

# **rules coastal marine area**

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# **CMr Rules**

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## **CMr.1 Rule table - rules**

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This section and the Rule Tables that follow contain rules applicable in this Area.

Note that there may be relevant District-wide rules that appear in the Appendices. These rules will be linked to the Area rules either by direct reference from within the Area rules, through definitions, or through overlays or other notations on the maps. These rules must also be complied with.

Note also that a small portion of the Coastal Marine Area adjacent to the commercial port is zoned Industrial. Within this area, the provisions of both Chapter 13 (Coastal Marine Area) and Chapter 10 (Industrial Zone) apply. Where there is any conflict, the Coastal Marine provisions shall take precedence.

## **CMr.2 Prohibited activities**

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The following activities are prohibited activities for which no resource consent shall be granted:

- a) Use, storage, or disposal of radioactive material with an activity exceeding 1000 terabecquerels
- b) Disposal of hazardous substances
- c) The introduction or planting of the exotic plant species *Spartina*
- d) Aquaculture structures in estuaries

## **CMr.3 Permitted activities**

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A permitted activity is one that is allowed without a resource consent if it complies with the conditions specified in the “permitted” column of the Rule Table. In the Coastal Marine Area, a resource consent must be obtained for any activity not expressly referred to in the rules.

Certain permitted activities are subject to a condition for the payment of Financial Contributions of the amounts, and for the purposes, set out in Chapter 6. This condition is additional to any conditions mentioned in the rules, and may be the only condition in the case of activities where conditions are not otherwise mentioned in the rules. The permitted activities subject to a condition for financial contributions are:

- a) Building work
- b) Connection to the Council’s water supply system
- c) Connection to the Council’s sewerage system for the purpose of disposing of trade waste
- d) As provided in rules

## **CMr.4 Controlled activities**

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A resource consent is required for a controlled activity. (See Chapter 3 for a fuller description of controlled activities.) Controlled activities must comply with the standards and terms set out in the “controlled” column of the Rule Table. Consent will usually be granted for a controlled activity. Conditions may be imposed on the matters stated in the column as matters that control is reserved over. These matters are also relevant to the assessment of effects to be supplied by the applicant for a resource consent. (See rule CMr.9 below regarding further matters of control.)

## **CMr.5 Discretionary activities/restricted discretionary activities**

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A resource consent is required for a discretionary activity. (See Chapter 3 for a fuller description of discretionary activities.) Discretionary activities must comply with the standards and terms set out in the “discretionary” column of the Rule Table. The Council has discretion to grant or refuse consent. The matters stated in the “assessment criteria” column of the Rule Table will guide assessment of effects and conditions, but do not restrict the Council’s discretion. Conditions of any type

authorised by the Act (including financial contributions under Chapter 6) may be imposed on discretionary activities.

Some discretionary activity rules state that discretion is restricted. In these cases, the Council may refuse consent, or impose conditions only in respect of the matters stated in the discretionary column as matters that discretion control is restricted to. These matters are also relevant to the assessment of effects to be supplied by the applicant for a resource consent. (See rule CMr.9 below regarding further matters of restricted discretion.)

Note that some non-complying activities may also be listed within the “Discretionary” column. Where this occurs the column has been headed “Discretionary/Non-complying”.

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**CMr.6 Non-complying activities**

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A resource consent is required for a non-complying activity. (See Chapter 3 for a fuller description of non-complying activities.) Non-complying activities mostly arise where activities do not comply with the standards and terms set out in the “discretionary” column of the Rule Table (as per AD6.5.ii in Chapter 3 Administration, activities in these circumstances should automatically be considered non-complying). A direct statement of non-complying activities may also appear in the rules. The Council has discretion to grant or refuse consent and is required to refuse in certain circumstances (see Chapter 3). Conditions of any type authorised by the Act (including financial contributions under Chapter 6) may be imposed on non-complying activities.

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**CMr.7 Restricted coastal activities**

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The requirement for an activity to be specified as a restricted coastal activity was removed by the NZ Coastal Policy Statement 2010.

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**CMr.8 Scheduled sites**

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Any activity listed in a Schedule following the Rule Table shall comply with the rules set out in that Schedule.

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**CMr.9 Controlled activities and restricted discretionary activities.**

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In the Rule Tables every controlled activity, and every discretionary activity where discretion is restricted, contains a list of matters over which control is reserved, or discretion is restricted. The matters listed below are additional matters applicable to every controlled activity and restricted discretionary activity. They are stated here, rather than repeated in Rule Tables, in order to save space.

Matters over which control is reserved or discretion restricted:

- CMr.9.a** Financial contributions in the form of money, land, works or services, or a combination of these. (See Chapter 6), and
- CMr.9.b** Bonds or covenants or both, to ensure performance or compliance with any conditions imposed, and
- CMr.9.c** Administrative charges to be paid to the Council in respect of processing applications, administration, monitoring and supervision of resource consents, and for the carrying out of the Council’s functions under section 35 of the Act, and
- CMr.9.d** The duration of a resource consent, under section 123 of the Act, and

- CMr.9.e Lapsing of a resource consent, under section 125 of the Act, and
- CMr.9.f Change and cancellation of a consent, under sections 126 and 127 of the Act, and
- CMr.9.g Notice that some or all conditions may be reviewed at some time in the future, under section 128 of the Act, and
- CMr.9.h Whether any land use or subdivision consent should attach to the land to which it relates, and be enjoyed by the owners and occupiers for the time being, under section 134 of the Act, and
- CMr.9.i The matters listed in CMr.10, and
- CMr.9.j Transferability of resource consents as set out in Section 135 of the Resource Management Act 1991.

## **CMr.10            Conditions on discharge permits**

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When considering any coastal permit to discharge contaminants or water into coastal water, Council may impose conditions in respect of any matter that it considers appropriate for the purposes of fulfilling the requirements of the Act, including any of the following:

- a) flow recording
- b) review of conditions
- c) the mixing zone
- d) receiving water standards to be upheld
- e) monitoring of receiving environment
- f) the location, flow rates, timing of the discharge
- g) effluent standards, composition, concentration, total load of contaminants
- h) effluent monitoring
- i) means to avoid, remedy or mitigate potential adverse effects including the use of the best practical option for the treatment or disposal of contaminants
- j) preparation of contingency plans
- k) provision of warning signs
- l) public notification of the intention to discharge
- m) the term of the consent
- n) administrative charges
- o) review
- p) transferability of resource consents as set out in Section 135 of the Resource Management Act 1991.

## **CMr.11            Regional rules, and regional and district rules**

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In the Rule Tables a number of rules are indicated as being Regional rules, or Regional and District Rules. These are rules that derive in total or in part from the regional functions of the Council. Regional rules have a different impact on matters such as designations (which must comply with regional rules) and existing use rights, which are much more limited in respect of regional matters. See sections 176 (Effect of a designation), 10 (Certain existing uses in relation to land protected), 10A, 10B, and 20 (Certain existing lawful activities allowed) of the Resource Management Act 1991.

## **CMr.12            Zoning for new reclamations at the Port Industrial Area**

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Any reclamation which is

- a) approved by resource consent, and
- b) constructed after 25 October 1996, and
- c) within the boundaries of Port Nelson Limited's coastal permit as defined on Planning Maps 6 and 10 in Volume 4 of this Plan,

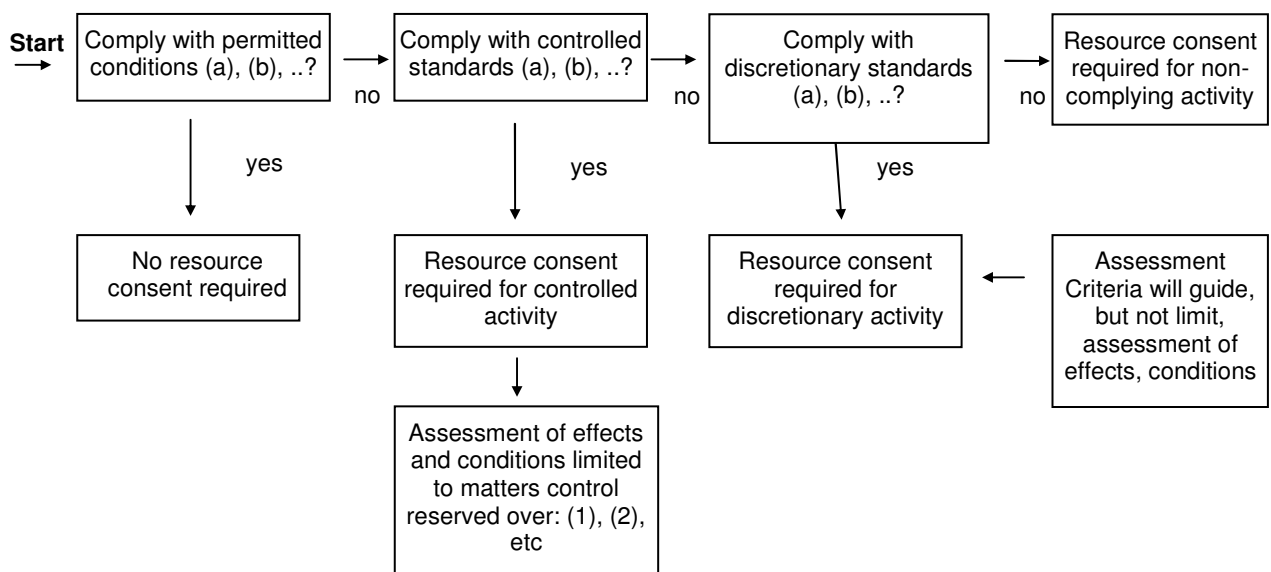
shall be deemed to be zoned Industrial

Each row of the Rule Table presents rules that regulate or allow one activity, or type of activity, or effect. Read along the row from left to right to determine whether a proposed activity is permitted, controlled, discretionary or non-complying. This progression across the Rule Table is called a “cascade.” (See flow chart below.)

If an activity satisfies the conditions stated in the permitted activity column, then it is permitted. If not, look to the next column (controlled). If it satisfies the standards and terms in the controlled column, it is a controlled activity. If not, then look at the next column (discretionary) to see if it fits the standards and terms stated there. If the activity satisfies the standards and terms in the discretionary column it is discretionary. Otherwise it is a non-complying activity.

Further explanation of the Rule Table and cascade is contained in Chapter 3.

The following flow chart illustrates the cascade across the Rule Table.



**CMr.13.1** Note that there are some rules, generally relating to post-development conditions, which do not trigger the activity into requiring a discretionary resource consent. Where relevant, this is indicated in the explanation to those rules.



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## rule table

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>CMr.20</b>  <b>Exclusive occupation</b>                      [note – this rule is a regional rule]</p>	<p>CMr.20.1                      Exclusive occupation of the Coastal Marine Area is a permitted activity if:                      the occupation is solely by a structure, permitted under a rule in this Chapter or a resource consent.</p>	<p>CMr.20.2                      not applicable</p>	<p>CMr.20.3                      Exclusive occupation of the Coastal Marine Area that contravenes a permitted condition is discretionary, provided that the area occupied is not within the Marine ASCV Overlay, and it does not exceed 0.5ha.                      Exclusive occupation of the Coastal Marine Area is a non-complying activity if the area occupied is in the ASCV overlay, or between 0.5ha and 10ha.                      Exclusive occupation of the Coastal Marine Area is a non-complying activity if it would:</p> <ul style="list-style-type: none"> <li>i) exclude or effectively exclude public access from areas over 10ha (except where such exclusion is required in commercial port areas for reasons of public safety or security), or</li> <li>ii) exclude or effectively exclude the public from more than 316m along the length of the foreshore, or</li> <li>iii) involve occupation or use of areas greater than 50ha and such occupation or use would restrict public access to or through such areas.</li> </ul>



