporary buildings* and associated activities not listed as a Permitted Activity.
3. *Temporary activities* not listed as a Permitted Activity.
4. *Temporary military training activities* not complying with Appendix 3.

5.3.4 RESTRICTED DISCRETIONARY ACTIVITIES

5.3.4.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent and impose conditions only in relation to the matters over which it has restricted its discretion in 5.5. The activities must comply with the Zone Standards in Section 5.6, unless otherwise stated.

1. Activities not complying with 5.6.9 (Wastewater Connections), 5.6.10 (Stormwater Management) and 5.6.11 (Water Supply).
2. Activities not complying with 5.6.2.1 (Building Coverage), 5.6.2.2 (Height), 5.6.2.3 (Daylight Protection), 5.6.3 (Yards).
3. Construction of a marina in accordance with the Marina Structure Plan in Appendix 5.9.

5.3.5 DISCRETIONARY ACTIVITIES

5.3.5.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent subject to conditions. The Zone standards in 5.6 will be used as a guideline when assessing the application.

1. Activities on a reserve, not included in an approved Reserve Management Plan.
2. *Signs* that are not provided for as a Permitted Activity.
3. Activities not in accordance with the Marina Structure Plan in Appendix 5.9.
4. Construction of a marina that is not in accordance with the Marina Structure Plan in Appendix 5.9.

5.3.6 NON-COMPLYING ACTIVITIES

5.3.6.1 The activities listed below may only be established if resource consent has been granted by *Council*. The *Council* may refuse or grant consent for a non-complying activity. The Zone standards in 5.6 will be used as a guideline when assessing the application.

1. Any activity not specifically stated as a Permitted, Controlled, Restricted Discretionary or Discretionary Activity or an activity which does not comply with the Zone Standards, unless otherwise stated.

5.4 CONTROLLED ACTIVITIES: MATTERS OVER WHICH CONTROL IS RESERVED

5.4.1 The *Council* has reserved control over the following matters:

5.4.1.1 Design and appearance

1. The design and appearance of the activity and how it relates to the *amenity values* of the surrounding areas, including as relevant *height*, bulk, colour, materials and proposed *landscaping* treatment.
2. The visual effect of any activity in relation to its location, *site* boundaries and topography.
3. The size and location of *buildings* having regard to the activities on the *site* and the effect on neighbouring properties.
4. The manner in which the *site* is to be *landscaped* and how effectively it will screen the activities and/or enhance the *amenity values* of the area.
5. The location and appearance of any *signs* associated with the activity.
6. The location/inclusion of pedestrian and cycle access and linkages, including public access to and along the coastal marine area.

5.4.1.2 Effects of the activity on adjoining sites

1. The size and location of *buildings* having regard to the activities on the *site* and the effect on neighbouring properties and coastal environment.
2. Any measures to be implemented to mitigate the effects from the activity, such as visual effects, odour, noise and light spill.
3. Mitigation of short term construction effects.

5.4.1.3. Vehicle access and manoeuvrability

1. The design and location of vehicular *access*, on-site manoeuvrability and whether vehicles can leave and enter the *site* safely.
2. The need for service lanes and *loading spaces* associated with the activity.

5.4.1.4. Historical, archaeological and cultural values and resources

1. The effect of the design and layout of the activities in relation to land, *buildings*, features and *waterbodies* which have historical and archaeological worth.
2. The effects of the activity on historic, archaeological and cultural values and resources of importance to Māori.
3. The effects of the activity on heritage and conservation values, both on the *site* and on adjoining *sites*.

5.4.1.5. Natural hazards

1. The extent to which the activity may accelerate or worsen the adverse effects of natural hazards.
2. The susceptibility of the *site* to natural hazards and the measures implemented to mitigate the effects of natural hazards.
3. The effects of the activity on the Duke Street ponding areas.
4. The effects of the activity on the Waioeka Ōtara Rivers Scheme.

5.4.1.6. Temporary Military Training Activities not complying with Appendix 3

1. Location in relation to noise sensitive activities.
2. Hours of operation and duration.

5.5 RESTRICTED DISCRETIONARY ACTIVITIES: MATTERS OVER WHICH DISCRETION IS RESTRICTED

5.5.1 Council has restricted its discretion over the following matters:

5.5.1.1 Construction of a marina

1. Consistency with the structure plan in Appendix 5.9
2. Treatment of wastes produced on the site: The programme for the treatment of any effluent and waste from the activity, including:
 - a. A description of the composition of the effluent and waste, this should include, but is not limited to:
 - i. Rubbish from vessels.
 - ii. Sewage from vessels.
 - iii. Bilge water from vessels.

