

# **nelson resource management plan**

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## **Volume 2 Zones**



**Nelson City Council**  
te kaunihera o whakatū

**RESOURCE MANAGEMENT ACT 1991**  
**NELSON RESOURCE MANAGEMENT PLAN**

It is hereby certified that the attached document, the Nelson Resource Management Plan (NRMP), is approved by the Nelson City Council.

The NRMP comprises a combined District Plan, Regional Plan and Regional Coastal Plan for Nelson City.

**District and Regional Plan**

The Regional and District Plan components were approved by the Nelson City Council on 12 August 2004 pursuant to an Order of the Environment Court dated 29 July 2004.

The Regional and District Plan components became operative on 1 September 2004.

**Regional Coastal Plan**

The Regional Coastal Plan (being part of the combined NRMP) was approved in part by the Minister of Conservation, the Hon Chris Carter, on 28 January 2006. This approval included all of the provisions of the Regional Coastal Plan except for those relating to the issue of 'Port Noise'.

The Regional Coastal Plan became operative in part on 1 May 2006 (on this date all Regional Coastal Plan provisions became operative except for those relating to the issue of 'Port Noise').

Following the resolution of all appeals relating to the issue of port noise by way of Consent Order dated 17 December 2011, Variation 07/01 (Port Noise) to the Regional Coastal Plan was adopted by Nelson City Council on 23 February 2012.

The Minister of Conservation approved Variation 07/01 (Port Noise) to the Regional Coastal Plan on:

*8<sup>th</sup> November* 2012.

Variation 07/01 (Port Noise) to the Regional Coastal Plan became operative on:

*19<sup>th</sup> November* 2012.

**Mayor**



*9/10/12*

Date

**Councillor**



*11/10/12*

Date

**Minster of Conservation**



*8/11/12*

Date



# nelson resource management plan

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# residential

<b>REd</b>	<b>Description</b>
REd.1	Nelson's residential areas are characterised by low rise dwelling houses on individual lots. Past architectural styles, settlement periods and geographic factors have determined residential character and form, with the varying topography of the city resulting in a range of individual neighbourhoods.
REd.2	Although Nelson was occupied by Maori for generations before colonial times, little physical evidence remains within the residential area of traditional Maori settlement patterns, apart from the significant "Matangi Awhio" Pa site above Auckland Point School.
REd.3	The settlement pattern of Nelson is reflected in its geographic setting. The earliest settled parts are within the lower flood plains of the Maitai River, and The Brook and York Valley Streams. Initial development of these areas occurred in the 1840s, with a number of buildings from the 19th century still remaining. This Plan recognises that the development of some parts of older Nelson have an open spaciousness, such as the area between the Cathedral and the Grampians. There are also several streets, precincts, and many individual buildings within Nelson that have heritage significance, and this Plan seeks to encourage their preservation and enhancement.
REd.4	As Nelson's population has grown, new residential areas have been developed to the north and south of the city. In more recent years there has been a move towards infill development, where existing residential areas have been redeveloped - such as in Stoke, Tahunanui, and The Wood. Land to the south, as far as Saxton Road, has been developed since 1990 into new greenfield subdivisions.
REd.5	The character of residential areas is also determined by the presence of non-residential activities and community facilities that usually operate from purpose-built buildings. These activities tend to provide essential community services including convenience shops, churches, schools, doctors' surgeries, day care centres, and public halls. In some residential areas, activities such as hospitals, tourist accommodation, hotels, or parks have been established which serve wider city or regional populations. Non-residential activities and community facilities can be accepted within residential areas provided they do not give rise to significant adverse effects.
REd.6	Residential areas provide the place where most people sleep and enjoy their leisure time, and quiet, peaceful surroundings are expected.
REd.7	With the closure of health care facilities in the Ngawhatu Valley and the identification of this land for development, the future use of the land between the Ngawhatu Valleys became a resource management issue. Given the shape of the Valleys, the future use of the land between is inextricably linked because servicing of the land between the Valley can only be through the Valleys. Lack of planning now for the future use of this land will result in this land being landlocked. The land has been identified as suitable for a range of densities of development, and planning for the future development of this land must be integrated, particularly from a servicing perspective, with the Ngawhatu Valley land.

- REd.8 In Marsden Valley there is provision on the valley floor for higher density residential development, a Suburban Commercial Zone, and for residential development on the hills surrounding the valley provided consideration is given to the landscape context of the area. There is also provision for residential development on the hills adjacent to Ngawhatu, including the area referred to as the Marsden Plateau. The area has been identified as suitable for a range of densities of development, provided that the special landscape values of the Marsden Plateau, in particular, are recognised.
- REd.9 See the objectives and policies relating to zones in Chapter 5 (district wide objectives and policies). The Plan should always be considered as a whole.

## objective

### RE1 living style

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*The option of a diversity of residential styles based on the differing characteristics of areas of the city, and differing community needs.*

#### Reasons

RE1.i Flexibility in the design and location of residential developments can lead to an interesting and attractive street scene, while also meeting the varying needs of the community.

#### policy

### RE1.1 densities

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*A choice of building densities should be provided within the city, taking into account people's preferences, the existing character of neighbourhoods, topography, townscape, the capacity of infrastructure, and the constraints of the land resource.*

#### Explanation and Reasons

RE1.1.i Four separate housing densities are provided within the Residential Zone which recognise different living environments and seek to provide diversity of housing choice. These areas are shown on the Planning Maps as lower density, lower density (Stoke), standard density, and higher density. Density refers to the number of residential units in a given area, together with the relationship between buildings and open space on sites. It affects the potential number of people living in an area, the area occupied by buildings, driveways and parking spaces, as well as the available space for gardens, and particularly, for large trees. The density provisions provide a degree of certainty to residents by not allowing fundamental changes to the existing patterns of development in particular areas.

RE1.1.ii In addition to the residential densities referred to above, specific areas have different density provisions. This has usually been determined on account of the existing amenity and physical constraints of land, services and roading in the area concerned and is usually shown on a Structure Plan and through associated plan provisions.

#### Method

RE1.1.iii Rules providing a range of minimum site sizes and levels of permitted building coverage, to cater for a variety of living styles.

## policy

### RE1.2 flexibility in development

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*Flexibility in density, building form, and site development below that specified in the rules should be allowed, provided that the development:*

- a) integrates the design of residential units and any subdivision, and that all required resource consents are applied for concurrently, along with any building consent or building sketch plans, and
- b) presents a high standard of on site and off site amenity, and
- c) does not diminish the amenity of neighbouring sites, and
- d) is designed with regard to the character of the area, and
- e) does not significantly affect the views or outlook from adjacent properties, and
- f) the cumulative effects of such developments do not significantly change the density of the area or detrimentally affect its character, and
- g) does not diminish the streetscape of adjacent roads, and
- h) represents quality urban design (refer to section DO13A District Wide Objectives and Policies) in particular a diversity of building forms and co location of activities.

#### Explanation and Reasons

RE1.2.i This policy recognises that different built forms and layouts may be appropriate, other than the traditional house and section. This can be the case particularly for higher density developments, where a scaled down suburban house and section may not be the most appropriate or attractive way of providing for higher density living. The policy signals that other approaches will be considered and that they will be judged on their merits, and the quality and standard of environment they provide. The primary considerations will be the living environment provided, and any impacts on the amenity of the area, including on adjoining development. This policy applies primarily to proposals which are not considered under the Comprehensive Housing provisions of rule REr.22 and Appendix 22. See also Policy RE1.2A. The policy does not provide for the creation of sites which are below the minimum size specified in the Plan where the application is not accompanied by a proposal for a residential unit. In other words, departure from the standards in the Plan depends on consideration of an integrated package of a specific building on a specific site in order to judge the effects of the proposal.

RE1.2.ii Where land is close to open space, such as a park, or the sea, there is potential for less restrictive development control in relation to density, as public open space may substitute for open space on the property being developed.

#### Methods

RE1.2.iii Using the discretionary activity consent procedure to provide for more innovative housing proposals, under rules REr.23 'Minimum Site Area' and REr.24 'Site Coverage'.

RE1.2.iv Assess other proposals beyond the standard for a discretionary activity as non-complying activities.

RE1.2.v Controlled activity provisions in rule REr.22 allowing conversion of identified existing redundant buildings in Ngawhatu Valley to apartments.

RE1.2.vi Development opportunities specific to individual areas are identified by way of Structure Plan.

## **policy**

### **RE1.2.A comprehensive housing**

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*Encourage and promote higher density developments where such developments incorporate quality urban design principles (refer section DO13A District Wide Objectives and Policies), and where they are located in close proximity to services, shops, transport routes, open space and other urban amenities.*

#### **Explanation and Reasons**

RE1.2A.i Well designed higher density living in areas with suitable amenities is an efficient use of the residential land resource. This style of development also supports local facilities, commercial centres, neighbourhood shops and public transport. It can also reduce the number of vehicle trips undertaken and improve the safety of central areas by having more people living nearby. Comprehensive Housing Developments can come in a variety of forms such as apartments, attached and detached dwellings and mixed-use commercial and residential developments. The specific rule and appendix for Comprehensive Housing Developments requires that quality urban design principles are used to provide for a high standard of living and design on a smaller property. Every proposal is assessed holistically to ensure that the entire design proposal achieves the outcome expected by the Plan.

#### **Methods**

RE1.2A.ii Using the Comprehensive Housing Development provisions of the Plan to achieve quality on-site and off-site living and design standards through the use of best practice architectural and urban design techniques.

RE1.2A.iii Applying a flexible approach to implementing the Comprehensive Housing provisions to allow design to respond to each individual site and environment.

RE1.2A.iv Providing for developments to be a restricted discretionary activity, with a non-notification provision, provided they are located in the Residential Zone - Higher Density Area.

RE1.2.A.v Use of council's 'Urban Design Panel' and 'Major Projects Team' to assess, advise and coordinate Comprehensive Housing Developments.

## **policy**

### **RE1.3 Wakefield Quay precinct**

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*Development in the Wakefield Quay Precinct must maintain the established features that contribute to the character and amenity of the Precinct, while allowing the opportunity for future higher density residential development, together with compatible uses, provided that the development is consistent with Appendix 23 'Design Guide and rules for Wakefield Quay Precinct'.*

#### **Explanation and Reasons**

RE1.3.i The reasons for the special treatment of the Wakefield Quay Precinct are set out in Ap23.1.3 of Appendix 23 (design guide and rules for Wakefield Quay). The objectives and policies in Chapter 5 (district wide objectives and policies), and in this Chapter also apply but this policy and Appendix 23 represent additional matters specific to the Wakefield Quay Precinct.

#### **Method**

RE1.3.ii Specific bulk and location rules for Wakefield Quay with guidelines to control design and appearance and related matters.

## **policy**

### **RE1.4 lower density areas**

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*The open spaciousness of development should be maintained within those areas identified on the Planning Maps for lower density development.*

#### **Explanation and Reasons**

RE1.4.i The residential area at the northern foot of the Grampians, the Tahunanui Hills, and the Ardilea Avenue subdivision in Stoke have a low level of building density and corresponding open spaciousness of development compared with most other residential areas in Nelson. These areas have developed a certain character as a result of past patterns of development, and in the case of the Tahunanui Hills and Grampians area, past restrictions on infill because of a slope risk hazard have helped maintain the open character. The Glen has a lower building coverage limit to recognise the rural setting. The townscape variety, and opportunities for larger sections including ability to sustain larger trees, that these areas offer is protected through a stricter limitation on building density than elsewhere in the city. The purpose of the lower density areas adjacent to the airport and the Port Industrial Area (the Airport and the Port Effects Control Overlays) is to minimise the number of residences exposed to noise from the airport and the Port Industrial Area, rather than to preserve visual or related characteristics. The low density residential land on Main Road, Stoke, was rezoned from Rural, in part to provide a greater level of protection from industrial type activities. The density has been kept low to preserve some measure of its former character, while at the same time recognising that the area will eventually be fully developed for residential purposes.

#### **Method**

RE1.4.ii Rules controlling minimum site size, and lower allowable level of building coverage.

## **objective**

### **RE2 residential character**

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*An environment that is principally residential in character.*

#### **Reasons**

RE2.i The primary purpose of the residential zoning is to provide an environment that is suitable for the accommodation of people. The essential components of a principally residential environment include access to an adequate amount of daylight, minimal disturbance from nuisances, and a reasonable degree of privacy.

This objective provides the opportunity for home occupations and non-residential activities, provided any adverse effects are kept to an appropriate level.

## **policy**

### **RE2.1 noise**

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*Noise levels received at adjacent site boundaries should be consistent with a predominantly residential environment.*

#### **Explanation and Reasons**

RE2.1.i Noise is a particularly important amenity consideration in urban areas where people are living in close proximity. This policy aims to ensure noise received on or from an adjacent site is reasonable for a residential zone.

#### **Methods**

RE2.1.ii Information about rights and responsibilities of neighbours in terms of noise complaints.

RE2.1.iii Enforcement provisions of the Resource Management Act and Health Act.

RE2.1.iv Rules relating to maximum noise levels.

RE2.1.v The Council's 24 hour noise control service.

RE2.1.vi Rules requiring provision of a landscaped bund along the residential/industrial interface in the Nayland Road South area at the time of subdivision adjoining this zone interface.

RE2.1.vii Rules requiring the erection of an acoustic fence along the residential/industrial interface in Main Road, Stoke (within the Industrial Zone) prior to any industrial activity taking place.

RE2.1.viii Rules requiring acoustic insulation in new residential units and alterations to existing residential units, in areas specifically affected by noise from the Port Industrial Area.

RE2.1.ix Rules requiring minimum site areas for subdivision in areas affected by noise from the Port Industrial Area.

RE2.1.x Rules requiring the adoption of noise minimisation techniques to reduce noise effects.

## **policy**

### **RE2.2 nuisances**

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*The pleasant qualities of residential areas should not be adversely affected by glare, light spill, dust, vibration, or odour.*

#### **Explanation and Reasons**

RE2.2.i Glare, light spill and similar adverse effects within residential areas can compromise the use and enjoyment of people's property for residential purposes. Where such effects arise the Council or members of the public may take enforcement action under the provisions of the Resource Management Act 1991.

#### **Methods**

RE2.2.ii Information about rights and responsibilities of neighbours.

RE2.2.iii Enforcement provisions of the Resource Management Act and Health Act.

RE2.2.iv Rules relating to light spill, and vibration.

## **policy**

### **RE2.3 daylight and sunlight**

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*Buildings and structures should be designed and sited so that adjoining sites are not unduly shaded, and there is reasonable access to daylight.*

#### **Explanation and Reasons**

RE2.3.i The reception of daylight and sunlight to each household unit is a critical component of residential amenity that provides warmth and energy efficiency, and is vital for outdoor activities such as gardening and recreation. To ensure shading effects are minimised, and to ensure there is sufficient space around buildings to allow the admission of daylight to the site, this Plan has provided for daylight controls on all side and rear boundaries. The policy also applies to larger non-residential buildings such as schools or halls. The basic premise is that the daylight and sunlight received on a residential site should be no different whether or not the neighbour is residential. This philosophy applies whether the building is on an adjoining site or across a street.

#### **Method**

RE2.3.ii Rules setting daylight recession planes.

**policy**  
**RE2.4 privacy and outlook**

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*The location and design of buildings should not unduly compromise outlook and privacy of adjoining development, having regard to the character of the area and the reasonable expectations for development.*

**Explanation and Reasons**

RE2.4.i Privacy is an important component of amenity. However, not everyone requires privacy to the same degree. Indeed some relish an open outlook where they can keep in touch with the community. Where people do want privacy, however, they should be able to have it to a reasonable degree. Height of buildings and closeness to boundaries are key determinants of privacy, outlook, and views. The location of outdoor areas, such as decks and balconies are also important.

**Methods**

- RE2.4.ii Information about rights and responsibilities of neighbours eg. trees, fences.  
RE2.4.iii The Building Act controls windows in walls of buildings on or close to boundaries.  
RE2.4.iv Rules on proximity of decks, balconies and similar structures to boundaries, rules allowing reasonably generous fence heights, and building height controlled by height rule, and daylight admission rules.  
RE2.4.v Comprehensive Housing Development provisions, backed up by conditions of resource consent.

**policy**  
**RE2.5 scale**

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*The size and scale of buildings, structures, and activities should be compatible with the character and amenity of the residential areas.*

**Explanation and Reasons**

RE2.5.i Buildings, sites, and activities need to be of a size or type that might be expected in the neighbourhood. This is not solely a matter of size. Schools, hospitals, or churches can be large, but are probably more readily accepted in a residential area than warehouses or shops of a similar scale. Structures may include such things as masts and towers which again should be of a scale appropriate to the Residential Zone. The overall aim is to ensure that the Zone retains an essentially residential character, and that activities relate to the surrounding locality.

**Methods**

- RE2.5.ii Rules relating to maximum building height and coverage of site.  
RE2.5.iii Rule making non-residential activities discretionary.  
RE2.5.iv Rules controlling the height of structures such as masts and aerials.  
RE2.5.v Rules setting daylight angles which control building height in relation to closeness to boundary.

**policy**  
**RE2.6 non-residential activities**

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*No activity should have effects significantly greater than the normal residential use of any property, unless they can be adequately avoided, remedied or mitigated.*

**Explanation and Reasons**

RE2.6.i Non-residential activities are generally accepted as part of residential areas provided the adverse effects are contained within the site. As these activities tend to attract people to residential environments for non-residential purposes, it needs to be ensured that suitable controls over potential adverse effects are in place to protect residential amenity. Activities which occur at night can be a particular problem in terms of noise, and concerns about security. Where the activity involves the sale and consumption of alcohol there may be concerns about the likelihood of disorderly behaviour.

Maintenance and alteration of existing non-residential activities is provided for under the existing use rights of the Resource Management Act (section 10). No resource consent is needed if the use was lawfully established before the Proposed Plan was notified, and the effects of the use are the same or similar in character, intensity, and scale.

#### Methods

RE2.6.ii Rule making non-residential activities discretionary so that the effects of each proposal can be assessed on a case by case basis.

RE2.6.iii Rules regulating home occupations eg. hours of operation, maximum number of persons involved.

RE2.6.iv Use of existing rights provisions under s10 RM Act to allow for maintenance and alteration to existing non-residential activities.

### **policy**

#### **RE2.7 community dislocation**

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*Activities should avoid breaking up community and neighbourhood coherence, having particular regard to the cumulative effects of activities.*

#### Explanation and Reasons

RE2.7.i Non-residential activities in particular can lead to a loss of residential neighbours which can affect the coherence, security, and general friendliness of neighbourhoods. Many non-residential activities such as medical rooms are often unoccupied at night and the weekend. This can weaken the role of the neighbourhood in providing mutual support. Non-residential activities may also detract from amenity values if there is no one next door to have a chat to over the fence. Having said that, it is recognised that some non-residential activities can support residential areas during the day.

RE2.7.ii The policy could be implemented by two opposite strategies, both of which would be effective. One approach is to locate non-residential activities in areas where the residential character is already compromised (i.e. to have clusters of such activities). The other approach is to ensure non-residential activities are dispersed within the residential zone. This approach could ensure, for example, that residential sites where possible have other residential neighbours. It would not generally be acceptable for a residence to be isolated between two non-residential activities. With either approach, particular attention needs to be paid to the incremental and cumulative effects on residential areas, so that the overall residential character and function is retained. Both strategies are acceptable approaches.

#### Method

RE2.7.iii Rule making non-residential activities discretionary so that the effects of each proposal can be assessed on a case by case basis.

### **policy**

#### **RE2.8 community benefit**

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*It is recognised:*

*that certain non-residential activities need to locate in the Residential Zone, and that some existing non-residential activities may need to be explicitly provided for in the zone, and*

*that some non-residential activities may enhance the amenity and sense of community of residential areas.*

#### Explanation and Reasons

RE2.8.i Non-residential activities such as schools generally need to be located in the Residential Zone to suit their pupils, and in order to obtain a standard of amenity suitable for a school environment. Schools and churches can also provide a community and neighbourhood focal point. In addition, they are a resource that can be used for other community activities.

Some other non-residential activities, such as early childhood education centres, may also enhance the amenity and sense of community of a neighbourhood. Emergency service facilities, retail outlets, neighbourhood parks (generally accepted to be 4ha/1000 people) and other activities in some instances may also increase the amenity and service to the community. Each case has to be judged on its merits. In some cases the community may be willing to accept some adverse effects, if there are compensating benefits to their neighbourhood.

#### Methods

RE2.8.ii Rule making non-residential activities discretionary so that the effects of each proposal can be assessed on a case by case basis.

RE2.8.iii Schedules to provide for existing non-residential activities such as Nelson Hospital, the Polytechnic on the former 'Griffins site', Bishopdale Potteries, and BP Annesbrook.

## objective

### RE3 streetscape, landscape, and natural features

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*Attractive streetscapes, and the maintenance and enhancement of those significant public views, natural features, and landscapes that contribute to Nelson's character and setting.*

#### Reasons

RE3.i Nelson's location, between the coast and the backdrop hills, provides the city with its landscape setting. The Council has identified a number of important aesthetic components within this landscape setting that make Nelson such an attractive and appealing city to live in and to visit. Within the wider context, the appearance and attractiveness of the streets is an important factor in Nelson's appeal. This includes the public part of the streets, and the way private land presents to the road, i.e. the appearance of the buildings, planting and landscaping.

#### policy

##### RE3.1 landscape values

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*Roads, buildings and other structures should not dominate landforms and vegetation, and should minimise intrusiveness into the landscape, so as to retain amenity values and the pleasant and natural appearance of the hills.*

#### Explanation and Reasons

RE3.1.i Landscape Overlays identified on the Planning Maps form the immediate backdrop to urban Nelson. They are the most visible ridgelines from the City Centre and the major transportation corridors into and out of the District. They have been identified because of their importance in terms of the landscape and backdrop to Nelson. Because of their high visibility they are sensitive to development. The underlying natural features should not be compromised by development. In some instances intrusive structures such as masts or aerials may be inappropriate, or may need to be extremely limited and carefully controlled, for example limited to small structures which need such a location. Even then they would need to be carefully sited and designed in order to comply with the policy.

#### Methods

RE3.1.ii Significant ridgelines and landscapes defined as overlays on the Planning Maps.

RE3.1.iii Rules making intrusive above ground network utility structures discretionary in the landscape overlays.

RE3.1.iv Rules making subdivision in the landscape overlays controlled with special regard to visual impacts.

RE3.1.v Guide on Subdivision in Landscape Overlays (Appendix 7).

RE3.1vi Acquire key sites where feasible, either by purchase or reserve contribution.

- RE3.1.vii Use of covenants, easements, or consent notices under section 221 of the Act to protect visual amenity.
- RE3.1.viii Provision of a specific schedule to address the special landscape values of the Marsden Plateau - see Schedule U.

## **policy**

### **RE3.2 view shafts and gateways**

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*View shafts and gateways which contribute significantly to Nelson's visual amenity should be protected and enhanced.*

#### **Explanation and Reasons**

RE3.2.i A number of significant view shafts and gateways within the residential area provide the community with pleasant views and urban open spaces, while also confirming an identity or sense of place. Gateways refer to the key transition points when moving from one landscape setting to another eg. the bridge on Trafalgar Street, Rocks Road to Tahunanui, the Bishopdale Hill, Hays Corner, Saxton Field and the opposite side of Main Road Stoke, Wakapuaka Road/Atawhai Drive/Queen Elizabeth Drive. The protection and enhancement of these community attributes will provide for the enjoyment of present and future generations.

#### **Methods**

- RE3.2.ii Acquire key sites where feasible, either by purchase or reserve contribution.
- RE3.2.iii Protect as a condition of resource consent where consent is required.
- RE3.2.iv Define key views on the Planning Maps and in Appendix 9.

## **policy**

### **RE3.3 vegetation**

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*Trees and vegetation which contribute to the amenity values of the area should be retained where this is compatible with site development.*

RE3.3.i Established trees are important elements of the Nelson landscape which often add significantly to the character of a neighbourhood. The policy seeks to retain as much of the existing vegetation as possible where subdivision or other residential development is proposed.

#### **Methods**

- RE3.3.ii Identify significant trees in the District and provide rules to protect them (see Appendix 2).
- RE3.3.iii Acquire key sites where feasible, either by purchase or reserve contribution.
- RE3.3.iv Conditions of resource consents to retain vegetation.
- RE3.3.v Use of covenants, easements, or consent notices under section 221 of the Act.
- RE3.3vi Rules controlling subdivision in respect of effects on trees and vegetation.
- RE3.3.vii All the above matters apply in respect of Ngawhatu Valleys - Highland and York Valley.

## **policy**

### **RE3.4 indigenous vegetation**

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*Indigenous vegetation should be preserved if it contributes to the amenity values of the area, except for the minimum area reasonably necessary for the safe development and use of a site.*

#### **Explanation and Reasons**

RE3.4.i Indigenous vegetation is an important part of the character of New Zealand and Nelson. The policy seeks to retain as much of the existing vegetation as possible where subdivision or other residential development is proposed. The policy recognises that safety issues such as fire risk also need to be considered.

This policy applies to indigenous vegetation which does not meet the criteria listed in Table DO5.1, for an area of significant indigenous vegetation.

