

MFZ - Marine Facilities Zone

The Marine Facilities Zone is a Special Purpose Zone that 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 main activities in the Marine Facilities Zone include recreational, commercial boat parking (restricted to certain areas), the Kaikōura Coast Guard, tourist operators and recreational marine activities. The purpose of the zone is to recognise and provide for existing recreational and commercial boating 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 Kaikōura 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 Marine Facilities Zone 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 Marine Facilities 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 Marine Facilities 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 Marine Facilities 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.

Key defined terms for this chapter	
Term	Definition
Amenity or Amenity Values	<p>has the same meaning as defined in Section 2 of the Resource Management Act 1991, which at the notification date of this Plan, means:</p> <p><i>"those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes."</i></p>
Building (NPS)	<p>Means a temporary or permanent movable or immovable physical construction that is:</p> <ul style="list-style-type: none"> a. partially of fully roofed; and a. fixed or located on or in land; <p>but excludes any motorised vehicle or other mode of transport that could be moved under its own power.</p>
Building Coverage (NPS)	<p>Means the percentage of the net site area covered by the building footprint.</p>
Commercial Activity (NPS)	<p>Means any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices).</p>
Community Activity	<p>means the use of land and buildings for the primary purpose of health, welfare, care, safety, education, research, culture and/or spiritual well-being, but excludes recreational activities. A community activity includes schools, hospitals, rest homes, doctors' surgeries and other health professionals, churches, marae, halls, libraries, community centres, police stations, fire stations, courthouses, probation and detention centres.</p>
Gross Floor Area (GFA) (NPS)	<p>Means the sum of the total area of all floors of a building or buildings (including any void area in each of those floors, such as service shafts, lift wells or stairwells) measured:</p> <ul style="list-style-type: none"> a. where there are exterior walls, from the exterior faces of those exterior walls;

	<ul style="list-style-type: none"> b. where there are walls separating two buildings, from the centre lines of the walls separating the two buildings; c. where a wall or walls are lacking (for example, a mezzanine floor) and the edge of the floor is discernible, from the edge of the floor.
Height (NPS)	Means the vertical distance between a specified reference point and the highest part of any feature, structure or building above that point.
Height in relation to boundary (NPS)	Means the height of a structure, building or feature, relative to its distance from either the boundary of: <ul style="list-style-type: none"> a. a site; or b. another specified reference point.
Recreational Activity	means the use of land and/or buildings for the primary purpose of recreation and/or entertainment which is not commercial and includes the sale of food and beverage for consumption on the site, provided it is ancillary to the recreational activity. Recreational activities include sport clubs, art, craft and hobby clubs (i.e., painting, pottery, bridge, chess, photography clubs. and outdoor recreation pursuits) but excludes any recreational activity within the meaning of residential activity.
Recreational Boat Parking	means a parking area set aside exclusively for the parking of vehicles, boats and trailers used for non-commercial recreation.
Site (NPS)	Means: <ul style="list-style-type: none"> a. an area of land comprised in a single record of title under the Land transfer Act 2017; or b. an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or c. the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title under the Land transfer Act 2017 could be issued without further consent of the Council; or <p>despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross</p>

	lease system, is the whole of the land subject to the unit development or cross lease.
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Cross-references
<p>In addition to the zone chapters, several district-wide and overlay chapters also contain provisions that may be relevant to the Marine Facilities Zone, including:</p> <p>HASZ - Hazardous Substances</p> <p>CE - Coastal Environment</p> <p>ECO - Ecosystems and Indigenous Biodiversity</p> <p>TRAN - Transport</p> <p>HH - Historic Heritage</p> <p>EW - Earthworks</p> <p>LIGHT - Light</p> <p>NOISE - Noise</p> <p>SUB - Subdivision</p>

Issues

MFZ-I1	Protecting the <i>amenity</i> of South Bay
<p>A reasonable standard of <i>amenity</i> is required in South Bay to retain the <i>amenity</i> values presently enjoyed by residents.</p>	

Objectives

MFZ-O1	Activities do not detract from <i>amenity</i>
<p>To provide for activities in the Marine Facilities Zone which do not detract from residential <i>amenity</i> values.</p>	