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- iv. Recyclable material including waste oils.
 - v. Residues from vessel construction, repair and maintenance.
 - vi. Spills from refuelling operations and refuelling equipment.
- b. Whether the effluent and waste is to be treated on-site, or whether the activity will connect to *Council's* waste treatment networks.
 - c. Treatment options for the waste.
 - d. Preferred treatment option to be implemented.
 - e. A description of the management of the effects from the effluent and waste produced by the activity.
3. Management of stormwater: The programme for the collection, containment, treatment and appropriate disposal of any stormwater from the activity, including whether a stormwater drainage system has been proposed that:
- i. Has no cross-connections or high flow vents/bypasses between stormwater and wastewater.
 - ii. Clearly identifies stormwater catchpits – for example, 'drains to sea' stencils, metal dolphins or blue snapper.
 - iii. Has a shut-off valve at the last point of entry to the stormwater system prior to leaving the marina *site* to intercept any spills.
 - iv. Incorporates hard-stand bunding, slot drains, collection sumps, piping, diversion, storage and recycling of wash water and stormwater, in order to prevent the discharge to the coastal marine area of *contaminants* associated with boat cleaning, repair and maintenance.
 - v. Separates high risk working/processing areas and waste storage areas away from stormwater catchpits/slot drains or other means of entry to the stormwater system.
 - vi. Regular procedures for inspection and maintenance/cleaning of all components of the stormwater drainage system, eg. cleaning of cesspits, treatment devices, shut-off valves.
- 4. Navigation safety:
 - 5. Mechanisms to avoid the introduction of harmful aquatic organisms
 - 6. Design and appearance
 - 7. Public access: provision for public access, including pedestrian and cycle access
 - 8. Offsetting adverse effects on adjacent biodiversity site

5.5.1.2 **Activities not complying with 5.6.9 (Wastewater Connections)**

1. Mitigation of effects on existing infrastructure and the environment from:
 - a. Sewerage flow volumes.
 - b. Sewerage flow rates.
 - c. Sewerage flow timing.
 - d. Sewerage connections and on-site reticulation/infrastructure specifications.
 - e. Practicality of connection to *Council's* existing infrastructure.

5.5.1.3 **Activities not complying with 5.6.10 (Stormwater Management)**

1. Mitigation of effects on existing infrastructure, adjacent/downstream properties and the environment from:
 - a. Stormwater runoff.
 - b. Stormwater connections and on-site reticulation/infrastructure specifications.

5.5.1.4 **Activities not complying with 5.6.11 (Potable Water Supply)**

1. Management of water supply demand in relation to:
 - a. Water flow rates.
 - b. Water flow volumes.
 - c. Water supply connections specifications.

5.5.1.5 **Activities not complying with 5.5.3.3 (Building setback from Council pipelines)**

1. The obstruction of *access* to existing wastewater, water supply or stormwater reticulation.

5.5.1.6 **Activities not complying with 5.6.2.1 (Building Coverage), 5.6.2.2 (Height), 5.6.2.3 (Daylight Protection), and 5.6.3 (Yards)**

1. The adverse effects on the amenity of sites in terms of:
 - a. Shadowing
 - b. Physical domination
 - c. Privacy
 - d. Lighting.

5.5.1.7 **Natural Hazard Occurrence**

1. The susceptibility of the site to natural hazards and the measures implemented to mitigate the effects of natural hazards.
2. The effects that the activity may have on the Volkners Island and Tarawa Creek ponding areas.

5.5.1.8 Historical, archaeological and cultural values and resources

1. The effect of the design and layout of the activities in relation to land, buildings, features and waterbodies which have historical and archaeological value.
2. The effects of the activity on historic archaeological and cultural values and resources of importance to Māori.
3. The effects of the activity on heritage and conservation values, on the site and on adjoining sites.

5.5.1.9 Effects of the activity on adjoining sites

1. The size and location of *buildings* having regard to the activities on the *site* and the effect on neighbouring properties and coastal environment.
2. Any measures to be implemented to mitigate the effects from the activity, such as visual effects, odour, noise and light spill.
3. Mitigation of short term construction effects.

5.5.1.10 Vehicle access and manoeuvrability

1. The design and location of vehicular *access*, on-site manoeuvrability, and whether vehicles can leave and enter the *site* safely.
2. The need for service lanes and *loading spaces* associated with the activity.