## coastal marine area

Assessment Criteria	Explanation
<p>CMr.20.4</p> <ul style="list-style-type: none"> <li>a) the values for which any occupied area has been identified as having significant conservation value including any new information.</li> <li>b) any circumstances which make continued treatment of the area as having significant conservation value inappropriate.</li> <li>c) The effect of the activity proposed on the values identified and the environment in general.</li> <li>d) The availability of alternative sites.</li> <li>e) Ways in which adverse effects of the activity proposed can be avoided, remedied or mitigated or can be offset by enhancement of other areas.</li> <li>f) the justification for exclusive occupation and the extent of the occupation.</li> <li>g) existence or otherwise of practical alternatives to exclusive occupation.</li> <li>h) effects on public access and non-exclusive uses such as fishing, recreational activities.</li> <li>i) payment by the person responsible for the activity to the Council, on behalf of the Crown, a coastal occupation charge stipulated by Council in accordance with the Resource Management Act.</li> <li>j) the effect on historic heritage.</li> </ul>	<p>CMr.20.5</p> <p>The exclusive occupation of large areas of the Coastal Marine Area is a non-complying activity.</p> <p>Activities involving the occupation of coastal space can affect public access and other activities, depending on the degree of exclusion sought. Proposals for such activities need to be subject to full Council and public scrutiny.</p> <p>Portions of the Rocks Road retaining wall are in the Coastal Marine Area and this occupation of space is permitted.</p> <p>It should be noted that there are some parts of the Coastal Marine Area that are contained in titles which are in private ownership.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>CMr.21</b> <b>Structures – general</b> [note – this rule is a regional rule]</p>	<p>CMr.21.1 Erection or placement of structures in the Coastal Marine Area is permitted if: the structure is one of the following, permitted under a rule in this Chapter:</p> <ul style="list-style-type: none"> <li>i) outfall structures</li> <li>ii) mooring anchor blocks.</li> <li>iii) temporary structures, other than whitebait stands, or <ul style="list-style-type: none"> <li>a) the structure is permitted under another rule in this Chapter, or</li> <li>b) the structure is a temporary structure, removed within six weeks of construction.</li> </ul> </li> </ul>	<p>CMr.21.2</p> <ul style="list-style-type: none"> <li>a) Erection or placement of any berthing structure or launching structure with a handling capacity of 130 tonnes or less gross weight is controlled if: <ul style="list-style-type: none"> <li>i) the structure is located inside the seaward boundary of the coastal permit granted to Port Nelson Limited dated 27 July 1994, or falls within the additional area identified on Planning Map 6; and</li> <li>ii) is erected within that part of the area described in i) above which lies to the north of the line A-B showing on Planning Maps 6 and 10; and</li> <li>iii) the structure does not extend into the Coastal Marine Area beyond the line of any adjoining structure, or beyond a line 25m from, and parallel to, MHWS; and</li> <li>iv) the activity is not contrary to any other provisions of the Plan; OR</li> </ul> </li> <li>b) Placement of a mooring is controlled if the mooring is within an area of existing moorings that has available additional mooring space and the mooring when complete does not prevent reasonable navigation between any existing launching, mooring or berthing facility and the Port entrance.</li> </ul> <p>In respect of a) above control is reserved over:</p> <ul style="list-style-type: none"> <li>i) design of structure (including height and construction materials);</li> <li>ii) the siting and nature of any mooring;</li> <li>iii) provision of waste disposal facilities;</li> <li>iv) contingency planning to prevent spills of contaminants;</li> <li>v) noise and light emissions;</li> <li>vi) public access;</li> <li>vii) timing of works;</li> <li>viii) the duration of the consent;</li> <li>ix) information and monitoring requirements;</li> <li>x) coastal occupation charges;</li> <li>xi) navigational safety.</li> </ul> <p>In respect of b) above control is reserved over:</p> <ul style="list-style-type: none"> <li>i) The siting and nature of any mooring;</li> <li>ii) The duration of the consent;</li> <li>iii) Coastal occupation charges;</li> <li>iv) Navigational safety.</li> </ul>	<p>CMr.21.3 Erection or placement of structures that:</p> <ul style="list-style-type: none"> <li>a) are not dealt with specifically in other rules, or</li> <li>b) are floating or open pile structure(s) which will not impede water flow, or</li> <li>c) contravene a permitted condition or controlled standard in this rule are discretionary.</li> </ul> <p>Erection or placement of structures within the estuaries is a non-complying activity. (N.B. Refer Rule CMr.2 – Prohibited Activities).</p>
<p><b>CMr.22</b> <b>Out fall and navigation structures</b> [note – this rule is a regional rule]</p>	<p>CMr.22.1 Outfall structures are permitted if:</p> <ul style="list-style-type: none"> <li>a) maximum internal diameter is 800mm, and</li> <li>b) it extends 6m or less into the Coastal Marine Area, and</li> <li>c) placement or use of the structure does not result in erosion, scour, or deposition, and</li> <li>d) it is placed or designed in such a way as to prevent tidal back flow and fish entrapment, and</li> <li>e) it is not placed on or adjacent to Tahunanui Main Beach, (other than the Rocks Road retaining wall, which is permitted).</li> </ul> <p>Structures for the sole purpose of navigation aid for shipping are permitted if they are located within the Port Operational Area.</p>	<p>CMr.22.2 Structures for the sole purpose of a navigation aid for shipping are controlled where the structure is not located within the Port Operational Area.</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> <li>i) location, and</li> <li>ii) design matters that relate to visual amenity, nuisance, and</li> <li>iii) the duration of the consent, and</li> <li>iv) information/monitoring requirements, and</li> <li>v) effects of noise and glare.</li> </ul>	<p>CMr.22.3 Activities that contravene a permitted condition or controlled standard are discretionary.</p>

Assessment Criteria	Explanation
<p>CMr.21.4</p> <ul style="list-style-type: none"> <li>a) the appropriateness of the structure.</li> <li>b) the suitability of the site in terms of prevailing wave, tide and wind conditions, particularly during storm events.</li> <li>c) the extent of the area potentially affected and likely effects on conservation values.</li> <li>d) effects on physical or ecological process.</li> <li>e) effects on public access, amenity and recreation values.</li> <li>f) the manner in which access, dinghy storage and parking would be dealt with on land.</li> <li>g) the proximity of existing launching or mooring structures (areas with existing lawful moorings will be favoured over locations without moorings).</li> <li>h) effects on navigational safety.</li> <li>i) effects on water quality.</li> <li>j) the effect on historic heritage.</li> </ul> <p>In the case of structures in Marine Areas of Significant Conservation Value, these additional criteria:</p> <ul style="list-style-type: none"> <li>k) the values for which the area has been identified as having significant conservation value as listed in Appendix 4 including any new information.</li> <li>l) the effect of the activity proposed on the values identified and the environment in general.</li> <li>m) the availability of alternative sites.</li> <li>n) ways in which adverse effects of the activity proposed can be avoided, remedied or mitigated or can be compensated for by enhancement of other areas.</li> <li>o) any circumstances which make continued treatment of the area as having significant conservation value inappropriate.</li> </ul>	<p>CMr.21.5</p> <p>Some provision is made for the erection or placement of minor launching or berthing structures within the northern part of the Port industrial area subject to limitations on size, location, and Council control over design and operational features. The rule recognises the highly modified nature of the Port environment and its primary function as a transport node and point of access to and from the sea. It is appropriate that proposals for the erection or placement of launching mooring or berthing structures outside the port area be subject to full Council and public scrutiny through the discretionary consent process.</p> <p>The erection or placement of launching or berthing structures at the southern extremity of the port, or of other structures within the Coastal Marine Area (i.e. other than those dealt with in specific rules) has the potential for significant adverse effects on navigation safety, amenity values, or conservation values. Consequently "other structures" are dealt with as discretionary activities subject to full Council and public scrutiny.</p> <p>This rule covers structures used for aquaculture.</p> <p>There are other rules that specifically deal with the erection or placement of structures, other than provided for in CMr.21.3, and reference should be made to the more specific rules in this chapter.</p>
<p>CMr.22.4</p> <ul style="list-style-type: none"> <li>a) extent to which the structure may be used for purposes other than its intended purpose.</li> <li>b) effects of noise and glare.</li> <li>c) effects on visual amenity values.</li> <li>d) potential for structure to cause erosion or deposition.</li> <li>e) effects on tidal back flow/fish entrapment.</li> <li>f) potential of structure to obstruct fishing activities or to be at risk from dragging anchors.</li> <li>g) effect of construction on ecological and amenity values.</li> <li>h) the effect on historic heritage.</li> </ul>	<p>CMr.22.5</p> <p>Navigation aids are essential for safety reasons. The placement and operation of navigation aids although generally low impact activities, can have significant adverse effects on visual amenity values and, consequently, their siting needs to be subject to a degree of planning control. However, navigation aids are permitted within the Port Operational Area as they are essential and are unlikely to have significant effects within this highly modified coastal environment.</p> <p>The placement of small outfall structures generally has little effect on the environment if sound design and construction principles are adhered to. The placement of larger outfall structures has greater potential for adverse effects and is therefore treated as a discretionary activity. Note that discharges from outfall structures are regulated under separate rules.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>CMr.23</b>  <b>Mooring anchor blocks</b>            [note – this rule is a regional rule]</p>	<p>CMr.23.1            Mooring anchor blocks on the sea bed are permitted if:</p> <ul style="list-style-type: none"> <li>a) the block is located within that part of the Coastal Marine Area which falls within the Industrial Zone at Port Nelson, and</li> <li>b) no vessel moored to the block is within 50m of the line of lowest astronomical tide, and</li> <li>c) at least five working days before placement, the Harbourmaster is notified that placement is to occur.</li> </ul>	<p>CMr.23.2            not applicable</p>	<p>CMr.23.3            Any mooring anchor block which does not comply with the permitted standard is discretionary.</p>
<p><b>CMr.24</b>  <b>Maintenance of structures</b>            [note – this rule is a regional rule]</p>	<p>CMr.24.1            Maintenance of existing structures is permitted if:</p> <ul style="list-style-type: none"> <li>a) any alteration, reconstruction or replacement of an existing structure is contained within the form of the existing structure, and</li> <li>b) activity uses material of a similar type to that used in the existing structure, and</li> <li>c) activity does not substantially change the appearance of the structure (repainting does not constitute such change), and</li> <li>d) activity disturbs less than 10m<sup>3</sup> of sand, shingle, shell or other natural foreshore or seabed material, and</li> <li>e)               <ul style="list-style-type: none"> <li>i) activity does not result in the release of contaminants to coastal waters, or</li> <li>ii) the maintenance is of an approved aquaculture structure.</li> </ul> </li> </ul>	<p>CMr.24.2            Maintenance of existing structures that contravenes a permitted condition are controlled if:</p> <ul style="list-style-type: none"> <li>a) less than 100m<sup>3</sup> of sand, shingle, shell or other natural foreshore or seabed material is disturbed.</li> </ul> <p>Control reserved over:</p> <ul style="list-style-type: none"> <li>i) the extent and nature of the disturbance to the foreshore or seabed, and</li> <li>ii) design matters that relate to visual amenity, and</li> <li>iii) the duration of the consent.</li> <li>iv) Information and monitoring requirements, and</li> <li>v) Administrative charges payable.</li> </ul>	<p>CMr.24.3            Activities that contravene a permitted condition or controlled standard are discretionary.</p>

