

# 21. Marine Facilities Zone

## 21.1 Introduction

The Marine Facilities Zone is limited to an area of South Bay used principally for marine-based activities. The main activities in the MF Zone include recreational, commercial boat parking (restricted to certain areas), the Kaikoura Coast Guard, tourist operators and recreational marine activities.

The area takes in land west of the coastguard; the seaward side of Moa Road; Kaka Road along to South Bay Parade; and the old limestone quarry at the eastern end of South Bay Parade. The MF Zone includes the Kaikoura Boat Club slipway, the South Bay slipway and areas of Recreation Reserve and Local Purpose Reserve.

The former limestone quarry, which currently forms part of a Scenic Reserve administered by the Department of Conservation, has been zoned MF as it is considered to be an appropriate site for recreational boat parking. This would alleviate pressure on residential streets, and mitigate adverse effects on South Bay residents, which arise from boat parking during peak seasons such as Easter and Christmas. However, the present classification of the reserve (scenic) is inappropriate for the intended purpose of boat parking. It will be necessary to change the classification to a local purpose (boat park) reserve, which involves a separate process. Also, any development of the quarry would need to be undertaken so as to avoid adverse effects on the environment, will require consent from the Department of Conservation, and may require consent from the District Council as well as the Regional Council.

The rules of the MF Zone are the over-riding control for new activities in the Zone. Existing tourist operators can continue to operate under the terms and conditions of the “South Bay Marine Facilities Resource Consent” and a separate “Tourist Operators Agreement”. Other existing activities can continue to operate under section 10 of the RMA (“existing uses”), provided they have been lawfully established. However, any expansion or alteration to existing activities and tourist operations may require a new resource consent under the rules of the MF Zone.

In terms of the Recreation Reserves and Local Purpose Reserves, the Reserves Act specifies activities which are appropriate for the intended purpose of the reserves, but with no consideration of adverse effects. The MF Zone rules go one step further by controlling effects of all activities so as to protect the environment, which includes people and communities, from adverse effects.

## 21.2 Issue 1 - Protecting the amenity of South Bay.

**A reasonable standard of amenity is required in South Bay to retain the amenity values presently enjoyed by residents.**

### 21.2.1 Objective 1

**To provide for activities in the Marine Facilities Zone which do not detract from residential amenity values.**

### 21.2.2 Policies

- 1. To ensure that activities adjacent to the boundary of a recreation or residential area do not adversely affect the amenity enjoyed within these areas.**

2. To improve the amenity and street environment of the Marine Facilities Zone by the use of performance standards to control matters such as height, noise, floor area and setback.
3. To control adverse effects of commercial activities through the application of District-Wide standards such as the use or storage of hazardous substances, and transport.
4. To continue with programmes for street enhancement, public facilities and open space.
5. To recognise existing activities, and to provide for appropriate new activities in the Marine Facilities Zone, in recognition of the strategic coastal location, the Zone's important role as a transport node, and the significance of the marine facilities to Kaikoura's economy.
6. To avoid the development of permanent tourist operator retail or ticketing facilities in order to protect the amenity of South Bay and in recognition that Business Zones are the most appropriate place for such activities.
7. To discourage the development of further commercial boat parking, and to discourage any permanent boat parking on public land in South Bay, in order to avoid adverse traffic effects and adverse effects on the amenity of South Bay residents.
8. To promote Council's "Zero Waste" policy by promoting and encouraging the reduction, reuse and recycling of unwanted materials.

### 21.2.3 Implementation Methods

1. To identify the Marine Facilities Zone in the District Plan which provides for activities needing to be located in the coastal environment and close to marine facilities at South Bay.
2. To include rules in the District Plan specifying performance standards at the interface between business, public open space and residential sites including:
  - road and neighbour setback, recession planes, height, noise, lighting spill, earthworks and waste management.
3. To control adverse effects of activities through the consent process.
4. Through the Council's annual planning process to continue to initiate and finance projects for street enhancement, public open space, and the provision of public facilities.
5. To control parking duration and location through appropriate bylaws.
6. Guidelines to promote and encourage the reduction, reuse and recycling of unwanted materials – refer to the Waste Management Guidelines - All Zones in Appendix G.

#### **Explanation and Reasons**

The grouping of activities with similar effects enables areas of different amenity to be maintained or created. The grouping of activities within areas can take into account existing development, the proximity to recreation and residential areas, the quality of environmental and amenity standards sought, and the nature of activities provided for.

The Marine Facilities Zone has been created at South Bay, in recognition of the existing commercial and recreational activities in the area and to provide for other activities which need to be located in the coastal environment close to marine facilities. However, it is important that the amenity of the coastal environment, including South Bay, is not adversely affected by any activities established. For this reason, activities generally require resource consent with limited exceptions for permitted activities, which are considered to be appropriate.

## 21.3 Anticipated Environmental Results

1. The creation of South Bay as an attractive, safe and pleasant area in which to work, live and visit.
2. Enhanced street appearance, pedestrian access, public facilities and open space.
3. Preservation of the amenities of residential environments.
4. The establishment of activities within the Marine Facilities Zone which need to be located in the coastal environment close to marine facilities, while ensuring that the amenity of the coastal environment and South Bay is not adversely affected.

