

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 \(Sub 17.109\)](#).
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 using 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.](#)
8. [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 nuisance to health to neighbouring residents. \(Sub 57.33\)](#)

5.2 OBJECTIVES AND POLICES

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 area 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 and ecological values are enhanced where practicable.
- 5.2.1.7 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.
- 5.2.1.8 Manage the effects of activities within the zone that use, store, or dispose of **hazardous substances** to prevent contamination of waterways and soil.
- 5.2.1.9 Provide for limited **commercial activities** within the zone to enable ~~a the~~ [\(sub 8.17\)](#)-marina to function.
- 5.2.1.10 Recognise, and where, ~~practicable-enhance~~ [conserve \(Sub 18.53\)](#) cultural values.
- 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 Provide for cultural activities.
- 5.2.1.13 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 \(Sub 17.111\)](#).**

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 the **amenity values [and maintains or enhances public access to the coastal marine area \(Sub 17.112\)](#)** within the zone.
- 5.2.3.3 Ensure that [where necessary \(Sub 15.5\)](#) any development provides for **landscaping** to enhance the visual amenity of the zone and adjacent areas.

OBJECTIVE

- [5.2.4 Activities in the zone require a functional need to locate in proximity to infrastructure located in the coastal environment. \(Sub 7.1\)](#)
- [5.2.4.1 To recognise and provide for activities that need access to wharf and marine related services in the coastal environment. \(Sub 7.1\)](#)

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 Zone Standards are met.

- 5.3.1 Additional controls apply in relation to the following activities. Refer to the Chapters identified:

- Activities on the Surface of the Water - refer Chapter 12
- Landscapes and Habitats - refer Chapter 13
- Heritage - refer Chapter 14
- Subdivision - refer Chapter 15
- Network Utilities - [refer Chapter 17 are subject to the provisions in Chapter 17 \(Sub 39.27\)](#)
- Natural Hazards - refer Chapter 18

5.3.2 PERMITTED ACTIVITIES

5.3.2.1 Subject to compliance with the Zone Standards in Section 5.5, the following activities may be established in the Marine Services Zone, without resource consent:

1. Activities on reserves as provided for in the Reserves Act 1977 or under an approved Reserve Management Plan.
2. **Temporary Activities.**
3. **Buildings** and activities **accessory** to a Permitted Activity.
4. **Maintenance** work carried out by Bay of Plenty Regional Council on established drainage and flood control scheme works.
5. **Temporary buildings** and activities required for a **building** or construction project of not more than 12 months duration.
6. **Signs** meeting the following standards:
 - (a) **Temporary signs** with an area of less than 1.8m², where the written consent of the landowner has been obtained and a copy provided to **Council**.
 - (b) Traffic **signs**, or **signs** denoting the name of the street, number of the premises or the location or timetable or other details of any public utility or facility.
 - (c) **Signs** attached to **buildings** provided that the total area does not exceed 4m².
 - (d) [Two free-standing pole-mounted signs on a site where the frontage of a 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.](#)
 - (e) [Signs that are visible from the State Highway are a permitted activity provided the following are met:](#)
 1. [Do not have reflective material or illumination that flashes or moves](#)
 2. [Must not obstruct impair the view of any official traffic sign and signal, or the line of sight of any corner, bend, intersection or vehicle crossing;](#)
 3. [Must not physically obstruct or impede traffic or pedestrians](#)

[4. Must not be likely to be confused with any official traffic sign, or signals;](#)

[Must not use support structures which are not frangible;](#)

[and](#)

[\(d\) Must not cause any traffic safety effects \(Sub 12.7\).](#)

7. **Temporary Military Training Activities** complying with the noise controls in Appendix 3.

8. **Navigational Aids.**

9. Maintenance and operation of a marina facility.

10. Maintenance of lawfully existing wharf facilities.

11. Cafés.

12. **Restaurants.**

13. Carparking facilities.

14. Boat storage.

15. Boat sales.

16. Boat dry stack.

17. Tourism operations.

18. Harbour Master office.

19. Loading and unloading cargo [and associated cargo handling activities \(Sub 15.6\).](#)

[20. Chandlery.](#)

[21. Vessel refuelling \(Sub 15.7\)](#)

[22. On water vessel maintenance \(Sub 15.7\)](#)

[23. Storage of aquaculture related equipment and materials \(Sub 15.7\)](#)

[20-24. Emergency services training and management activities \(Sub 19.9\)](#)

5.3.3 CONTROLLED ACTIVITIES

5.3.3.1 Subject to compliance with Zone Standards in Section 5.5, the following activities may be established after Land Use Consent has been granted by **Council**:

1. **Places of assembly.**
2. **Temporary buildings and temporary activities** not listed as a Permitted Activity.
3. **Development and construction of a marina.**

5.3.4 RESTRICTED DISCRETIONARY ACTIVITIES

5.3.4.1 The following activities may be established after Land Use Consent has been granted by **Council**.
The **Council** may grant or refuse resource consent for a Restricted Discretionary Activity:

1. Activities not complying with Rules 5.6.11 (*Wastewater Connections*), 5.6.12 (*Stormwater Management*) and 5.6.13 (*Water Supply*).