Assessment Criteria	Explanation
<p>CMr.23.4</p> <ul style="list-style-type: none"> <li>a) suitability of site as a mooring area (potential conflict with other uses, including navigational safety).</li> <li>b) proximity of other mooring areas.</li> <li>c) location of vessel relative to low tide.</li> <li>d) depth of burial of mooring block.</li> <li>e) the effect on historic heritage.</li> </ul>	<p>CMr.23.5</p> <p>The placement of a mooring anchor block is a low impact activity which should be permitted providing the block is inside an existing mooring area and basic design/construction criteria are adhered to. Council wishes to retain the ability to decline an application for a site outside a designated mooring area.</p>
<p>CMr.24.4</p> <ul style="list-style-type: none"> <li>a) effects on erosion or deposition.</li> <li>b) effects on visual amenity values.</li> <li>c) ecological effects.</li> <li>d) effects of noise and glare.</li> <li>e) the duration of any adverse effects, i.e. whether restricted to maintenance phase or longer term.</li> <li>f) the effect on historic heritage.</li> </ul>	<p>CMr.24.5</p> <p>It is desirable that existing structures be adequately maintained. Most maintenance activities are low impact activities which need not be subject to resource consent procedures. A degree of control is retained over activities which involve significant disturbance to the foreshore or seabed or which do not comply with specified performance standards.</p> <p>It is appreciated that aquaculture structures need to be regularly removed and maintained. Under this Plan, it is intended that the issue of maintenance and its possible environmental effects be considered at the time of application for a coastal permit for an aquaculture structure. Consequently, clause e) ii) of rule CMr.24.1 treats the maintenance of an approved aquaculture structure as a permitted activity.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>CMr.25</b>  <b>Removal or demolition of structures</b>            [note – this rule is a regional rule]</p>	<p>CMr.25.1            Removal or demolition of any structure is a permitted activity if:</p> <ul style="list-style-type: none"> <li>a) less than 10m<sup>3</sup> of sand, shingle, shell or other natural foreshore or seabed material is disturbed, and</li> <li>b) no waste is placed, or any contaminant released, into the Coastal Marine Area, and</li> <li>c) sediment disturbance will not result in conspicuous discoloration of water, and</li> <li>d) removal or demolition of the structure will not significantly affect sediment movement or lead to increased erosion or scour, and</li> <li>e) the structure is not listed as a heritage building, place or object in Appendix 1, and</li> <li>f) at least five working days before removal or demolition commences, the Council planning department is given written notice that the activity is to occur.</li> </ul>	<p>CMr.25.2            Removal or demolition of a structure is controlled if:</p> <ul style="list-style-type: none"> <li>a) less than 100m<sup>3</sup> of sand, shingle, shell or other natural foreshore or seabed material is disturbed and</li> <li>b) no waste is placed, or any contaminant released, into the Coastal Marine Area, and</li> <li>c) the structure is not listed as a heritage building, place or object in Appendix 1.</li> </ul> <p>Control reserved over:</p> <ul style="list-style-type: none"> <li>i) the extent and nature of the disturbance to foreshore or seabed, and</li> <li>ii) the extent and nature of any part of the structure which is to remain in the Coastal Marine Area, and</li> <li>iii) the duration of consent, and</li> <li>iv) information and monitoring requirements.</li> </ul>	<p>CMr.25.3            Activities that contravene a permitted condition or controlled standard are discretionary.</p> <p>(Heritage items in Appendix 1 are dealt with in separate rules below.)</p>
<p><b>CMr.26</b>  <b>Temporary structures</b>            [note – this rule is a regional rule]</p>	<p>CMr.26.1            Erection or placement of any temporary structure is permitted if:</p> <ul style="list-style-type: none"> <li>a) less than 10m<sup>3</sup> of sand, shingle, shell or other natural foreshore or seabed material is disturbed, and</li> <li>b) it is to be used for an activity permitted by this Plan, or by a coastal permit, and</li> <li>c) it is not a whitebait stand, and</li> <li>d) it will be in place for less than 31 days, inclusive of days of erection or placement and removal, and</li> <li>e) it does not result in loss of existing lawful public access to the Coastal Marine Area, and</li> <li>f) it does not compromise navigational safety.</li> </ul>	<p>CMr.26.2            Erection or placement of temporary whitebait stands are controlled if:</p> <ul style="list-style-type: none"> <li>a) the structure is 100m or more distant from the nearest whitebait stand, and</li> <li>b) the structure does not cause erosion, scour or significantly divert water, and</li> <li>c) the width of estuary at the point of structure placement is at least 10m, and</li> <li>d) the structure extends no more than 2m over the estuary, river, or stream bed in a direction at right angles to the bank, and</li> <li>e) the structure is removed at the end of the whitebait season.</li> </ul> <p>Control reserved over:</p> <ul style="list-style-type: none"> <li>i) the length, width and height of the structure, and</li> <li>ii) Occupation and public access, and</li> <li>iii) Duration of consent and removal of structure, and</li> <li>iv) Monitoring and review.</li> </ul>	<p>CMr.26.3            Erection or placement of structures that contravene a permitted condition or controlled standard are discretionary.</p>

Assessment Criteria	Explanation
<p>CMr.25.4</p> <ul style="list-style-type: none"> <li>a) potential effects on erosion, scour, deposition in immediate vicinity or over wider area.</li> <li>b) effects on visual amenity values.</li> <li>c) effects of noise and glare.</li> <li>d) water quality/ecological effects.</li> <li>e) implications (if any) of non-compliance with standards or terms applying to permitted or controlled activities.</li> <li>f) the duration of any adverse effects.</li> <li>g) the effect on historic heritage.</li> </ul>	<p>CMr.25.5</p> <p>It is desirable that most structures within the Coastal Marine Area be removed without the need for time consuming and costly applications for resource consents, providing they are low impact activities and comply with specified conditions. Control is retained over removal or demolition activities which involve significant disturbance to the foreshore or seabed or which do not comply with the specified performance standards.</p> <p>Demolition or removal of a heritage building, place or object in Appendix 1 is dealt with in separate rules below.</p>
<p>CMr.26.4</p> <ul style="list-style-type: none"> <li>a) the degree of disturbance of foreshore or seabed.</li> <li>b) potential effects on navigational safety.</li> <li>c) effects on public access, amenity and recreational values.</li> <li>d) effects on conservation values.</li> <li>e) potential for interference with fishing activities.</li> <li>f) whether associated activity is allowed by the Plan or a coastal permit.</li> <li>g) the effect on historic heritage.</li> </ul>	<p>CMr.26.5</p> <p>The rule makes provision for the placement and removal of temporary, low impact, structures within the Coastal Marine Area without the need to apply for a coastal permit. Control is exercised over the placement and design of whitebait stands because of the potential demand for; and possible effects of, such structures. Temporary structures which do not comply with the performance standards specified for permitted or controlled activities will be subject to full Council and public scrutiny.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>CMr.27</b>  <b>Network utility structures</b>            [note – this rule is a regional rule]</p>	<p>CMr.27.1            The maintenance and operation of an existing lawful network utility structure is permitted if the amount of disturbance to the foreshore or sea floor is minimised.            In this case maintenance includes all disturbance of the foreshore or seabed and damage to or removal of vegetation.</p>	<p>CMr.27.2            Construction or placement of a communication or electricity cable, or pipeline (including associated activities and occupation of the Coastal Marine Area) is controlled if cables or pipelines are either buried within the foreshore and seabed or attached to a bridge when crossing a river.            Control reserved over:            i) the location of the cable or pipeline within the general area of application, and            ii) disturbance of foreshore and seabed, and            iii) method of construction or placement including depth of burial, and            iv) noise and light emissions during period of construction, and            v) timing of works, and            vi) duration of consent and removal of structure, and            vii) monitoring and review, and            viii) coastal occupation charges.</p>	<p>CMr.27.3            Activities that contravene a permitted condition or controlled standard are discretionary.            The erection of a structure that is solid (or represents a significant barrier to water or sediment movement), is sited obliquely or perpendicular in horizontal projection to the line of mean high water springs, and is in horizontal projection 100m or more in length, is a discretionary activity.</p>
<p><b>CMr.28</b>  <b>Impounding or containing structures</b>            [note – this rule is a regional rule]</p>	<p>CMr.28.1            Erection of impounding or containing structures is not a permitted activity.</p>	<p>CMr.28.2            not applicable</p>	<p>CMr.28.3            The erection of a structure is a discretionary activity if it will impound or effectively contain any part of the coastal marine area.            If a structure is to be erected within an estuary, it is a non-complying activity.</p>



Assessment Criteria	Explanation
<p>CMr.27.4</p> <ul style="list-style-type: none"> <li>a) effects on landscape or visual amenity values.</li> <li>b) the extent to which the applicant is able to demonstrate that the network utility would be located in the best practical position in terms of its effects on visual amenity values and the effects of construction and future maintenance on conservation or ecological values.</li> <li>c) risk to boats passing, or being transported under, any overhead wires.</li> <li>d) the effect on historic heritage.</li> </ul>	<p>CMr.27.5</p> <p>Provision is made for the maintenance of existing lawful network utility structures within the Coastal Marine Area without the need to apply for a resource consent.</p> <p>The construction or placement of a buried cable or pipeline is a controlled activity, meaning that applications must be granted but conditions may be attached with respect to the matters specified, including the details of location.</p> <p>The construction or placement of overhead cables is a discretionary activity because these may have a significant adverse effect on visual amenity values within the Coastal Marine Area. The rules indicate a general preference for the burial of upgraded or new cables and pipelines.</p> <p>Maintenance and operation of existing utilities is permitted in accordance with the definition of "maintenance" in Chapter 2.</p>
<p>CMr.28.4</p> <ul style="list-style-type: none"> <li>a) the size and location of the area affected.</li> <li>b) effects on conservation values, amenity values, public access and recreation.</li> <li>c) effects on physical and ecological processes.</li> <li>d) effects on water quality.</li> <li>e) effects on movement of migratory species or potential loss of nursery or feeding areas.</li> <li>f) the effect on historic heritage.</li> </ul>	<p>CMr.28.5</p> <p>Impounding or containing structures have the potential to alter the ecology of surrounding areas. They may also have significant effects on public access, visual amenity, and water quality. It is therefore appropriate that they be subject to full Council and public scrutiny.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>CMr.29</b>  <b>Large solid structures</b>            [note – this rule is a regional rule]</p>	<p>CMr.29.1            Construction of large solid structures is not a permitted activity.</p>	<p>CMr.29.2            not applicable</p>	<p>CMr.29.3            The erection of a structure is a discretionary activity (non-complying if located within an estuary) if it is solid (or presents a significant barrier to water or sediment movement), and is either</p> <ul style="list-style-type: none"> <li>i. 300m or more in length, more or less parallel to the line of mean high water springs (including separate structures the sum of whose length is 300m or more), or</li> <li>ii) sited obliquely or perpendicular in horizontal projection to the line of mean high water springs in the Coastal Marine Area; and is in horizontal projection 100m or more in length.</li> </ul>
<p><b>CMr.30</b>  <b>Clearance around out falls, culverts or intake structures</b>            [note – this rule is a regional rule]</p>	<p>CMr.30.1            Disturbance and removal of accumulated sediment from a culvert, outfall, or intake structure, is a permitted activity if:</p> <ul style="list-style-type: none"> <li>a) disturbance is the minimum necessary to allow reasonable use of that structure, and</li> <li>b) disturbed sediment is placed in an area of similar sediment on the foreshore or seabed, and</li> <li>c) the activity does not significantly reduce public access, and</li> <li>d) no contaminants are released to land or water from equipment being used for the clearing operation; no refuelling takes place on any area of foreshore or seabed, and</li> <li>e) at least five working days before activity starts, the Council planning department is given written notice that the activity is to occur.</li> </ul>	<p>CMr.30.2            not applicable</p>	<p>CMr.30.3            Activities that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p>CMr.29.4</p> <ul style="list-style-type: none"> <li>a) size of area potentially affected.</li> <li>b) effect on pattern of water and sediment movement (including potential to exacerbate erosion or sedimentation problems).</li> <li>c) ecological effects.</li> <li>d) effects on conservation values of area.</li> <li>e) extent to which structure could compromise navigational safety.</li> <li>f) effect on public access (to and along the Coastal Marine Area), amenity and recreational values.</li> <li>g) the effect on historic heritage.</li> </ul>	<p>CMr.29.5</p> <p>The New Zealand Coastal Policy Statement 1994 originally identified the activity as a restricted coastal activity, however restricted coastal activities were removed from this Plan in accordance with the NZ Coastal Policy Statement 2010.</p>
<p>CMr.30.4</p> <ul style="list-style-type: none"> <li>a) degree of disturbance.</li> <li>b) nature of disturbed sediments and receiving sediments.</li> <li>c) effects on conservation and amenity values.</li> <li>d) effects of noise and glare.</li> <li>e) effects on public access.</li> <li>f) methods of refuelling equipment and avoiding discharges.</li> <li>g) the effect on historic heritage.</li> </ul>	<p>CMr.30.5</p> <p>The rule provides for the clearance of outfalls, culverts or intake structures without the need to apply for a coastal permit, subject to compliance with stipulated conditions.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>CMr.31</b>  <b>Damage to or removal of vegetation</b>            [note – this rule is a regional rule]</p>	<p>CMr.31.1            Damage to, or removal of vegetation is permitted if one or more of the following applies:</p> <ul style="list-style-type: none"> <li>a) it is for the purpose of control or eradication of a pest species declared under a national or regional pest management strategy or plan and it does not result in damage to any indigenous vegetation, or</li> <li>b) it is associated with activities undertaken as permitted activities under this Plan or authorised by way of a resource consent, or</li> <li>c) it is harvesting for cultural purposes in accordance with tikanga Maori.</li> </ul>	<p>CMr.31.2            Damage to, or removal of vegetation that contravenes a permitted condition is controlled if:</p> <ul style="list-style-type: none"> <li>a) it is for the purpose of control or eradication of an exotic species and is undertaken as enhancement of the Coastal Marine Area, and</li> <li>b) it does not result in damage to any indigenous vegetation.</li> </ul> <p>Control is reserved over:</p> <ul style="list-style-type: none"> <li>i) the nature and extent of vegetation damage or removal, and</li> <li>ii) the duration of the consent, and</li> <li>iii) the timing and methods of vegetation removal.</li> </ul>	<p>CMr.31.3            Activities which contravene a permitted condition or controlled standard are discretionary if it does not result in damage to or removal of any indigenous vegetation in a Marine ASCV Overlay.</p>
<p><b>CMr.32</b>  <b>Beach grooming and recontouring</b>            [note – this rule is a regional rule]</p>	<p>CMr.32.1            Disturbance of the foreshore or seabed is permitted if:</p> <ul style="list-style-type: none"> <li>a) the activity is carried out on Tahunanui Beach for the purpose of removing marine debris, litter or dead seaweed, dead marine mammals or recontouring or reshaping of foreshore, and</li> <li>b) the activity does not involve the import of sand, gravel or other material from external sources, and</li> <li>c) public access is not restricted to an extent or for a period greater than necessary to complete the operation, and</li> <li>d) no contaminants are released to land or water from equipment being used for the clearing operation; no refuelling takes place on any area of foreshore or seabed, and</li> <li>e) sand and gravel is not removed from the foreshore, and</li> <li>f) the activity does not involve volumes greater than 50,000m<sup>3</sup>, and area greater than 4ha, or extend 1,000m or more over foreshore or seabed.</li> </ul>	<p>CMr.32.2            not applicable</p>	<p>CMr.32.3            Activities that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p>CMr.31.4</p> <ul style="list-style-type: none"> <li>a) the conservation value of the vegetation involved.</li> <li>b) effects on coastal processes including sediment movement and erosion.</li> <li>c) effects on amenity values including visual effects.</li> <li>d) effects on other ecological values.</li> <li>e) the degree of disturbance of the foreshore and seabed.</li> <li>f) the effect on historic heritage.</li> </ul>	<p>CMr.31.5</p> <p>Coastal and marine vegetation is of considerable importance to conservation values, cultural values, and marine ecosystems including fish habitat and spawning.</p> <p>Damage to, or removal of coastal and marine vegetation may result in both local and widespread adverse affects.</p> <p>The Coastal Marine Area may be adversely effected by a number of pest species, the control or removal of which should be provided for.</p> <p>Removal of vegetation associated with the legal harvesting of any plant or animal under the Fisheries Act 1996 and/or the Fisheries Act 1983 is controlled by the Fisheries Act rather than the Resource Management Act 1991.</p>
<p>CMr.32.4</p> <ul style="list-style-type: none"> <li>a) effects on public access.</li> <li>b) effects of any contaminants released.</li> <li>c) amount of sand removed from foreshore and likely consequences.</li> <li>d) effects of noise and glare.</li> <li>e) effects on public access.</li> <li>f) methods of refuelling equipment and avoiding discharges.</li> <li>g) the effect on historic heritage.</li> </ul>	<p>CMr.32.5</p> <p>Beach grooming is a relatively low impact activity carried out with the aim of enhancing amenity values. The rule provides for this activity to take place, subject to specified conditions, without the need for a resource consent.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>CMr.33</b>  <b>Disturbance of foreshore or sea bed by vehicles</b>            [note – this rule is a regional rule]</p>	<p>CMr.33.1            Driving of vehicles on, and disturbance of the foreshore or seabed by vehicles, is permitted if the activity is associated with any of the following activities:</p> <ul style="list-style-type: none"> <li>a) surf life-saving operations, or</li> <li>b) emergency situations or special circumstances including oil spills, rescue operations, salvage of vessels or sea mammal stranding, or</li> <li>c) the removal of litter, nuisance matter, or debris which may affect navigation and safety, or</li> <li>d) the launching or retrieving of recreational or commercial vessels at launching ramps, or</li> <li>e) Council data collection, monitoring or enforcement activity, or</li> <li>f) beach grooming undertaken by the Council, its agent, or a consent holder as part of the conditions on a consent, or</li> <li>g) activities undertaken in accordance with an Approved Conservation Management Strategy or Plan or Reserves Management Plan, or</li> <li>h) legitimate research, law enforcement or military activities undertaken by either the police, customs, Government departments or New Zealand Defence Force or recognised educational institutes, or</li> <li>i) use of the portion of Point Road below mean high water springs, or</li> <li>j) the maintenance, construction or placement of network utility structures undertaken under a permitted activity rule of this Plan or authorised by way of a Resource Consent, or</li> <li>k) the transportation of lawfully harvested aquatic organisms.</li> </ul> <p>Conditions:</p> <ul style="list-style-type: none"> <li>i) vehicles are not driven in a manner which poses a threat to public safety, and</li> <li>ii) no contaminants are released to land or water from the vehicle and no refuelling may take place on any area of foreshore or seabed, and</li> <li>iii) disturbance (especially to sand dunes, vegetation and bird nesting areas) is the minimum necessary to enable the activity to take place.</li> </ul>	<p>CMr.33.2            not applicable</p>	<p>CMr.33.3            Disturbance of the foreshore or sea bed that contravenes a permitted condition, and is not regulated under another rule, is discretionary.</p>