## Marine Facilities Zone - Rules

### 21.4 Zone Description

The Marine Facilities zone is located at South Bay and extends from a former limestone quarry at the eastern end of South Bay Parade around to an area west of the Coastguard. The area is the site of the main launching ramp for small craft and is used by commercial fishing, tourist and private recreational boats. The area is also used for parking of commercial fishing and tourist boats.

The purpose of the zone is to recognise and provide for existing recreational and commercial boating activities.

### 21.5 Activities

Activities specified in the following table shall be assessed as permitted, restricted discretionary or unrestricted discretionary as shown, in respect of this section of the Plan.

**Table 21.5**

Status	Activity	Conditions
Permitted	<p><b>a.</b> Recreational activities limited to outdoor recreational activities and day time parking of recreational boat trailers</p> <p><b>b.</b> Commercial activities limited to the loading and unloading of fish and the embarking and disembarking of passengers from land-based transport only.</p> <p><b>c.</b> Community activities limited to coastguard / sea rescue facilities</p> <p><b>d.</b> Marine structures limited to the establishment of any boat ramp or slipway for the principal use of coastguard vessels</p> <p><b>e.</b> Take off and landing of aircraft limited to emergency landings, rescue, fire fighting, civil defence, or activities carried out by the New Zealand Defence Force</p>	Subject to compliance with performance standards in rule 21.6.
Restricted Discretionary	Any permitted activity which does not comply with one or more of the performance standards in 21.6.	Council's discretion restricted to those standards not complied with as indicated in table 21.6.
Unrestricted Discretionary	Any other activity not listed as	Discretion is not restricted to

Status	Activity	Conditions
	permitted or restricted discretionary	any particular matter. The performance standards in 21.6 will be used as a guide when assessing applications for unrestricted discretionary activities.

## 21.6 Performance Standards

Table 21.6

21.6	Standard						
1. Lighting	<p><b>a.</b> Exterior lights shall be shielded or directed away from adjacent sites and roads.</p> <p><b>b.</b> Exterior lights shall not result in lux spill which exceeds 3 lux maximum (horizontal and vertical) onto adjoining residential sites.</p> <p><b>c.</b> Light spill shall be measured at any point more than 2m inside the boundary of the adjoining site.</p>						
2. Noise	<p>All activities shall be conducted so that the following noise limits are not exceeded during the time-frames stated at any point within any Residential Zone, or at any point within the notional boundary of any dwelling in the Rural Zone.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">Monday to Saturday, 7am to 11pm</td> <td style="text-align: right;">55dBA Leq</td> </tr> <tr> <td>At all other times</td> <td style="text-align: right;">40dBA Leq</td> </tr> <tr> <td>On any day between 11pm and 7am the following day</td> <td style="text-align: right;">70dBA Lmax</td> </tr> </table>	Monday to Saturday, 7am to 11pm	55dBA Leq	At all other times	40dBA Leq	On any day between 11pm and 7am the following day	70dBA Lmax
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3. Height of Buildings	5.5m maximum						
4. Floor area	No building shall exceed 6m <sup>2</sup> gross floor area.						
5. Recession planes	No part of any building shall intrude into a recession plane constructed from points measured 2.5m above internal boundaries which adjoin residential sites as shown in Appendix H, unless exempt under Appendix H.						
6. Earthworks	<p><b>a.</b> Earthworks shall not exceed 30m<sup>3</sup> (volume) and/or 50m<sup>2</sup> (area) in any single 1000m<sup>2</sup> area.</p> <p><b>b.</b> There shall be no earthworks at Moa Point within the Recreation Reserve.</p>						
7. Internal boundary separation	No building shall be located closer than 5m to any internal boundary except for buildings less than 6m <sup>2</sup> in gross floor area.						
8. Road boundary separation	No building shall be located closer than 4.5m to any road boundary.						
9. Waste management	All activities, other than residential activities, shall comply with the Waste Management Protocol in Appendix G.						

**Note:** Enforcement provisions under the Act are available to be used by the Council, where any activity produces vibration, smell or dust or manufactures, stores, uses, transports or disposes of hazardous substances in such a way that has or is likely to be either noxious, dangerous, offensive or objectionable, to such an extent that it has or is likely to have an adverse effect on the environment.

## 21.8 General Rules

Attention is drawn to the following General Rules which may apply to activities undertaken in the Marine Facilities Zone in addition to any relevant Zone Rules. Resource consent may be required as a result of any one or more of these General Rules.

Natural Hazards	refer to Section 8
Hazardous Substances	refer to Section 9
Utilities	refer to Section 10
Landscape and Amenity	refer to Section 11

Transport	refer to Section 12
Subdivision	refer to Section 13
Financial Contributions	refer to Section 14
Heritage	refer to Section 15
Relocated Buildings, Temporary Buildings and Temporary Activities	refer to Section 17
Noise Provisions & Exemptions	refer to Appendix Q

**Note:** Part of the Marine Facilities Zone is seaward of the Hazard 1 and Hazard 2 line in the Regional Coastal Environment Plan. This plan contains certain rules restricting activities in the Hazard areas, and some activities are also prohibited (no consent can be applied for). Any person proposing to undertake an activity within the Marine Facilities Zone should contact the Regional Council for further information relating to the Regional Coastal Environment Plan.