Policies

MFZ-P1	Activities do not detract from <i>amenity</i>
To ensure that activities adjacent to the boundary of a recreation or residential area do not adversely affect the <i>amenity</i> enjoyed within these areas.	
MFZ-P2	Improve <i>amenity</i> via performance standards
To improve the <i>amenity</i> and street environment of the Marine Facilities Zone by the use of performance standards to control matters such as <i>height</i> , noise, floor area and setback.	
MFZ-P3	Control adverse effects via district-wide performance standards
To control adverse effects of <i>commercial activities</i> through the application of District-Wide standards such as the use or storage of hazardous substances, and transport.	
MFZ-P4	Continue community improvement programmes
To continue with programmes for street enhancement, public facilities, and open space.	
MFZ-P5	Recognise existing and provide for appropriate activities
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 Kaikōura's economy.	
MFZ-P6	Avoid permanent tourist operations
To avoid the development of permanent tourist operator retail or ticketing facilities in order to protect the <i>amenity</i> of South Bay and in recognition that the Commercial Zone or Mixed Use Overlay are the most appropriate place for such activities.	
MFZ-P7	Discourage further commercial boat parking
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 <i>amenity</i> of South Bay residents.	
MFZ-P8	Promote Zero Waste policy

To promote Council's "Zero Waste" policy by promoting and encouraging the reduction, reuse and recycling of unwanted materials.

Rules

MFZ-R1	<i>Recreational activities (limited to outdoor recreational activities and daytime parking of recreational boat trailers)</i>
	<p>1. Activity status: Permitted</p> <p>Where:</p> <p style="padding-left: 40px;">a. Compliance is achieved with MFZ-S1 to MFZ-S6.</p>
	<p>1. Activity status: Restricted discretionary</p> <p>Where:</p> <p style="padding-left: 40px;">a. Compliance is not achieved with MFZ-S1 to MFZ-S6.</p> <p>Matters of discretion are restricted to:</p> <p style="padding-left: 40px;">1. The matters of discretion of any standard that is not complied with.</p>

MFZ-R2	<i>Commercial activities (limited to loading and unloading of fish and embarkation and disembarkation of passengers from land-based transport)</i>
	<p>1. Activity status: Permitted</p> <p>Where:</p> <p style="padding-left: 40px;">a. Compliance is achieved with MFZ-S1 to MFZ-S6.</p>
	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p style="padding-left: 40px;">a. Compliance is not achieved with MFZ-S1 to MFZ-S6.</p> <p>Matters of discretion are restricted to:</p> <p style="padding-left: 40px;">1. The matters of discretion of any standard that is not complied with.</p>

MFZ-R3	Community activities (limited to coastguard / sea rescue facilities)
	<p>1. Activity status: Permitted</p> <p>Where:</p> <p style="padding-left: 40px;">a. Compliance is achieved with MFZ-S1 to MFZ-S6.</p>
	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p style="padding-left: 40px;">a. Compliance is not achieved with MFZ-S1 to MFZ-S6.</p> <p>Matters of discretion are restricted to:</p> <p style="padding-left: 40px;">1. The matters of discretion of any standard that is not complied with.</p>

MFZ-R4	Marine structures (limited to establishment of boat ramps or slipways for the principal use of coastguard vessels)
	<p>1. Activity status: Permitted</p> <p>Where:</p> <p style="padding-left: 40px;">a. Compliance is achieved with MFZ-S1 to MFZ-S6.</p>
	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p style="padding-left: 40px;">a. Compliance is not achieved with MFZ-S1 to MFZ-S6.</p> <p>Matters of discretion are restricted to:</p> <p style="padding-left: 40px;">1. The matters of discretion of any standard that is not complied with.</p>

MFZ-R5	Take off and landing of aircraft (limited to emergency landings, rescue, firefighting, civil defence, or activities carried out by the New Zealand Defence Force)
	<p>1. Activity status: Permitted</p> <p>Where:</p>

	a. Compliance is achieved with MFZ-S1 to MFZ-S6.
	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with MFZ-S1 to MFZ-S6.</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters of discretion of any standard that is not complied with.</p>

MFZ-R6	Any other activity not listed as a Permitted or Restricted Discretionary activity
	1. Activity status: Discretionary.