Assessment Criteria	Explanation
<p>CMr.33.4</p> <ul style="list-style-type: none"> <li>a) potential for disturbance of sand-dunes, boulder banks, natural vegetation, nesting areas and other ecologically sensitive areas.</li> <li>b) effect of releasing contaminants.</li> <li>c) extent and significance of non-compliance (if any) with general standards.</li> <li>d) the type of vehicle and scale of operation.</li> <li>e) size of area directly disturbed or likely to be indirectly affected by way of water quality effects or the settling out of suspended material.</li> <li>f) ecological effects, including effects on fisheries values.</li> <li>g) physical effects, including erosion, scouring, deposition.</li> <li>h) effects on conservation and amenity values.</li> <li>i) extent to which methods are designed to minimise adverse effects.</li> <li>j) the effect on historic heritage.</li> </ul>	<p>CMr.33.5</p> <p>Provision is made for a restricted range of activities involving vehicle use within the Coastal Marine Area, subject to specified conditions aimed at minimising adverse effects.</p> <p>The general use of vehicles within the Coastal Marine Area is undesirable for conservation, amenity and safety reasons.</p> <p>The permitted activities have positive effects that offset the general adverse effects of vehicle use.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>CMr.34</b>  <b>Disturbance or deposition associated with the diversion of coastal water or river or stream mouth cutting</b>            [note – this rule is a regional rule]</p>	<p>CMr.34.1            Disturbance of the foreshore or seabed associated with the diversion of coastal water or river or stream mouth cutting is permitted if:</p> <ul style="list-style-type: none"> <li>a) approved by Nelson City Council or its agents for flood hazard mitigation purposes, and</li> <li>b) disturbance is the minimum necessary to allow the diversion to take place, and</li> <li>c) the material deposited is free of contaminants and similar in nature to that occurring naturally at the affected site, and</li> <li>d) no contaminants are released to land or water from equipment being used for the operation; no refuelling may take place on any area of foreshore or seabed.</li> <li>e) it does not involve volumes greater than 50,000m<sup>3</sup>, or an area greater than 4ha, or extend 1,000m or more over foreshore or seabed.</li> </ul>	<p>CMr.34.2            not applicable</p>	<p>CMr.34.3            Activities that contravene a permitted condition are discretionary.</p>
<p><b>CMr.35</b>  <b>Drilling</b>            [note – this rule is a regional rule]</p>	<p>CMr.35.1            Drilling is not a permitted activity.</p>	<p>CMr.35.2            Disturbance of the foreshore or seabed associated with a drilling operation is controlled if:</p> <ul style="list-style-type: none"> <li>a) the drilling equipment has a maximum diameter of 200mm, and</li> <li>b) the proposed drilling operation is not within areas covered by the Marine ASCV Overlay.</li> </ul> <p>Control reserved over:</p> <ul style="list-style-type: none"> <li>i) the method and depth of drilling, including methods to minimise water turbidity, and</li> <li>i) the amount and nature of any contaminants that may be released, and</li> <li>ii) duration of the consent, and</li> <li>iii) information and monitoring requirements, and</li> <li>iv) effects of noise and glare, and</li> <li>v) administrative charges payable.</li> </ul>	<p>CMr.35.3            Activities that contravene a controlled standard are discretionary.</p>



Assessment Criteria	Explanation
<p>CMr.34.4</p> <ul style="list-style-type: none"> <li>a) extent of disturbance and area potentially affected.</li> <li>b) likely effects on conservation values.</li> <li>c) effects on physical and biological processes.</li> <li>d) effects on fisheries/shell fisheries.</li> <li>e) effects on water quality.</li> <li>f) effects on public access, recreation and amenity values.</li> <li>g) implications of not undertaking the work.</li> <li>h) the effect on historic heritage.</li> </ul>	<p>CMr.34.5</p> <p>It is appropriate that relatively minor disturbances of the Coastal Marine Area associated with diversions of water or the clearance of stream mouths for flood hazard mitigation purposes be permitted without the need for a resource consent, subject to compliance within specified conditions. Diversion of water is regulated by other rules.</p>
<p>CMr.35.4</p> <ul style="list-style-type: none"> <li>a) extent of disturbance and area potentially affected.</li> <li>b) potential for release of contaminants.</li> <li>c) effects on water quality, ecology, or fisheries.</li> <li>d) effects on conservation values of area.</li> <li>e) navigational effects of drilling structures.</li> <li>f) implications of any non-compliance with general standards.</li> <li>g) effects of noise and glare.</li> <li>h) the effect on historic heritage.</li> </ul>	<p>CMr.35.5</p> <p>Drilling using drills up to 200mm in diameter is likely to have minimum adverse effects, but it is appropriate that Council retain some control over drilling activity. Proposals for more substantial drilling operations will be treated as discretionary activities, enabling full Council and public scrutiny.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>CMr.36</b>  <b>Dredging of foreshore and seabed</b>            [note – this rule is a regional rule]</p>	<p>CMr.36.1            Dredging of the foreshore and seabed by is not a permitted activity.</p>	<p>CMr.36.2            Any dredging of foreshore and seabed, is a controlled activity if:</p> <ul style="list-style-type: none"> <li>a) the total quantity of material removed by both maintenance dredging or minor capital works dredging does not exceed 50,000m<sup>3</sup>, and               <ul style="list-style-type: none"> <li>i) is in volumes less than or equal to 50,000m<sup>3</sup>, and</li> <li>ii) is extracted from areas of less than 4ha, and</li> <li>iii) extends less than 1,000m over the foreshore and seabed, and</li> </ul> </li> <li>b) the activity is within the boundaries of the Nelson Port Operational Area.</li> </ul> <p>Control reserved over:</p> <ul style="list-style-type: none"> <li>i) the method of dredging, including methods to minimise water turbidity, and</li> <li>ii) the depth of dredging, and</li> <li>iii) effects of noise and glare, and</li> <li>iv) the amount and nature of any contaminants that may be released, and</li> <li>v) the duration of the consent, and</li> <li>vi) information and monitoring requirements, and</li> <li>vii) hours of operations.</li> </ul>	<p>CMr.36.3            Any dredging of foreshore and seabed other than that provided for in rule CMr.36.2, is a discretionary activity.            Any dredging of foreshore and seabed within the estuaries is a non-complying activity.</p>