#### Methods

- RE3.4.ii Identify significant trees and areas in the District and develop rules to protect them.
- RE3.4.iii Acquire key sites where feasible, either by purchase or reserve contribution.
- RE3.4.iv Conditions of resource consents to retain vegetation.
- RE3.4.v Use of covenants, easements, or consent notices under section 221 of the Act.
- RE3.4.vi Rules controlling subdivision in respect of removal of indigenous vegetation.

### policy

#### RE3.5 streetscape

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*Sites, buildings, fences and landscaping fronting onto roads should present an appearance which enhances the overall streetscape, and maintains the open, landscaped character of front yards that is typical of Nelson. Hard landscaping including car parking, should be minimised. The design of buildings, structures (including fences), roads and parking spaces (in front yards and on the street) should assist in making streets safer environments by enhancing informal surveillance, enabling community interaction, and being people-orientated.*

#### Explanation and Reasons

RE3.5.i Building setbacks from the front boundary have been traditional in Nelson. These were used to assist with privacy, and for landscaping and beautification. Garages and carports were the only buildings allowed in the front yard areas, and then only with a resource consent. The policy was changed to be more flexible and focused on whether the end result was attractive when viewed from the street. This led to the option of locating garages and carports closer to the front boundary if appropriately landscaped. Consequently the front yards of newly developed residential sites tended to become dominated by garaging, parking and manoeuvring areas which had adverse effects on the streetscape despite landscaping requirements.

RE3.5.ii The policy now aims to ensure that streetscapes are people orientated not vehicle orientated, that they maintain or enhance social, cultural and amenity values and are consistent with the urban design approach of the District Wide Objectives and Policies in section DO13A of the Plan. There are two different types of streetscapes anticipated, according to whether or not the road is classified or unclassified. For unclassified roads, an open relationship between houses and the street is the common pattern found in the city, and hence low fences are appropriate. For classified roads, it is reasonable to expect some solid fencing to maintain residential privacy and mitigate road noise. However continuous high, solid fences reduce the safety and amenity of the street for pedestrians and disable community interaction. A mix of solid and visually permeable materials ensures that these two outcomes can be integrated.

RE3.5.iii Subdivision and development should not perpetuate existing streetscape patterns and character that is not representative of the urban design outcomes sought progressively through the urban design objectives and policies and the rolling review of the Plan.

#### Methods

RE3.5.iv Rules providing that residential front yards are characterised by low fencing, landscaping and the presence of the residential dwelling before the garage, carport, or accessory building.

RE3.5.v Rules encouraging the use of local residential streets for vehicle manoeuvring rather than the front yard being dominated by permanent surfacing for parking and manoeuvring.

RE3.5.vi NCC Residential Frontage Design Guide.

**policy**  
**RE3.6 signs and advertising**

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*Signs and other advertising devices in residential areas should not adversely affect the residential amenity of the neighbourhood, or traffic safety.*

**Explanation and Reasons**

RE3.6.i Signs and other advertising devices can detract from the amenity of residential areas through being obtrusively visible from nearby properties. The adverse effects of signs and advertising are controlled so that the level of enjoyment of each property is not compromised.

**Method**

RE3.6.ii Rule controlling sign size and form.

**policy**  
**RE3.7 Ngawhatu residential area**

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*The landscape values of the Ngawhatu site should be maintained in providing for residential neighbourhoods in the area. Subdivision design, including roading layout, must give priority to significant tree protection, while ensuring road safety and efficiency is not compromised.*

**Explanation and Reasons**

RE3.7.i Large areas of open space and established vegetation contribute to the amenity of Ngawhatu. These areas need to be given special recognition in any future development strategy for the site to encourage an urban residential environment of high landscape amenity. Even within the residential neighbourhoods, the siting of development and design of subdivisions will influence this. Retention of as much established vegetation as practicably possible should be encouraged. There will be occasions when roading layout and widths need to be adjusted to maintain significant vegetation. An example of this is near the entry to Ngawhatu Valley where the Local Purpose Reserve created on this stage of subdivision required a narrowing of the legal width of the road to ensure the protection of a mature avenue of specimen trees. Design layouts should seek to address vegetation protection while providing road safety and efficiency. The example noted, achieved this by separating the footpath from the road carriageway and placing the footpath behind the specimen trees within the Local Purpose Reserve rather than within the Road Reserve.

**Methods**

RE3.7.ii Protection of specific Heritage and Landscape trees by listing in Appendix 2.

RE3.7.iii Conditions on subdivision consents to protect established vegetation, and to control landscaping.

**policy**  
**RE3.8 Marsden/Ngawhatu pedestrian and cycle linkages**

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*Pedestrian, and where practical, cycle linkages, should be provided between Marsden and Ngawhatu Valleys, connecting residential neighbourhoods and open space areas. Pedestrian linkages from Marsden Valley and Ngawhatu Valley should be provided to connect up to the Barnicoat Walkway.*

**Explanation and reasons**

RE3.8.i This policy seeks to ensure that, as subdivision and development progresses within the Ngawhatu Valley and Marsden Valley, pedestrian and cycle linkages are an integral part of the design as the Council and Community seek, over time, to achieve links from the "sea to the sky". The Structure Plans for these areas show "indicative" locations for walkways and/or cycle paths. There is flexibility in the exact location and route of the walkways and cycle paths, provided that the connections are made, i.e. connection between Ngawhatu and Marsden Valley and connection to the Barnicoat Range.

## objective

### RE4 Marsden Valley (Schedule I)

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*Subdivision and development of Marsden Valley (Schedule I area) that results in a high level of residential amenity built around a village centre as the focal point.*

#### Reasons

RE4.i The Nelson Urban Growth Strategy 2006 (NUGS) identified the Stoke Foothills, including Marsden Valley, as suitable for accommodating some of the future residential growth of Nelson. This Schedule and Structure Plan are to ensure residential development can be achieved to give effect to the direction provided by NUGS. It will allow for an integrated and planned system of walkways, roading and servicing across multiple properties, and will recognise landscape features including prominent slopes and ridgelines, waterways and significant vegetation/tree groupings.

#### policy

### RE4.1 Marsden Valley Development (Schedule I area)

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*Development of Marsden Valley shall generally accord with the Structure Plan for this area, as identified in Schedule I, Figure 1.*

#### Explanation and Reasons

RE4.1.i Development of Marsden Valley which generally accords with the Structure Plan (Schedule I) and Marsden Valley Commercial Zone Overall Design Principles will ensure this area is integrated with adjacent developments, provides a sense of community, and can achieve best practice urban design outcomes. This approach ensures continuity of public amenity such as walkways, reserves and open spaces, and ensures integrated servicing and roading patterns. The Structure Plan has been designed in accordance with urban design principles which take into account the landforms and landscape amenity values of the valley and surrounding hills. This will help meet the future residential needs of Nelson through a mix of residential and rural housing densities with an overall layout guided by a Structure Plan.

#### Methods

RE4.1.ii Schedule Marsden Valley to ensure integrated development and servicing in accordance with a Structure Plan.

RE4.1.iii Specific rules within the Schedule which control the adverse effects of development.

RE4.1.iv Development of Marsden Valley in accordance with best practice urban design.

RE4.1.v Zoning and subdivision rules which provide sufficient flexibility to achieve the desired urban design outcomes.

#### policy

### RE4.2 vegetation

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*Subdivision and development should be designed to ensure that vegetation patterns (existing and new) are incorporated to enhance the visual amenity, important landscape features and landscape forms of Marsden Valley. New and existing areas of vegetation should promote biodiversity and enhance habitat for flora and fauna.*

#### Explanation and Reasons

RE4.2.i Vegetation planting and protection will provide a strong and attractive landscape setting for residential development and will also act to reduce the visual effect of development within Marsden Valley.

The establishment of Biodiversity Corridors, 'greenspace', a landscape strip along the north-eastern side of Marsden Valley Road, esplanade reserves along Poorman Valley Stream and subdivision and roading design which allows for additional planting will enable this to be achieved and will strengthen recreational linkages and biodiversity within the valley. It will also help to provide a transition from Residential to Rural Zones.

A number of established trees on the north eastern side of Marsden Valley Road that are considered to be important in softening the visual effect of residential development in Marsden Valley have been specifically protected.

#### Methods

RE4.2.ii Protection of Heritage and Landscape trees by listing in Appendix 2 or by requiring that they be protected by covenant on titles at the time of subdivision.

RE4.2.iii Specifying within Appendix 6, that 20m wide esplanade reserves are required along the banks of this portion of Poormans Valley Stream.

RE4.2.iv Structure Plans or other Plan provisions requiring the provision of 'greenspace' and Biodiversity Corridors at time of subdivision.

## objective

### **RE5 Marsden Valley Plateau and Hills (Schedules U and V)**

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*Subdivision and development within the Marsden Valley Plateau Area (Schedule U) that recognises the special landscape values of the area as an important part of the backdrop to Stoke.*

*Subdivision and development within the Residential (Lower Density) Area of Marsden Valley (Schedule V) that provides for the efficient use and uptake of development opportunities on the adjoining Small Holdings Area, and the adjoining Schedule U area, in terms of integration of access and servicing.*

#### Reasons

RE5.i The Marsden Plateau forms part of an important backdrop to Stoke. While the land has potential for urban development, the special landscape values of the area must be considered in any design. Development of the Marsden Hill area needs to ensure that infrastructure linkages are provided to the Marsden Plateau and the Small Holdings Area. Road access options from Marsden Valley Road are limited because of the restricted length of road frontage. A Structure Plan sets out the indicative road position in Schedule V.

#### Policy

##### **RE5.1 Marsden Valley Plateau Landscape**

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*Urban Development on the Marsden Valley Plateau that maintains an appropriate balance between levels of built development and open space so that the built form does not dominate the landform by:*

*a) Restricted spatial location of development;*

*b) Locating development on the Plateau with a vegetated foreground following the natural landform, to provide a context/location for development within the landscape;*

*c) Development of the Plateau follows an overall development plan that may be progressed in stages.*

#### Explanation and reasons

RE5.1.i The Marsden Plateau is part of a sensitive visual landform when viewed from various public spaces, in particular parts of Stoke, Monaco and the Airport. The Plateau offers highly attractive urban development options with expansive views to the coast, but these opportunities must be balanced against the importance of this area as a landscape backdrop to Stoke.

Development needs to be carefully designed to ensure the attractive visual landscape outlook remains, both internally and externally, to and from the site. The Objective and Policies for the Marsden Valley Plateau are sought to be achieved through a Schedule (see Schedule U) specifically designed to achieve the appropriate balance between built development and retention of open/vegetated space.

#### Methods

RE5.1.ii Scheduling of the Marsden Valley Plateau to contain design criteria and rules tailored to promote the special landscape values of the Plateau.

RE5.1.iii Requiring subdivision to be a Restricted Discretionary Activity, maintaining controls over earthworks and dwellings.

### Policy

#### **RE5.2 Marsden Hills**

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*Subdivision and development within the Residential Area of Marsden Hills covered by Schedule V, must be generally in accordance with the Structure Plan for this area.*

#### Explanation and reasons

RE5.2.i Schedule V provides a Structure Plan setting out an indicative road network and walkway and/or cycleway network. Compliance with this will ensure integration of roading and walkways between the area of Schedules U and V, the Small Holdings Area on Marsden Hills and Ngawhatu.

#### Method

RE5.2.ii Scheduling of Marsden Hill Residential Area to ensure integration of roading and walkways and/or cycleways.

## REe environmental results anticipated and performance indicators

REe.i The following results are expected to be achieved by the above objectives, policies and methods. The means of monitoring whether the plan achieves the necessary changes are also detailed below:

Anticipated Environmental Result	Indicators	Data Source
REe.1 Reduction in number of minor consents e.g. for buildings in front yards	REe.1.1 Number of resource consent applications by type	Resource consent data
REe.2 Better quality infill development	REe2.1 a) Reduction in number of low quality or inappropriate infill subdivisions. b) Increase in the number of quality higher density residential developments	Resource consent data Valuation NZ data Public and Councillor comments
REe.3 An attractive and interesting streetscape	REe.3.1 a) Number of heritage buildings lost b) Number of heritage buildings, and other buildings in heritage precincts that are enhanced c) Improvement in style of development in Landscape Overlays	Resource consent data Photographic records

# **rules residential zone**

## **REr Rules**

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

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

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

### **REr.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) Erection of new residential units in the Tahunanui Core Slope Risk Overlay, which results in more than one residential unit on a site.
- c) Subdivision in the Tahunanui Core and the Tahunanui Fringe Slope Risk Overlays, except for boundary adjustments and for network utilities or public open space.
- d) New or relocated residential, school, hospital and other noise sensitive activities are prohibited inside the Air Noise Boundary.

### **REr.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 this Zone, permitted activities also include all land uses that are not specifically mentioned 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 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

### **REr.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 REr.8 below regarding further matters of control.)

### **REr.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 REr.8 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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**REr.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. 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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**REr.7 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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**REr.8 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:

- REr.8.a Financial contributions in the form of money, land, works or services, or a combination of these. (See Chapter 6), and
- REr.8.b Bonds or covenants or both, to ensure performance or compliance with any conditions imposed, and
- REr.8.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
- REr.8.d The duration of a resource consent, under section 123 of the Act, and
- REr.8.e Lapsing of a resource consent, under section 125 of the Act, and
- REr.8.f Change and cancellation of a consent, under sections 126 and 127 of the Act, and
- REr.8.g Notice that some or all conditions may be reviewed at some time in the future, under section 128 of the Act, and
- REr.8.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.

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**REr.9 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.

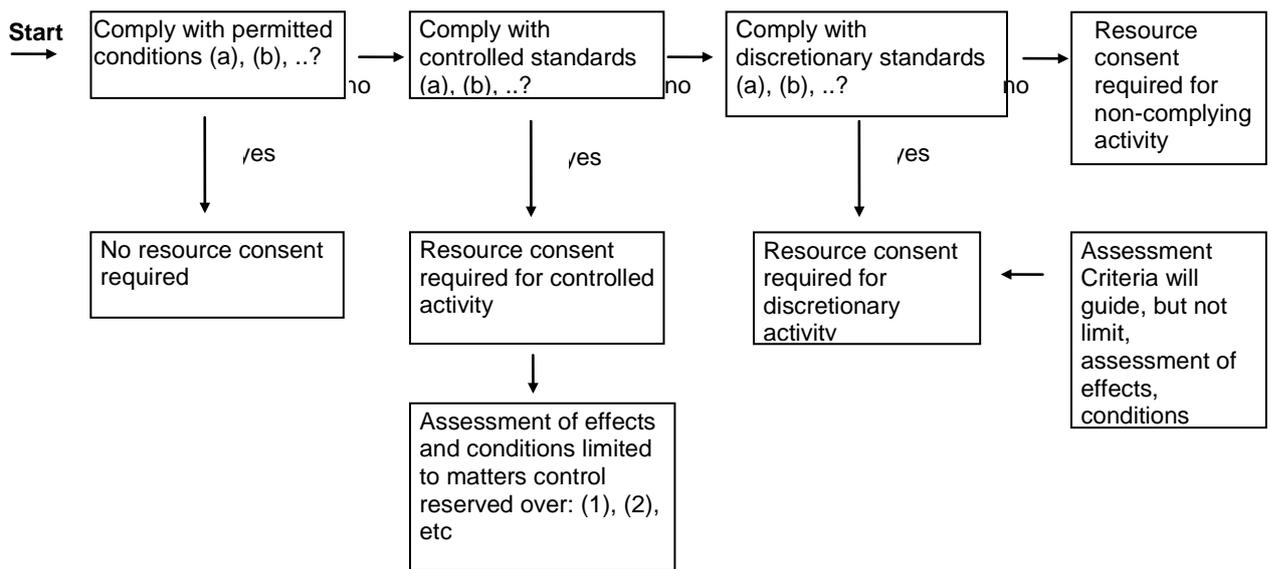
**RER.10 Reading the rule table**

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.



**RER.10.1** 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.

## Contents of residential zone rule table

REr.20	Non-residential activities (excluding home occupations)
REr.21	Home occupations
REr.22	Comprehensive Housing Development
REr.23	Minimum site area
REr.24	Site coverage
REr.25	Front yards
REr.26	Other yards
REr.27	Outdoor living court - Sites less than 350m <sup>2</sup>
REr.28	Pedestrian access to rear of sites
REr.29	Corner sites
REr.30	<i>(Deleted by Plan Change 14)</i>
REr.31	Fences
REr.32	Maximum building height
REr.33	Relocated buildings
REr.34	Building over or alongside drains and water mains
REr.35	Daylight admission
REr.36	Decks, terraces, verandahs and balconies
REr.37	Activities near the coast
REr.38	Parking
REr.39	Parking or storage of heavy vehicles
REr.40	Access
REr.41	Signs
REr.42	Outdoor storage
REr.43	Noise
REr.44	Helicopter landing pads
REr.45	Vibration
REr.46	Light spill
REr.47	Hazardous substances - use and storage
REr.48	Radioactive material
REr.49	Aerials
REr.50	Radiofrequency exposure levels
REr.51	Buildings near transmission lines
REr.52	Network utility - buildings
REr.53	Network utility - above ground and underground utilities
REr.54	Minor upgrading of electricity transmission lines support structures
REr.55	Structures on the road reserve
REr.56	Network utility - roads
REr.57	Neighbourhood parks
REr.58	Building on low lying sites
REr.59	Vegetation clearance
REr.60	Soil disturbance
REr.61	Earthworks
REr.61A	Landfill
REr.62	Papakainga development (Schedule Sch.A)
<b>Rules Relating to Overlays on Planning Maps</b>	
REr.63	Service Overlay - Building
REr.64	Airport Effects Control Overlay and Port Effects Control Overlay - Minimum site area
REr.65	Airport Effects Control Overlay - Acoustic insulation of buildings
REr.65A	Port Effects Control Overlay – Acoustic insulation of residential units
REr.66	Airport Effects Advisory Overlay
REr.67	Coastal Environment Overlay – Activities near the coast
REr.68	Landscape Overlays - Above-ground network utility structures
REr.69	Landscape Overlays – Minor upgrading of electricity transmission lines and support structures
REr.70	Conservation Overlay
REr.71	Riparian Overlay - Activities on land identified with riparian values
REr.72	Land Management Overlay
REr.73	Fault Hazard Overlay

## Contents of residential zone rule table continued

REr.74	Tahunanui Slump Core Slope Risk Overlay and Tahunanui Slump Fringe Slope Risk Overlay - Storm and waste water
REr.75	Tahunanui Slump Core Slope Risk Overlay and Tahunanui Slump Fringe Slope Risk Overlay - Earthworks
REr.76	Tahunanui Slump Core Slope Risk Overlay and Tahunanui Slump Fringe Slope Risk Overlay - Heavy structures
REr.77	Tahunanui Slump Core Slope Risk Overlay and Tahunanui Slump Fringe Slope Risk Overlay - New residential units
REr.78	Tahunanui Slump Core Slope Risk Overlay and Tahunanui Slump Fringe Slope Risk Overlay - Extension or rebuilding of existing residential units
REr.79	Tahunanui Slump Core Slope Risk Overlay and Tahunanui Slump Fringe Slope Risk Overlay - Accessory buildings
REr.80	Grampians Slope Risk Overlay - Storm and waste water
REr.81	Grampians Slope Risk Overlay - Earthworks
REr.82	Flood Path, Flood Overlays
REr.83	Inundation Overlays - Low lying ground susceptible to localised stormwater ponding or tidal inundation
REr.84	Wakefield Quay Precinct
REr.85	Heritage Buildings, Places and Objects - Alterations to Group A and B items
REr.86	Heritage Buildings, Places and Objects - New Buildings on the site of a Heritage Item
REr.87	Heritage Buildings, Places and Objects - Demolition or removal of Group A and B item
REr.88	Heritage Buildings, Places and Objects - Demolition or removal of Group C items
REr.89	Heritage Precincts - Alterations to any building (including listed Heritage Buildings)
REr.90	Heritage Precincts - Erection of new buildings
REr.91	Heritage Precincts - Removal or demolition of Listed Heritage Buildings
REr.92	Heritage Precincts - Front fences
REr.93	Heritage Trees - Trimming of a Heritage Tree identified in Appendix 2
REr.94	Landscape Trees - Trimming of a Landscape Tree identified in Appendix 2
REr.95	Heritage and Landscape Trees - Activities within the root protection zone of a Heritage or Landscape Tree identified in Appendix 2
REr.96	Heritage and Landscape Trees - Removing or destroying a Heritage or Landscape Tree identified in Appendix 2
REr.97	Local trees - Removing a local tree identified in Appendix 2
REr.98	Archaeological sites
REr.99	Bishopdale Pottery (Scheduled Site - Sch.B)
REr.100	Nelson Marlborough Health Services (Scheduled Site - Sch.C)
REr.101	BP Annesbrook (Scheduled Site - Sch.D)
REr.102	Ngawhatu Residential Area (Scheduled Site - Sch.E)
REr.103	Polytechnic (Scheduled Site - Sch.F)
REr.104	Trafalgar Street/Hathaway Court (Scheduled Site - Sch.G)
REr.105	Bishopdale Subdivision Area (Scheduled Site – Sch.H)
REr.106	Marsden Valley (Scheduled Site – Sch I)
REr.106A	Marsden Plateau Landscape Area (Scheduled Site – Sch U)
REr.106B	Marsden Hills (Scheduled Site – Sch V)
REr.106C	Enner Glynn and Upper Brook Valley Structure Plan (Schedule W) – refer to the Rural Zone Chapter 12
<b>Subdivision rules</b>	
REr.107	Subdivision - General
<i>Subdivision Rules relating to Overlays on the Planning Maps</i>	
REr.108	Services Overlay - Subdivision
REr.109	Landscape Overlays - Subdivision
REr.110	Fault Hazard Overlay - Subdivision
REr.111	Flood Path Overlay, Flood Overlay and Inundation Overlay - Subdivision
REr.112	Tahunanui Slump Core Slope Risk Overlay and Tahunanui Slump Fringe Slope Risk Overlay - Subdivision
REr.113	Heritage Precincts - Subdivision
REr.114	Heritage Overlays (excluding Heritage Precincts and Wakefield Quay Precinct) Subdivision
REr.115	Bishopdale Subdivision Area (Scheduled Site – Sch.H)
REr.116	Grampians Slope Risk Overlay - Subdivision
<b>Freshwater rules</b>	
(Refer Appendix AP28.9 for freshwater rules)	



**rule table**

Item	Permitted	Controlled	Discretionary/Non-complying
<b>RER.20</b> <b>Non-residential activities</b> (excluding home occupations)	RER.20.1 Except as otherwise provided for in the rules, no activity is a permitted activity, except: residential activity, or a home occupation.	RER.20.2 not applicable	RER.20.3 Any activity that contravenes a permitted condition is discretionary.

## residential zone

Assessment Criteria	Explanation
<p>REr.20.4</p> <ul style="list-style-type: none"> <li>a) the relationship between the scale of any buildings, structures or carparking areas on the site and existing residential development, ensuring that new development generally reflects established building forms in the neighbourhood. More substantial building development may be acceptable in situations where:               <ul style="list-style-type: none"> <li>i) the size or location of a site permits greater separation from existing development</li> <li>ii) the topography of the site or existing vegetation will diminish the impact of new development</li> <li>iii) development on adjacent sites is similar in size and scale</li> </ul> </li> <li>b) the extent to which existing residential amenities would be lessened, or whether effects such as noise, dust, glare, vibration, fumes, smoke, odours, or other discharges or pollutants have an adverse effect on the neighbourhood. Particular consideration is to be given to maintaining a quiet night-time environment, and to minimising risk to people's health and safety.</li> <li>c) whether the activity is in the Airport or Port Effects Control Overlay, or the Airport Effects Advisory Overlay and the relevant objectives and policies of DO11.1.3 and DO12.1.4.</li> <li>d) the extent to which vehicular traffic generated by any activity can be accommodated without loss of safety or efficiency of the road network, or without loss of residential amenity.</li> <li>e) the ability to provide adequate parking and access.</li> <li>f) in the Wakefield Quay Precinct, the provisions of the Design Guide and rules for Wakefield Quay.</li> <li>g) the extent to which the design and appearance of new buildings or alterations reflect residential forms.</li> <li>h) the use of landscaping and site treatment proposed as part of the application to soften the appearance of the development and reduce the effects upon neighbouring properties.</li> <li>i) impacts on any significant views or landscapes in Appendix 8.</li> <li>j) the proposed hours of operation of the activity and the extent to which that will have adverse effects on residential occupiers, particularly during normal sleeping hours of 10pm to 7am.</li> <li>k) the reasons why siting in the Residential Zone is considered appropriate or necessary, and the extent to which alternative locations have been considered, including sites in other zones.</li> <li>l) any impacts in terms of community dislocation.</li> <li>m) any positive effects to the neighbourhood or the wider community, including the extent to which the activity might enhance the amenity of the area.</li> <li>n) any cumulative effects from the activity or increase in the scale or intensity of the activity, whether on its own or in combination with other activities in the area.</li> </ul>	<p>REr.20.5</p> <p>Non-residential activities can have significant impacts on the residential character of the Zone.</p> <p>Applicants wishing to establish non-residential activities in the Residential Zone are required to go through the resource consent process, so that each proposal can be assessed on its merits, because:</p> <ul style="list-style-type: none"> <li>a) of the importance of maintaining a high standard of residential amenity</li> <li>b) of the difficulty in removing activities once established if they prove unacceptable in the neighbourhood</li> <li>c) in some instances, the risks to health and safety</li> <li>d) the diversity of types of non-residential activity, which make blanket rules difficult to develop</li> </ul> <p>It is recognised that some non-residential activities need to locate in the Residential Zone, or are of community benefit to the local residents or to the wider public. The consent process provides the opportunity for each case to be considered on its merits, and the application to be granted with conditions, or declined as the situation requires.</p> <p>Note: Residential activity is defined in Chapter 2. Home occupation is defined in Chapter 2. See also REr.21.</p> <ul style="list-style-type: none"> <li>i) Short term living accommodation is not a residential activity. See Chapter 2.</li> <li>ii) Section 10 of the Act provides certain rights for existing activities that contravene a rule in a plan e.g. non-residential activities. This provides for maintenance and some alteration of existing uses subject to the tests in the Act. 'Use' in s10 RMA includes changes to buildings (subject to certain conditions), and uses within those buildings.</li> </ul>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.21 Home occupations</b>	REr.21.1 Home occupations are permitted activities if: a) The principal use of the site is for residential activities, and b) At least one person carrying out the home occupation lives on the site, and c) Not more than one additional person (or the equivalent of a full time person) who does not live on the site is involved in the activity, and d) The activity is carried out in an unobtrusive manner, consistent with the amenity values of a residential neighbourhood, and e) No part of any home occupation activity (including storage or display of goods) is visible from any public place, and f) Clients' or suppliers' vehicles visiting the site as part of the home occupation activity are restricted to between the hours of 8am and 8pm, and g) There are no heavy vehicle movements to and from the site as part of the home occupation activity, and h) It does not involve any activity listed in Table 1 in the Explanation column of this Rule. i) Any electrical equipment operated on the site does not cause any electrical interference with any electrical or telecommunications device on adjacent properties.	REr.21.2 not applicable	REr.21.3 Activities that contravene a permitted condition (excluding condition d) are discretionary.