Standards

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.

MFZ-S1	<i>Height of buildings</i>	
5.5m maximum	<p>Matters of discretion:</p> <p>The effects of not meeting the standard.</p> <p>Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.</p>	
MFZ-S2	Floor area	
No <i>building</i> shall exceed 6m ² <i>gross floor area</i> .	<p>Matters of discretion:</p> <p>The effects of not meeting the standard.</p> <p>Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.</p>	

MFZ-S3	Height in relation to boundary	
<p>No part of any <i>building</i> shall intrude into a recession plane constructed from points measured 2.5m above internal boundaries which adjoin residential <i>sites</i> as shown in Appendix 3, unless exempt under Appendix 3.</p> <p>Exceptions:</p> <ul style="list-style-type: none"> a. Chimneys, solar panels, ventilation shafts, roof water tanks, lift and stair shafts and spires, poles and masts, provided they do not exceed any relevant <i>height</i> limits specified in the District-Wide or Zone rules, and provided that their maximum dimension measured parallel to the boundary under consideration does not exceed 3m. b. A gable or hip end may penetrate the recession lines in Residential, Ocean Ridge Comprehensive Living Zone and Settlement Zones where a single gable or hip end with a base of 7.5m or less (excluding eaves) is parallel to a boundary and a recession line strikes no lower than halfway between the eaves and ridge line. 	<p>Matters of discretion:</p> <p>The effects of not meeting the standard.</p> <p>Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.</p>	
MFZ-S4	Internal boundary separation	
<p>No <i>building</i> shall be located closer than 5m to any internal boundary except for <i>buildings</i> less than 6m² in <i>gross floor area</i>.</p>	<p>Matters of discretion:</p> <p>The effects of not meeting the standard.</p> <p>Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.</p>	
MFZ-S5	Road boundary separation	

<p>No building shall be located closer than 4.5m to any road boundary.</p>	<p>Matters of discretion: The effects of not meeting the standard. Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.</p>
<p>MFZ-S6</p>	<p>Waste management</p>
<p>All activities, other than residential activities, shall comply with the Waste Management Protocol in Appendix 2.</p>	<p>Matters of discretion: The effects of not meeting the standard. Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.</p>

Methods Other Than Rules

<p>MFZ-M1</p>	<p>Identify extent of the Marine Facilities Zone</p>
<p>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</p>	
<p>MFZ-M2</p>	<p>Rules and performance standards for the Marine Facilities Zone</p>
<p>To include rules in the District Plan specifying performance standards at the interface between business, public open space and residential <i>sites</i> including road and neighbour setbacks, <i>height in relation to boundary</i>, <i>height</i>, noise, lighting spill, earthworks, and waste management.</p>	
<p>MFZ-M3</p>	<p>Resource consents</p>
<p>To control adverse effects of activities through the consent process.</p>	
<p>MFZ-M4</p>	<p>Annual planning process</p>
<p>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.</p>	
<p>MFZ-M5</p>	<p>Parking bylaws</p>

To control parking duration and location through appropriate bylaws.	
MFZ-M6	Promote waste management guidelines
Guidelines to promote and encourage the reduction, reuse and recycling of unwanted materials – refer to the Waste Management Guidelines - All Zones in Appendix 2.	

Principal Reasons

MFZ-PR1	Recognising the existing mixed environment and provide for compatible future activities
<p>The grouping of activities with similar effects enables areas of different <i>amenity</i> 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 <i>amenity</i> standards sought, and the nature of activities provided for.</p> <p>The Marine Facilities Zone has been created at South Bay, in recognition of the existing <i>commercial</i> and <i>recreational activities</i> 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 <i>amenity</i> 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.</p>	

Anticipated Environmental Results

MFZ-A1	Anticipated environmental results in the Marine Facilities Zone
<ol style="list-style-type: none"> 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 <i>amenity</i> of the coastal environment and South Bay is not adversely affected. 	