Assessment Criteria	Explanation
<p>CMr.36.4</p> <ul style="list-style-type: none"> <li>a) size of area directly disturbed or likely to be indirectly affected by way of water quality effects or the settling out of suspended material.</li> <li>b) ecological effects, including effects on fisheries values.</li> <li>c) physical effects, including erosion, scouring, deposition.</li> <li>d) effects on conservation and amenity values.</li> <li>e) extent to which removal methods are designed to minimise adverse effects.</li> <li>f) effects of noise and glare.</li> <li>g) the effect on historic heritage.</li> </ul>	<p>CMr.36.5</p> <p>For the purposes of this rule, maintenance dredging means any dredging of the bed of the sea necessary to maintain water depths to previously approved levels for the safe and convenient navigation of vessels in navigation channels and at berthing and mooring facilities, including marina developments.</p> <p>Maintenance dredging is undertaken on a regular basis at Port Nelson, under the conditions of a coastal permit. It is appropriate that maintenance dredging be provided for as a controlled activity, meaning that Council must grant a consent but is able to retain control over aspects of the operation.</p> <p>Disposal of dredged material requires a separate coastal permit.</p> <p>Large disturbances of the type referred to in the "discretionary/non-complying" column include capital works dredging of the type normally associated with port expansion or the development of new ports would fall within this category.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>CMr.37</b>  <b>Disturbance - General</b>            [note – this rule is a regional rule]</p>	<p>CMr.37.1            Unless permitted by other rules in this Plan, disturbance of the foreshore or seabed is not a permitted activity</p>	<p>CMr.37.2            Disturbance associated with the erection or placement of launching or mooring structures within that part of the Coastal Marine Area that falls within the Port Operational Area is a controlled activity.            Control reserved over:            i) the methods used, including means to minimise water turbidity, and            ii) the extent of the work, and effects of noise, glare, and vibration, and            iii) the amount and nature of any contaminants that may be released, and            iv) the duration of the consent, and            v) information and monitoring requirements, and            vi) hours of operation.</p>	<p>CMr.37.3            Disturbance of foreshore or seabed that            a) is not dealt with specifically in other rules, or            b) contravenes a permitted condition or controlled standard in this rule,            is discretionary.            Any activity involving the disturbance of foreshore or seabed within the estuaries, other than maintenance work on existing roads, is a non-complying activity.</p>
<p><b>CMr.38</b>  <b>Deposition of material on foreshore and seabed</b>            [note – this rule is a regional rule]</p>	<p>CMr.38.1            Deposition of material on the foreshore and seabed is not a permitted activity.</p>	<p>CMr.38.2            not applicable</p>	<p>CMr.38.3            Deposition of material on the foreshore or seabed is a discretionary activity if the total deposition in any 12 month period is 50,000m<sup>3</sup> or less.            Deposition of material within the estuaries, other than maintenance work on existing roads, is a non-complying activity.</p>
<p><b>CMr.39</b>  <b>Discharge of contaminants – general</b>            [note – this rule is a regional rule]</p>	<p>CMr.39.1            Discharge of contaminants into coastal water, other than permitted by other rules in this Plan, is not a permitted activity.</p>	<p>CMr.39.2            not applicable</p>	<p>CMr.39.3            Discharges of contaminants, other than those permitted by other rules in this Plan, to coastal water are discretionary activities if:            a) after reasonable mixing the classification standards (contained in Schedule CMs) for the receiving water are complied with, and            b) after reasonable mixing the discharge (either by itself or in combination with other discharges) does not have significant adverse effects on habitats, feeding grounds or ecosystems.</p>

Assessment Criteria	Explanation
<p>CMr.37.4</p> <ul style="list-style-type: none"> <li>a) size of area directly disturbed, or likely to be indirectly affected</li> <li>b) ecological effects ( including effects on fisheries)</li> <li>c) physical effects, including erosion, scouring, deposition.</li> <li>d) effects on conservation and amenity values.</li> <li>e) effects of releasing contaminants.</li> <li>f) extent to which methods are designed to minimise adverse effects.</li> <li>g) effects on water quality.</li> <li>h) effects of noise and glare.</li> <li>i) the effect on historic heritage.</li> </ul>	<p>CMr.37.5</p> <p>This rule relates to the disturbance of foreshore and seabed, other than that associated with dredging, deposition of dredgings, beach grooming, drilling, river cutting, or any fisheries activities.</p> <p>The type of activities envisaged by this rule, include, but are not limited to, the removal of sand, gravel, shingle, shell, or other natural materials, the mechanical harvesting of shellfish, and works such as piling, tunnelling, and drainage.</p> <p>Where any maintenance work is undertaken on an existing road network that abuts or crosses an estuary, it will be treated as if that work takes place outside the estuary i.e. as a permitted activity.</p>
<p>CMr.38.4</p> <ul style="list-style-type: none"> <li>a) particle size, sorting, parent material of deposit relative to that of receiving sediments (the two should be similar).</li> <li>b) the nature and significance of any contaminants in the material to be deposited (the deposition of biologically significant levels of contamination will not be allowed).</li> <li>c) the suitability of proposed deposition/dump sites will be assessed in terms of <ul style="list-style-type: none"> <li>i) the benthic environment (type of habitat, fauna, flora in area).</li> <li>ii) likely water quality effects.</li> <li>iii) the proximity of existing fisheries/shell fisheries.</li> <li>iv) effects on conservation values.</li> <li>v) the proximity of ecologically significant areas.</li> <li>vi) patterns of water and sediment movement in the area.</li> </ul> </li> <li>d) effect on public access and amenity values.</li> <li>e) effects on navigational safety or vessel access to mooring, launching or berthing structures.</li> <li>f) the effect on historic heritage.</li> </ul> <p>In the case of foreshore or sea bed in Marine Areas of Significant Conservation Value, the following additional matters:</p> <ul style="list-style-type: none"> <li>g) the values for which the area has been identified as having significant conservation value including any new information.</li> <li>h) the effect of the activity proposed on the values identified and the environment in general.</li> <li>i) the availability of alternative sites.</li> <li>j) ways in which adverse effects of the activity proposed can be avoided, remedied or mitigated or can be offset by enhancement of other areas.</li> <li>k) any circumstances which make continued treatment of the area as having significant conservation value inappropriate.</li> </ul>	<p>CMr.38.5</p> <p>Dumping of dredgings and beach replenishment are examples of deposit of material. Depositing of material has potentially significant implications for amenity and ecological values.</p> <p>The deposition of material on the foreshore or seabed in quantities of greater than 50,000m<sup>3</sup> in any 12 month period includes the disposal of capital works dredgings of the type normally associated with major port expansion or new port developments.</p> <p>Activities involving the deposition of substances on the foreshore or seabed have been identified as discretionary activities to provide certainty as to the status of the activities, to retain the ability to decline inappropriate use and development and to ensure that any adverse effects are avoided, remedied and mitigated.</p>
<p>CMr.39.4</p> <ul style="list-style-type: none"> <li>a) presence of oil, grease, scums, foams, floatable or suspended materials in the proposed discharge.</li> <li>b) Potential of discharge to cause colour changes in receiving waters or to give rise to objectionable odours.</li> <li>c) Potential for significant adverse ecological effects.</li> <li>d) the extent to which reasonable measures have been taken to minimise the quantity of contaminants in the discharge.</li> <li>e) Quantitative specifications contained in relevant USEPA, ANZEC or New Zealand Government (eg. Ministry for the Environment, Department of Health) publications.</li> <li>f) the staging of works to ensure that the discharge will meet the standards at all times.</li> </ul> <p>Whether:</p> <ul style="list-style-type: none"> <li>a) exceptional circumstances justify the granting of the consent, or</li> <li>b) the discharge is of a temporary nature, or</li> <li>c) the discharge is associated with necessary maintenance work.</li> </ul>	<p>CMr.39.5</p> <p>This rule is the general rule regulating discharges. There are no permitted discharges of contaminants or water into the Coastal Marine Area, except in the specific cases dealt with in the rules that follow. The New Zealand Coastal Policy Statement requires the Plan to contain rules to enhance water quality (Policy 5.1 of the NZCPS 1994; Policy 21 of the NZCPS 2010) and close regulation of discharges of contaminants under this rule implements that policy. See also Schedule CMs (before Rule Table) as to marine water quality standards.</p> <p>Section 107 of the Resource Management Act contains provisions affecting discharge permits, which are reflected in the assessment criteria.</p> <p>Note that as per rule CMr.6 if the conditions described in CMr.39.3 are not met then the activity should be considered non-complying.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>CMr.40</b> <b>Discharge of water</b> [note – this rule is a regional rule]	CMr.40.1 The discharge of water into coastal water is a permitted activity if: a) the water discharged contains no contaminants.	CMr.40.2 not applicable	CMr.40.3 Activities that contravene a permitted condition are discretionary.
CMr.41 Discharge of dye into coastal water [note – this rule is a regional rule]	CMr.41.1 The discharge of dye into coastal water is permitted if: a) the dye is chemically inert and not radioactive, and b) after reasonable mixing the classification standards (contained in Schedule CMs) for the receiving water are complied with, and there is no reduction in water quality, and c) if quantities of dye greater than 100gm are being discharged in any 24 hour period, public notice is given and a letter sent to the Council planning department at least five working days before the discharge, stating: i) the location of the water to be dyed, and ii) the type and quantity of dye to be used, and iii) the reason for the discharge of the dye, and iv) the date and time of commencement of the discharge of the dye, and v) the planned duration of the proposed discharge.	CMr.41.2 not applicable	CMr.41.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
CMr.40.4 a) the location and rate of discharge b) presence or absence of contaminants, including temperature of discharge c) compliance with receiving marine water quality standards d) ecological and amenity effects e) salinity and alkalinity of discharge f) dissolved oxygen levels	CMr.40.5 Section 15 of the Act prevents the discharge of water into water unless expressly allowed by a rule or resource consent. Contaminant is defined in the Act.
CMr.41.4 The criteria under CMr.39.4 (discharge of contaminants – general).	CMr.41.5 The activity covers the use of tracer dyes to determine flow directions and dilution rates. It permits only the use of dyes specially formulated for tracer use which are inert and, apart from the physical effects of coloration, have no other effect on the receiving water.  Quantities of dye of less than 100gm are used for the routine maintenance and testing of drains.

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>CMr.42</b> <b>Petroleum dispersants</b> [note – this rule is a regional rule]</p>	<p>CMr.42.1 Discharge of petroleum dispersants into coastal water is permitted if:</p> <ul style="list-style-type: none"> <li>a) the dispersant is used in the event of a marine oil spill emergency, and</li> <li>b) the discharge is of a dispersant of petroleum approved for use in marine oil spills by the Maritime Safety Authority, and</li> <li>c) the dispersant is applied at the rates and by the methods recommended by the manufacturer, and</li> <li>d) after reasonable mixing the classification standards (contained in Schedule CMs) for the receiving water are complied with.</li> </ul>	<p>CMr.42.2 not applicable</p>	<p>CMr.42.3 Activities that contravene a permitted condition are discretionary.</p>
<p><b>CMr.43</b> <b>Discharge of wastewater from heat exchangers</b> [note – this rule is a regional rule]</p>	<p>CMr.43.1 Discharge of heat from heat exchangers into coastal water is permitted if:</p> <ul style="list-style-type: none"> <li>a) the discharge does not take place in the intertidal zone between mean high water springs and mean low water springs, and</li> <li>b) after reasonable mixing the classification standards (contained in Schedule CMs) for the receiving water are complied with, and</li> <li>c) the discharge does not alter the temperature of the receiving water by more than 3°C at any point beyond 50m from the point at which the discharge meets the receiving water.</li> </ul>	<p>CMr.43.2 not applicable</p>	<p>CMr.43.3 Activities that contravene a permitted condition are discretionary.</p>
<p><b>CMr.44</b> <b>Discharge of storm water</b> [note – this rule is a regional rule]</p>	<p>CMr.44.1 The discharge of storm water or land drainage water into coastal water from any motorway, road, street, roof, yard, paved surface, breakwater, jetty, wharf, boat shed or any other structure is permitted if:</p> <ul style="list-style-type: none"> <li>a) the discharge, after reasonable mixing, does not cause: <ul style="list-style-type: none"> <li>i) the production of conspicuous oil or grease, film, scum, or foam, or floatable or suspended material, and</li> <li>ii) any conspicuous change in colour or visual clarity, and</li> <li>iii) any objectionable odour, and</li> <li>iv) any significant adverse effects on aquatic life, and</li> </ul> </li> <li>b) after reasonable mixing the classification standards (contained in Schedule CMs) for the receiving water are complied with, and there is no reduction in water quality, and</li> <li>c) all practicable measures, (eg. oil separation, screening, filtering or settlement devices), are taken at source to ensure that the quantity of contaminants entering storm water and drainage water is minor.</li> </ul>	<p>CMr.44.2 not applicable</p>	<p>CMr.44.3 Activities that contravene a permitted condition are discretionary.</p>