Assessment Criteria	Explanation
<p>REr.21.4</p> <ul style="list-style-type: none"> <li>a) the extent to which the residential character and appearance of the property is maintained, and any adverse effects of the activity are avoided, mitigated, or reduced.</li> <li>b) the extent to which any adverse effects could be minimised by physical means such as landscaping or sound insulation or other special conditions.</li> <li>c) whether special conditions will be effective to avoid, mitigate, or remedy adverse effects (eg. Sound proofing negated by opening windows in hot weather), and the impacts of any negation.</li> <li>d) the adequacy of parking on the site to cater for the demands of the home occupation, particularly for rear sites and sites with shared access.</li> <li>e) any effects on the safety and efficiency of the road network.</li> <li>f) any cumulative effects from the activity or increase in the scale or intensity of the activity, whether on its own or in combination with other activities in the area.</li> </ul>	<p>REr.21.5</p> <p>The rules aim to ensure that the scale, hours of operation, and the type of activity undertaken as home occupations maintain residential character, while still providing the flexibility for people to work from their homes. Table 1 provides a list of activities which are considered inherently unsuitable as home occupations because of their close association with the generation of adverse effects such as noise, dust and discharges, which are likely to cause a nuisance to neighbours and, for this reason should be avoided.</p> <p>Note: all other relevant rules in this rule table need to be complied with. For example, the required number of parking spaces must be maintained at all times as in Rule REr.38 (Parking). Therefore if a home occupation occupies parking spaces required by this Plan (say in a garage), alternative parking spaces must be provided to comply with the Plan.</p> <p>It is not intended that non-compliance with condition d) will result in requiring a resource consent, because a judgement is involved in condition d). Condition d) is to be used for enforcement purposes, i.e. when the condition is not complied with, enforcement of the condition may be actioned.</p> <p><b>Table 1: List of activities not permitted as home occupations.</b></p> <ul style="list-style-type: none"> <li>a) boarding of dogs, cats or other animals.</li> <li>b) storage or sorting of any bottles, scrap or other waste materials.</li> <li>c) fish, meat or animal by-product processing.</li> <li>d) panel beating, vehicle wrecking, sheet metal work, automotive engineering such as engine reboring or crankshaft grinding, spray painting, boat, caravan or motor vehicle building, engineering involving equipment fabrication, or activities involving the use of composites based on synthetic resins.</li> </ul>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>RER.22 Comprehensive Housing Development</b></p>	<p>RER.22.1 Comprehensive Housing Development is permitted if it complies with all the permitted conditions in this Rule Table.</p>	<p>RER.22.2 At Ngawhatu converting the existing buildings – Airdie and Clovelly (including extending the buildings) into apartment buildings is a controlled activity if:</p> <ul style="list-style-type: none"> <li>a) the buildings are not increased in height</li> <li>b) any extension of the buildings largely maintains the external design integrity</li> <li>c) it complies with Parking provision in Appendix 10</li> </ul> <p>Control is reserved over:</p> <ul style="list-style-type: none"> <li>i) the design, location and appearance of any building extensions, and fencing, parking and access areas</li> <li>ii) the appearance of the external façade of the existing building</li> <li>iii) landscaping and site treatment, including the retention of significant trees</li> <li>iv) provision of outdoor living courts</li> </ul> <p>In exercising the control reserved under this Rule, regard is to be had to Appendix 22 'Comprehensive Housing Development', to the extent that these are relevant, taking account of the fact that this Rule relates to existing buildings rather than the erection of new buildings which fall to be considered under Rule RER.22.3. Resource consent applications will be considered without notification, and without service of notice.</p>	<p>RER.22.3 Comprehensive Housing Developments which do not comply with the permitted standards of RER.23 Minimum site area or RER.24 Site coverage, will be considered as a restricted discretionary activity if:</p> <ul style="list-style-type: none"> <li>a) the development is located entirely within the Residential Zone – Higher Density Area, and</li> <li>b) rules <ul style="list-style-type: none"> <li>i) RER.25 'Front Yards',</li> <li>ii) RER.26 'Other Yards',</li> <li>iii) RER.35 'Daylight Admission, and</li> <li>iv) RER.36 'Decks, Terraces, Verandahs and Balconies'</li> </ul> </li> </ul> <p>are complied with other than on boundaries internal to the development.</p> <p>Discretion is restricted to the following matters in Appendix 22 'Comprehensive Housing Development'.</p> <ul style="list-style-type: none"> <li>i) on site amenity, and</li> <li>ii) off site amenity, and</li> <li>iii) access, parking and services.</li> </ul> <p>Resource consent applications for restricted discretionary activities under this rule will be considered without notification, and without service of notice.</p> <p>Discretionary Activity</p> <p>Comprehensive Housing Development which :</p> <ul style="list-style-type: none"> <li>a) is not located entirely within the Residential Zone – Higher Density Area; or</li> <li>b) contravenes a permitted condition other than those contraventions specified for a restricted discretionary activity, are discretionary activities, except within the Airport or Port Effects Control Overlay.</li> </ul> <p>Non-Complying Activity</p> <p>Comprehensive Housing Development located in the Airport or Port Effects Control Overlay is non-complying.</p>

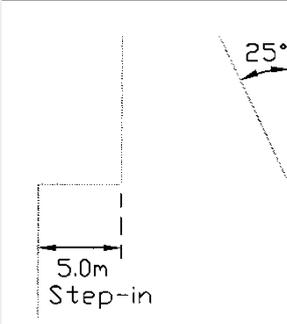
Assessment Criteria	Explanation
<p>REr.22.4</p> <p>a) the degree the development achieves the outcomes in Appendix 22 'Comprehensive Housing Development'.</p> <p>b) any beneficial effects of the development in terms of:</p> <ul style="list-style-type: none"> <li>i) degree to which the design is sympathetic to the character of the neighbourhood and streetscape.</li> <li>ii) connectivity within and between streets and houses.</li> <li>iii) range of housing and section types.</li> <li>iv) extent to which energy efficiency is incorporated within the building design.</li> <li>v) efficient use of services and land.</li> <li>vi) promotion of public transport and reduction in total number of vehicle trips.</li> <li>vii) use of Crime Prevention Through Environmental Design (CPTED) techniques.</li> </ul> <p>c) any cumulative effects such that they significantly adversely affect the character and amenity of the zone (or density overlay area), having regard to such things as impressions of spaciousness, outlook, streetscape and presence of open space.</p>	<p>REr.22.5</p> <p>A Comprehensive Housing Development is three or more residential units, where the buildings and any subdivision are designed together (see Chapter 2 for full definition). It is not desirable to write permitted standards to cater for Comprehensive Housing Developments as they are generally tailored to a particular site, and need to be considered on their merits on a case by case basis. A 'one size fits all' approach of a permitted activity rule can often deliver a poor quality result.</p> <p>Assessing such developments by the consent process is considered, in the end, to give the best outcomes, both to the developer and the environment. It allows the opportunity for innovation and flexibility, provided the development provides a high standard of on-site and off-site amenity. It also provides the opportunity to decline developments which do not achieve the standards sought in Appendix 22.</p> <p>The provisions contained in rules REr.23 'Minimum Site Area', and REr.24 'Site Coverage' do not apply to Comprehensive Housing Developments beyond being used to determine if a particular proposal under this rule is permitted or not. All assessment of these particular matters is to be carried out using the provisions of Appendix 22 'Comprehensive Housing Developments'.</p> <p>Comprehensive Housing Developments in a Residential Zone – Higher Density Area with consent requirements solely based on not meeting REr.23 'Minimum Site Area' or REr.24 'Site Coverage' (and associated subdivision) are provided for as non-notified restricted discretionary activities. Additionally, proposals which do not meet rules REr.25 'Front Yards', REr.26 'Other Yards', REr.35 'Daylight Admission' or REr.36 'Decks, Terraces, Verandahs and Balconies' on boundaries internal to the development will retain the non-notified restricted discretionary status.</p> <p>This signals that the Plan anticipates the Higher Density Area will provide for appropriately designed developments of this nature. The design and location of the development is a matter between the Council and the applicant, and will be assessed in accordance with Appendix 22. If rules other than those specifically provided for are breached then a resource consent is required under that rule and the activity status of that rule is applicable. For example a Comprehensive Housing Development in the Higher Density Area which breaches REr.35 'Daylight Admission' on an external boundary will be considered as a discretionary activity.</p> <p>Opportunity has been provided to convert two existing buildings at Ngawhatu known as Airdrie and Clovelly to apartment buildings if it proves technically and economically feasible. These buildings were part of an existing complex of buildings utilised for the delivery of health services. Unlike most of the more institutional style buildings, the architecture, appearance and location of these buildings offers some potential for conversion to apartments. The situation of these buildings is unique, as they are contained currently within a site which is largely undeveloped and largely in one ownership. Conversion of the buildings will have no impact on neighbours, as they do not exist in close proximity, and the location is not visible from public vantage points. A separate rule for these buildings is required as the provision under Rule REr.22.3 envisages new buildings.</p> <p>Note: Comprehensive Housing Development is not considered appropriate in the Airport or Port Effects Overlays. The plan seeks to minimise the number of residential units exposed to the noise from the airport and port.</p>

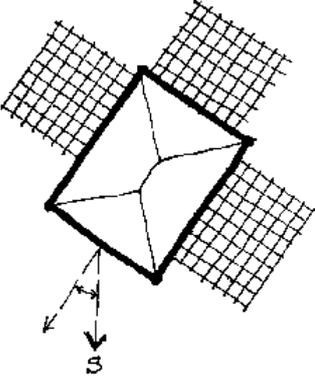
Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.23</b> <b>Minimum site area</b> <b>Lower Density Area</b> <b>Lower Density Area (Stoke)</b> <b>Higher Density Area</b> <b>Standard Density (Main Zone)</b>	REr.23.1 a) The net area of a site exclusively allocated to each residential unit from the total area of the site must be not less than: Lower Density Area: 600m <sup>2</sup> , or Lower Density Area (Stoke): an average net area of 1000m <sup>2</sup> and a minimum of 850m <sup>2</sup> , or Higher Density Area: 300m <sup>2</sup> , or Standard Density (remainder of Zone): 400m <sup>2</sup> . b) Paragraph (a) does not apply to a single residential unit on a single allotment where: i) the subdivision was granted before 25 October 1996, and ii) the allotment was created by a subdivision approved by the Council, and was not identified on the subdivision plan as a lot for a utility service or access.	REr.23.2 not applicable	REr.23.3 Activities (other than for Comprehensive Housing Developments (Rule REr.22)) that contravene a permitted condition are discretionary if: a) at least 90% of the minimum net site area required in the permitted condition is allocated to each residential unit, and b) the application for resource consent is accompanied by a building outline plan (sketch plan) for the proposed residential unit to be erected on the site, and c) all other resource consents required, including any subdivision consent where relevant, accompany the resource consent application.
<b>REr.24</b> <b>Site coverage</b> <b>Lower Density Area</b> <b>Lower Density Area (Stoke)</b> <b>Higher Density Area</b> <b>Standard Density (Main Zone)</b>	REr.24.1 Building coverage of the net area of any site must not exceed: Lower Density Area: 30%, or Lower Density Area (Stoke): 30%, or or South St Heritage Precinct: 60%, or or Remainder of Zone (including Higher Density Area): 40%	REr.24.2 not applicable	REr.24.3 Activities (other than for Comprehensive Housing Developments (Rule REr.22)) that contravene a permitted condition are discretionary if the building coverage of the net area of any site does not exceed: i) Lower Density Area: 33%, or ii) South St Heritage Precinct: 66%, or iii) Remainder of Zone (including Higher Density Area): 44%.

Assessment Criteria	Explanation
<p>REr.23.4 and REr.24.4</p> <p>Site Area and Site Coverage:</p> <ul style="list-style-type: none"> <li>a) the likely effect upon the character and amenity of the neighbourhood, including the dominance of buildings, having regard to the intended character of the area.</li> <li>b) the effect on net site area or building coverage of any acquisition by the Council of land on the property for purposes such as road widening or esplanade reserves. Where the esplanade reserve continues to provide open space and amenity to the site, this should be taken into account.</li> <li>c) whether conditions should be placed on any consent granted limiting any building erected on the site to specific plans, or to within certain bulk and locational requirements.</li> <li>d) the extent to which the proposal would cause loss of sunlight, daylight, or privacy to adjoining sites.</li> <li>e) the extent to which a reasonable degree of amenity is achieved on the site being developed.</li> <li>f) whether the activity is in the Airport Effects Control Overlay, or the Airport Effects Advisory Overlay.</li> <li>g) the ability to provide adequate outdoor living areas, and parking and manoeuvring on site.</li> <li>h) in the case of existing vacant cross lease and unit titles, the degree to which the owners of the titles would have had an expectation of being permitted to erect a residential unit on the site.</li> <li>i) in addition to the above, for the lower density areas, the extent to which decreases in site size or increased building coverage would have an adverse effect on the consistency and amenity of the area, and/or the presence of mature on-site vegetation.</li> <li>j) the extent to which the site could be more effectively used, and the minimum site size be accordingly reduced, if an existing building were removed or relocated.</li> <li>k) the extent to which the amenity and appearance of an existing building on the site would be compromised by the proposed development.</li> <li>l) the extent to which smaller sites or higher building densities could be allowed as a trade-off for the protection of a heritage item, significant trees or vegetation, or a cultural or spiritual item on the site (if the development does not compromise those heritage or other values).</li> <li>m) the special requirements of any Heritage Precinct, having regard to the character of the area and any flexibility that might be required to compensate for constraints the guide may place on development (e.g. of a second storey)(see the design guide for the relevant precinct).</li> <li>n) any aspects of the provisions for Comprehensive Housing Development (Appendix 22) that are relevant to the consent application.</li> <li>o) the degree of outlook from each residential unit.</li> <li>p) the provision of alternative areas for recreation, including public open spaces in close proximity to the site.</li> <li>q) the probable outdoor living needs of the existing or likely future residents. Opportunities to use rooftops of buildings, including buildings on other residential sites to provide outlook or outdoor living areas.</li> </ul>	<p>REr.23.5 and REr.24.5</p> <p>Site Area and Site Coverage:</p> <p>These two standards are closely related, and are major determinants of the character of the residential areas of the city. The size of residential sections and the proportion of each section that is retained as open space or available for tree and garden plantings are key factors in determining the visual amenity, spaciousness, levels of privacy, access to sunlight and daylight, and pleasantness of each residential environment.</p> <p>The overall pattern is made of three areas:</p> <p>The Lower Density Area which is comprised of the early settled parts of Nelson at the northern toe of the Grampians, the Tahunanui hillside (which is subject to slope stability constraints), and Ardilea Ave in Stoke, and land north-west of the Marsden Valley Cemetary. Note: Some areas around the airport are also lower density to minimise the intensity of development that is potentially exposed to noise - see Rule REr.64 (Airport Effects Control Overlay: Minimum Site Area).</p> <p>The standard density area covers the bulk of the residential areas in Nelson. The building coverage and open space requirements are intended to largely maintain the existing character of the residential environment, which balances open space with building bulk.</p> <p>The Higher Density Area includes The Wood, an area of both Ngawhatu and Marsden Valleys adjacent to the Suburban Commercial Zones, and an area surrounding the Stoke Shopping Centre. The areas are flat or of gentle contour, close to shops or zoning for commercial and other facilities, making them suitable for more intensive development. These areas tend to be popular with older people, but not exclusively. The Council intends to undertake an intensification review with a view to encouraging further intensification of residential areas where appropriate on and off site amenity is provided.</p> <p>An exemption is provided for allotments of less than the required minimum area if they existed, or were granted subdivision consent, before the Plan was notified on 25 October 1996. One residential unit is permitted on such an allotment. In order to be a permitted activity, the residential unit would have to comply with other rules e.g. site coverage, daylight admission, parking.</p> <p>The ability to apply for a reduction of up to 10% in the minimum area allocated to a residential unit is provided for as a discretionary activity. A specific building proposal must accompany the application. This recognises that it is easier to assess, and address, any adverse effects associated with a smaller section when there is a specific housing proposal and analysis of off and on site amenity accompanying it. The amount of any reduction in size, or whether the exemption is granted, will depend on the merits of the case, and on site and off site effects on the residential amenity.</p> <p>Exceeding the specified coverage by up to 10% is provided for as a discretionary activity. As with site size, the success of the application will depend on the merits of the situation.</p> <p>The limits on exercising discretion for both site size and site coverage are set as maximums. <b>There should be no expectation that the maximum will necessarily be granted.</b></p> <p>Note: All subdivision in a Heritage Precinct is a discretionary activity; see Rule REr.113.</p> <p>(Parking is dealt with in Rules REr.38 (parking) and REr.39 (parking or storage of heavy vehicles)).</p> <p>Note: REr.23 (minimum site area) and REr.24 (site coverage) do not apply to Wakefield Quay Precinct – refer to Rule REr.84 (Wakefield Quay Precinct).</p>

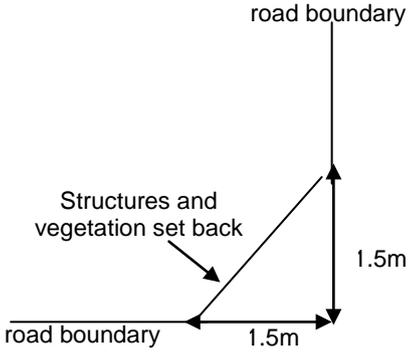
Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.25</b> <b>Front yards</b>	REr.25.1 Buildings in a front yard are permitted if: a) buildings are set back at least 1.5m from the road boundary, and b) any garage or accessory building located in a front yard is setback at least 1m further from the road boundary than the wall of the associated residential unit which is nearest to the same road boundary, and c) any garage, accessory building or extension to the principal building is compatible in design and colour scheme with the principal building on the site, and d) any length of wall longer than 5m and facing parallel (or within 25 degrees of parallel) to the road boundary contains a window and/or door, and e) at least 50% of the front yard is landscaped when fronting an Unclassified Road, or at least 30% when fronting a Classified Road, and f) a 85 percentile design vehicle can be located in front of the vehicle entrance of any garage in a manner that does not obstruct the passage of pedestrians and vehicles on legal road. (This provision does not apply to land between the garage and the road where the gradient is greater than 1 in 3.)	REr.25.2 Not applicable	REr.25.3 Comprehensive Housing Developments which do not comply with a permitted condition of this rule on boundaries internal to the development will be processed under Rule REr.22.3.  All other buildings that contravene a permitted condition are restricted discretionary.  Discretion is restricted to:  i) location, design and appearance of the proposed buildings, landscaping and any fences, considering the impact on scale, character, streetscape values and open space, and ii) effects on public safety from changes to passive surveillance between public and private space , and iii) the relationship of the building to adjoining buildings, and other buildings in the vicinity in respect of visual and amenity values, and iv) the safety of pedestrians and vehicular traffic (parked and moving) in relation to the location of garages, manoeuvring area and access, and v) on site amenity for residents.  Resource consent application for restricted discretionary activities will be considered without notification.