2. Activities not complying with Rules 5.5.2.1(*Building Coverage*), 5.5.2.2 (*Height*), 5.5.2.3 (*Daylight Protection*), 5.5.3 (*Yards*). (Sub 8.22)

4-3.Construction of a marina (Sub 17.144)

5.3.5 DISCRETIONARY ACTIVITIES

5.3.5.1 The following activities may be established after Land Use Consent has been granted by **Council**.
The **Council** may grant or refuse resource consent for a Discretionary Activity:

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 5.7.

5.3.6 NON-COMPLYING ACTIVITIES

5.3.6.1 Any activity not specifically stated as a Permitted Activity, Controlled Activity, Restricted Discretionary or Discretionary Activity, and unless otherwise stated, shall be a Non-complying Activity and is allowed only if resource consent is obtained.

5.4 ASSESSMENT CRITERIA FOR RESERVED CONTROLLED ACTIVITIES (Sub 17.5)

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 \(Sub 17.113\)](#).

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 \(Sub 8.19\)](#).
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 carparking, service lanes, and **loading spaces** associated with the activity.

5.4.1.4. Historical, archaeological, ~~and~~ cultural values and (sub 17.21) 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 [resources of importance to Māori -historic, archaeological and cultural values and resources of importance to Māori. \(Sub 17.21\)](#)
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. Treatment of wastes produced on the site

1. 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.

- 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.

5.4.1.7 Management of stormwater

1. The programme for the collection, containment, treatment and appropriate disposal of any stormwater from the activity, including:
- (a) 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-standing 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.

Council may impose conditions on resource consent for a Controlled Activity only in relation to the matters stated above.

5.5 ~~ASSESSMENT CRITERIA FOR~~ RESTRICTED DISCRETIONARY ACTIVITIES(Sub 17.5)

5.5.1 The Council will restrict its discretion to the following matters:

5.5.1.1 Activities not complying with Rules 5.5.9 (Wastewater Connections), 5.5.10 (Stormwater Management), 5.5.11 (Water Supply)

Wastewater connections

1. Mitigation of effects on existing infrastructure and the environment from:
 - i. Sewerage flow volumes.
 - ii. Sewerage flow rates.
 - iii. Sewerage flow timing.
 - iv. Sewerage connections and on-site reticulation/infrastructure specifications.
 - v. Practicality of connection to Council's existing infrastructure.

Stormwater connections

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

Potable Water connections

1. Management of water supply demand:
 - (a) Water flow rates.
 - (b) Water flow volumes.
 - (c) Water supply connections specifications.

5.5.1.2 Activities not complying with Rule 5.5.3.3 (Building setback from Council pipelines)

- (a) The obstruction of **access** to existing wastewater, water supply or stormwater reticulation.

5.5.1.3 Activities not complying with Rules 5.5.2.1(*Building Coverage*), 5.5.2.2 (*Height*), 5.5.2.3 (*Daylight Protection*), 5.5.3 (*Yards*). (Sub 8.22)

1. The adverse effects on the amenity of sites in terms of:
 - a. Shadowing
 - b. Physical domination
 - c. Privacy
 - d. Lighting (Sub 8.22).

5.5.1.3 Natural Hazard Occurrence

- a. The susceptibility of the site to natural hazards and the measures implemented to mitigate the effects of natural hazards;
- b. The effects that the activity may have on the Volkners Island and Tarawa Creek ponding areas (Sub 17.60).

5.5.1.4 Historical, archaeological and cultural values and (Sub 18.21) 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. (Sub 18.21).

5.5.1.5 Effects of the activity on adjoining sites (Sub 17.144)

4. The size and location of **buildings** having regard to the activities on the **site** and the effect on neighbouring properties and coastal environment (Sub 8.19).
5. Any measures to be implemented to mitigate the effects from the activity, such as visual effects, odour, noise, and light spill.
6. Mitigation of short term construction effects.

5.5.1.6 Vehicle access and manoeuvrability (Sub 17.144)

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

5.5 ZONE STANDARDS

These Zone Standards apply, unless otherwise stated, to all Permitted and Controlled Activities and will be used as guidelines when assessing applications for Discretionary and Non-complying Activities.