5.6 ZONE STANDARDS

These Zone Standards apply to all permitted, controlled and restricted discretionary activities, unless otherwise stated. They will be used as a guideline when assessing applications for discretionary and non-complying activities.

Temporary Military Training Activities are exempt from complying with Zone Standards.

5.6.1 DESIGN**5.6.1.1 Marina Design**

1. The marina design shall be in general accordance with the Marina Structure Plan in Appendix 5.9.
2. Non-compliance with this Rule shall be considered a Discretionary Activity.

5.6.1.2 Activities within a Marina

1. Activities shall be located in general accordance with the Marina Structure Plan in Appendix 5.9.
2. Non-compliance with this rule shall be considered a Discretionary Activity.

5.6.2 SITE REQUIREMENTS**5.6.2.1 Building Coverage**

1. The maximum footprint of a *building* shall be 1000m² unless otherwise provided for under a Reserve Management Plan.
2. Non-compliance with this rule shall be considered a Restricted Discretionary Activity.

5.6.2.2 Height

1. The maximum *height of buildings* within the zone shall be 9m.
2. Non-compliance with this rule shall be considered a Restricted Discretionary Activity.

5.6.2.3 Daylight protection

1. No part of any *building* shall penetrate a daylight recession plane of 45° from a *height* of 2.7m above finished ground level at any boundary with a Town Centre or Residential Zone.
2. Non-compliance with this rule shall be considered a Restricted Discretionary Activity.

5.6.3 YARDS**5.6.3.1 Separation from adjoining properties**

1. 7.5m from a boundary with a Residential Zone.
2. Non-compliance with this rule shall be considered a Restricted Discretionary Activity.

5.6.3.2 Building setbacks from roads

1. All *buildings* shall be set back at least 4.5m from a boundary with a *road* where the land opposite is not zoned Marine Services Zone.
2. Non-compliance with this rule shall be considered a Restricted Discretionary Activity.

5.6.3.3 Building setback from Council pipelines

1. No *building* shall be located closer than the greater of either:
 - a. 1.5m from the centre of any public sewer or public stormwater line, or
 - b. The sum of depth to the centreline of the line, plus the diameter of the line, plus 0.2m from the centre of that line.
2. Non-compliance with this rule shall be assessed as a Restricted Discretionary Activity.

5.6.4 LANDSCAPING

5.6.4.1 Screening of storage areas

Any area used for storage of refuse or recycling shall be screened from a public place by *landscaping* or fencing.

5.6.4.2 Visibility at intersections

To protect sight distances at the intersection of *roads*, the area within 6m of the intersection of two front boundaries (or the projection of those front boundaries where they do not meet) shall be kept clear of any obstruction over 1m in *height*. This restriction shall not apply to power poles or street lights.

5.6.4.3 Screening and landscaping

Landscaping shall be provided along the frontage of the *site* where the land opposite is zoned Residential and along the *road* frontage of carparking areas.

5.6.5 NOISE AND GLARE

5.6.5.1 Noise

1. All activities on a *site* shall be designed and conducted so as to ensure that the following noise limits are not exceeded at any point within the Zone. Provided that at any point within the Coastal or Residential Zone the noise limits for the relevant Zone shall be complied with. These standards shall not apply to sirens used by *emergency services*.

Noise Limits dB		
Receiving Zone	Daytime 7am to 10pm, Monday to Sunday including public holidays	Night time At all other times
Marine Services Zone	65LAeq	40LAeq 70LAMax

2. Except where expressly provided elsewhere in this Plan, noise shall be measured in accordance with the provisions of NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with the provisions of NZS 6802:2008 Acoustics -Environmental Noise.

3. Construction noise in any zone shall not exceed the recommended limits and shall be measured and assessed in accordance with the provisions of NZS 6803P:1999 Acoustics - Construction Noise.

5.6.5.2 Lighting and Glare

All exterior security lighting shall be designed, installed, and maintained so that the light emitted does not overspill *site* boundaries or cause distraction or glare which could affect traffic safety on adjacent *roads*.

5.6.6 LOADING AND ACCESS

5.6.6.1 Loading and access

1. Provision shall be made for the *loading spaces* for on-site and at the rear of *sites* in such a way that no footpath or *access* to adjoining properties is blocked.
2. No vehicle *access* shall be located within 15m of an intersection.