Assessment Criteria	Explanation
<p>REr.25.4</p> <ul style="list-style-type: none"> <li>a) the extent to which any breach of the front yard standards contributes to enhanced street amenity and safety, including maintaining a relationship between residential elements (windows, doors, porches) with the street environment and a more visually rich streetscape.</li> <li>b) any impacts on the outlook of other houses in the vicinity, or of public vistas.</li> <li>c) any adverse effect on traffic visibility, affecting pedestrian and vehicle safety.</li> <li>d) the streetscape and the impact on scale, character and open space.</li> <li>e) the avoidance of front yard layout and design that leads to more than one vehicle access point per site.</li> <li>f) the avoidance of visual dominance of street elevations by garages (particularly garage doors), parking and manoeuvring areas and blank walls.</li> <li>g) whether the proposed setback assists with safety and a pleasant public experience by enabling informal surveillance from the dwelling to the street while at the same time providing a modest setback that maintains a degree of privacy and acoustic insulation for residents.</li> <li>h) the design and appearance of proposed fencing and landscaping in the front yard. Trees and vegetation are preferred to hard surfaces.</li> <li>i) the opportunity for safe reverse manoeuvring onto the street on unclassified roads.</li> <li>j) constraints from existing development or unusual site shape or natural and physical features.</li> <li>k) the topography of the site, and whether this might worsen or soften the impact of the building.</li> <li>l) the presence of any unformed road or local purpose reserve (future road) adjacent to the property.</li> <li>m) the position of any formed carriageway, footpaths, or services within the road.</li> <li>n) provision of an additional landscaped area within the site which can be viewed from the road and contribute to the amenity values of the locality.</li> <li>o) the extent that the visual impacts of the building may be mitigated by screening, landscaping, or other treatment.</li> </ul>	<p>REr.25.5</p> <p>The rule aims to create a positive relationship between private and public spaces. This includes a safe and pleasant walking experience along footpaths that are bordered by dwellings at a human scale, that offer a sense of interaction, surveillance and community through front garden areas, and make efficient use of available flat land for uses other than those associated with vehicles. The main issue with buildings occupying the front yard are streetscape amenity, including the reductions in planted or garden areas, extent of impermeable surfacing for parking and manoeuvring areas and maintaining a degree of spaciousness and surveillance in the street. Garages that project in front of the house tend to dominate the streetscape and create unfriendly places.</p> <p>Reverse manoeuvring is encouraged on unclassified roads and is part of ensuring a low speed environment and people orientated streetscape. Parking for more than two vehicles is best achieved at the rear or side of a site if possible.</p> <p>There needs to be sufficient space in front of the entrance of any garage to park a car to ensure that vehicles do not obstruct the footpath or roadway. An exemption to the parking requirement is provided for steep sites, recognising that a setback of a garage can be difficult to achieve on such sites. Conditions can be placed on the appearance of the building and on landscaping requirements in order to ensure the amenity and surveillance of the road is adequate. Also, conditions can be placed to ensure that the location or appearance of the building is not a traffic hazard eg. vehicles reversing from a garage, and to avoid buildings being constructed too close to services.</p> <p>Development should not perpetuate existing patterns of design and layout that are not valued development patterns, nor representative of the urban design outcomes sought in the Plan. Valued development patterns are explained further in DO13A.1.1.i.</p> <p>The restricted discretionary category is provided for departure from the permitted activity standards in certain circumstances. For example, in situations where houses are located on the southern side of the road, or where steep topography dictates the provision of access and setback of the garage, it may be appropriate to relax the standards if a positive private to public relationship between the dwelling and street can be demonstrated through other design features.</p> <p>See Rule REr.35 (daylight admission). In addition to side boundary recession planes, a height recession plane applies from the road boundary to prevent any building within 4 m of the road boundary over shadowing the road or an accessway.</p> <p>Notes:</p> <p>Refer to the NCC Residential Street Frontage Guideline. A right of way serving more than 4 actual or potential residential units is treated as a road in this rule (see Definition of 'Boundary' in Chapter 2), and the Front Yard provisions therefore apply.</p> <p>This rule does not apply to Wakefield Quay Precinct – refer Rule REr.84.</p> <p>This rule does not apply to Heritage precincts – refer Rules REr.89 (alterations to any building including listed heritage buildings) and REr.90 (erection of new buildings).</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.26</b> <b>Other yards</b>	REr.26.1 a) on any side or rear boundary, the total length of all buildings within 1.5m of the boundary must not exceed 12m, and b) for the purposes of this rule, a boundary with a step-in of less than 5m, or a bend of less than 25° from straight, is considered a single boundary (see diagram).	REr.26.2 not applicable  <p>(Graphic for REr.26.1)</p>	REr.26.3 Comprehensive Housing Developments which do not comply with a permitted condition of this rule on boundaries internal to the development will be processed under Rule REr.22.3. All other activities that contravene a permitted condition are discretionary.
<b>REr.27</b> <b>Outdoor living court Sites less than 350m<sup>2</sup></b>	REr.27.1 Any residential unit that does not have a net area of at least 350m <sup>2</sup> allocated exclusively to it, must be provided with an outdoor living court. a) minimum area: 1 bedroom 35m <sup>2</sup> 2 bedrooms 50m <sup>2</sup> 3 or more 75m <sup>2</sup> , and b) minimum dimension 4.5m, and c) units without a room on the ground floor may instead provide a balcony (minimum area of 12m <sup>2</sup> , minimum dimension of 2.0m), and d) the required minimum area must not be located on a side of the residential unit facing within 45 degrees either side of due South, and must be readily accessible from a living area of the unit (see diagram), and e) for Comprehensive Housing Developments the outdoor living court requirement can be a combined total of ground level and upper level areas provided the minimum dimension requirements are met, and f) for Comprehensive Housing Developments communal outdoor court can be a substitute for up to a third of the required outdoor living court of a residential unit, provided minimum widths are achieved in all instances and each unit has unhindered access to the communal space. Communal outdoor space used in this manner shall be at least 100m <sup>2</sup> which would provide a third reduction for a maximum of 5 residential units; with an additional net area of 20m <sup>2</sup> required for each additional residential unit.	REr.27.2 not applicable	REr.27.3 Activities that contravene a permitted condition are discretionary.
<b>REr.28</b> <b>Pedestrian access to rear of sites</b>	REr.28.1 a) The outdoor space around any ground level residential unit must have direct, practical pedestrian access to a road, and b) the minimum width of the access – 1m, and c) the minimum overhead clearance - 1.8m, and d) for Comprehensive Housing Developments the pedestrian access may be indirect through a garage, laundry or storage space also meeting the minimum dimensions in b) and c) above.	REr.28.2 not applicable	REr.28.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>REr.26.4</p> <ul style="list-style-type: none"> <li>a) the height and bulk of the proposed building, and the extent it may dominate an adjoining property, taking account of the aspect and topography of the site and any affected sites, the location of buildings and outdoor living areas on affected properties.</li> <li>b) the presence of site constraints such as the topography and size of the site, and other natural and physical features.</li> <li>c) the extent to which any impacts on adjoining properties may be mitigated by techniques in building design, such as a lower building profile, variations in the lines of the wall or roof, or design features which add visual interest.</li> <li>d) the special needs that may relate to a Heritage Building or Heritage Precinct.</li> <li>e) the ability to mitigate potential cross boundary and reverse sensitivity effects at the Rural/Residential Zone boundary through other means.</li> </ul>	<p>REr.26.5</p> <p>Long walls on or close to the boundary of any adjoining property can be very overbearing, affecting outlook and privacy, particularly if the buildings are to the maximum height permitted by the rules in the plan.</p> <p>No other specific controls are placed on buildings in rear or side yards, providing they comply with the provisions relating to access of daylight to adjoining properties (Rule Rer.35 – daylight admission).</p> <p>The building setback adjoining the Rural Zone boundary is to provide a buffer between Residential activities and the adjoining Rural activities so as to avoid reverse sensitivity effects.</p> <p>NOTE: Eaves are part of a building and are not exempted in the definition of 'Building' in Chapter 2 Meaning of Words.</p>
<p>REr.27.4</p> <ul style="list-style-type: none"> <li>a) whether alternative outdoor space is available adjacent or near to the site.</li> <li>b) with an existing building, whether provision of a living court is impracticable.</li> <li>c) the likely needs of future occupants of the residential unit.</li> <li>d) the amenity of the area, and whether this makes the use of an outdoor living court undesirable eg. Through being exposed to excessive noise.</li> </ul>	<p>REr.27.5</p> <p>A requirement for a minimum outdoor living area is included for smaller sites in order to ensure that an adequate and useful outdoor living court is provided. On larger sites it is considered that there will be adequate area for a living court, without this being required in the Plan.</p> <p>Consent may be granted to reduce or waive the living court requirement in certain circumstances eg. If the development directly adjoins a public park.</p> <p>In Comprehensive Housing Developments more flexibility is allowed in the shape and configuration of outdoor living courts. This recognises the improved internal and external living environment that is expected to be achieved in these developments.</p> <p>This rule does not apply to Wakefield Quay Precinct – refer to Rule Rer.84.</p>  <p style="text-align: center;">45°</p>
<p>REr.28.4</p> <ul style="list-style-type: none"> <li>a) alternative means of providing for emergency access.</li> <li>b) the nature of the outdoor living area and whether it will generate garden waste, and the nature of any waste.</li> </ul>	<p>REr.28.5</p> <p>The access is to provide for emergency services, and also to allow for the disposal of garden wastes and similar.</p> <p>Direct access means it must be around the building, not through it. Inclusion of the word 'practical' indicates that it can be readily used for pedestrian access.</p> <p>Increased flexibility in this rule is provided for Comprehensive Housing Developments due to the generally smaller nature of the outdoor areas and to allow for an increased ability to construct dwellings with common or party walls.</p>

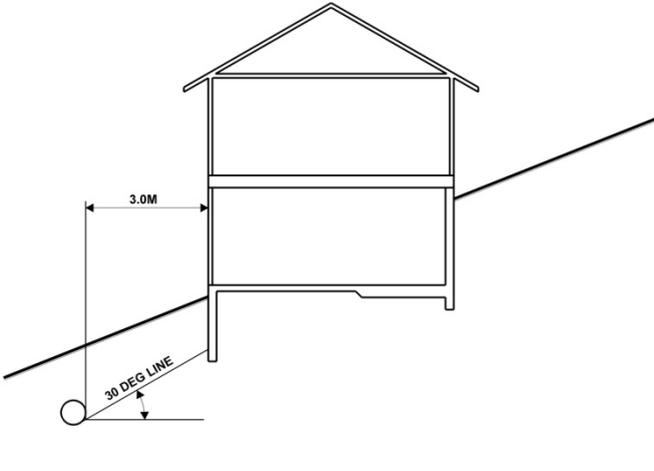
Item	Permitted	Controlled	Discretionary/Non-complying
<b>RER.29</b> <b>Corner sites</b>	RER.29.1 On corner sites, vegetation greater than 1m in height and structures must be set back from the corner at least to a diagonal line joining points on each road boundary 1.5m from the corner of the site (or the point where the road boundaries would meet if extended). (See diagram Rer.29.5).	RER.29.2 not applicable	RER.29.3 Activities that contravene a permitted condition are discretionary.
<b>RER.30</b> <i>This Rule has been deleted by Plan Change 14.</i>			

Assessment Criteria	Explanation
<p>REr.29.4</p> <p>a) any impacts on driver visibility, having regard to the width of the road, the configuration of the corner, lines of sight and the width of any unformed road reserve.</p> <p>b) any adverse effect on traffic visibility, affecting pedestrian and vehicle safety.</p> <p>c) the streetscape and the impact on scale, character and open space.</p> <p>d) constraints from existing development or unusual site shape or natural and physical features.</p>	<p>REr.29.5</p> <p>An extra setback for structures and vegetation on corner sites is included. This is to ensure adequate line of sight for vehicles at street intersections.</p>  <p>The diagram illustrates a corner site at a street intersection. Two perpendicular lines represent the 'road boundary'. A diagonal line represents the 'Structures and vegetation set back'. The distance from the horizontal road boundary to the diagonal setback line is marked as '1.5m'. Similarly, the distance from the vertical road boundary to the diagonal setback line is also marked as '1.5m'. The area between the diagonal setback line and the road boundaries is shaded, indicating the required setback zone.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>RER.31 Fences</b>	<p>RER.31.1 Fences are permitted if:</p> <p>a) In a front yard or on a road boundary of an Unclassified Road:</p> <ul style="list-style-type: none"> <li>i) the maximum height does not exceed 1.2m, or</li> <li>ii) for any fence over 1.2m in height the maximum height does not exceed 1.8m and the entire fence is visually permeable,</li> </ul> <p>and</p> <p>b) In a front yard or on a road boundary of a Classified Road:</p> <ul style="list-style-type: none"> <li>i) the maximum height does not exceed 1.2m, or</li> <li>ii) for any fence over 1.2m in height <ul style="list-style-type: none"> <li>• the maximum height does not exceed 1.8m and</li> <li>• at least 50% across the entire front boundary is visually permeable (as measured by the total length of the front boundary and the height of the fence),</li> </ul> </li> </ul> <p>and</p> <p>c) on a boundary with a reserve, walkway or other publicly owned space:</p> <ul style="list-style-type: none"> <li>i) the maximum height of the fence does not exceed 1.2m within 1.5m of the boundary, or</li> <li>ii) for any fence over 1.2m in height the maximum height does not exceed 1.8m and the entire fence is visually permeable,</li> </ul> <p>and</p> <p>d) on all other property boundaries the maximum height does not exceed 1.8m, and</p> <p>e) where board or paling fences are used, structural railings do not face a road, walkway, reserve or other publicly-owned space.</p>	<p>RER.31.2 Not applicable</p>	<p>RER.31.3 Fences that contravene a permitted condition are restricted discretionary.</p> <p>Discretion is restricted to the following assessment matters which will be guided by the assessment criteria in RER.31.4:</p> <ul style="list-style-type: none"> <li>(i) Height, Length and Location</li> <li>(ii) Design and Appearance</li> <li>(iii) Residential Character and Streetscape</li> <li>(iv) Surveillance and Safety</li> <li>(v) On site amenity</li> </ul> <p>Resource consent applications for restricted discretionary activities will be considered without notification.</p>
<b>RER.32 Maximum building height</b>	<p>RER.32.1 The maximum permitted height for buildings is 7.5m.</p> <p>(see Chapter 2 Meanings of Words for definitions of 'Height' [including chimneys] and 'Height measurement')</p>	<p>RER.32.2 Not applicable</p>	<p>RER.32.3 Activities that contravene a permitted condition are discretionary.</p>
<b>RER.33 Relocated buildings</b>	<p>RER.33.1 Relocation of a building from another site is permitted if: the gross floor area is less than 30m<sup>2</sup>.</p>	<p>RER.33.2 Relocation of a building from another site is controlled if:</p> <ul style="list-style-type: none"> <li>a) the gross floor area is greater than 30m<sup>2</sup>.</li> </ul> <p>Control reserved over:</p> <ul style="list-style-type: none"> <li>i) the external appearance of the building, and</li> <li>ii) landscaping of the site, and</li> <li>iii) timing of completion of work.</li> </ul>	<p>RER.33.3 not applicable</p>

Assessment Criteria	Explanation
<p>REr.31.4</p> <ul style="list-style-type: none"> <li>a) the proportion of the front yard to be contained by the fence and whether the objectives of an open, high amenity, pleasant and safe streetscape can still be achieved, and</li> <li>b) the design and appearance of the fence (including physical dimensions), materials and colour of the fence and whether this provides a pleasant, human scaled streetscape, and</li> <li>c) whether any site specific circumstances exist that result in the need for a higher solid front fence for safety of the residential occupants and/or animals or to reduce noise effects from Classified Roads on residents, and</li> <li>d) the relationship of the fence with the dwelling, garage, and driveway on the site and the cumulative effects of those elements on the streetscape, and</li> <li>e) the degree to which landscaping between the fence and the road boundary mitigates the visual effects of solid fences, and</li> <li>f) the degree of surveillance when viewed from public spaces and the consistency with the outcomes sought in policy RE3.5 and DO13A.3.1 and</li> <li>g) the topography of the site and whether that mitigates the fence height encroachment effects on streetscape and/or reserve amenity, residential character and surveillance and safety.</li> </ul>	<p>REr.31.5</p> <p>The concept of open frontages onto roads, walkways and reserves is promoted. A sense of openness between residential properties and streets, reserves and walkways is required to maintain streetscape amenity, encourage a sense of community, provide opportunities for passive surveillance and improve safety in public spaces.</p> <p>The requirements of REr.31.1 a) to b) relate to the entire front yard i.e. the section of side boundaries that are within the front yard. In some circumstances multiple rules may apply, particularly where boundaries adjoin a reserve or walkway and are also within the front yard. On boundaries adjoining a walkway or reserve rule REr.31.1(c) applies rather than REr.31.1 (a or b).</p> <p>The rule provides for different degrees of height and visual permeability for classified and unclassified roads in recognition of the different function, traffic effects and privacy needs of the residents living in that street.</p> <p>Fences on boundaries between properties are limited in height to avoid having a dominant effect, keep them human scaled, and to maintain a level of openness while providing for privacy. Development, including front fences, should not perpetuate existing patterns of design and layout that are not valued development patterns, nor representative of the urban design outcomes sought in the Plan. Valued development patterns are explained further in DO13A.1.1.i and RE3.5.</p> <p>Visually permeable for fences means the ability to clearly see through from the street to the front yard of the site, and is determined by a comparison of the solid portion of the fence structure against any gaps provided within the structure, or between fence structures.</p> <p>Notes:</p> <p>Refer to rules REr.29 corner sites, REr.40 Access and section 4.3.15.4 of the NCC Land Development Manual, and REr.92 Heritage Precincts Front fences for other rules relating to fence heights or locations.</p> <p>Refer to the NCC Residential Street Frontage Guidelines.</p>
<p>REr.32.4</p> <ul style="list-style-type: none"> <li>a) the effect on streetscape and the general amenity values in the locality.</li> <li>b) the scale and bulk of the structure in relation to the street, the site and the locality.</li> <li>c) the extent to which landscaping, or greater than required building setback distances could mitigate the height.</li> <li>d) proximity of residential development on an adjoining site.</li> <li>e) any natural and physical constraints on the use of the site.</li> <li>f) whether the layout or topography of the site may reduce the adverse effects of a taller structure.</li> <li>g) the extent to which the proposed development will visually intrude or dominate an adjacent activity.</li> <li>h) the manner in which the proposed development might protect or enhance the amenities of the adjoining land.</li> <li>i) impacts on any significant views or landscapes in Appendix 9 (landscape components and views).</li> </ul>	<p>REr.32.5</p> <p>Building height is limited to a scale normally accepted in a residential area. The permitted standard allows 2 storey buildings.</p> <p>Allowing higher buildings within the Residential Zone requires greater scrutiny. Therefore, buildings over 7.5m or averaging over 7.5m on sloping ground are discretionary.</p> <p>This rule does not apply to Wakefield Quay Precinct – refer to Rule REr.84.</p> <p>Note: Airport Height Restrictions may also affect some properties, especially at Monaco - see Maps A3.1 and A3.2.</p>
<p>REr.33.4</p> <ul style="list-style-type: none"> <li>a) the exterior materials used, their condition and quality, including whether recladding may be required for the building to be brought up to an acceptable standard</li> <li>b) the period required for restoration work to be undertaken</li> <li>c) how prominent the site is to neighbours or from any public place</li> <li>d) whether bonds or covenants are required to enforce compliance with conditions.</li> </ul>	<p>REr.33.5</p> <p>Relocated buildings can be an efficient reuse of a valuable resource. However, in the residential zone, conditions are needed to ensure that the relocated building is promptly restored and blended into the site.</p> <p>There are no additional controls in the Plan on relocating older buildings into new residential subdivisions. If this is a concern to the developers of such subdivisions, then they should consider the use of private covenants on the title to restrict this.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>REr.34</b> <b>Building over or alongside drains and water mains</b></p>	<p>REr.34.1</p> <p>a) Structures:</p> <p>i) must be located no closer than one metre measured horizontally from the near side of any public water main or common private or public sewer or stormwater drain, where the required pipe or drain is less than or equal to 300mm in diameter or width, and</p> <p>ii) must be located no closer than 1.5m measured horizontally from the near side of any public water main, or common private or public sewer or stormwater drain, where the required pipe or drain is greater than 300mm in diameter or width, and</p> <p>iii) may overhang the line of the pipe or drain, provided the structure is cantilevered or is an eave and the height to the underside of the structure above ground level is not less than 1.8m, and</p> <p>iv) which are located within 3m, measured horizontally, from the near side of the pipe or drain must have the base of the foundations deeper than a line drawn at 30° from the horizontal from the invert (bottom) of the pipe or drain (or between 30° and 45° if the design has been certified by a suitably qualified engineer)(see diagram).</p> <p>b) Carports may be constructed over pipes or drains (but not water mains or other pressurised pipelines) provided that:</p> <p>i) The foundations are located in accordance with a) iv) above; and</p> <p>ii) The fixture to the ground/floor is a bolt-down type design which permits quick and easy removal of the structure; and</p> <p>iii) The carport is not closed in; and</p> <p>iv) The floor is not concrete to a depth greater than 150mm; and</p> <p>v) An encumbrance is registered on the certificate of title for the property acknowledging the location of the pipe or drain under the structure and reminding future owners that rules b).ii), b).iii) and b).iv) (above) apply and that access to the pipe or drain for maintenance and repair (and re-instatement afterwards) must be made available at the structure owner's cost).</p> <p>c) As an alternative to (a) and (b), structures may be located over common private or public wastewater or stormwater drains or pipes (but not pressurised pipes), if they comply with "Acceptable Techniques for Building over Drains or Pipelines" Table 3-4 in section 3 of the NCC Land Development Manual.</p>	<p>REr.34.2 not applicable</p>	<p>REr.34.3</p> <p>Restricted Discretionary Activity</p> <p>Activities that contravene a permitted standard are a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <p>i) The design and location of the structure, and</p> <p>ii) Access to pipework or drain for maintenance, and</p> <p>iii) The nature and location of the pipework or drain.</p> <p>Resource consent applications for restricted discretionary activities will be considered without notification or service of notice, provided it can be shown that the building can be located in such a way as to ensure that access to the drain or pipe for maintenance or replacement purposes, can be achieved without causing adverse financial or physical effect on neighbouring properties or persons who are served by the same pipe or drain.</p>
<p><b>REr.35</b> <b>Daylight admission</b></p>	<p>REr.35.1</p> <p>Buildings are permitted if:</p> <p>a) they comply with the requirements in Appendix 15.</p>	<p>REr.35.2 not applicable</p>	<p>REr.35.3</p> <p>Comprehensive Housing</p> <p>Developments which do not comply with a permitted condition of this rule on boundaries internal to the development will be processed under rule REr.22.3.</p> <p>All other activities that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p>REr.34.4</p> <ul style="list-style-type: none"> <li>a) the nature of the structure and whether access to the pipe or drain can be maintained</li> <li>b) any measures taken to ensure that replacement of the pipe or drain can be undertaken.</li> <li>c) the nature of the pipe or drain, taking into account materials of construction and any bends or joints.</li> <li>d) The accessibility of the pipework or drain and the ease by which it could be extracted.</li> </ul>	<p>REr.34.5</p> <p>Limiting access to pipes and drains means that repair and maintenance may be very costly and may even result in pipes or drains having to be relocated. This rule seeks to preserve access to all pipes or drains where off-site facilities are likely to be affected.</p> <p>In response to frequent requests for carports to be built over pipes, this has been made a permitted activity provided the carport does not become enclosed and the depth of any concrete floor does not exceed 150mm.</p> <p>However, a common problem arises when the carport is later closed in without Council's knowledge. An encumbrance on the title will alert landowners to the location of the pipe or drain and remind them that access to the pipe or drain is to remain unimpeded and all costs associated with obtaining access, (including the removal and reinstatement of floors or walls) are the responsibility of the landowner.</p> <p>Provided the encumbrance is registered on the title, carports built over drains or pipes, do not require a resource consent.</p> <p>Alternative techniques for ensuring access for maintenance and repair purposes may be considered on a case by case basis through the resource consent process.</p> <p>Table 3-4, section 3 of the NCC Land Development Manual 2010 provides techniques which allow the construction of structures over drains in some other limited circumstances.</p> <p>At the time that application is made for building consent, a request shall be made in writing to waive the rule relating to "Building over or alongside drains, pipes and water mains" where one of these Techniques is proposed to apply.</p> <p>Diagram referred to in REr.34.1a:</p> 
<p>REr.35.4</p> <ul style="list-style-type: none"> <li>a) the extent of any additional shading, having regard to the size of the shadow cast and the period of time an area is affected.</li> <li>b) the nature of activities or area affected.</li> <li>c) the effects of any shading on the public enjoyment and amenity of streets and public places.</li> </ul>	<p>REr.35.5</p> <p>The daylight/sunlight controls are set to allow, except where prevented by topography or other natural features, at least 1.5 hours of direct sunlight to every site around midday in mid-winter, or alternatively 2.75 hours of direct sunlight during the periods before 11am and after 1.45pm at mid-winter.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>REr.36</b> <b>Decks, terraces, verandahs and balconies</b></p>	<p>REr.36.1 Decks, verandahs, balconies or any similar structures, with a finished floor level in excess of 1.2m above natural ground level at any point, including terraces formed behind retaining walls supporting fill material, are permitted, if:</p> <p>a) they are set back at least 2m from any side or rear boundary, measured on the horizontal plane. This is not a requirement where the subject property adjoins a reserve, access, right-of-way, stream or river, and</p> <p>b) the entire structure (including any railings, fences and canopies) complies with Rule REr.35 (daylight admission) and Rule REr.32 (maximum building height).</p> <p>This rule does not apply where:</p> <p>a) The ground is sloping, and</p> <p>b) The structure is within 2m of the boundary, and</p> <p>c) The finished floor level of the structure lies below the ground level of the adjacent property (measured at all points of the structure in relation to that boundary).</p>	<p>REr.36.2 Activities that contravene part (a) of the permitted conditions are controlled, if:</p> <p>a) they comply with part (b) of the permitted conditions and are not part of a Comprehensive Housing Development.</p> <p>Control reserved over:</p> <p>i) screening from the adjoining property, and</p> <p>ii) the height and location of the deck, verandah, balcony or similar structure.</p>	<p>REr.36.3 Comprehensive Housing Developments which do not comply with a permitted condition of the rule on boundaries internal to the development will be processed under rule REr.22.3.</p> <p>All other activities that contravene part (b) of the permitted conditions are discretionary</p>
<p><b>REr.37</b> <b>Activities near the coast</b></p>	<p>REr.37.1 Activities within 5m of mean high water springs are permitted if:</p> <p>a) they do not involve erection or extension of structures (excluding fences), and</p> <p>b) they do not impede the legal right of foot access along a waterbody where this exists.</p>	<p>REr.37.2 Extension of a utility service line or structure is controlled.</p> <p>Control reserved over</p> <p>i) damage to indigenous vegetation, and</p> <p>ii) discharge of contaminants, and</p> <p>iii) maintenance of access, and</p> <p>iv) remedial measures.</p>	<p>REr.37.3 Activities that contravene a permitted condition or controlled standard are discretionary.</p>

Assessment Criteria	Explanation
<p>REr.36.4</p> <ul style="list-style-type: none"> <li>a) the location and proximity of buildings and outdoor living areas on adjacent sites in relation to the proposed structure.</li> <li>b) the effect of the structure on the privacy of neighbours.</li> <li>c) the extent to which any effects on the privacy of adjoining properties will be or could be mitigated by screening (eg. by a fence, vegetation, or a wall on the deck etc).</li> <li>d) the intended use of the structure.</li> <li>e) the topography of the site, including the ability to provide for outdoor living elsewhere on the site.</li> <li>f) any impacts on sunlight and daylight on adjoining properties, where the sunlight and daylight rules are not complied with (see also assessment criteria for Rule REr.35 (daylight Admission)).</li> </ul>	<p>REr.36.5</p> <p>The rule aims to prevent structures which can be used for outdoor living, from being located such that they can overlook neighbours and take away their ability to have a reasonable degree of privacy. These include terraces constructed behind filled retaining walls. Any such structure, including any fences or rails that are part of it, must comply with the rules that relate to access of daylight. This applies to any fence on top of a retaining wall.</p>
<p>REr.37.4</p> <ul style="list-style-type: none"> <li>a) the appropriateness of undertaking the activity within this area</li> <li>b) effects on water quality</li> <li>c) effects on public access and recreation</li> <li>d) effects on indigenous vegetation and the habitat of indigenous fauna</li> <li>e) effects on sites of cultural significance</li> <li>f) the justification for the establishment of esplanade reserves, strips or other protections for the margins</li> <li>g) the values of coastal waters listed in Appendix 4 (ASCV Overlay) and Appendix 6 (riparian and coastal margin overlays).</li> </ul>	<p>REr.37.5</p> <p>Coastal margins are sensitive to modification, provide habitat for plant and animal communities, and are important for recreational, aesthetic, and cultural reasons.</p> <p>Activities adjoining a Riparian Overlay are regulated by Rule REr.71 (riparian overlay – activities on land identified with riparian values).</p> <p>See Rule REr.70 (conservation overlay) for activities in a Conservation Overlay.</p>