5.5.1 DESIGN

5.5.1.1 Marina Design

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

[5.5.1.2](#) [Activities in the marine services zone shall be located in general accordance with the Marina Structure Plan. Non-compliance with this standard shall be considered a Discretionary Activity \(Sub 17.118\).](#)

5.5.2 SITE REQUIREMENTS

5.5.2.1 Building Coverage

The maximum footprint of a **building** shall be 1000m² unless otherwise provided for under a Reserve Management Plan. [Non-compliance with this standard shall be considered a Restricted Discretionary Activity \(Sub 8.22\)](#)

5.5.2.2 Height

The maximum **height** of **buildings** within the zone shall be 9m. [Non-compliance with this standard shall be considered a Restricted Discretionary Activity \(Sub 8.22\)](#)

5.5.2.3 Daylight protection

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. [Non-compliance with this standard shall be considered a Restricted Discretionary Activity \(Sub 8.22\)](#)

5.5.3 YARDS

5.5.3.1 Separation from adjoining properties

1. 7.5m from a boundary with a Residential Zone.
2. 0m from a boundary within the Marine Services Zone, subject to compliance with other Zone Standards.

[Non-compliance with this standard shall be considered a Restricted Discretionary Activity \(Sub 8.22\)](#)

5.5.3.2 Building setbacks from roads

All **buildings** shall be set back at least 4.5m from the **road** boundary where the land opposite is not zoned **Marine Services Zone**. This Rule shall not apply to carparking areas or **roads** within the zone.

[Non-compliance with this standard shall be considered a Restricted Discretionary Activity \(Sub 8.22\)](#)

5.5.3.3 Building setback from Council pipelines

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.

Non-compliance with this standard shall be assessed as a Restricted Discretionary Activity.

5.5.4 LANDSCAPING

5.5.4.1 Screening of storage areas

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

5.5.4.2 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.

5.5.4.3 **Screening and landscaping**

Landscaping shall be provided along the frontage of the **site** that interfaces with the Residential Zone, and the **road** frontage of carparking areas.

5.5.5 **NOISE AND GLARE**

5.5.5.1 **Noise**

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 boundary of a Marine Service. Provided that at the boundary of a **site** within the Coastal or Residential Zone the **noise limits** for the relevant Zone shall be complied with.

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 70LAmx	

Except where expressly provided elsewhere in this Plan, noise shall be measured in accordance with the provisions of NZS 6801:2008 [Acoustics\(Sub57.68\)](#) Measurement of [Environmental \(Sub57.68\)](#) Sound, and assessed in accordance with the provisions of NZS 6802:2008 [Assessment\(Sub57.68\) -Acoustics -of](#) Environmental Noise.

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 -\(Sub57.68\)](#) Construction Noise.

5.5.5.2 **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**.

5.5.6 PARKING AND ACCESS

5.5.6.1 Parking and loading

Carparking and provision for loading shall be provided in relation to every activity whether new, extended or where the use is changed, as follows:

1. On-site carparking shall be as follows:

Marinas	0.6 space/wet berth
	0.2 space/swing mooring
Retail activities	1 space per 20m ² total floor area
Commercial activities	1 space per 40m ² total floor area
Food selling premises	1 space per 20m ² total floor area
Service industries	1 space per 50m ² total floor area
Places of assembly	1 space per 5 persons accommodated
2. The dimensions and design standards are set out in Appendix 1.
3. 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.
4. No vehicle **access** shall be located within 15m of an intersection.
5. Parking may be provided in a commercial parking area.

5.5.7 VEHICLE ENTRANCE DESIGNS

5.5.7.1 Residential and commercial vehicle entrance designs shall comply with Appendix 4.

5.5.8 FLOOR LEVELS

5.5.8.1 Floor levels shall be sufficient to ensure that water does not enter **buildings** in a 1% AEP (Annual Exceedance Probability) event. Council holds information about flood levels within the Ōpōtiki urban area.

5.5.9 WASTEWATER

5.5.9.1 Wastewater Connections

1. All new developments within any of **Council's** wastewater scheme boundaries shall connect to the **Council's** wastewater system.
2. All new wastewater management systems shall be designed and constructed in accordance with 17.4.2.

5.5.10 STORMWATER

5.5.10.1 Stormwater Management

A stormwater disposal system shall be provided for any residential, community or business activity. The stormwater management system shall be designed and constructed in accordance with Rule 17.4.3.

5.5.11 POTABLE WATER

5.5.11.1 Water Supply

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 17.4.4.

5.6 OTHER METHODS

5.6.1 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 of \(Sub 17.51\)](#) 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. **Council's** capital works programmes for street paving, street kerbing and channelling.
7. Consents from Bay of Plenty Regional Council for earthworks, land **disturbance** and discharges to air, land, and water.

5.7 EXPECTED ENVIRONMENTAL RESULTS

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

MARINE SERVICES ZONE

- 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.

5.7 APPENDIX

5.7.1 MARINE SERVICES ZONE STRUCTURE PLAN