Assessment Criteria	Explanation
<p>CMr.42.4</p> <p>The criteria under CMr.39.4 (discharge of contaminants – general).</p>	<p>CMr.42.5</p> <p>The rule permits the discharge of petroleum dispersants in an emergency situation (i.e. in the event of a marine oil spill) without the need to apply for resource consents.</p>
<p>CMr.43.4</p> <p>a) the location and rate of discharge.</p> <p>b) presence or absence of contaminants, including temperature of discharge.</p> <p>c) compliance with receiving marine water quality standards.</p> <p>d) ecological and amenity effects.</p>	<p>CMr.43.5</p> <p>The rule permits the discharge of heat from heat exchangers where the heat is the only contaminant. The main effect is the potential to alter the temperature of the receiving water. In the intertidal zone, there may be insufficient water to disperse the heat. This is undesirable as such a discharge would have a significant adverse effect on marine life.</p> <p>Compliance with this rule does not relieve any person from any obligation to obtain any other consent or authorisation necessary for this activity or any associated activity under this Plan or any other legislation. For example, where an activity proposes to discharge water or other substance containing heat, a separate consent is required for the water or substance discharge, as well as consideration of heat under this rule.</p>
<p>CMr.44.4</p> <p>a) oil, grease, suspended solids levels in proposed discharge.</p> <p>b) potential of discharge to cause colour changes in receiving waters or to give rise to objectionable odours.</p> <p>c) the potential for significant adverse ecological effects.</p> <p>d) the extent to which reasonable measures have been taken to minimise the quantity of contaminants in the storm water.</p> <p>e) the Assessment Criteria in rule CMr.37 (deposit of material on foreshore and seabed) and rule CMr.38 (discharge of contaminants - general).</p>	<p>CMr.44.5</p> <p>Condition (a) repeats the requirements of section 107 of the Resource Management Act. This rule requires interpretation in the light of the facts of each case of a reasonable mixing zone and the degree of treatment prior to discharge (best practicable option).</p> <p>There are few practicable alternatives to discharging storm water into the sea.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>CMr.45</b> <b>Discharges from vessels</b> [note – this rule is a regional rule]</p>	<p>CMr.45.1 not applicable Discharges from vessels and offshore installations are addressed by the Resource Management (Marine Pollution) Regulations 1998.</p>	<p>CMr.45.2 not applicable</p>	<p>CMr.45.3 not applicable</p>
<p><b>CMr.46</b> <b>Discharges to air from vessels</b> [note – this rule is a regional rule]</p>	<p>CMr.46.1 not applicable Discharges to air from vessels and offshore installations are addressed by the Resource Management (Marine Pollution) Regulations 1998.</p>	<p>CMr.46.2 not applicable</p>	<p>CMr.46.3 not applicable</p>
<p><b>CMr.47</b> <b>Discharge of human sewage</b> [note – this rule is a regional rule]</p>	<p>CMr.47.1 Discharge of human sewage is not a permitted activity, except from vessels as set out in rule CMr.45.</p>	<p>CMr.47.2 not applicable</p>	<p>CMr.47.3 The discharge of human sewage to coastal water is a discretionary activity if:</p> <ul style="list-style-type: none"> <li>a) prior consultation with tangata whenua in accordance with tikanga Maori, and with the public, has been carried out, and</li> <li>b) after reasonable mixing the classification standards (contained in Schedule CMs) for the receiving water are complied with, and</li> <li>c) the discharge better meets the purpose of the Act than disposal to land, and</li> <li>d) in the case of untreated sewage, one of the following applies: <ul style="list-style-type: none"> <li>i) the discharge is temporary, or</li> <li>ii) the discharge is associated with necessary maintenance work.</li> </ul> </li> </ul> <p>The discharge is a discretionary activity if it has not first passed through soil or wetland.</p>

Assessment Criteria	Explanation
CMr.45.4 not applicable	CMr.45.5 The Resource Management (Marine Pollution) Regulations 1998 contain the legislative provisions relating to discharge from vessels and off-shore installations, including rules related to: <ul style="list-style-type: none"> <li>a) dumping of waste</li> <li>b) incineration of waste</li> <li>c) discharge of oil spill mitigation substances</li> <li>d) discharge of oil</li> <li>e) discharge of noxious liquid substances</li> <li>f) discharge of sewage</li> <li>g) discharge of treated sewage</li> <li>h) discharge of garbage</li> <li>i) discharge of ballast water</li> </ul>
CMr.46.4 not applicable	CMr.46.5 The Resource Management (Marine Pollution) Regulations 1998 contain the legislative provisions relating to discharges to air from vessels and off-shore installations, including incineration of wastes.
CMr.47.4 a) whether or not the discharge better meets the purpose of the Act than disposal onto the land. b) whether due weight has been given to sections 6, 7 and 8 of the Act. c) compliance with relevant water quality classification standards after reasonable mixing. d) the Assessment Criteria in rule CMr.38 (discharge of contaminants - general).	CMr.47.5 The rule enables application to be made for occasional discharges of untreated sewage to the Coastal Marine Area in specified cases, subject to appropriate consultation. The wording reflects section 107(2) of the Resource Management Act. The rule enables application to be made for the discharge of treated sewage to the Coastal Marine Area, subject to appropriate consultation. Note that as per rule CMr.6 if the conditions described in CMr.47.3 are not met then the activity should be considered non-complying.

Item	Permitted	Controlled	Discretionary/Non-complying
<b>CMr.48</b> <b>Discharge of agrichemicals</b> [note – this rule is a regional rule]	CMr.48.1 Discharge of agrichemicals is not a permitted activity.	CMr.48.2 not applicable	CMr.48.3 The discharge of agrichemicals (including herbicides and pesticides) into the Coastal Marine Area is a discretionary activity if: a) after reasonable mixing the classification standards (contained in the Coastal Marine water quality standards Schedule CMs) for the receiving water are complied with and there is no reduction in water quality.
<b>CMr.49</b> <b>Discharge from aquaculture</b> [note – this rule is a regional rule]	CMr.49.1 Discharges from aquaculture are not a permitted activity.	CMr.49.2 not applicable	CMr.49.3 The discharge of water or contaminants from aquaculture activities into the Coastal Marine Area is a discretionary activity if: a) after reasonable mixing the classification standards (contained in Schedule CMs) for the receiving water are complied with.
<b>CMr.50</b> <b>Hazardous substances - use and storage</b> [note – this rule is a regional rule]	CMr.50.1 The use or storage of hazardous substances is a permitted activity if it complies with the conditions for permitted activities in Appendix 21 (hazardous substances).	CMr.50.2 The use or storage of hazardous substances is a controlled activity if it complies with the standards and terms for controlled activities in Appendix 21.	CMr.50.3 The use or storage of hazardous substances is a discretionary activity if it complies with the standards and terms for discretionary activities in Appendix 21.
<b>CMr.51</b> <b>Petroleum or chemical storage and distribution structures</b> [note – this rule is a regional rule]	CMr.51.1 Petroleum or chemical storage and distribution structures are not permitted activities.	CMr.51.2 not applicable	CMr.51.3 The erection of a structure for the storage, containment or distribution of any petroleum, petroleum products, chemicals or contaminants is a discretionary activity.

Assessment Criteria	Explanation
<p>CMr.48.4</p> <ul style="list-style-type: none"> <li>a) type of chemical, proposed volume and concentrations, area to be sprayed, method of application, date and time of discharge.</li> <li>b) neighbouring land uses and potential for spray drift, damage to non-target species, or human health.</li> <li>c) adequacy of environmental effects assessment.</li> <li>d) measures to avoid, mitigate or remedy adverse effects.</li> <li>e) the effects on target and non-target species.</li> <li>f) the location and area to be sprayed.</li> <li>g) persons to be notified prior to spraying.</li> <li>h) effects on person who enters area during spraying.</li> <li>i) the Assessment Criteria in rule CMr.39 (discharge of contaminants - general).</li> </ul>	<p>CMr.48.5</p> <p>The direct and indirect effects of spraying operations are a matter of considerable public concern. The rule provides for proposed spraying operations within the Coastal Marine Area to be treated as discretionary activities and hence subject to full Council and public scrutiny.</p> <p>Spraying may be utilised to address problems of pests such as Spartina.</p>
<p>CMr.49.4</p> <ul style="list-style-type: none"> <li>a) nature of contamination (chemicals, nutrients, organic materials etc).</li> <li>b) effects on benthic communities.</li> <li>c) water quality; consequent ecological effects.</li> <li>d) the adequacy of proposed solid waste disposal methods.</li> <li>e) the likely impact on the seabed or foreshore.</li> <li>f) disposal methods for solid wastes generated at the site.</li> <li>g) the Assessment Criteria in rule CMr.38 (Discharges of Contaminants - general).</li> </ul>	<p>CMr.49.5</p> <p>High density aquaculture (eg. long lines, cage rearing) has the potential to have a significant impact on water quality, particularly in semi-enclosed areas with limited circulation. Potential discharges include:</p> <ul style="list-style-type: none"> <li>i) defecation from fish/shellfish stock involved.</li> <li>ii) introduction of palletised food for cage-reared fish.</li> <li>iii) addition of chemicals to the water eg. disinfectants, antibiotics, anti-foulants.</li> <li>iv) solid wastes, including ropes, bags, nets, dead stock, offal.</li> </ul> <p>It is appropriate that such proposals be subject to full Council and public scrutiny.</p>
<p>CMr.50.4</p> <p>Assessment Criteria in Appendix 21.</p>	<p>CMr.50.5</p> <p>See Appendix 21.</p> <p>Note that the Industrial Zone in the vicinity of the Port overlaps with the Coastal Marine Area, as shown on the Planning Maps. In the area of overlap, the hazardous substances provisions applicable in the Industrial Zone apply, not the provisions of the Coastal Marine Area.</p>
<p>CMr.51.4</p> <ul style="list-style-type: none"> <li>a) the availability of alternative sites outside the Coastal Marine Area.</li> <li>b) the conservation/ecological values associated with the area.</li> <li>c) proximity of residences and work places.</li> <li>d) compliance with hazardous substances regulations.</li> <li>e) the adequacy of contingency measures (eg. provision for bunding), plans and procedures.</li> <li>f) effects on amenity values.</li> <li>g) Assessment Criteria for use or storage of hazardous substances in Appendix 21.</li> <li>h) the effects in the event of escape, leakage or unintentional discharge.</li> </ul>	<p>CMr.51.5</p> <p>The storage of petroleum, petroleum products or chemicals within the Coastal Marine Area is a potentially hazardous activity which needs to be subject to full Council and public scrutiny.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>CMr.52</b> <b>The taking, use, damming or diversion of water</b> [note – this rule is a regional rule]</p>	<p>CMr.52.1 The taking, use, damming or diverting of water within the Coastal Marine Area is permitted if: a) the activity involves the taking, use, damming or diverting in one or more of the following circumstances: i) open coastal water, or ii) coastal water required for an individual's reasonable domestic needs and the taking does not have an adverse effect on the environment, or iii) coastal water required for fire fighting purposes; or iv) water for the operational needs of a vessel, or v) coastal water in quantities up to 3000m<sup>3</sup>/day.</p>	<p>CMr.52.2 not applicable</p>	<p>CMr.52.3 Activities that contravene a permitted condition are discretionary.</p>
<p><b>CMr.53</b> <b>Reclamation</b> [note – this rule is a regional rule]</p>	<p>CMr.53.1 Reclamation is not a permitted activity.</p>	<p>CMr.53.2 Reclamation is a controlled activity if: i) The reclamation is located inside the seaward boundary of the coastal permit granted to Port Nelson Limited dated 27 July 1994, or falls within the additional area reserved for future structures and reclamation identified on planning map 6; and ii) The area described in i) above lies to the north of line A-B which bisects the port area and is depicted on maps 6 and 10; and iii) The total area of foreshore or seabed reclaimed as a controlled activity does not exceed 1000m<sup>2</sup> in any 12 month period; and iv) The total area of foreshore or seabed reclaimed as a controlled activity since 1 January 2004 does not exceed 1 hectare; and v) The reclamation does not extend beyond the line of any adjoining structure, or beyond a line 25m from, and parallel to MHWS; and vi) The activity is not contrary to any other provision of the Plan. Control is reserved over: i) Design of reclamation including size and construction materials; ii) The siting and nature of any existing mooring; iii) Provision of waste disposal facilities; iv) Contingency planning to prevent spills of contaminants; v) Noise and light emissions; vi) Public access; vii) Timing of works; viii) Duration of the consent; ix) Information and monitoring requirements; x) Coastal occupation charges; xi) Effects on conservation values; xii) The need for esplanade reserves or esplanade strips in the vicinity of the reclamation; xiii) Effects on navigation.</p>	<p>CMr.53.3 Reclamation and associated draining of foreshore or seabed is a discretionary activity. Reclamation and associated draining of foreshore or seabed is a non-complying activity in the estuaries.</p>
<p><b>CMr.54</b> <b>Light spill</b> [note – this rule is a regional rule]</p>	<p>CMr.54.1 Exterior lighting is a permitted activity if: a) lights are shielded or directed away from adjacent activities, roads, and navigation channels, so as to avoid the spill of light or glare that might be: i) detrimental to the amenity of residential or other users, and ii) a hazard to traffic safety on roads outside the Coastal Marine Area, and iii) a hazard to navigation in the Coastal Marine Area.</p>	<p>CMr.54.2 not applicable</p>	<p>CMr.54.3 Activities that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p>CMr.52.4</p> <ul style="list-style-type: none"> <li>a) effects on conservation values.</li> <li>b) effects on amenity and recreational values.</li> <li>c) ecological effects.</li> <li>d) effects on water quality.</li> <li>e) effects on aquifers within and outside the Coastal Marine Area.</li> <li>f) the effects on historic heritage.</li> </ul>	<p>CMr.52.5</p> <p>The taking and associated use of open coastal water has no significant effect and is permitted, subject to the activity complying with general standards in this Plan.</p> <p>Open coastal water is defined to mean coastal water that is remote from estuaries, fiords, inlets, harbours and embayments.</p> <p>Taking or use of coastal water for domestic, recreational and fire fighting purposes is provided for in section 14 (3) of the Act.</p> <p>Proposals to abstract water from estuaries and freshwater bodies within the Coastal Marine Area are potentially matters of considerable public interest; it is appropriate that they be subject to full Council and public scrutiny via the discretionary consent process.</p>
<p>CMr.53.4</p> <ul style="list-style-type: none"> <li>a) effects on conservation values.</li> <li>b) ecological effects including effects on life-support capacity of Coastal Marine Area.</li> <li>c) effects on amenity and recreational values.</li> <li>d) effects on public access.</li> <li>e) the need for esplanade reserves or esplanade strips in the vicinity of the reclamation.</li> <li>f) the value of the reclamation for esplanade purposes.</li> <li>g) any circumstances making the taking of the Esplanade Reserve or Strip inappropriate including the nature of existing development, reasons of security, public safety, minor boundary adjustment.</li> <li>h) alternative ways in which the esplanade values identified in the area can be provided for including the use of esplanade strips and protective covenants.</li> <li>i) effect on sediment transport and deposition.</li> <li>j) the effects on historic heritage.</li> </ul>	<p>CMr.53.5</p> <p>All reclamation and draining of the Coastal Marine Area will have adverse effects. It is therefore appropriate that there be an opportunity for full Council and public scrutiny of all reclamation proposals, with Council retaining the ability to decline the application.</p> <p>Reclamation often results in loss of the existing values associated with the area, including public access, and may impede public access along what was previously the coast.</p>
<p>CMr.54.4</p> <ul style="list-style-type: none"> <li>a) the extent to which additional light may adversely affect occupation of residential properties.</li> <li>b) the effect on traffic safety.</li> <li>c) the positive effects of improved pedestrian safety and security.</li> <li>d) the type of light, including its strength, colour, hours of operation, and whether flashing or varying in intensity.</li> </ul>	<p>CMr.54.5</p> <p>The rule is to prevent unreasonable levels of light spilling onto neighbouring activities or properties. The standard recognises the effect that light spillage may have on road traffic on shore, navigation, and people's ability to sleep.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>CMr.55</b> <b>Noise</b> [note – this rule is a regional rule]</p>	<p>CMr.55.1</p> <p>a) Noise levels generated by any activity, other than construction, maintenance or demolition work, measured at, or within any Residential Zone must not exceed:</p> <p style="padding-left: 20px;"><b>Day Time</b> L 10: 55 dBA</p> <p style="padding-left: 20px;"><b>Other Times</b> L10: 45 dBA Lmax: 75 dBA (Day Time means 7am to 10pm Monday to Friday, and 9am to 10pm Saturdays, Sundays and Public Holidays.)</p> <p>b) All measurements and assessment in accordance with NZS 6801:1991 and NZS 6802:1991.</p> <p>c) the above standards do not apply to noise generated by navigational aids, safety signals, warning devices, or emergency pressure relief valves.</p> <p>This rule does not apply to:</p> <p>(i) noise generated by the Airport and received within the Airport Effects Control Overlay;</p> <p>(ii) noise generated within the Port Operational Area and received within the Port Effects Control Overlay, with the exception of noise received from the Port Operational Area at Auckland Point School where it will continue to apply unless the Port Operator has provided entirely at its cost, acoustic treatment to the classrooms at the school as though the school were to be treated as a noise affected property. For the purposes of this rule, the noise limit to be applied at or within the boundary of Auckland Point School in respect to noise from the Port Operational Area shall be 55 dBA <math>L_{eq(15\ min)}</math> between 8.30am to 3.30pm Monday to Friday excluding school holidays for as long as the noise limit continues to apply. In the event the above noise levels are exceeded then the classrooms shall be upgraded where necessary to achieve a level of 40 dBA <math>L_{eq(15\ min, 8.30am-3.30pm)}</math> inside from noise from the Port Operational Area with ventilating windows open. Where windows must be closed to achieve 40 dBA <math>L_{eq(15\ min, 8.30am-3.30pm)}</math> an alternative ventilation system shall be provided.</p>	<p>CMr.55.2 not applicable</p>	<p>CMr.55.3 Activities that contravene a permitted condition are discretionary.</p>
<p><b>CMr.56</b> <b>Noise - construction, maintenance or demolition</b> [note – this rule is a regional rule]</p>	<p>CMr.56.1</p> <p>Noise levels generated by construction, maintenance or demolition work, measured at, or within any Residential Zone must not exceed:</p> <p>a) the standards set out in NZS 6803P: 1984, “The measurement and assessment of noise from construction, maintenance or demolition work”. Noise shall be measured and assessed in accordance with the standard.</p>	<p>CMr.56.2 not applicable</p>	<p>CMr.56.3 Activities that contravene a permitted condition are discretionary.</p>