<b>Item</b>	<b>Permitted</b>	<b>Controlled</b>	<b>Discretionary/Non-complying</b>
<b>REr.38 Parking</b>	REr.38.1 Parking and manoeuvring areas must be provided and maintained on each site in accordance with the standards set out in Appendix 10 (standards and terms for parking and loading).	REr.38.2 Parking for Short Term Living Accommodation units (excluding any loading zones for coaches and parking for managers units) and which complies in all other respects with the relevant standards in Appendix 10, is a controlled activity if: a) a minimum of 0.8 spaces per unit is provided, except where the unit can accommodate more than 6 guests, in which case a minimum of 1.5 spaces must be provided per unit.  Control is reserved over: i) number of vehicle parks, and ii) type and size of vehicle parks, and iii) location of vehicle parking, and iv) Manoeuvring to and from vehicle parking.	REr.38.3 Activities that contravene a permitted condition or controlled standard are discretionary, except that an application to reduce the parking requirements in Appendix 10 is a restricted discretionary activity if: a) for short term living accommodation a minimum of 0.6 spaces per unit is provided, except where the unit can accommodate more than 6 guests, in which case a minimum of 1 space must be provided per unit, or b) for other activities: i) the proposed reduction in parking spaces is not more than 10% of the number required in Appendix 10, and ii) where the reduction in parking spaces exceeds 5 spaces, the application is accompanied by a Travel Management Plan that addresses the matters in Assessment Criterion REr.38.4.  Discretion restricted to: i) number of parking spaces (and any loading spaces) provided, and ii) the surfacing of the area, and iii) the location, dimensions and layout of parking, loading, manoeuvring and queuing areas, and iv) conditions relating to any parking off-site or any other methods or arrangements that are to be put in place to facilitate the reduction in parking.  Resource consent applications for restricted discretionary activities under this rule will be considered without notification and without service of notice.
<b>REr.39 Parking or storage of heavy vehicles</b>	REr.39.1 Maximum of 1 heavy vehicle parked or stored on site.	REr.39.2 not applicable	REr.39.3 Activities that contravene a permitted condition are discretionary.
<b>REr.40 Access</b>	REr.40.1 Vehicle access must be provided and maintained for each site (except for small unstaffed network utility buildings) in accordance with the standards set out in Appendix 11 and sections 4.3.7d)1) to 7), 4.3.7e) to i), 4.3.7d), 4.3.8.2a) to c), 4.3.8.5a), 4.3.12.7a) to c), 4.3.15d), 4.3.15.1a) to f), 4.3.15.2b) to d), 4.3.15.3b) to c), 4.3.15.3a) and Tables 4-6, 4-7, and 4-164 and Figures 4-M, 4-N, 4-O and 4-P of the NCC Land Development Manual 2010. Where vehicle access is not required under this rule but voluntarily provided, all such access must be provided in accordance with Appendix 11 and minimum standards in the NCC Land Development Manual 2010 as listed above.	REr.40.2 not applicable	REr.40.3 Activities that contravene a permitted condition are discretionary.
<b>REr.41 Signs</b>	REr.41.1 Any sign must be designed and constructed in accordance with the specifications in Appendix 20 (signs and outdoor advertising).	REr.41.2 not applicable	REr.41.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>REr.38.4</p> <p>a) refer to Appendix 10</p> <p>b) where a Travel Management Plan is required under the restricted discretionary rule it shall include the following, taking into account the reduction in parking spaces being sought:</p> <p>i) The nature and scale of the activity and associated parking demands from employees and visitors/customers;</p> <p>ii) Proposed means of reducing parking demands, such as;</p> <ul style="list-style-type: none"> <li>• Managing the number of motor vehicle trips to and from the activity by encouraging higher vehicle occupancies</li> <li>• Sharing parking spaces between complementary uses and spreading peak loads</li> <li>• Encouraging more use of public transport, walking and cycling</li> </ul> <p>iii) Proposed means of monitoring outcomes.</p>	<p>REr.38.5</p> <p>Refer to Appendix 10</p>
<p>REr.39.4</p> <p>a) the size of the site and the location in which the vehicle will be parked.</p> <p>b) the visual, shading, noise, and other effects of having the vehicle parked or stored on the site.</p> <p>c) where there is a shared vehicle access, the number of sites using the access and its width.</p> <p>d) the likely hours of use of the vehicle.</p>	<p>REr.39.5</p> <p>Heavy vehicles parked on a site can reduce the residential amenity, and in particular cause problems with shared accesses. Heavy vehicles are often started early and left to idle for a period, or used until late in the evening. Both can cause problems with noise and fumes.</p>
<p>REr.40.4</p> <p>Refer to Appendix 11</p>	<p>REr.40.5</p> <p>Refer to Appendix 11</p> <p>Small unstaffed network utility buildings (see Chapter 2: Meaning of Words) are exempt from this requirement as access is rarely required and therefore greater formation standards are not justified.</p>
<p>REr.41.4</p> <p>See Appendix 20 (signs)</p>	<p>REr.41.5</p> <p>See Appendix 20 (signs)</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.42</b> <b>Outdoor storage</b>	REr.42.1 Goods and materials stored outside must not be readily visible from any road or public place or adjoining sites.	REr.42.2 not applicable	REr.42.3 Activities that contravene a permitted condition are discretionary.
<b>REr.43</b> <b>Noise</b>	REr.43.1 Noise levels generated by any non-residential activity or home occupation, measured at, or within, the boundary of any site in the Residential Zone must not exceed: <p style="margin-left: 40px;"><b>Day Time</b> L 10: 55 dBA</p> Other Times L10: 45 dBA Lmax: 75 dBA b) Day Time means 7am to 10pm Monday to Friday, and 9am to 10pm Saturdays, Sundays and public holidays. All measurements and assessment in accordance with NZS6801:1991 and NZS6802:1991.	REr.43.2 not applicable	REr.43.3 Activities that contravene a permitted condition are discretionary.
<b>REr.44</b> <b>Helicopter landing pads</b>	REr.44.1 Use of a site for the landing or taking off of helicopters is not permitted, except for: emergencies such as saving life, fire fighting, rescue, or associated with short term construction, inspection, and maintenance activities, or temporary military training activity.	REr.44.2 not applicable	REr.44.3 Activities that contravene a permitted condition are non-complying.
<b>REr.45</b> <b>Vibration</b>	REr.45.1 No vibration created on a site may be discernible at any other site, except for short term construction activity.	REr.45.2 not applicable	REr.45.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>REr.42.4</p> <ul style="list-style-type: none"> <li>a) the visual impacts from the street, neighbouring properties or any public area.</li> <li>b) the potential for contamination of the site and the surrounding environment.</li> <li>c) the distance that storage will occur from the nearest boundary, and the proposed methods of screening from neighbouring properties and from public view.</li> <li>d) the nature of the items being stored and the length of time that storage on the site is proposed.</li> </ul>	<p>REr.42.5</p> <p>Outdoor storage, if not screened from the view of the public or neighbours, can have a major impact on the visual amenity of residential areas.</p>
<p>REr.43.4</p> <ul style="list-style-type: none"> <li>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.</li> <li>b) the nature and location of nearby activities and the effects they may experience, particularly the night time effects on residential units.</li> <li>c) whether the noise is likely to detract from the general environmental quality being proposed for the zone.</li> <li>d) the effectiveness of, and in particular the certainty provided by, any conditions or controls that might be imposed on the activity.</li> </ul>	<p>REr.43.5</p> <p>The rule is to prevent unreasonable levels of noise affecting neighbouring properties. What is reasonable, needs to take account of the nature of the neighbourhood, the time of day or night, and whether it is a week day or weekend.</p> <p>Reasonableness may also relate to the duration or frequency of the event. Recurring noise may be more annoying than one off louder events. Temporary noise may also be tolerated more (within reason) than ongoing disturbance eg. noise associated with construction.</p> <p>As noise has a major influence on the amenity of an area, any proposal for noise in excess of the permitted standard will be assessed as a discretionary activity.</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>Note: this Rule does not apply to aircraft noise, port noise or off-site traffic noise.</p>
<p>REr.44.4</p> <ul style="list-style-type: none"> <li>a) the location of the site in relation to residences or other noise sensitive activities.</li> <li>b) the proposed hours and regularity of use of the pad.</li> </ul>	<p>REr.44.5</p> <p>Helicopter pads are considered an inappropriate use in residential areas, except for emergency, construction or military training purposes, and therefore have been made non-complying activities in all but those cases. Use of helicopters for emergency purposes includes emergency activities associated with Nelson Public Hospital on any part of its scheduled site, or any hospital providing accident and emergency services to the public.</p>
<p>REr.45.4</p> <ul style="list-style-type: none"> <li>a) the duration, time, and the type of vibration, and the likely disturbance that may cause.</li> <li>b) the nature and location of nearby activities and the effects they may experience.</li> <li>c) whether the vibration is likely to detract from the general environmental quality and the amenity of any residential zone.</li> </ul>	<p>REr.45.5</p> <p>Like noise, vibration can have a major impact on people's enjoyment of their property. This is particularly so for residential properties.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.46</b> <b>Light spill</b>	REr.46.1 Artificial lighting is permitted if: the spill of light onto any other site does not exceed 3 lux (horizontal and vertical) measured at the boundary of the other site, and it does not create any light on roads which may distract traffic or interfere with any traffic aids or signals, or the light is a street light, navigation light or traffic signal;	REr.46.2 not applicable	REr.46.3 Activities that contravene a permitted condition are discretionary.
<b>REr.47</b> <b>Hazardous substances use and storage</b>	REr.47.1 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).	REr.47.2 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.	REr.47.3 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>REr.48</b> <b>Radioactive material</b>	REr.48.1 Permitted if: used for clocks, watches, and other instruments containing luminous material, smoke detectors, and ionisation and electron capture detectors for use in gas chromatography, or the radioactivity does not exceed 0.1 terabecquerel.	REr.48.2 not applicable	REr.48.3 Activities that contravene a permitted condition are discretionary, if the amount does not exceed 1 terabecquerel.

Assessment Criteria	Explanation
<p>REr.46.4</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>REr.46.5</p> <p>The rule is to prevent unreasonable levels of light spilling onto neighbouring properties. The standard recognises the effect that light spillage may have on people's ability to sleep.</p>
<p>REr.47.4</p> <p>Assessment criteria in Appendix 21.</p>	<p>REr.47.5</p> <p>See Appendix 21.</p>
<p>REr.48.4</p> <ul style="list-style-type: none"> <li>a) the type of radioactive source proposed and its relative activity</li> <li>b) compliance with the relevant National Radiation Laboratory code of practice</li> <li>c) the methods of storage and disposal proposed, particularly in relation to natural hazards which may affect the site</li> <li>d) transportation routes, particularly through residential areas, and methods</li> </ul>	<p>REr.48.5</p> <p>The permitted standard provides for such things containing minor amounts of radioactive materials such as smoke detectors, and luminous watches and clocks. The discretionary activity category would provide for facilities such as new medical laboratories.</p> <p>The prohibited category excludes large scale facilities such as irradiation plants and nuclear power plants from being established.</p> <p>Activities involving radioactive substances are controlled by the Radiation Protection Act 1965 and the Radiation Protection Regulations 1982. The rules seek to impose additional control only on the higher potential emission activities to enable wider community consultation.</p> <p>Note: activities are prohibited if emissions are in excess of 1000 terabecquerels of radioactivity (see REr.2 – prohibited activities).</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.49 Aerials</b>	<p>REr.49.1 Aerials are permitted if:</p> <ul style="list-style-type: none"> <li>a) there are not more than 3 aerials per site, and</li> <li>b) any dish antenna is not located on a front site between the residential unit and the road boundary, and</li> <li>i) in the case of a dish antenna erected on a site owned or leased by a network utility operator, does not exceed a diameter of 1.2m, or</li> <li>ii) in the case of any other dish antenna, does not exceed a diameter of 1m, and</li> <li>c) any dish antenna is not visible from any public place when located on the site of any Group A or B Heritage Building (listed in Appendix 1 – heritage buildings, places and objects), and</li> <li>d) aerials attached to any building do not exceed the height of the building by more than 3m, and</li> <li>e) aerials that are not attached to a building do not exceed 10.5m in height, and are located not closer than 4m from any boundary, and</li> <li>f) the supporting mast does not exceed 450mm diameter.</li> </ul>	<p>REr.49.2 not applicable</p>	<p>REr.49.3 Restricted Discretionary Activity Activities that contravene a permitted condition are a restricted discretionary activity if the activity is being carried out by a network utility operator. Discretion restricted to:</p> <ul style="list-style-type: none"> <li>i) visual effects (including cumulative effects), and</li> <li>ii) practical alternatives, and</li> <li>iii) design and appearance of the structure (including its height and bulk) and method of mounting, and</li> <li>iv) siting of the structure, and</li> <li>v) landscaping or other treatment, and</li> <li>vi) the shading effects of the structure.</li> </ul> <p>Discretionary Activity Activities that contravene a permitted condition and are not a restricted discretionary activity are discretionary.</p>

Assessment Criteria	Explanation
<p>REr.49.4</p> <ul style="list-style-type: none"> <li>a) the visual impacts of the aerial on neighbouring residents and the general public.</li> <li>b) the scale of the aerial in relation to buildings on the site and in the neighbourhood, and taking account of local topography and the local environment.</li> <li>c) the form and bulk of the aerial, including the visual impact of any support structures and any guy wires.</li> <li>d) the extent to which design, colour scheme or screening might mitigate the adverse effects of the aerial.</li> <li>e) any shading posed by the structure.</li> <li>f) how prominent the site is, taking account of any significant public or private views or any significant landscapes.</li> <li>g) the extent to which any heritage or cultural values of the site or adjoining sites might be compromised by the structure.</li> <li>h) the cumulative effect of additional aerials, taking account of the impacts of existing aerials on the site, and on adjacent sites.</li> </ul>	<p>REr.49.5</p> <p>The rules provide as of right for standard domestic radio or television aerials at a scale that is traditional and accepted in residential neighbourhoods. Three such aerials are considered sufficient for normal domestic needs.</p> <p>A slightly larger sized dish antenna has been provided for network utility operators as it is considered that 1.2m provides operational flexibility while also being appropriate to the environment in which they will be located.</p> <p>Note the definition of aerial in Chapter 2: Meaning of Words which allows for a support mast with several antenna mounted on it. Within the Residential Zone therefore, Rule REr.49.1(a) provides for a maximum of 3 support masts with multiple antennas/aerials.</p> <p>The rule makes some provision for amateur radio operators, but when a larger size or a larger number of aerials are needed, a resource consent is required. This is so that any adverse effects on the neighbours and the wider environment can be assessed. To deal with guy supports, and antennas overhanging neighbouring properties, a set back is required from the boundaries.</p> <p>Dish antennas tend to be bulkier than traditional aerials, and potentially more visually intrusive. Hence dishes over 1m in diameter or in the front yard require a resource consent so that any impacts can be addressed.</p> <p>Note: Dish antennas and other aerials which add to the coverage of the site are counted as part of building coverage.</p> <p>Note: Part of the definition of "aerial" in Chapter 2 (meanings of words) states: "A single mast, pole, or single structure supporting several antennas including non-transmitting guy wires or supports would be considered to be one aerial".</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>REr.50</b> <b>Radiofrequency exposure levels</b></p>	<p>REr.50.1 Subject to the exclusions at the end of this rule, activities which produce radiofrequency fields are permitted activities if:</p> <p>a) Radiofrequency exposures measured at any point where any person may reasonably and lawfully gain access (excepting those employed or engaged on the maintenance and operation of the radio communication or telecommunication facility), do not exceed the maximum non-occupational exposure level in New Zealand Standard NZS 2772.1:1999 Radiofrequency Fields: Part 1 – Maximum Exposure Levels 3kHz-300GHz (“the New Zealand Standard”), and</p> <p>b) Prior to establishing any facility that produces radio frequency fields at any site, the Planning and Consents Division of the Council are advised of the location and nature of the proposed facility, and</p> <p>c) Where radiofrequency exposure levels will exceed 25% of the maximum non-occupational exposure limit set in the New Zealand Standard, then, within three months of radio frequency emissions commencing or increasing, a report from the National Radiation Laboratory (or another appropriately qualified person/organisation) certifying compliance with the New Zealand Standard NZS 2772.1:1999 Radio Frequency Fields; Part 1 – Maximum Exposure Levels 3kHz-300GHz, based on measurements at the site in accordance with New Zealand Standard NZS 6609.2:1990 Radiofrequency Radiation: Part 2: Principles and Methods of Measurement 300kHz to 100GHz, will be lodged with the Planning and Consents Division of the Council.</p> <p>Exclusion Conditions b and c of this rule shall not apply to domestic transmitting equipment, including, but not limited to, cellular and cordless phones, microwave ovens, CB radios, garage door openers, security systems, licensed amateur radio installations, and radio-controlled toys.</p>	<p>REr.50.2 not applicable</p>	<p>REr.50.3 Activities that contravene permitted condition (a) are non-complying.</p> <p>Activities that contravene any other permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p>REr.50.4</p> <ul style="list-style-type: none"> <li>a) the potential effects of any increase of radio frequency exposure on the health of persons near the facility.</li> <li>b) the nature of any activities near the proposed site, having regard to their susceptibility to any exposures.</li> <li>c) the location of the site, and any potential for shielding from exposures.</li> <li>d) any cumulative effects, particularly with regard to exposure to electromagnetic radiation from existing facilities in the area.</li> </ul>	<p>REr.50.5</p> <p>Certain utilities and other activities emit electromagnetic radiation. These activities are perceived to be a health concern to some people living near them.</p> <p>In developing the rules on radiofrequency exposures, Council has based its approach on that recommended in the “National Guidelines for Managing the Effects of Radiofrequency Transmitters” produced by the Ministry of Health and the Ministry for the Environment in December 2000. The key findings of the guidelines was that there are no established health effects from exposure to radiofrequency fields as long as they comply with the New Zealand Standard NZS 2772.1:1999 Radiofrequency Fields: Part 1 – Maximum Exposure Levels 3kHz-300GHz.</p> <p>The Council is to be notified of location and nature of any proposed facility. Should this predictive report anticipate and should exposure levels be greater than 25% of the New Zealand Standard level, monitoring to determine the actual exposure levels from the transmitting installation will be required.</p> <p>The rule contains an exception for domestic radiofrequency transmitting equipment. This is to ensure that these domestic transmitting devices can be used without the rules applying to their radiofrequency emissions.</p> <p>Radiofrequency emissions that exceed the exposure levels set within the New Zealand Standard are to be considered as non-complying activities.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.51</b> <b>Buildings near transmission lines</b>	REr.51.1 Residential units, or education facilities (including any preschool or day care centre) must not be located within 20m of any existing above ground, or within 10m of any existing underground electricity transmission line with a capacity greater than or equal to 66kV.	REr.51.2 not applicable	REr51.3 Activities that contravene a permitted condition are discretionary.
<b>REr.52</b> <b>Network utility - buildings</b>	REr.52.1 Any network utility building is permitted if: a) the building is directly part of a network utility, and b) the building is not, or does not contain, a substation, and c) the building does not exceed 36m <sup>2</sup> ground floor area, and 5m in height, and d) all parts of the site utilised by the network utility are landscaped, except those parts that are: i) associated with a building no greater than 15m <sup>2</sup> , or ii) occupied by structures, or iii) only utilised to the extent that they are occupied by overhead lines, or iv) utilised for parking, access or manoeuvring, and e) the building complies with the relevant standards in this table <b>except</b> Rule REr.24 (site coverage), Rule REr.25 (front yards), and Rule REr.32 (maximum building height).	REr.52.2 not applicable	REr.52.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>REr.51.4</p> <p>a) any potential or cumulative effects on health of persons from exposure to electro-magnetic fields from existing facilities in the area.</p> <p>b) any effects to and from structures and lines including noise, visual impact and physical risk.</p>	<p>REr.51.5</p> <p>A limited number of high voltage transmission lines traverse the Residential Zone. These locations are shown on the Planning Maps. A separation distance between lines and housing is appropriate for a range of reasons including physical aspects and possible long term health exposure risks which may affect some people living in close proximity to major lines. This reflects a precautionary approach to electromagnetic fields and other effects of major overhead transmission lines. The rule provides an opportunity for evaluation of such effects when new housing is proposed in proximity to these lines (see also REr.53 for new lines). All buildings, structures, plant and excavations are also required to comply with NZECP 34 2001 for Electrical Safe Distances. In some situations, depending upon the length of span and operating temperature of the line, a greater separation distance than is provided for in the rule may be necessary. Advice should be sought from the line owner.</p>
<p>REr.52.4</p> <p>a) the potential to avoid, remedy or mitigate any effects through landscaping, alternative locations and structures, earth mounding, colour schemes and design, or other measures.</p> <p>b) the extent to which the utility may compromise the amenity of residences in terms of matters such as lighting, noise, shading, air emissions, or vibration.</p> <p>c) any risk to health, safety or property posed by the structure or activity.</p> <p>d) how prominent the site is, taking account of any significant public or private views or any significant landscapes.</p> <p>e) the extent to which any heritage or cultural values of the site or adjoining sites might be compromised by the facility.</p> <p>f) whether there would be environmental benefits in co-location of the facility with other utilities.</p> <p>g) any cumulative effects, particularly with regard to visual impacts with respect to existing facilities in the area.</p>	<p>REr.52.5</p> <p>Small scale utility buildings such as pump stations, transformer boxes and phone booths are an inconspicuous and inoffensive component of the utilities network and are provided for as of right. (Note: Rule REr.55 – structures on the road reserve - applies where these are in the road reserve).</p> <p>Structures larger than this (eg. reservoirs) and electricity substations which have the potential to compromise the residential environment are subject to the resource consent process. Refer to Chapter 2 (Meanings of Words) for definition of 'substation'.</p> <p>Consent could be declined or conditions placed on the facility to ensure residential amenity, and health and safety, are maintained.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.53</b> <b>Network utility - above ground and underground utilities</b>	REr.53.1 a) Any underground network utility is permitted except: i) any high pressure gas line exceeding a gauge pressure of 2000 kilopascals, and b) Any above ground network utility is not permitted except: i) maintenance and operation of existing utilities, or ii) small above ground parts of an underground utility (eg. Junction boxes), or iii) as explicitly provided for elsewhere in this rule table.	REr.53.2 not applicable	REr.53.3 Activities that contravene a permitted condition are discretionary.
<b>REr.54</b> <b>Minor Upgrading of Electricity Transmission Lines and Support Structures</b>	REr.54.1 Minor upgrading of electricity transmission lines and support structures is a permitted activity if: a) the line or support structure is existing, and b) the line has a capacity of greater than or equal to 66kV.	REr.54.2 not applicable.	REr.54.3 Activities that contravene a permitted condition are discretionary.
<b>REr.55</b> <b>Structures on the road reserve</b>	REr.55.1 Structures on the road reserve are permitted if: a) they are part of the road infrastructure (eg. bridges, culverts, street lighting, traffic signals) or relate to the safe use of the road or walkway, or b) structures (including equipment shelters and bus shelters) do not exceed 6m <sup>2</sup> floor area and 3.5m high, and c) they do not obstruct the carriageway or footpaths.	REr.55.2 not applicable	REr.55.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>REr.53.4</p> <ul style="list-style-type: none"> <li>a) any hazard presented by the utility, including any effects of electromagnetic radiation.</li> <li>b) the environmental setting of the structure, having regard to the general locality, topography, geographical features and adjacent land uses.</li> <li>c) the visual impacts of the structure on residential or recreational use of land in the vicinity, and on significant ridge lines and view planes from public places, including roads and in particular the impact on land within the Landscape Overlay.</li> <li>d) the scale, bulk and height of the facility.</li> <li>e) screening or landscaping of the utility and any modifications to its colour and design to reduce the visual effect of the utility on the surrounding environment.</li> <li>f) any constraints on placing the utility underground.</li> <li>g) Appendix 9 (landscape components and views).</li> </ul>	<p>REr.53.5</p> <p>Provision is made for lower pressure gas lines as permitted activities, but high pressure lines which present a higher risk also need to be assessed as discretionary activities.</p> <p>The electricity and telephone network is an important part of the City's infrastructure. They, and similar facilities, are permitted if located under ground. However, overhead lines have the potential to detract from the residential streetscape, and have to be dealt with as discretionary activities. Maintenance and operation of existing utilities is permitted in accordance with the definition of "maintenance" in Chapter 2 (meanings of words).</p>
<p>REr.54.4</p> <ul style="list-style-type: none"> <li>a) the impact any proposed lines and support structures will have on the character of the area.</li> <li>b) any alternatives considered or proposed.</li> <li>c) the purpose of the facility and the local community it will serve.</li> <li>d) any mitigation measures proposed.</li> <li>e) the protection of areas of significant conservation value identified in accordance with the criteria contained in DO5.1.1.</li> </ul>	<p>REr.54.5</p> <p>"Minor Upgrading" (in accordance with the definition in Chapter 2) is permitted in relation to larger electricity infrastructure only. These utilities are primarily located on the outskirts of the city and involve the higher voltage lines which are generally located on the larger structures like lattice towers. These existing structures are generally visually prominent wherever they are located, however, it is considered that minor upgrading to the extent provided for in the definition, can occur without further noticeable effect.</p> <p>Note that the definition of "minor upgrading" is set out in Chapter 2 – Meaning of Words.</p>
<p>REr.55.4</p> <ul style="list-style-type: none"> <li>a) the size and scale of the structures.</li> <li>b) any visual impacts, taking account of the character of the area.</li> <li>c) safety considerations including any effects on line of sight for motorists and other road users, having regard to the usage of the road.</li> </ul>	<p>REr.55.5</p> <p>This rule allows for the usual basic infrastructure in the road reserve at a scale that is generally accepted by the public. This infrastructure includes street lights and other traffic equipment, as well as electricity distribution boxes and telephone booths.</p> <p>The rule is not restricted to network utility operators to regulate bus shelters and street vendors.</p> <p>The Council (and the NZ Transport Agency in the case of State Highways) has an additional control as the owner of the land, in respect of who goes there and under what circumstances.</p> <p>Telecommunications and electricity operators have certain rights to put works on roads (under the Telecommunications Act 1987, section 15, and Electricity Act 1992, section 24). The Council will be guided when it prescribes conditions under these Acts, by the matters contemplated in these rules.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>RER.56</b> <b>Network utility - roads</b>	RER.56.1 The construction of any new road is permitted if: a) the road is not a State Highway, Arterial Road or Principal Road as defined on the Planning Maps, and b) the minimum standards (as defined Section 1.1.1 General) in Section 4 of the NCC Land Development Manual 2010 are complied with..	RER.56.2 not applicable	RER.56.3 Activities that contravene a permitted condition are discretionary.
<b>RER.57</b> <b>Neighbourhood parks</b>	RER.57.1 Playgrounds, service buildings, informal recreation, galas, festivals, ceremonies and outdoor performances are permitted, if any structure (including a fence) : a) does not exceed a height of 3m (for playground equipment), or 4.5 m for service buildings, and b) complies with the other rules in this Rule Table.	RER.57.2 not applicable	RER.57.3 Activities that contravene a permitted condition are discretionary.
<b>RER.58</b> <b>Building on low lying sites</b>	RER.58.1 Building is permitted if: a) the ground level (excluding waterbodies) is 15.35m NCC Datum or above, or ground level is raised and compacted to at least those levels , and i) in accordance with NZS 4431:1989 (Code of practice for earthfill or residential development) and ii) such that stormwater runoff from the site is not directed onto other sites, and that stormwater runoff from other sites is not obstructed, and iii) the finished ground level is not less than 400mm above the design hydraulic grade level of the storm water system serving the site, and b) the minimum finished floor level of the building is: i) concrete floor: 15.50m ii) timber floor: 15.65m	RER.58 not applicable	RER.58.1 Buildings that contravene a permitted condition are restricted discretionary activities. Discretion is restricted to measures required for the avoidance or mitigation of inundation hazards on the subject and surrounding properties.