ADVICE NOTES:

1. There are no minimum carparking requirements for the Marine Services Zone.
2. The application shall have regard to Appendix 6 where guidance for carparking is required.

5.6.7 VEHICLE ENTRANCES

- 5.5.7.1 Vehicle entrance designs shall be designed and constructed to comply with Appendix 4.

ADVICE NOTE:

Additional access width may be necessary to provide for emergency service vehicles in accordance with SNZ PAS 4509:2008 (refer 17.6.10 Advice Note)

5.6.8 FLOOR LEVELS

5.6.8.1 Floor levels shall be sufficient to ensure that water does not enter *buildings* in a 1% AEP (Annual Exceedance Probability) event within the *Coastal Environment* or a 2% AEP event for areas outside the *Coastal Environment*. *Council* will determine the appropriate freeboard that needs to be added to the flood level to set the required minimum floor level.

5.6.9 WASTEWATER CONNECTIONS

5.6.9.1 All new developments within any of *Council's* wastewater scheme boundaries shall connect to the *Council's* wastewater system.

5.6.9.2 All new wastewater management systems shall be designed and constructed in accordance with 17.6.8.

5.6.10 STORMWATER MANAGEMENT

5.6.10.1 A stormwater disposal system shall be provided for any residential, community or business activity.

5.6.10.2 The stormwater management system shall be designed and constructed in accordance with Rule 17.6.9.

5.6.11 POTABLE WATER SUPPLY

5.6.11.1 A potable water supply shall be provided to each site and where connected to *Council's* water supply shall be designed and constructed in accordance with Rule 17.6.10.

5.6.11.2 WASTE MANAGEMENT

Waste containing food waste shall be stored in vermin proof containers until removed from the site.

5.6.12 SIGNS

5.6.12.1 The following *signs* shall be permitted subject to meet the standards in 5.6.12.2:

1. *Signs* attached to *buildings* provided that the total area does not exceed 4m².
2. Two free-standing pole-mounted *signs* on a *site* where the frontage of the *building* is set back more than 5m from a *road* boundary, provided that each sign does not exceed 5m in *height* and 4m² in area.
3. A *temporary sign* with a maximum area of 1.8m², where the written consent of the

landowner has been obtained and provided to Council.

4. *Official signs*

3.6.12.2 *Signs* shall not:

1. Have reflective material or illumination that flashes or moves;
2. Obstruct or impair the view of any official traffic *sign* and signal or the line of sight at any corner, bend, intersection of vehicle crossing;
3. Physically obstruct or impede traffic or pedestrians;
4. Resemble or be likely to be confused with any official traffic *signs* or *signs*;
5. Use support structures that are not frangible.

ADVICE NOTE:

1. Council controls signs under the Ōpōtiki District Council Consolidated Bylaws 2020.
2. Where signs on private property will be visible from a State Highway and resource consent is required, the NZ Transport Agency should be consulted in relation to traffic safety effects. It should also be noted that NZ Transport Agency controls signs on the State highway corridor Legal Road under the NZ Transport Agency Signs on State Highway Bylaw July 2010.

5.7 OTHER METHODS

5.7.1 Other methods for achieving the objectives and policies of this section are:

1. Using the Reserve Management Plan process under the Reserves Act 1997 to formulate a development proposal in consultation with the community.
2. Retailers and residents street beautification programmes through the use of *landscaping* and tree planting.
3. Information sharing and education through Bay of Plenty Regional Council and *Council's* association with industry.
4. Use of codes of practice to enable compliance with the Rules of the Plan.
5. Use Land Information Memoranda (LIM) and Project Information Memoranda (PIM) to provide information on existing site contamination, potential site contamination, and on adjoining activities that make use of *hazardous substances*.
6. Use Land Information Memoranda (LIM) and Project Information Memoranda (PIM) to provide information on known natural hazards to potential developers and applicants.
7. Use *Council's* capital works programmes for street paving, street kerbing and channelling.
8. Use consents from Bay of Plenty Regional Council for earthworks, land disturbance and discharges to air, land, and water.

5.8 EXPECTED ENVIRONMENTAL RESULTS

Environmental outcomes anticipated from the implementation of the objectives and policies of this section are:

- A.** A well designed marina and associated facilities that connect to the town's commercial area and provides greater opportunity for the public to enjoy the reserve and access the coastal environment.

- B.** Management of activities within the Marine Services Zone so that adverse effects on nearby residential areas are minimised.

5.9 APPENDIX

5.9.1 MARINE SERVICES ZONE STRUCTURE PLAN