Assessment Criteria	Explanation
<p>CMr.55.4</p> <p>a) the length of time, and the level by which, the noise standards will be exceeded, particularly at night, and the likely disturbance that may cause.</p> <p>b) the nature and location of nearby activities and the effects they may experience, particularly the night time effects on residential units.</p> <p>c) whether the noise is likely to detract from the general environmental quality being proposed for the area.</p> <p>d) the effectiveness of, and in particular the certainty provided by, any conditions or controls that might be imposed on the activity.</p>	<p>CMr.55.5</p> <p>The rule is to prevent unreasonable levels of noise affecting neighbouring properties. The standards take account of the time, whether day or night, and whether a week day or weekend. Recurring noise may be more annoying than one off louder events. Temporary noise may also be tolerated more (within reason) than ongoing disturbance e.g. noise associated with construction.</p> <p>NZS 6801:1991 is New Zealand Standard (Measurement of Sound).</p> <p>NZS 6802:1991 is New Zealand Standard (Assessment of Environmental Sound).</p>
<p>CMr.56.4</p> <p>Criteria contained in the NZ Standard.</p>	<p>CMr.56.5</p> <p>This rule makes allowance for construction, maintenance or demolition work, which are temporary activities and for which a higher noise tolerance is acceptable.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>CMr.57</b> <b>Exotic plants</b> [note – this rule is a regional rule]	CMr.57.1 The introduction of exotic plants is not a permitted activity.	CMr.57.2 not applicable	CMr.57.3 The introduction of an exotic plant species (other than species of the genus <i>Spartina</i> ; see prohibited activities) to the Coastal Marine Area, when that plant is already present in an area, is a discretionary activity, (or a non-complying activity within the estuaries).
<b>CMr.58</b> <b>Other activities</b> [note – this rule is a regional rule]	CMr.58.1 Other activities, not covered by rules in this Plan, but referred to in sections 12(1), 12(2), 14 and 15 of the Act or any other subsequent amendments are not permitted activities.	CMr.58.2 not applicable	CMr.58.3 Activities not covered by rules in this Plan but referred to in sections 12(1), 12(2), 14 and 15 of the Act or any other subsequent amendments are discretionary.

Assessment Criteria	Explanation
<p>CMr.57.4</p> <ul style="list-style-type: none"> <li>a) biosecurity and ecological considerations.</li> <li>b) the effects on historic heritage.</li> </ul>	<p>CMr.57.5</p> <p>The introduction of an exotic plant species to the Coastal Marine Area, even when it is already known or thought to be present, is treated as a discretionary activity because it may be inappropriate to facilitate the spread of the plant in the proposed locality.</p> <p>Note that as per rule CMr.6 the introduction of an exotic plant species (other than species of the genus <i>Spartina</i>) to the Coastal Marine Area, when that plant is not already present in an area, should be considered a non-complying activity.</p> <p><i>Spartina</i> is a serious weed in Tasman Bay; the target of an eradication programme.</p>
<p>CMr.58.4</p> <ul style="list-style-type: none"> <li>a) effects on the ecology of the Coastal Marine Area.</li> <li>b) effects on conservation values.</li> <li>c) effects on amenity and heritage values.</li> <li>d) effects on public access and recreational values.</li> <li>e) occupation charges.</li> <li>f) effect on water classifications.</li> <li>g) the effect on historic heritage.</li> </ul>	<p>CMr.58.5</p> <p>The provision is a "catch-all" rule designed to make activities discretionary, if they are not covered by other rules in this Plan. A resource consent is therefore required for activities that are not mentioned in the Coastal Marine Area.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>Rules relating to Overlays on the Planning Maps</b>			
<b>CMr.59</b> <b>Coastal Marine Area within the Industrial Zone</b> [note – this rule is a regional and a district rule]	CMr.59.1 Any activity in the portion of the Industrial Zone within the Coastal Marine Area is permitted if: a) the activity is specified in an Industrial Zone rule as a permitted activity, and b) any conditions specified in the Industrial Zone rule are complied with.	CMr.59.2 Any activity in the portion of the Industrial Zone within the Coastal Marine Area is controlled if: a) the activity is specified in an Industrial Zone Rule as a controlled activity, and b) any standards and terms specified in the Industrial Zone Rule are complied with. Control reserved over: i) the matters that control is reserved over in the Industrial Zone Rule, and ii) life-supporting capacity of Coastal Marine Area, and iii) conservation values, and iv) amenity and heritage values, and v) public access and recreational values, and vi) occupation charges.	CMr.59.3 Activities in the portion of the Industrial Zone within the Coastal Marine Area are discretionary if: a) the activity contravenes a permitted condition, or controlled standard or term, and b) the activity is stated in an Industrial Zone rule to be discretionary .  Activities are non-complying if the activity is stated in an Industrial Zone rule to be non-complying.  Activities are prohibited if the activity is stated in an Industrial Zone rule to be prohibited.
<b>CMr.60</b> <b>Wakefield Quay Precinct</b>	CMr.60.1 Alteration of any building in the Wakefield Quay Precinct as shown on the Planning Maps is permitted if: a) the work is redecoration, restoration or insignificant alteration of existing fabric or detailing within the existing building envelope, and b) the work is carried out with materials similar to, or having the same appearance to those originally used.	CMr.60.2 not applicable	CMr.60.3 Activities that contravene a permitted standard are a discretionary activity.
<b>CMr.61</b> <b>Heritage Buildings, Places and Objects</b> Alterations to Group A and B items	CMr.61.1 Alteration to any Group A or B building, place or object listed in Appendix 1 is permitted, if: a) i) the work is redecoration, restoration or insignificant alteration of any existing fabric or detailing, and ii) it is carried out to the same scale as the original, including window scale, and with materials and details similar to, or having the same appearance to those originally used, or b) the work is on the interior of a building or its site surrounds (unless otherwise specified in Appendix 1 in which case (a) also applies).	CMr.61.2 not applicable	CMr.61.3 a) alteration to any Group A building, place or object listed in Appendix 1 which does not comply with the conditions for a permitted activity is discretionary. b) alteration to any Group B building, place or object listed in Appendix 1 which does not comply with the conditions for a permitted activity is a restricted discretionary activity.  Discretion restricted to: i) design and appearance.  Resource consent applications for restricted discretionary activities will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.