Assessment Criteria	Explanation
<p>REr.56.4</p> <ul style="list-style-type: none"> <li>a) the matters in section 4 of the NCC Land Development Manual 2010.</li> <li>b) the noise and air emissions from the road, taking account of the nature of nearby activities.</li> <li>c) any implications for traffic and pedestrian safety, both positive and adverse.</li> <li>d) any proposals to mitigate the adverse effects of the road, particularly by screening for noise and visual impacts.</li> <li>e) any impacts on communities eg. whether the road would divide a neighbourhood.</li> <li>f) any opportunities to provide views and vistas from the road.</li> </ul>	<p>REr.56.5</p> <p>New roads and realignments and upgrading work on existing roads are generally dealt with by way of designations in the Plan. The designation procedure provides an opportunity for the public or affected persons to have a say on the proposals and for the environmental effects to be scrutinised. Where new roads have not been dealt with by designation, this rule provides the opportunity for public input via the resource consent process if the road is to be a major traffic carrier, or the usual design standards are not being followed.</p>
<p>REr.57.4</p> <ul style="list-style-type: none"> <li>a) the compatibility of the structure with its surroundings and its appropriateness in the particular park.</li> <li>b) the nature of the adjacent land uses.</li> <li>c) privacy for adjacent land use activities.</li> <li>d) any effects on the outlook of the adjoining properties.</li> <li>e) any positive impacts in terms of recreational opportunities.</li> <li>f) any noise or other adverse effects associated with the activity.</li> <li>g) any landscaping or other site treatment proposed to deal with any adverse effects of the activity.</li> </ul>	<p>REr.57.5</p> <p>Neighbourhood parks are generally included in the Open Space and Recreation Zone. Many of these parks are created when land is subdivided, or when land is acquired to provide parks for the growing city. Prior to a Plan Change that would change the zoning to Open Space and Recreation, small neighbourhood parks are likely to be in the Residential Zone. It is therefore necessary to make some provision for neighbourhood parks in this zone especially where they have very little adverse impact, or enhance the amenity of the neighbourhood.</p>
<p>REr.58.4</p> <ul style="list-style-type: none"> <li>a) the ground level required to avoid the effects of anticipated flooding.</li> <li>b) the type of inundation likely to be experienced, whether it be stormwater ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding.</li> <li>c) the effects on neighbouring properties, especially with respect to stormwater runoff.</li> <li>d) section 5.6.5b) and Table 5-6 and 5-7 in section 5 of the NCC Land Development Manual 2010.</li> </ul>	<p>REr.58.5</p> <p>The minimum ground levels set are based on the best estimates from the Ministry for the Environment for likely sea level rise caused by global climate change. This takes account of predicted spring tides and expected tidal surges, and their consequent effects on stormwater ponding. Sites below the minimum levels stated for permitted activities will be assessed individually to ensure that ground or floor heights are sufficient to protect the building from inundation.</p> <p>See Rule REr.61 (earthworks) where a site is to be filled.</p> <p>A resource consent to erect a building or undertake major alterations within an inundation area does not remove the need to obtain a building consent under the provisions of the Building Act 2004.</p> <p>Where land is subject to a natural hazard, Section 72 of the Building Act 2004 applies.</p> <p>If the proposed building work does accelerate, worsen or create a natural hazard on that or any other property, the Building Consent Authority (the Council) can issue a building consent under section 72 of the Building Act. A building consent issued under Section 72 can not require the owner to take measures to protect the land or buildings from inundation but will be subject to a notation placed on the property/s title that the property may still be subject to a natural hazard.</p> <p>This low lying site rule does not apply within the Inundation Overlay - see REr.83 (inundation overlays).</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>REr.59</b> <b>Vegetation clearance</b> [note – this rule is a regional and a district rule]</p> <p>Advisory Note: Notwithstanding any other rules in this plan, all plantation forestry activities regulated under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2018 must comply with those regulations. Where there is conflict or duplication between a rule in this plan and those regulations, the regulations prevail.</p>	<p>REr.59.1 Vegetation clearance is a permitted activity if:</p> <p>a) it does not take place within 5m of the banks of any river identified in Appendix 6 (riparian and coastal margin overlays); except for the purpose of :</p> <ul style="list-style-type: none"> <li>i) forming or constructing a fire break, fence line, survey line, or</li> <li>ii) installing a utility service line across the river, or</li> <li>iii) for domestic garden activity, or</li> <li>iv) maintenance of State Highways, or</li> <li>v) the installation and maintenance of utility service lines including the excavation of holes for supporting structures, back filled trenches, mole ploughing or thrusting, provided the clearance is no more than required to permit the activity; and</li> </ul> <p>b) it does not take place within 20m of the coastal marine area, except maintenance of State Highways, or the installation and maintenance of utility service lines including the excavation of holes for supporting structures back-filled trenches, mole ploughing or thrusting, provided the clearance is no more than required to permit the activity, and</p> <p>c) no vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</p> <p>d) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance:</p> <ul style="list-style-type: none"> <li>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</li> <li>ii) vegetated, paved, metallated or built over, and</li> </ul> <p>e) After reasonable mixing there is no conspicuous change in the colour or visual clarity in any water body or coastal water as a result of undertaking the activity, and</p> <p>f) After reasonable mixing there are no significant adverse effects on aquatic life, and</p> <p>g) there is no clearance of indigenous forest, and</p> <p>h) there is no clearance of vegetation within a Biodiversity Corridor (or area of greenspace shown in Schedule I) unless it is an exotic species, or a species with a pest designation in the current Tasman-Nelson Regional Pest Management Strategy, or is vegetation clearance required for:</p> <ul style="list-style-type: none"> <li>i) the maintenance of State Highways, or</li> <li>ii) the installation and maintenance of utility service lines which cross (more or less at right angles) a Biodiversity Corridor (or area of greenspace shown in Schedule I) including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, provided the clearance is no more than required to permit the activity and vegetation is reinstated after the activity has been completed, or</li> <li>iii) the formation or maintenance of roads and private vehicle access ways which cross (more or less at right angles) a Biodiversity Corridor (or area of greenspace shown in Schedule I) to land where there is no viable alternative access route available and provided the clearance is no more than required to permit the activity, or</li> <li>iv) the formation or maintenance of walkways or cycleways adjacent to, running along (subject to provisions of I.2 c and W.2 c), or crossing (more or less at right angles) a Biodiversity Corridor (or area of greenspace shown in Schedule I) and provided the clearance is no more than required to permit the activity.</li> </ul>	<p>REr.59.2 Vegetation clearance within 5m of the banks of any river identified in Appendix 6 or within 20m of the Coastal Marine Area, is controlled if:</p> <ul style="list-style-type: none"> <li>a) the vegetation to be cleared is not indigenous forest, or is plantation forest, and</li> <li>b) no vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</li> <li>c) all bare soil areas are , as soon as practicable but no later than six months from the date of disturbance, or the time specified in the sedimentation and erosion control plan for the site: <ul style="list-style-type: none"> <li>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</li> <li>ii) vegetated, paved, metallated or built over.</li> </ul> </li> </ul> <p>Control reserved over:</p> <ul style="list-style-type: none"> <li>i) loss of topsoil, or movement of soil down slope, and</li> <li>ii) damage to structures or adjoining properties, and</li> <li>iii) soil and vegetation entering rivers, and</li> <li>iv) damage to instream habitats, and</li> <li>v) adverse effects on catchment stream flow, including stormwater, and</li> <li>vi) river bank erosion, and</li> <li>vii) duration of exposure of bare soil to wind and rainfall, and</li> <li>viii) catchment water quality including suspended sediment load and increased stream bed load, and</li> <li>ix) the method and timing of the activity, and</li> <li>x) the area to be cleared at any one time, and</li> <li>xi) the provision of structures to control soil erosion or sedimentation, and</li> <li>xii) the timing and techniques used for revegetation.</li> </ul>	<p>REr.59.3 Vegetation clearance that contravenes a controlled standard is a restricted discretionary activity. Discretion restricted to:</p> <ul style="list-style-type: none"> <li>i) loss of topsoil or movement of soil down slope, and</li> <li>ii) the potential for slope failure, and</li> <li>iii) damage to structures or adjoining properties, and</li> <li>iv) soil and vegetation entering rivers and coastal water, and</li> <li>v) damage to instream and coastal habitats, and</li> <li>vi) adverse effects of catchment stream flow, and</li> <li>vii) stream bank and coastal erosion, and</li> <li>viii) duration of bare soil to wind and rainfall, and</li> <li>ix) water quality, including suspended sediment load and increased stream bed load, and</li> <li>x) the method and timing of the activity, and</li> <li>xi) the area to be cleared at any one time, and</li> <li>xii) the provision of structures to control soil erosion or sedimentation, and</li> <li>xiii) the timing and techniques used for revegetation, and</li> <li>xiv) the long term management of the land cleared, and</li> <li>xv) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated, and</li> <li>xvi) the values set out in Appendix 6 Table 6.1 for any river, and</li> <li>xvii) the matters in Appendix 9 (landscape components and views), and</li> <li>xviii) the matters in Appendix 4 (marine ASCV overlay), and</li> <li>xix) effects on the values and function of any Biodiversity Corridor.</li> </ul>

Assessment Criteria	Explanation
<p>REr.59.4</p> <p>In considering applications for controlled and discretionary activities, Council will exercise control over the matters listed in REr.59.2, and restrict its discretion to the matters listed in REr.59.3.</p>	<p>REr.59.5</p> <p>This rule generally follows the pattern of the Regional Plan for the NCC Land Disturbance Regional Plan notified in 1993. That Plan will cease to have effect when this Plan becomes operative.</p> <p>Ordinary garden activity such as mowing lawns, or trimming or removing individual shrubs is permitted as is clearance for the purpose of installing or maintaining utility service lines.</p> <p>Vegetation clearance adjacent to rivers and the coastal marine area have, because of their location, a high potential to cause soil erosion (river bank or coastal erosion), or sedimentation effects and are therefore controlled.</p> <p>Plantation Forest clearance near rivers and the coast is more tightly regulated under the National Environmental Standard for Plantation Forestry 1<sup>st</sup> May 2018, which came into effect after the date of notification of this Plan because it will have been planted in the knowledge that clearance near rivers would be regulated. Clearance of forest planted before that date are given controlled status to accommodate the expectations of owners at the time. Most rivers are included in Appendix 6 (riparian and coastal margin overlays).</p> <p>Indigenous forest is specially protected to preserve intrinsic values of ecosystems, visual and other amenity values, as well as the relationship of Maori to their ancestral lands.</p> <p>Vegetation clearance in the Conservation Overlay is regulated by a separate rule.</p> <p>Native vegetation is specifically protected in Biodiversity Corridors (or area of greenspace shown in Schedule I) to ensure their function as an ecosystem and a corridor, or 'green' area, is not compromised through clearance.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>REr.60 Soil disturbance</b></p> <p>[note – this rule is a regional and a district rule]</p> <p>Advisory Note: Rule REr.60. does not apply to soil disturbance in relation to plantation forestry activities as these are regulated under regulations 22-35 of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2018. Those regulations prevail over this rule in relation to plantation forestry earthworks as defined in the regulations.</p>	<p>REr.60.1</p> <p>Soil disturbance is a permitted activity if:</p> <p>a) either: the predominant slope does not exceed 25° from horizontal; or the predominant slope exceeds 25° and the activity is one of the following:</p> <p>i) forming or maintaining a firebreak or the fairway beneath power transmission lines, or</p> <p>ii) maintaining a state highway, road, track or landing, or</p> <p>iii) is for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the disturbance is no more than required to permit the activity,</p> <p>iv) cultivation in the course of normal garden activity to a depth not exceeding 300mm and a maximum area of 100m<sup>2</sup> per site, and</p> <p>b) soil disturbance does not take place within 5m of the banks of any river identified in Appendix 6 or within 20m of the Coastal Marine Area, except for:</p> <p>i) the purpose of forming or constructing a firebreak, fence line, survey line or installing a utility service line across a river, or</p> <p>ii) cultivation of land with a predominant slope not exceeding 6 degrees from horizontal, provided cultivation is at least 2m from the banks of the river, or</p> <p>iii) the purpose of maintaining a State Highway, or</p> <p>iv) the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the disturbance is no more than required to permit the activity, and</p> <p>c) no soil or vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</p> <p>d) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance:</p> <p>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</p> <p>ii) vegetated, paved, metalled or built over, and</p> <p>e) after reasonable mixing there is no conspicuous change in the colour or visual clarity in any water body or coastal water as a result of undertaking the activity, and</p> <p>f) all formation surfaces with an inward cross fall are drained by a water table and cut offs or culverts are formed or installed so as to prevent erosion of the formed surfaces, and</p> <p>g) trenches formed for utility service lines are back filled, compacted and revegetated as soon as practicable, and</p> <p>h) soil is managed on the site during the construction period and after, such that there are no adverse effects on adjoining properties or any waterbodies.</p>	<p>REr.60.2</p> <p>Soil disturbance that contravenes a condition for permitted activities is controlled if:</p> <p>a) the predominant slope does not exceed 35° from horizontal, and</p> <p>b) no soil or vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</p> <p>c) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance, or the time specified in the sedimentation and erosion control plan for the site:</p> <p>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</p> <p>ii) vegetated, paved, metalled or built over, and</p> <p>d) all formation surfaces with an inward cross fall are drained by a water table, and cut-offs or culverts are formed or installed so as to prevent erosion of the formed surfaces.</p> <p>Control reserved over:</p> <p>i) loss of topsoil or movement of soil down slope, and</p> <p>ii) damage to structures or adjoining properties, and</p> <p>iii) soil and vegetation entering rivers or coastal water, and</p> <p>iv) damage to instream and coastal habitats, and</p> <p>v) adverse effects on catchment stream flow, including stormwater, and</p> <p>vi) river bank and coastal erosion, and</p> <p>vii) duration of exposure of bare soil to wind and rainfall, and</p> <p>viii) water quality, including suspended sediment load and increased stream bed load, and</p> <p>ix) the method and timing of the activity, and</p> <p>x) the area to be disturbed at any one time, and</p> <p>xi) the provision of structures to control soil erosion or sedimentation, and</p> <p>xii) the timing and techniques used for revegetation.</p>	<p>REr.60.3</p> <p>Soil disturbance that contravenes a controlled standard is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <p>i) loss of topsoil or movement of soil down slope, and</p> <p>ii) the potential for slope failure, and</p> <p>iii) damage to structures or adjoining properties, and</p> <p>iv) soil and vegetation entering rivers and coastal water, and</p> <p>v) damage to instream and coastal habitats, and</p> <p>vi) adverse effects on catchment stream flow, and</p> <p>vii) bank and coastal erosion, and</p> <p>viii) duration of bare soil to wind and rainfall, and</p> <p>ix) water quality, including suspended sediment load and increased stream bed load, and</p> <p>x) the method and timing of the activity, and</p> <p>xi) the area to be cleared at any one time, and</p> <p>xii) the provision of structures to control soil erosion or sedimentation, and</p> <p>xiii) the timing and techniques used for revegetation, and</p> <p>xiv) the long term management of the land cleared, and</p> <p>xv) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated, and</p> <p>xvi) the values set out in Appendix 6, Table 6.1 for any river, and</p> <p>xvii) the matters in Appendix 9 (landscape components and views), and</p> <p>xviii) the matters in Appendix 4 (marine ASCV overlay).</p>

Assessment Criteria	Explanation
<p>REr.60.4</p> <p>In considering applications for controlled and discretionary activities, Council will exercise control over the matters listed in REr.60.2 and restrict its discretion to the matters listed in REr.60.3.</p>	<p>REr.60.5</p> <p>This rule generally follows the pattern of the NCC Land Disturbance Regional Plan notified in 1993. That Plan will cease to have effect when this Plan becomes operative.</p> <p>Soil disturbance activities on flatter land are less likely to cause adverse soil erosion and sedimentation effects, except where the activity is close to a water body, and are therefore generally permitted. Land with a predominant slope not exceeding 6 degrees represents the land in Land Management Zone A in the Regional Plan.</p> <p>On steeper land, minor activities such as maintenance of roads and establishment of utilities are permitted, but other activities are more closely regulated to ensure adverse soil erosion and sedimentation effects are avoided or minimised. Steeper land was mapped as Land Management Zones B and C in the Regional Plan, but are referred to by reference to degrees of slope in this Rule.</p> <p>Soil disturbance adjacent to rivers and the Coastal Marine Area have, because of their location, a high potential to cause soil erosion (river bank and coastal erosion), or sedimentation effects, and to adversely affect the values of marine aquatic habitats described in Appendix 4 (marine ASCV overlay). Most rivers are included in Appendix 6 (riparian and coastal margin overlays).</p> <p>Soil Disturbance is regulated in other rules, particularly in Overlays, which may impose additional regulation on particular activities.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>REr.61 Earthworks</b> [note – this rule is a regional and a district rule]</p> <p>Advisory Note: Rule REr.61. does not apply to Earthworks in relation to plantation forestry activities as these are regulated under regulations 22-35 of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2018. Those regulations prevail over this rule in relation to plantation forestry earthworks as defined in the regulations.</p>	<p>REr.61.1 Earthworks are a permitted activity if:</p> <ul style="list-style-type: none"> <li>a) the maximum height or depth of excavation or filling does not exceed 1.2m, or</li> <li>b) the earthworks are for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting providing the earthworks are no more than required to permit the activity, or</li> <li>c) the excavation or fill: <ul style="list-style-type: none"> <li>i) is retained immediately by a structure authorised by a building consent, and</li> <li>ii) the maximum height or depth of the fill or excavation does not exceed 3m, and</li> <li>iii) the depth of any excavation adjacent to a property boundary does not exceed the distance from that boundary measured on a horizontal plane; and</li> </ul> </li> <li>d) the earthworks do not take place within 10m of the bank of any river identified in Appendix 6 (riparian and coastal margin overlays), or within 20m of the Coastal Marine Area, except for the purpose of <ul style="list-style-type: none"> <li>i) maintaining State Highways and other roads,</li> <li>ii) forming or constructing a fire break, fence line or survey line, or</li> <li>iii) installing a utility service line across a river, or</li> <li>iv) is for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting providing the earthworks are no more than required to permit the activity, and</li> </ul> </li> <li>e) no soil is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</li> <li>f) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance: <ul style="list-style-type: none"> <li>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</li> <li>ii) vegetated, paved, metalled or built over, and</li> </ul> </li> <li>g) after reasonable mixing there is no conspicuous change in the colour or visual clarity in any water body or coastal water as a result of undertaking the activity, and</li> <li>h) all formation surfaces with an inward cross fall are drained by a water table and cut-offs or culverts are formed or installed so as to prevent erosion of the formed surfaces, and</li> <li>i) trenches formed for utility service lines are back filled, compacted and revegetated as soon as practicable, and</li> <li>j) material used for fill is cleanfill material, and</li> <li>k) soil is managed on the site during the construction period and after, such that there are no adverse effects on adjoining properties or any waterbodies.</li> </ul>	<p>REr.61.2 Earthworks that contravene a permitted condition are controlled if:</p> <ul style="list-style-type: none"> <li>a) the maximum height or depth of filling or excavation does not exceed 4m, and</li> <li>b) the site is not in the Land Management Overlay, and</li> <li>c) earthworks do not take place within 10m of the banks of any river identified in Appendix 6 (riparian and coastal margin overlays) or within 20m of the Coastal Marine Area, and</li> <li>d) no soil is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</li> <li>e) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance, or the time specified in the sedimentation and erosion control plan for the site: <ul style="list-style-type: none"> <li>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</li> <li>ii) vegetated, paved, metalled or built over, and</li> </ul> </li> <li>f) all formation surfaces with an inward cross fall are drained by a water table, and cut-offs or culverts are formed or installed so as to prevent erosion of the formed surfaces, and</li> <li>g) Material used for the fill is cleanfill material. Control reserved over: <ul style="list-style-type: none"> <li>i) loss of topsoil or movement of soil down slope, and</li> <li>ii) damage to structures or adjoining properties, and</li> <li>iii) soil and vegetation entering rivers or coastal water, and</li> <li>iv) damage to instream and coastal habitats, and</li> <li>v) adverse effects on catchment stream flow, including stormwater, and</li> <li>vi) river bank and coastal erosion, and</li> <li>vii) duration of exposure of bare soil to wind and rainfall, and</li> <li>viii) water quality, including suspended sediment load and increased stream bed load, and</li> <li>ix) the method and timing of the activity, and</li> <li>x) the area to be disturbed at any one time, and</li> <li>xi) the provision of structures to control soil erosion or sedimentation, and</li> <li>xii) the timing and techniques used for revegetation, and</li> <li>xiii) the depth, height and volume of cut and fill and the finished ground level, and</li> <li>xiv) the quality of fill material and compaction methods, and</li> <li>xv) visual effects, and</li> <li>xvi) control of noise, and</li> <li>xvii) control of dust, and</li> <li>xviii) traffic and access issues.</li> </ul> </li> </ul>	<p>REr.61.3 Earthworks that contravene a controlled standard other than g) are restricted discretionary activities. Where g) is contravened the activity is a discretionary activity. Discretion restricted to:</p> <ul style="list-style-type: none"> <li>i) loss of topsoil or movement of soil downslope, and</li> <li>ii) the potential for slope failure, and</li> <li>iii) damage to structures or adjoining properties, and</li> <li>iv) soil and vegetation entering rivers and coastal water, and</li> <li>v) damage to instream and coastal habitats, and</li> <li>vi) adverse effects on catchment stream flow, and</li> <li>vii) bank and coastal erosion, and</li> <li>viii) duration of bare soil to wind and rainfall, and</li> <li>ix) water quality, including suspended sediment load and increased stream bed load, and</li> <li>x) the method and timing of the activity, and</li> <li>xi) the area to be cleared at any one time, and</li> <li>xii) the provision of structures to control soil erosion or sedimentation, and</li> <li>xiii) the timing and techniques used for revegetation, and</li> <li>xiv) the long term management of the land cleared, and</li> <li>xv) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated, and</li> <li>xvi) visual effects, and</li> <li>xvii) the impacts on privacy and on the admission of daylight and sunlight to neighbouring sites, and</li> <li>xviii) the values set out in Appendix 6, Table 6.1 for any river, and</li> <li>xix) the matters in Appendix 9 (landscape components and views), and</li> <li>xx) the matters in Appendix 4 (marine ASCV overlay), and</li> <li>xxi) control of noise, and</li> <li>xxii) control of dust, and</li> <li>xxiii) traffic and access issues.</li> </ul>

Assessment Criteria	Explanation
<p>REr.61.4 In considering applications for controlled and discretionary activities, Council will exercise control over the matters listed in REr.61.2, and restrict its discretion to the matters listed in REr.61.3.</p>	<p>REr.61.5 Earthworks on flatter land are less likely to cause adverse soil erosion and sedimentation effects, except where the activity is close to a water body, and are therefore generally permitted. On steeper land, minor activities such as roads and utilities are permitted, but other activities are more closely regulated. The relationship of this Plan to the Land Disturbance Regional Plan is referred to in reasons for the vegetation clearance rule above. Earthworks in the Land Management Overlay, apart from the minor work mentioned, may have more serious effects, and require assessment to ensure adverse soil erosion and sedimentation effects are avoided or minimised. Earthworks adjacent to rivers and the Coastal Marine Area have, because of their location, a high potential to cause soil erosion (river bank erosion), or sedimentation effects. Fill can be used to improve sites for use and in particular to mitigate effects of natural hazards and servicing constraints. Clean fill is required because fill that contains contaminants can have adverse effects on the environment, while excessive amounts of vegetation can cause settling when it decomposes. The activity is generally controlled as sufficient information to plot recommended ground height in any particular area is not available and must be considered on a case by case basis. However, where the height of the cut or fill exceeds 4m a discretionary activity resource consent is required. This is because such earthworks can have significant visual impacts. Also, in urban areas, significant filling of a site, relative to a neighbour, can affect privacy, and access to daylight and sunlight. Some confusion may arise as to whether and activity constitutes earthworks, landfill or a combination of the two. The essential distinction is that while earthworks may involve some degree of landfill, it is not the primary purpose of the activity, whereas with landfill activities the primary purpose is the disposal of solid waste. Note: Section 14 of the Resource Management Act prohibits any activity that dams or diverts water, unless a resource consent is granted. This applies to earthworks that might dam or divert water (eg a spring), even if they are permitted or controlled activities under this rule. Note that Earthworks are regulated in other rules, particularly in Overlays, which may impose additional regulation on particular activities. Note Rule REr.36 (deck, terraces, verandahs and balconies) which controls the height, and proximity to the boundary, of filled retaining walls.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.61A</b> <b>Landfill</b> [Note: this rule is a regional and a district rule]	REr.61A.1 Landfills are not a permitted activity	REr.61A.2 Not applicable	REr.61A.3 Landfill activities are restricted discretionary activities if: a) the maximum height of the landfill does not exceed 2m, and its total volume is less than 2,000m <sup>3</sup> , and b) the landfill accepts only cleanfill material. Discretion is restricted to those matters listed in REr.61.3 (earthworks), plus: i) visual and landscaping effects, and ii) leachate and runoff, and iii) fill brought on site, and iv) depth, height, volume of fill and finished ground level, and v) fill quality/compaction methods, and vi) effect on soil fertility/versatility, and vii) consequential stormwater characteristics such as ponding, and viii) cumulative effects of landfill activities. Activities that contravene a restricted discretionary condition are discretionary activities.
<b>REr.62</b> <b>Papakainga development</b> (Schedule Sch.A)	REr.62.1 Papakainga development is permitted if: a) it complies with Schedule Sch.A.	REr.62.2 Schedule Sch.A applies	REr.62.3 Schedule Sch.A applies.
<b>Rules Relating to Overlays on Planning Maps</b>			
<b>REr.63</b> <b>Service Overlay – Building</b>	REr.63.1 Erection or extension of buildings in the Services Overlay is permitted if: a) it is not located in the path of any future road : (i) shown as an Indicative Road on any Structure Plan in the Plan, or (ii) shown as Proposed Road on the Roding Hierarchy Maps A2.1 and A2.2 in Volume 4 of the Plan, or (iii) shown as Proposed Road on any Planning Maps in Volume 4 of the Plan. b) Existing Council water, stormwater and wastewater connections are available to the site and have capacity to serve the building and associated development, and c) The building and associated development is connected through piped gravity outfalls to the Council wastewater and stormwater system, and supplied with water through a gravity system from a Council water supply.	REr.63.2 not applicable	REr.63.3 Erection or extension of buildings that contravene a permitted condition and propose to connect to public reticulated services are restricted discretionary.  Discretion is restricted to: i) whether there is adequate capacity and availability in the Council water supply, stormwater and wastewater system to cope with the demands of development of the site(s), and ii) whether all connections to Council services (excluding roading) are to gravity systems, and iii) in the absence of i) or ii) above, the ability of private infrastructure to ensure ongoing effectiveness, including the maintenance and monitoring of such systems, and iv) the location of the building ensures it does not impede the route or construction of any future road or utility services.  Resource consent for restricted discretionary activities will be considered without notification.  Discretionary Activity Activities that propose to connect to on site services are discretionary.

Assessment Criteria	Explanation
<p>REr.61A.4</p> <p>In considering applications for landfills, Council will restrict its discretion to the matters identified in REr.61A.3 provided that the application does not contravene a restricted discretionary condition.</p>	<p>REr.61A.5</p> <p>Landfill development and operation are discretionary activities. While landfills generally involve earthworks and modify the shape of the land, their primary purpose is the disposal of solid waste. The concentration of solid waste, often containing contaminants, within landfill sites, increases the potential for adverse effects on the environment beyond that associated with normal earthworks. Additional adverse effects may include generation of leachate, discharge of gas, geotechnical issues such as poor bearing strength and settlement, and contamination of the land itself making it unsuitable for other uses.</p> <p>Some landfills operate as cleanfill sites, accepting only material that does not undergo any physical, chemical, or biological transformations likely to cause adverse environmental effects, or health effects, once it is placed in the ground. Cleanfill operations are clearly preferable to activities accepting hazardous or potentially hazardous materials, and are more likely to be granted resource consent.</p> <p>Discharges to water and air from material within landfill sites also require separate regional resource consents.</p>
<p>REr.62.4</p> <p>See Schedule Sch.A.</p>	<p>REr.62.5</p> <p>See Schedule Sch.A.</p> <p>The schedules for this zone follow after the Rule Table.</p> <p>Note: Whakatu Marae is scheduled in the Open Space and Recreation Zone.</p>
<p>REr.63.4</p> <p>a) the matters in the NCC Land Development Manual 2010.</p> <p>b) whether the location of the building or development impedes the route and construction of any future road or utility services required to service the site or surrounding sites that have potential for residential development.</p> <p>c) whether road access and reticulated services are able to be provided to the site and any surrounding site with potential for residential development from any other practical route.</p> <p>d) whether the building can provide for on site servicing for the building in accordance with FWr.12 , FWr.14, FWr.25 and FWr.29.</p> <p>e) the timing of the strategic planning programme for servicing sites within the district over the next 10 years.</p>	<p>REr.63.5</p> <p>The Services Overlay is the area shown on the Planning Maps where the existing water supply, stormwater drainage or wastewater system is not available (for example, because of the relative levels) or has insufficient capacity to accept more discharges or new connections.</p> <p>Under its Long Term Plan, the Council has a programme for progressive upgrading of the stormwater, wastewater, water and roading networks in the City. Until that upgrading takes place, building in the Services Overlay will be restricted discretionary or discretionary.</p> <p>If a developer proposes a short term access, drainage or water supply method that is not consistent with the Long Term Plan, the effects of this on the environment and the Long Term Plan (especially any compromising effect on the overall development of the City systems) will be assessed when a resource consent application is considered.</p> <p>Gravity fed systems are preferred because these have lower maintenance costs and are more reliable.</p> <p>The Services Overlay is also used to ensure that practical road access and the extension of services from one property to another, which has potential for residential development, is maintained. New buildings or extensions will not be permitted in locations where this hinders or prevents the only practical route for a future road or reticulated services to serve the site and adjoining site with potential for residential development. The proposed road network will be updated through the Nelson Development Strategy and subsequent plan changes.</p> <p>Use of on site servicing within the Residential Zone Services Overlay is discouraged, and the application would be considered as a discretionary activity.</p> <p>Note: The capacity of the stormwater drain or wastewater network means the capacity of the length of the drain from the site to, and including, its outfall to a water body, coastal water or treatment facility.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.64</b> <b>Airport Effects Control Overlay and Port Effects Control Overlay</b> <b>Minimum site area</b>	REr.64.1 a) In the Airport Effects Control Overlay and the Port Effects Control Overlay, every residential unit must have a net area of at least 600m <sup>2</sup> allocated exclusively to it within the site. b) Paragraph (a) does not apply to a single residential unit on a single allotment where: i) the subdivision was granted before 25 October 1996, and ii) the allotment was created by a subdivision approved by the Council, and was not identified on the subdivision plan as a lot for a utility service or access, and iii) the site was previously located within the Port Effects Advisory Overlay in the Proposed Plan as amended by decisions in October 1999 and the subdivision was granted before 14/07/07.	REr.64.2 not applicable	REr.64.3 Activities that contravene a permitted condition are non-complying.

Assessment Criteria	Explanation
<p>REr.64.4</p> <p>a) the location of the site in relation to the noise contour, and the main source of the noise.</p> <p>b) the potential cumulative effects of higher density residential activities.</p> <p>c) see also the assessment criteria for Rules REr.23 (minimum site area) and REr.24 (site coverage).</p>	<p>REr.64.5</p> <p>Land within the Airport and Port Effects Control Overlays as shown on the Planning Maps is predicted to be exposed to potentially high noise levels from the airport or Port Industrial Area. In order to avoid increasing the number of residential units exposed to the noise, a density restriction has been imposed on these areas. An exemption is provided for allotments less than 600 m<sup>2</sup> if they existed, or were granted subdivision consent, before the Plan was notified on 25 October 1996. A further exemption is provided for allotments less than 600m<sup>2</sup> if they were previously located within the Port Effects Advisory Overlay and if they existed, or were granted subdivision consent, before 14/07/07. One residential unit is permitted on such an allotment by these exemptions. In order to be a permitted activity, the residential unit would have to comply with other rules e.g. site coverage, daylight admission, parking.</p> <p>Note: Comprehensive housing development is not considered appropriate in the Airport or Port Effects Control Overlays, as the Plan seeks to minimise the number of residential units exposed to the noise from these areas. (See REr.22 – comprehensive housing development).</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.65</b> <b>Airport Effects Control Overlay</b> <b>Acoustic insulation of buildings</b>	REr.65.1 Within the Airport Effects Control Overlay construction, or substantial alteration of a building is permitted if: a) either, the bedrooms and living areas, where they are new or substantially altered, incorporate acoustic insulation in accordance with Appendix 19 (acoustic insulation requirements), or b) the building consent application is accompanied by a certificate from a suitably qualified and experienced acoustic engineer to demonstrate that the building design will reduce noise levels to at least 45 dBA inside the new or altered bedrooms and living areas (with the windows and doors shut).	REr.65.2 not applicable	REr.65.3 Activities that contravene a permitted condition are non-complying.
<b>REr.65A</b> <b>Port Effects Control Overlay</b> <b>Acoustic insulation of buildings</b>	REr.65A.1 Within the Port Effects Control Overlay, construction, or alteration of a building is permitted if: a) the building is acoustically insulated to reduce noise levels to no greater than 40dBA $L_{dn}$ inside any new or altered habitable space and has either ventilating windows open or minimum ventilation requirements as set down in Appendix 19 (acoustic insulation requirements), and b) prior to the commencement of any construction or site works a certificate is obtained from a suitable qualified engineer to demonstrate that the building design complies with paragraph a) above, and c) the acoustic engineer provides certification that the finished construction/alteration complies with paragraph a) above.	REr.65A.2 not applicable	REr.65A.3 Activities that contravene a permitted condition are non-complying.
<b>REr.66</b> <b>Airport Effects Advisory Overlay</b>	REr.66.1 Note: no special rules apply to this overlay which defines the area between the $L_{dn}$ 55 and 60 dBA (10.9 and 34.6 Pasques) noise contours. The overlay is to advise that the areas will be subject to the effects of airport noise.	REr.66.2 not applicable	REr.66.3 not applicable

Assessment Criteria	Explanation
<p>REr.65.4</p> <ul style="list-style-type: none"> <li>a) the location of the site in relation to the noise contour, and the main source of the noise.</li> <li>b) the number of people likely to be exposed to the noise, the type of noise, and the duration of exposure.</li> <li>c) the nature of the activity, and its susceptibility to noise.</li> <li>d) the effectiveness of, and in particular the certainty provided by, any conditions or controls that might be imposed on the activity.</li> <li>e) the potential cumulative effects of an increased exposure to noise.</li> </ul>	<p>REr.65.5</p> <p>The rule is based on the predicted exposure of the site area within the overlay to noise levels from the airport, on a long term basis. The rule provides for mitigation of potential adverse effects by the insulation of parts of buildings that are most likely to be sensitive to noise.</p> <p>The acoustic insulation standards in Appendix 19 (acoustic insulation requirements) provide one way of meeting the permitted condition. Alternative methods of meeting the standard can be used, if certified by a suitably qualified acoustic engineer.</p>
<p>REr.65A.4 not applicable.</p>	<p>REr.65A.5</p> <p>The rule is based on the predicted exposure of the property to noise levels from the Port Industrial Area. The rule provides for mitigation of potential adverse effects by the acoustic insulation of parts of buildings that are most likely to be sensitive to noise.</p> <p>In order to ensure that the standard is met, certification by a suitably qualified acoustic engineer is considered appropriate.</p>
<p>REr.66.4</p> <ul style="list-style-type: none"> <li>a) in the case of discretionary applications, consideration will be given to the nature of the activity and its likely sensitivity to the effects of airport noise.</li> </ul>	<p>REr.66.5</p> <p>The land between the Ldn 55-60 dBA (10.9 to 43.6 Pasques) noise contours is unlikely to be exposed to airport noise sufficient to require mandatory acoustic insulation. However it is likely to be subject to some noise nuisance. This provision may help people decide the type of activities they establish in the area, or whether they choose to incorporate acoustic insulation when they are building.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.67</b> <b>Coastal Environment Overlay</b> <b>Activities near the coast</b>	REr.67.1 There are no rules relating to this Overlay in this Zone, but regard should be had to the Overlay and its implications in considering any resource consent application.	REr.67.2	REr.67.3
<b>REr.68</b> <b>Landscape Overlay</b> <b>Above-ground network utility structures</b>	REr.68.1 Maintenance of any above-ground network utility structure is permitted.	REr.68.2 not applicable	REr.68.3 Construction or alteration of any above ground network utility structure is discretionary.

Assessment Criteria	Explanation
REr.67.4	REr.67.5
<p>REr.68.4</p> <ul style="list-style-type: none"> <li>a) the visual impacts of the proposed activity.</li> <li>b) any possible alternative locations or methods available.</li> <li>c) the applicant's reasons for choosing the proposed location for the activity.</li> <li>d) any vegetation clearance associated with the activity.</li> <li>e) whether the impacts of the activity can be remedied or mitigated sufficiently for it to be accommodated within the landscape. eg. by painting, change of materials, landscaping, placement or other measures.</li> <li>f) any impacts on soil erosion or sedimentation of water ways.</li> <li>g) the stability of the land.</li> <li>h) Appendix 9 (landscape components and views).</li> </ul>	<p>REr.68.5</p> <p>Construction of new, or alteration of network utility structures will have a greater adverse visual effect than the maintenance of existing structures. Refer to Chapter 2 (Meaning of Words) for definition of 'maintenance'.</p> <p>Construction or alteration of structures, have been made discretionary activities, so that each application can be judged on its merits.</p> <p>Earthworks and vegetation clearance are dealt with under Rules REr.61 (earthworks) and REr.59 (vegetation clearance).</p>

<b>Item</b>	<b>Permitted</b>	<b>Controlled</b>	<b>Discretionary/Non-complying</b>
<b>REr.69</b> <b>Landscape Overlays</b> Minor Upgrading of Electricity Transmission Lines and Support Structures	REr.69.1 Minor upgrading of electricity transmission lines and support structures is a Permitted Activity in the Landscape Overlays if: a) the line or support structure is existing, and b) the line has a capacity of greater than or equal to 66kV.	REr.69.2 not applicable	REr.69.3 Activities that contravene a permitted condition are discretionary.
<b>REr.70</b> <b>Conservation Overlay</b>	REr.70.1 Activities in a Conservation Overlay are permitted if: a) the activity does not involve the erection or extension of structures, other than post and wire fences not exceeding 1.5m high, and b) the activity does not involve earthworks or soil disturbance, and c) the activity does not involve clearance of vegetation, other than hand clearance of exotic vegetation.	REr.70.2 not applicable	REr.70.3 Activities that contravene a permitted condition are discretionary if: a) the activity does not involve clearance of indigenous forest.  (Clearance of indigenous forest is a non-complying activity.)
<b>REr.71</b> <b>Riparian Overlay</b> Activities on land identified with riparian values	REr.71.1 On land adjoining a Riparian Overlay listed in Table 6.2 of Appendix 6, the following are not permitted within the distance set out in the Esplanade Requirements column: a) erection or extension of any structure (excluding a fence), or b) adverse effect on indigenous vegetation, or c) disturbance to river banks	REr.71.2 On land located within a riparian overlay listed in Table 6.2 of Appendix 6 extension of a utility service line or structure is controlled. Control reserved over: i) protection of indigenous vegetation, and ii) disturbance to riverbanks, and iii) maintenance of access, and iv) remedial measures.	REr.71.3 Activities that contravene a permitted condition are discretionary.
<b>REr.72</b> <b>Land Management Overlay</b>	REr.72.1 See REr.61 (earthworks)	REr.72.2	REr.72.3

Assessment Criteria	Explanation
<p>REr.69.4</p> <ul style="list-style-type: none"> <li>a) the visual impacts of the proposed activity.</li> <li>b) any possible alternative locations or methods available.</li> <li>c) the applicant's reasons for choosing the proposed location for the activity.</li> <li>d) any vegetation clearance associated with the activity.</li> <li>e) whether the impacts of the activity can be remedied or mitigated sufficiently for it to be accommodated within the landscape. eg. by painting, change of materials, landscaping, placement or other measures.</li> <li>f) any impacts on soil erosion or sedimentation of water ways.</li> <li>g) the stability of the land.</li> </ul> <p>Appendix 9.</p>	<p>REr.69.5</p> <p>"Minor Upgrading" (in accordance with the definition in Chapter 2) is permitted in relation to larger electricity infrastructure only. These utilities are primarily located on the outskirts of the city and involve the higher voltage lines which are generally located on the larger structures like lattice towers. These existing structures are generally visually prominent wherever they are located, however it is considered that minor upgrading to the extent provided for in the definition, can occur without further noticeable effect.</p> <p>Note that the definition of "minor upgrading" is set out in Chapter 2 – Meaning of Words.</p>
<p>REr.70.4</p> <ul style="list-style-type: none"> <li>a) the effect of a structure, and activities associated with the structure, on the values associated with the particular area.</li> <li>b) any protection or mitigation measures proposed, including any positive effects to offset adverse effects.</li> <li>c) the effects on the ecological and visual values of the area.</li> <li>d) the outcome of any consultation with interested or affected parties (including Department of Conservation, QEII Trust).</li> <li>e) any proposed environmental compensation (such as formal protection of the area, or parts or values of the area).</li> <li>f) the assessment criteria in Rule REr.61 (earthworks) and REr.60 (soil disturbance).</li> </ul>	<p>REr.70.5</p> <p>The rule protects valued identified areas from development that would adversely affect the values of areas of significant conservation values (ASCV). The rule also protects the ecological values and visual appearance of ASCVs. It allows each case to be considered on its merits.</p> <p>Earthworks, soil disturbance and vegetation clearance are also regulated by other rules, as are activities within stated distances of rivers and wetlands.</p>
<p>REr.71.4</p> <ul style="list-style-type: none"> <li>a) the values for esplanade purposes stated in Appendix 6, Table 2, including any additional information regarding the values of the reserve or strip sought for the purposes outlined in section 229 of the Act.</li> <li>b) the nature of the proposed activity, its likely effects on the values for esplanade purposes, and methods of avoiding, remedying or mitigating the adverse effect</li> <li>c) any circumstances making the future setting aside of an esplanade reserve or esplanade strip inappropriate including the nature of existing development, security needs, public safety, minor boundary adjustment.</li> <li>d) whether a lesser distance than specified might adequately protect the esplanade values.</li> <li>e) any existing protection of the area including existing esplanade reserves or strips or protective covenants.</li> </ul>	<p>REr.71.5</p> <p>This rule ensures that activities within areas identified for possible acquisition of esplanade reserves or strips do not compromise their riparian values, or value for future acquisition.</p> <p>In the case of Overlays in Table 6.2 of Appendix 6, esplanade reserves or strips will be acquired whenever subdivision occurs, or may be required as a condition of a resource consent eg. when there is a change of land use activity on the site. The width of the desired esplanade reserve or strip is set out in Appendix 6, Table 6.2.</p>
<p>REr.72.4</p>	<p>REr.72.5</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.73</b> <b>Fault Hazard Overlay</b>	REr.73.1 Erection, extension or alteration of a building within the Fault Hazard Overlay is permitted provided that: <ul style="list-style-type: none"> <li>a) where a fault trace can be identified and precisely located by reference to the Council conditions book, subdivision files, site files, or GIS database, then the building is set back at least 5m from that fault trace.</li> <li>b) no setback is required in the portion of the Fault Hazard Overlay between Seymour Avenue, and Cambria Street for any building used for residential purposes which are not more than 7.5m in height and designed for the permanent occupation of fewer than 20 persons.</li> </ul>	REr.73.2 not applicable	REr.73.3 Activities that contravene a permitted condition are a restricted discretionary activity. Discretion restricted to hazard avoidance or mitigation measures. (The application must be accompanied by a geotechnical assessment from a suitably qualified and experienced geotechnical engineer or engineering geologist.) Resource consent applications for restricted discretionary activities will be considered without notification or obtaining the written consent of neighbours under section 94 of the Act.
<b>REr.74</b> <b>Tahunanui Slump Core Slope Risk Overlay</b> <b>Tahunanui Slump Fringe Slope Risk Overlay</b> <b>Storm and waste water</b>	REr.74.1 Within the Tahunanui Slump Core Slope Risk Overlay, and the Tahunanui Slump Fringe Slope Risk Overlay: <ul style="list-style-type: none"> <li>a) driveways and vehicle standing areas must have an impervious seal, and</li> <li>b) stormwater from any roof, impermeable area or water storage area (including any swimming pool) must be piped into an approved stormwater system.</li> </ul>	REr.74.2 not applicable	REr.74.3 Activities that contravene a permitted condition are discretionary. (The application must be accompanied by a geotechnical assessment from a suitably qualified geotechnical engineer or engineering geologist.)

Assessment Criteria	Explanation
<p>REr.73.4</p> <ul style="list-style-type: none"> <li>a) the risk to life, property and the environment posed by the natural hazard.</li> <li>b) the extent that the natural hazard applies only to part of the site, and consequently whether the proposed activity would be unaffected by the hazard, and would not in turn affect the hazard itself.</li> <li>c) the extent to which the activity would worsen the risk posed by the natural hazard.</li> <li>d) the extent to which the effects of the hazard, or the effects of the activity on the hazard, can be remedied or mitigated.</li> <li>e) the nature of the proposed activities on the site, or on other sites potentially affected by the natural hazard.</li> <li>f) the likely frequency and magnitude of movement.</li> </ul>	<p>REr.73.5</p> <p>The Fault Hazard Overlay is shown as a corridor within which the fault line or lines is expected to be located. The Council holds various records (e.g. subdivision files, records of geotechnical assessments) which can precisely locate the fault line on some sites. In these situations, where the location of the fault is known, then a building must be set back a minimum of 5m from that fault. Where the fault cannot be located from Council records then no set back of a building is required (and the Fault Hazard Overlay simply provides information to property owners or potential owners).</p> <p>In the Wood area between Seymour Avenue and Cambria Street, deep alluvial sediments overlay the fault trace. This makes the precise location of the fault trace very difficult to establish. Even if the location of the fault trace could be established, the surface effect of any fault movement would be difficult to accurately predict given the depth of the overlying sediment. Therefore between Seymour Avenue and Cambria Street there are no controls on the establishment of conventional residential units. However apartment blocks, rest homes, and other tall buildings or buildings with a high number of occupants do require more scrutiny. The Building Act also regulates siting of buildings by reference to seismic risks.</p> <p>A separate rule applies to subdivision of land within the Fault Hazard Overlay.</p>
<p>REr.74.4</p> <p>See Assessment Criteria in REr.75.4.</p>	<p>REr.74.5</p> <p>The Tahunanui Slope Risk Area, commonly known as the Tahunanui Slump, is defined on the Planning Maps. It consists of a core area where the hazard is known, surrounded by a fringe area where the edge of the active slump has not been able to be accurately defined. A description of the area and the justification of the planning approach taken is set out in section AD11.3 (description of overlays). Conditions have been placed on disposal of storm water and other water (eg. from swimming pools). If disposed onto land, this water can worsen the risk of slippage, by lubricating and adding to the weight of the land.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.75</b> <b>Tahunanui Slump Core Slope Risk Overlay</b> <b>Tahunanui Slump Fringe Slope Risk Overlay</b> <b>Earthworks</b>	REr.75.1 Within the Tahunanui Slump Core Slope Risk Overlay, and the Tahunanui Slump Fringe Slope Risk Overlay earthworks are not a permitted activity.	REr.75.2 not applicable	REr.75.3 Any earthworks are discretionary. (The application must be accompanied by a geotechnical assessment from a suitably qualified geotechnical engineer or engineering geologist.)
<b>REr.76</b> <b>Tahunanui Slump Core Slope Risk Overlay</b> <b>Tahunanui Slump Fringe Slope Risk Overlay</b> <b>Heavy structures</b>	REr.76.1 Within the Tahunanui Slump Core Slope Risk Overlay, and the Tahunanui Slump Fringe Slope Risk Overlay: a) any structure must not change the loading to the site by more than 1000kg (including any structure with a storage capacity in excess of 1000 litres of liquid (such as a swimming pool).	REr.76.2 not applicable	REr.76.3 Activities which contravene a permitted condition are a restricted discretionary activity. Discretion restricted to hazard avoidance or mitigation measures. (The application must be accompanied by a geotechnical assessment from a suitably qualified and experienced geotechnical engineer or engineering geologist.) Resource consent applications for restricted discretionary activities will be considered without notification or obtaining the written consent of neighbours under section 94 of the Act.
<b>REr.77</b> <b>Tahunanui Slump Core Slope Risk Overlay</b> <b>Tahunanui Slump Fringe Slope Risk Overlay</b> <b>New residential units</b>	REr.77.1 Within the Tahunanui Slump Core Slope Risk Overlay, and the Tahunanui Slump Fringe Slope Risk Overlay: a) the erection of new residential units is not a permitted activity.	REr.77.2 not applicable	REr.77.3 Erection of new residential units in the Tahunanui Slump Core Slope Risk Overlay is a non-complying activity, provided that no more than one residential unit is placed on any site. (More than one residential unit on a site is a prohibited activity under Rule REr.2.) Erection of new residential units in the Tahunanui Slump Fringe Slope Risk Overlay is a discretionary activity. (Applications must be accompanied by a geotechnical assessment from a suitably qualified geotechnical engineer or engineering geologist.)