Assessment Criteria	Explanation
<p>CMr.59.4</p> <ul style="list-style-type: none"> <li>a) Assessment Criteria set out for the Industrial Zone rule for the relevant activity.</li> <li>b) Effects on the ecology of the Coastal Marine Area.</li> <li>c) Effects on conservation values.</li> <li>d) Effects on amenity and heritage values.</li> <li>e) Effects on public access and recreational values.</li> <li>f) Occupation charges.</li> </ul>	<p>CMr.59.5</p> <p>This rule applies to the portion of the Industrial Zone in the vicinity of the Port that overlaps with the Coastal Marine Area, as shown on the Planning Maps. In the area of overlap, rules for the Industrial Zone that specifically prohibit, regulate or control an activity apply in the Area of overlap. (This includes Schedule M in the Industrial Zone relating to the Marina). Additional matters of control and assessment criteria are introduced to recognise the sensitivity of the Coastal Marine Area.</p> <p>Activities in the area of overlap that are not specifically dealt with in the Industrial Zone rules will be governed by the Coastal Marine Area rules. For example, the Industrial Zone rules say nothing about reclamation of the seabed, so reclamation is governed by the Coastal Marine Area rules.</p> <p>Rule CMr.57 (other activities) applies to any activity not specifically mentioned in the Coastal Marine Area rules.</p>
<p>CMr.60.4</p> <ul style="list-style-type: none"> <li>a) effects on coastal processes and ecosystems.</li> <li>b) Compliance with the design guide and rules for Wakefield Quay (Appendix 23).</li> <li>c) for alteration of Group A or B heritage buildings, refer to rule REr.85 (alterations to Group A and B items) and to the design guide and rules for Wakefield Quay (Appendix 23).</li> <li>d) for demolition of listed heritage buildings, see criteria in: <ul style="list-style-type: none"> <li>i) rule REr.87 (demolition or removal of Group A and B items), and the design guide and rules for Wakefield Quay, and</li> <li>ii) rule REr.88 (demolition or removal of Group C items).</li> </ul> </li> </ul>	<p>CMr.60.5</p> <p>The Wakefield Quay precinct has been identified on the Planning Maps as an area with special qualities that need protection. It is not a heritage precinct, but it does contain a number of listed Heritage Buildings. It is also recognised that the area is suited to multi-level development if it is done in such a way as to protect these qualities.</p> <p>A small part of the precinct extends into the Coastal Marine Area on the seaward side of the road. This area includes a number of existing buildings. Various Residential Zone rules are referred to ensure that building standards are the same on both sides of the road.</p> <p>Construction of a new building in this area will be subject to the Coastal Marine Area rules about new structures.</p>
<p>CMr.61.4</p> <ul style="list-style-type: none"> <li>a) the historic, cultural or architectural significance of the item, having regard to the site on which the item is located.</li> <li>b) the extent to which the item has particular value because of the scarcity of heritage buildings, places or objects in the area, or because it forms part of a precinct of heritage buildings.</li> <li>c) the effect of the proposed alterations or additions on the integrity of the original heritage building or object, taking account of the scale of additions to the heritage building and the extent of loss (if any) of material of heritage significance, and how visible the change will be.</li> <li>d) the degree to which the addition or alteration is compatible with the heritage building, place or object, and whether the alteration or addition is clearly distinguishable from the original as new work.</li> <li>e) the ability of the applicant to develop or use the site without the alteration, and the economic effects of this.</li> <li>f) Whether the heritage value of the building, place or object has altered since the item was listed in the plan.</li> <li>g) any immediate or cumulative effects of the alteration on the quality of heritage features in the vicinity and the city as a whole.</li> </ul>	<p>CMr.61.5</p> <p>The rules provide three levels of protection depending on the categorisation of the heritage building, place or object.</p> <p>Minor maintenance is allowed for Group A and B items. More major work requires a resource consent to ensure the work is compatible with the heritage feature being protected. For Group B items discretion is restricted to the design and appearance of the alteration.</p> <p>Note: Buildings must comply with the general rules on bulk and location.</p> <p>See also Ap20r.4 in relation to signs on heritage buildings and trees.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>CMr.62</b>  <b>Heritage Buildings, Places and Objects</b>            New buildings on the site of a Heritage Item</p>	<p>CMr.62.1            Erection of a new building on the site of a Group A or Group B heritage item is not a permitted activity.</p>	<p>CMr.62.2            Erection of a new building on the site of a Group A or Group B heritage item is a controlled activity.</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> <li>i) design and appearance in relation to existing heritage item, and</li> <li>ii) distance of new building from, and location and relationship to existing heritage item</li> </ul>	<p>CMr.62.3            not applicable</p>
<p><b>CMr.63</b>  <b>Heritage Buildings, Places and Objects</b>            Demolition or removal of Group A and B items</p>	<p>CMr.63.1            Demolition or removal of a Group A and B item is not a permitted activity.</p>	<p>CMr.63.2            not applicable</p>	<p>CMr.63.3  <b>Group B</b>            Whole or partial demolition or removal of any Group B heritage building, place or object listed in Appendix 1 is discretionary.</p> <p><b>Group A</b>            Whole or partial demolition or removal of any Group A heritage building, place or object listed in Appendix 1 is a non-complying activity.</p>
<p>CMr.64            Heritage Buildings, Places and Objects            Demolition or removal of Group C items</p>	<p>CMr.64.1            Whole or partial demolition or removal of any Group C heritage building, place or object listed in Appendix 1 is permitted if:</p> <ul style="list-style-type: none"> <li>a) 2 months written notice is given to the Council prior to the work being done.</li> </ul>	<p>CMr.64.2            not applicable</p>	<p>CMr.64.3            Activities that contravene the permitted conditions are discretionary.</p>

Assessment Criteria	Explanation
<p>CMr.62.4</p> <ul style="list-style-type: none"> <li>a) the effect of the proposed new building on the integrity of the original heritage building or object, taking account of how visible the change will be.</li> <li>b) the degree to which the new building is compatible with the heritage building or object, including size, scale and materials used.</li> <li>c) the location of the new building in relation to the heritage building or object and whether it dominates or detracts from the heritage building or object.</li> </ul>	<p>CMr.62.5</p> <p>This rule ensures that new buildings on the site of an existing heritage building, place or object are compatible with the existing heritage item. Distance from the heritage item is an important consideration, particularly where the proposed new building is in very close proximity to the heritage item. See separate rules for Heritage Precincts.</p>
<p>CMr.63.4</p> <ul style="list-style-type: none"> <li>a) the historic, cultural or architectural significance of the item, having regard to the site on which the item is located.</li> <li>b) the extent to which the building has particular value because of the scarcity of heritage buildings in the area, or because it forms part of a precinct of heritage buildings.</li> <li>c) for removal, the degree of heritage loss due to the association of the building or object with the present site and the physical extent of relocation.</li> <li>d) the location a building or object is to be moved to, having regard to whether this yields a net environmental gain (eg. the new site is more accessible or visible); whether the item is to be protected or covenanted on its new site.</li> <li>e) Whether part of the building, place or object can be kept, while still maintaining to a reasonable degree, the features for which the item was listed.</li> <li>f) the ability of the applicant to economically develop or use the site without demolition, alteration or removal.</li> <li>g) the nature of any activity that is proposed to occur on the site, including the design and appearance of any replacement building or object (for the Wakefield Quay Precinct, the degree of compliance with the design guide for Wakefield Quay (Appendix 23)).</li> <li>h) Whether the heritage value of the building, place or object has altered since the item was listed in the Plan.</li> <li>i) any immediate or cumulative effects of the loss or removal of the listed building, place or object on the range, number; quality of heritage features in the vicinity and the city as a whole.</li> </ul>	<p>CMr.63.5</p> <p>Group A buildings, places and objects are the premier heritage items in the District. Their removal or demolition therefore is a non-complying activity under the Plan. A lower threshold can be applied to Group B items, while recognising that their retention is still important.</p> <p>Buildings and objects may have different strengths of association with their site and situation. Relocation on the same site or to an adjoining site may have limited adverse effects, while a relocation to a site further away may have a greater adverse effect.</p>
<p>CMr.64.4</p> <ul style="list-style-type: none"> <li>a) whether reducing the notification time would disadvantage any party, or would preclude effort to negotiate retention of the item.</li> </ul>	<p>CMr.64.5</p> <p>The requirement for 2 months notice for Group C items allows time for photographic or other records to be made of the heritage building or item prior to it being demolished (the Council will maintain such records and archival material). It also provides the opportunity for interested parties to negotiate voluntary protection of the heritage item. This might include purchase or some other arrangement to the satisfaction of the property owner.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>CMr.65</b>  <b>Archaeological Sites and Archaeological Overlays</b>            [note – this rule is a regional and a district rule]</p>	<p>CMr.65.1            The following are not permitted within an Archaeological Overlay, or within 50m of any archaeological site listed in Appendix 3 (archaeological sites) and identified on the Planning Maps:            a) erection or extension of any building or other structure, or            b) disturbance of the foreshore or seabed, or            c) earthworks.</p>	<p>CMr.65.2            not applicable</p>	<p>CMr.65.3            Activities that contravene a permitted condition are discretionary.            (In situations where the extent of the archaeological site is unclear, the application may be required to be accompanied by an archaeological survey of the area surrounding the site, carried out by a person suitably competent in archaeological survey).</p>
<p><b>CMr.66</b>  <b>Marine ASCV Overlay</b></p>	<p>CMr.66.1            Note: no special rules apply to this overlay although rules CMr.20 (exclusive occupation), CMr.31 (damage to or removal of vegetation), CMr.35 (drilling), and CMr.66 (subdivision) make reference to it. The overlay is to advise that the particular part of the Coastal Marine Area is within a Marine Area of Significant Conservation Value.</p>	<p>CMr.66.2            not applicable</p>	<p>CMr.66.3            not applicable</p>
<p><b>CMr.67</b>  <b>Subdivision</b></p>	<p>CMr.67.1            Subdivision is not a permitted activity in this Area.</p>	<p>CMr.67.2            Creation of separate certificates of title for the protection of areas of significant conservation value within the Marine ASCV Overlay.            Control reserved over:            i) the extent of the new title created.</p>	<p>CMr.67.3            Activities that contravene a permitted or controlled condition are non-complying.</p>



Assessment Criteria	Explanation
<p>CMr.65.4</p> <ul style="list-style-type: none"> <li>a) the nature, form and extent of the proposed activity and its effects on the site.</li> <li>b) the impacts on the integrity or heritage value of the site.</li> <li>c) the findings of an archaeological survey of the area surrounding the site commissioned by the applicant, and carried out by a person suitably competent in archaeological survey.</li> <li>d) Where the application relates to a Maori archaeological site, the response of the tangata whenua.</li> <li>e) if the site is to be modified, whether there is sufficient time and expertise to record the site.</li> <li>f) the ability to avoid, remedy or mitigate any adverse effects of the activity on the site.</li> </ul>	<p>CMr.65.5</p> <p>Archaeological sites are sites of human activity before 1900. In this Plan the majority are Maori sites, with most non-Maori sites being on the Heritage Buildings, Places and Objects list (Appendix 1).</p> <p>The archaeological sites identified on the Planning Maps are from the registers of the Historic Places Trust and the NZ Archaeological Association. A resource consent is required for the listed activities within 50m of the identified site or within an Archaeological Overlay. This allows examination of whether there are unidentified sites in close proximity. It also allows scrutiny of activities near a site which, while not damaging the site itself, might indirectly affect the value of the site.</p> <p>Applicants are reminded that authority is needed from the Historic Places Trust before any archaeological site is destroyed, damaged or modified. This applies to any archaeological site, whether or not it is identified on the maps in this Plan or in any other way. In other words, it applies to archaeological sites uncovered accidentally. Under section 10 of the Historic Places Act 1993 it is an offence to damage an archaeological site without authority. In the case of accidental discovery, the relevant iwi should be contacted immediately so that they can decide what action should be taken. In addition, the Historic Places Trust should be notified.</p>
<p>CMr.66.4</p> <p>In the case of discretionary applications, consideration will be given to the nature of the activity and its effect on the values associated with the Marine Area of Significant Conservation Value.</p>	<p>CMr.66.5</p> <p>This rule ensures that the values associated with the Marine Areas of Significant Conservation Value are not compromised by activities in this area.</p>
<p>CMr.67.4</p> <ul style="list-style-type: none"> <li>a) the future use of the land proposed to be subdivided.</li> <li>b) the existing character of the land and its importance to the integrity of the Coastal Marine Area and the values which the Area seeks to protect.</li> <li>c) Whether subdivision will grant a higher level of protection to natural values than that which already exists.</li> <li>d) the protection of areas of significant conservation value contained within the Marine ASCV Overlay and detailed in Appendix 4.</li> <li>e) the protection of riparian and coastal values including those detailed in Tables 6.1 and 6.2 of Appendix 6 (riparian and coastal margin overlays).</li> <li>f) the protection of archaeological sites, including any site of significance to tangata whenua.</li> </ul>	<p>CMr.67.5</p> <p>Subdivision is considered fairly unlikely given the present tenure of the land. Should for some reason subdivision be sought, consideration shall be given to the effects that will have on the integrity of the values which the Area seeks to protect.</p>