Assessment Criteria	Explanation
<p>REr.75.4 (Assessment Criteria for Rules REr.74 to REr.79)</p> <p>a) geotechnical assessments should indicate the level of activity to which the area is subject (eg. superficial, tertiary etc - see table, p4 "Nelson City Council, Geotechnical Assessment - Tahunanui Slump, Nelson, December 1995"). They should also address the assessment matters in the rules below which are relevant to the consent application in question.</p> <p>b) the location of the site in relation to the slump.</p> <p>c) the risk to life, property and the environment posed by any hazard.</p> <p>d) in the fringe area, whether a geotechnical assessment can demonstrate that the property is not part of the active (core) slump, or is only partly within it. Consequently whether the proposed activity would be unaffected by the hazard, and would not in turn affect the hazard itself.</p>	<p>REr.75.5</p> <p>Excavations can potentially destabilise the hillside. So can placement of fill.</p> <p>Earthworks therefore require assessment via the resource consent process.</p>
<p>e) irrespective of whether the activity is within the active slump, the extent to which it would worsen the risk posed by the natural hazard. The extent to which the effects of the hazard, or the effects of the activity on the hazard, can be remedied or mitigated.</p> <p>f) where a geotechnical assessment concludes that erection of a permanent structure is not appropriate, whether a relocatable building may be a practical alternative on sites subject to high or potentially high rates of slope movement.</p> <p>g) the nature of the proposed activities on the site, or on other sites potentially affected by the natural hazard.</p> <p>h) in respect of earthworks, the assessment criteria set out in Rule REr.61 (earthworks).</p> <p>i) the geology of the site including any relationship or effect on areas of actual or potential instability off the site. Any susceptibility to slope failure from oversteepening of the slope and/or water saturation.</p> <p>j) irrespective of whether the activity is directly affected by instability, the extent to which it would worsen the risk of instability on other sites eg. by discharge of stormwater, or changes in water flows.</p> <p>k) the nature of the proposed activities on the site, or on other sites potentially affected by the natural hazard.</p> <p>l) the nature of any fill and its effects on the stability of the site. the extent to which the effects of the hazard, or the effects of the activity on the hazard, can be remedied or mitigated.</p>	<p>REr.76.5</p> <p>As with the placement of fill, other heavy material, including swimming pools, has the potential to destabilise the slump.</p>
<p>m) the need to specify any conditions, eg. that all work is carried out under the supervision of a suitably qualified engineer or geologist, that excavations are retained as soon as possible and drained, with stormwater piped into an approved stormwater system, and avoid periods of rainfall or when the ground is highly saturated.</p>	<p>REr.77.5</p> <p>The Planning Maps show a fringe area to the slump (Tahunanui Fringe Slope Risk Overlay). This is where the edge of the slump has not been able to be precisely defined. It is also an area where, even if the site is shown to be outside the active slump, activities could have an influence on the slump.</p> <p>Activities within the fringe which require a resource consent application may be allowed if the applicant can demonstrate that the activity is on land that is outside the slump, or that it will not worsen conditions on the slump.</p> <p>The risks associated with the core part of the Tahunanui slump are known to be high. Therefore any increase in the density of residential dwellings is prohibited.</p> <p>See Subdivision Rules - Rule REr.112 (Tahunanui Slump Core Slope Risk Overlay, Tahunanui Slump Fringe Slope Risk Overlay: subdivision).</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.78</b> <b>Tahunanui Slump Core Slope Risk Overlay</b> <b>Tahunanui Slump Fringe Slope Risk Overlay</b> <b>Extension or rebuilding of existing residential units</b>	REr.78.1 Within the Tahunanui Slump Core Slope Risk Overlay, and the Tahunanui Slump Fringe Slope Risk Overlay: a) the extension or rebuilding of any existing residential units is not a permitted activity.	REr.78.2 not applicable	REr.78.3 Activities which contravene a permitted condition are a restricted discretionary activity. Discretion restricted to hazard avoidance or mitigation measures. (The application must be accompanied by a geotechnical assessment from a suitably qualified and experienced geotechnical engineer or engineering geologist.) Resource consent applications for restricted discretionary activities will be considered without notification or obtaining the written consent of neighbours under section 94 of the Act.
<b>REr.79</b> <b>Tahunanui Slump Core Slope Risk Overlay</b> <b>Tahunanui Slump Fringe Slope Risk Overlay</b> <b>Accessory buildings</b>	REr.79.1 Within the Tahunanui Slump Core Slope Risk Overlay, and the Tahunanui Slump Fringe Slope Risk Overlay accessory buildings are permitted if they: a) comply with the relevant conditions in this and other residential rules, and b) are ancillary to a residential unit which exists or is approved by resource consent for the site.	REr.79.2 not applicable	REr.79.3 Activities which contravene a permitted condition are a restricted discretionary activity. Discretion restricted to hazard avoidance or mitigation measures. Resource consent applications for restricted discretionary activities will be considered without notification or obtaining the written consent of neighbours under section 94 of the Act.
<b>REr.80</b> <b>Grampians Slope Risk Overlay</b> <b>Storm and waste water</b>	REr.80.1 a) driveways and vehicle standing areas must have an impervious seal, and b) stormwater from any roof, impermeable area or water storage area (including any swimming pool) must be piped into an approved stormwater system.	REr.80.2 not applicable	REr.80.3 Activities that contravene a permitted condition are discretionary. (The application must be accompanied by a geotechnical assessment from a suitably qualified geotechnical engineer or engineering geologist.)
<b>REr.81</b> <b>Grampians Slope Risk Overlay</b> <b>Earthworks</b>	REr.81.1 Earthworks are permitted if: a) any excavation does not exceed 0.6m in height, and b) placement of fill does not exceed 3m <sup>3</sup> on any site.	REr.81.2 not applicable	REr.81.3 Activities that contravene a permitted condition are discretionary. (The application must be accompanied by a geotechnical assessment from a suitably qualified geotechnical engineer or engineering geologist.)

Assessment Criteria	Explanation
See assessment criteria in REr.75.4.	<p data-bbox="850 197 1453 495">REr.78.5 Extensions or rebuilding of existing dwellings has been made a restricted discretionary activity so that the degree of risk to the building and to other properties can be assessed in each situation.</p> <p data-bbox="850 504 1453 943">REr.79.5 Buildings which are accessory to the principal residential building on the site are permitted, subject to compliance with any other relevant rules. For buildings that are not habitable, there is lower risk to life. Therefore a lower degree of scrutiny is provided for. Stability and related safety aspects can be dealt with as part of the building consent process under the Building Act.</p>
<p data-bbox="165 952 842 981">REr.80.4 and REr.81.4</p> <ul style="list-style-type: none"> <li data-bbox="165 987 842 1077">a) the geology of the site including any relationship or effect on areas of actual or potential instability off the site. Any susceptibility to slope failure from oversteepening of the slope and/or water saturation.</li> <li data-bbox="165 1084 842 1128">b) the risk to life, property and the environment posed by the slope instability.</li> <li data-bbox="165 1135 842 1202">c) irrespective of whether the activity is directly affected by instability, the extent to which it would worsen the risk of instability on other sites eg. by discharge of stormwater, or changes in water flows.</li> <li data-bbox="165 1209 842 1254">d) the nature of the proposed activities on the site, or on other sites potentially affected by the natural hazard.</li> <li data-bbox="165 1261 842 1328">e) whether there is a need for large excavations to be carried out in stages, with each stage being retained before the next stage is started.</li> <li data-bbox="165 1335 842 1357">f) the nature of any fill and its effects on the stability of the site.</li> <li data-bbox="165 1364 842 1431">g) the extent to which the effects of the hazard, or the effects of the activity on the hazard, can be remedied or mitigated.</li> <li data-bbox="165 1438 842 1550">h) the need to specify any conditions, eg. that all work is carried out under the supervision of a suitably qualified engineer or geologist, that excavations are retained as soon as possible and drained, with stormwater piped into an approved stormwater system, and avoid periods of rainfall or when the ground is highly saturated.</li> <li data-bbox="165 1556 842 1579">i) the assessment criteria set out in Rule REr.61 (earthworks)</li> </ul>	<p data-bbox="850 952 1453 981">REr.80.5 and REr.81.5</p> <p data-bbox="850 987 1453 1178">The Grampians Slope Risk Area includes areas which show widespread, but not uniform, evidence of instability. The instability ranges from relatively small, well defined features, to broad areas of slope failure whose boundaries are imprecisely known. Other areas show no obvious evidence of instability. However, their geology is such that they have the potential to fail when the ground is water saturated or is over steepened through excavation, or both.</p> <p data-bbox="850 1184 1453 1285">The base document which defines these areas and justifies the planning approach is the report "Nelson City Council, Geotechnical Assessment - Grampians Foothills, Nelson, December 1995".</p> <p data-bbox="850 1292 1453 1382">Large excavations can destabilise the hill side, as can the uncontrolled discharge of stormwater. Placement of larger amounts of fill also needs to be carefully done to ensure stability.</p> <p data-bbox="850 1388 1453 1456">The permitted standards however are set to allow most minor section development, such as minor excavation and benching for garden landscaping, access drives etc.</p> <p data-bbox="850 1462 1453 1563">Buildings are permitted but property owners should be aware of the nature of the area and the need to comply with the natural hazard provisions of the Building Act when gaining a building consent.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.82</b> <b>Flood Path, Flood</b> <b>Overlays</b>	REr.82.1 In any Flood Path or Flood Overlay, or any flood path specified in the Flood Path Table at the front of the Planning Maps (with the exception of subdivisions approved after October 25th 1996), the following are not permitted activities: a) erection or extension of any building or structure, except: i) fences of post and wire, or post and mesh (minimum 100 x 150mm construction) within the Flood Overlay) , <u>and</u> ii) underground network utility lines, and iii) above ground network utility lines where these are attached to an existing structure no lower than the existing profile of that structure (eg. The underside of a bridge superstructure), or b) earthworks (except where these are associated with the establishment, operation and maintenance of underground network utility lines where the profile of the land is not permanently altered).	REr.82.2 not applicable	REr.82.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>REr.82.4</p> <ul style="list-style-type: none"> <li>a) any effects of the development on floodpaths.</li> <li>b) any likelihood of flooding being aggravated on adjacent sites, or of additional water being directed onto adjacent sites.</li> <li>c) the ground level or floor level height required to give protection from a 1 in 50 year return period event.</li> <li>d) the nature of any activity proposed, particularly if lower standards are sought and whether the activity will involve the use and storage of hazardous substances or some other sensitive use.</li> <li>e) potential shading of neighbouring properties from development of the site, including fences.</li> </ul>	<p>REr.82.5</p> <p>All buildings and any above ground structures, and any earthworks (other than temporary earthworks for laying underground utilities) in flood paths have been made discretionary activities so the degree of risk to life and property can be evaluated in each case.</p> <p>An area in Todds Valley which has recently been rezoned to Residential is subject to the Flood Overlay. This overlay usually applies in the Rural Zone. The Flood Overlay is generally less well defined than the Flood Path Overlay, as a better record of floods exist in the urban areas where the Flood Path Overlays prevail.</p> <p>Subdivisions have been approved in Todds Valley since 25 October 1996 (the date this resource management plan was first notified). Channel upgrading has been required as part of these subdivisions and where such work has been undertaken it is unreasonable to require further resource consents to establish buildings.</p> <p>Further work is required in Todds Valley to better define the extent and nature of the flood hazard and to identify channel improvements with the potential to alleviate the flood hazard.</p> <p>Council will consider the use of regional rules to maintain channel capacity and physical works to improve channel capacity or remove channel restrictions such as under capacity culverts. Council will further review the extent of the Flood Overlay following consideration of these measures.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>REr.83</b>  <b>Inundation Overlays</b>  Low lying ground susceptible to localised stormwater ponding or tidal inundation</p>	<p>REr.83.1  In any Inundation Overlay, with the exception of network utilities and structures (which are permitted), the following are not permitted activities:</p> <ul style="list-style-type: none"> <li>a) erection of any building or extension of the ground floor of the building by more than 20% (the restrictions in this clause do not apply where the ground level on the building site has been filled according to a resource consent granted since the date of notification of this Plan, and all floor levels are not less than 150mm above the approved ground level), or</li> <li>b) earthworks, (except those associated with installation or maintenance or an underground network utility where the profile of the land is not permanently altered), or</li> <li>c) a change in the use of any accessory building to involve human habitation.</li> </ul>	<p>REr.83.2  In any Inundation Overlay, erection of any building or extension of the ground floor of any building by more than 20%, or earthworks are controlled.</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> <li>i) finished ground and floor levels, and</li> <li>ii) the nature of fill, its compaction and placement, and</li> <li>iii) the design of the building, and</li> <li>iv) stormwater management.</li> </ul>	<p>REr.83.3  Activities that contravene a permitted condition or a controlled standard are discretionary.</p>

Assessment Criteria	Explanation
<p>REr.83.4</p> <ul style="list-style-type: none"> <li>a) the ground level required to avoid the effects of anticipated flooding.</li> <li>b) the type of inundation likely to be experienced, whether it be stormwater ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding.</li> <li>c) the effects on neighbouring properties, especially with respect to stormwater runoff.</li> <li>d) the provision of an adequate secondary flow path for surface flooding.</li> <li>e) the possibility of an overloaded public storm water system overflowing onto private property.</li> <li>f) potential shading of neighbouring properties from development of the site, including fences.</li> </ul>	<p>REr.83.5</p> <p>The Inundation Overlays do not show floodpaths but areas which may be subject to localised ponding from stormwater etc during heavy rain events and/ or high tides particularly if affected by sea level rise. The primary risk is to property, hence lesser controls apply than to flood paths. The activity is controlled so that floor levels and fill heights can be determined relative to the degree of risk and to co-ordinate filling to provide necessary fall for stormwater disposal and to avoid ponding.</p> <p>The Council is undertaking a long term programme of upgrading stormwater drainage. As part of this programme it is contemplating installation of pump systems in some areas (eg. parts of the Wood and Golf Road) where the size of the ponding area and its low lying nature makes this solution more cost effective. Where pumped stormwater systems are provided, the Council will review the requirements for minimum site levels and floor levels.</p> <p>Extensions which increase the ground floor area by not more than 20% are provided for as a permitted activity to avoid the need to get a resource consent for a minor alteration. Where an accessory building (such as a garage) is being converted for human occupation, a resource consent is needed to ensure that the building will not be adversely affected by inundation.</p> <p>There are situations within the Inundation Overlay where consents are required under the Building Act for alterations but <b>no</b> resource consent is required. Where areas are subject to inundation, section 72 of the Building Act applies. This section restricts Council's ability to issue a building consent unless adequate provision is made to protect the land or building from inundation.</p> <p>Within a heritage area or other special area, the Building Act requirements may conflict with other values. For example, a building consent to re pile a heritage building may require that floor levels be raised above likely inundation levels.</p> <p>If the proposed building work does not increase the likelihood of inundation on that or adjoining properties, the Council may require that a building consent is issued under section 72(2) of the Building Act. A building consent issued under section 72(2) cannot require the owner to take measures to protect the land or buildings from inundation but will be subject to a notation placed on the property's title that the property may still be subject to risk (the nature of the risk is then revealed by enquiry to the Council).</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p>REr.84</p> <p><b>Wakefield Quay Precinct</b></p> <p>For alteration, demolition or removal of listed heritage buildings, or new buildings on the site of a heritage building, Rules REr.85 to REr.88 apply.</p>	<p>REr.84.1</p> <p>Construction or alteration of any building in the Wakefield Quay Precinct as shown on the Planning Maps is permitted if:</p> <p>a) either:</p> <p>i) the work is not visible from a road or public space within or adjoining the precinct, or</p> <p>ii) the work is redecoration, restoration or insignificant alteration of existing fabric or detailing and is carried out with materials similar to, or having the same appearance to those originally used, and</p> <p>b) no vegetation clearance occurs above the building height line as defined in Figure 1 of Appendix 23 (design guide and rules for Wakefield Quay).</p>	<p>REr.84.2</p> <p>not applicable</p>	<p>REr.84.3</p> <p>Restricted Discretionary Activity</p> <p>Activities that contravene a permitted standard are a restricted discretionary activity, if:</p> <p>a) the activity complies with rules A, B, C, D, E, F and G in Appendix 23 (design guide and rules for Wakefield Quay), and</p> <p>b) the activity complies with the Residential rules, except Rules REr.23 (minimum site area), REr.24 (site coverage), REr.25 (front yards), REr.27 (outdoor living court), REr.32 (maximum building height), REr.35 (daylight admission), and REr.36 (decks, terraces, verandahs and balconies).</p> <p>Discretion restricted to:</p> <p>i) building design and external appearance, and</p> <p>ii) size and location of outdoor living courts, and</p> <p>iii) landscaping, and</p> <p>iv) privacy between residential units (including outdoor living areas) and between adjoining sites, and</p> <p>v) the number, location, and width of vehicles crossings, and the direction of access and egress to and from these.</p> <p>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.</p> <p>Discretionary Activity</p> <p>Activities that contravene a standard for the restricted discretionary activity are discretionary-</p>

Assessment Criteria	Explanation
<p>REr.84.4</p> <p>a) compliance with the design guide and rules for Wakefield Quay (Appendix 23).</p> <p>b) in the case of a discretionary activity application, where applicable the assessment criteria for the relevant rule which is contravened will apply, in addition to the Design Guide and rules for Wakefield Quay.</p>	<p>REr.84.5</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>If the standards and terms set out in the discretionary column are met, the design, appearance, and layout of any redevelopment in the area is a restricted discretionary activity, and will be assessed against the design guide and rules for the area.</p> <p>If the standards and terms are not met (eg. the proposal is overheight, or daylight angles are not complied with), then the application is fully discretionary.</p> <p><b>Note that for alteration, demolition or removal of listed heritage buildings, rules REr.85 to 88 apply.</b></p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>RER.85</b>  <b>Heritage Buildings, Places and Objects</b>  Alterations to Group A and B items</p>	<p>RER.85.1  Alteration to any Group A or B building, place or object listed in Appendix 1 (heritage buildings, places and objects) is permitted, if:</p> <p>a) either:</p> <ul style="list-style-type: none"> <li>the work is redecoration, restoration or insignificant alteration of any existing fabric or detailing, and</li> <li>i) 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</li> </ul> <p>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).</p>	<p>RER.85.2  not applicable</p>	<p>RER.85.3  Alteration to any Group A building, place or object listed in Appendix 1 which does not comply with a condition for a permitted activity is discretionary.</p> <p>Alteration to any Group B building, place or object listed in Appendix 1 which does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>i) design and appearance.</li> </ul> <p>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.</p>
<p><b>RER.86</b>  <b>Heritage Buildings, Places and Objects</b>  New buildings on the site of a heritage item</p>	<p>RER.86.1  Erection of a new building on the site of a Group A or Group B heritage item is not a permitted activity.</p>	<p>RER.86.2  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>RER.86.3  not applicable</p>

Assessment Criteria	Explanation
<p>REr.85.4</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> <li>h) the matters in the Design Guide and Rules for Wakefield Quay (Appendix 23) where appropriate.</li> </ul>	<p>REr.85.5</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. See separate rules for heritage precincts.</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>
<p>REr.86.4</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>REr.86.5</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>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>REr.87</b>  <b>Heritage Buildings, Places and Objects</b>  Demolition or removal of Group A and B items</p>	<p>REr.87.1  Whole or partial demolition or removal of any Group A or Group B heritage building, place or object listed in Appendix 1 is not a permitted activity.</p>	<p>REr.87.2  not applicable</p>	<p>REr.87.3  Group B  Whole or partial demolition or removal of any Group B heritage building, place or object listed in Appendix 1 is discretionary.</p> <p>Group A  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><b>REr.88</b>  <b>Heritage Buildings, Places and Objects</b>  Demolition or removal of Group C items</p>	<p>REr.88.1  Whole or partial demolition or removal of any Group C heritage building, place or object listed in Appendix 1 is permitted if:  a) 2 months written notice is given to the Council prior to the work being done.</p>	<p>REr.88.2  not applicable</p>	<p>REr.88.3  Activities that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p>REr.87.4</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 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), and 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.</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, and quality of heritage features in the vicinity and the city as a whole.</li> </ul>	<p>REr.87.5</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 relocation to a site further away will have a greater adverse effect.</p>
<p>REr.88.4</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>REr.88.5</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 <b>voluntary</b> 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>REr.89</b>  <b>Heritage Precincts</b>  Alterations to any building (including listed Heritage Buildings)</p>	<p>REr.89.1  Alteration to any part of a building, visible from a road or public space within or adjoining a heritage precinct, is permitted, if:</p> <ul style="list-style-type: none"> <li>a) the work is redecoration, restoration or insignificant alteration of any existing fabric or detailing, and</li> <li>b) 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.</li> </ul>	<p>REr.89.2  not applicable</p>	<p>REr.89.3  Alteration to any part of a building is a restricted discretionary activity, if:</p> <ul style="list-style-type: none"> <li>a) it is visible from a road or public space within or adjoining a heritage precinct, and</li> <li>b) the alteration contravenes a permitted condition in this rule, and</li> <li>c) it complies with all other Residential rules, except rules REr.23 (minimum site area), REr.32 (maximum building height) and REr.38 (parking).</li> </ul> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>i) the design and external appearance of the building (including garages), and</li> <li>ii) building height, and</li> <li>iii) degree of coverage of the front yard, and</li> <li>iv) minimum site area required per residential unit, and</li> <li>v) the amount and location of parking and garaging</li> </ul> <p>Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.</p>
<p><b>REr.90</b>  <b>Heritage Precincts</b>  Erection of new buildings</p>	<p>REr.90.1  Erection of new buildings is not a permitted activity within a heritage precinct.</p>	<p>REr.90.2  not applicable</p>	<p>REr.90.3  Erection of any new building is a restricted discretionary activity provided it complies with all other Residential rules except rules REr.23 (minimum site area), REr.32 (maximum building height) and REr.38 (parking).</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>i) the design and external appearance of the parts of the building (including garages) visible from a road or public space within or adjoining a heritage precinct, and</li> <li>ii) building height, and</li> <li>iii) degree of coverage of the front yard (within 4 m of the road boundary), and</li> <li>iv) minimum site area required per residential unit, and</li> <li>v) the amount and location of parking and garaging.</li> </ul> <p>Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.</p>

Assessment Criteria	Explanation
<p>REr.89.4</p> <p>a) particular regard will be had to compliance with the design guide for the particular residential precinct.</p> <p>In addition regard will be had to:</p> <p>b) any effects (positive and adverse) on the heritage values of the entire heritage precinct.</p> <p>c) any cumulative or precedent effects on the heritage values of the precinct.</p>	<p>REr.89.5</p> <p>The Heritage Precincts recognise the whole is often greater than the sum of the parts. That is, that a collection of heritage buildings in context, has a greater impact to the observer and the resident, and has greater heritage value, than the same number of buildings scattered throughout the City.</p> <p>Unsympathetic alteration to even a single heritage building can have major impacts on the entire precinct. The controls therefore focus on ensuring that any significant alterations to buildings are in keeping with the heritage values of the precinct.</p> <p>The design controls include existing non-listed buildings within the heritage precinct. The purpose of this is to promote a gradual improvement in the compatibility of these buildings with the heritage buildings, where this is practicable.</p> <p>The design criteria to achieve development sympathetic to each precinct, is spelt out in the design guideline for that precinct. The guidelines sit outside the plan, but are given effect as assessment criteria in considering consent applications. These consents are restricted discretionary activities, in order to provide flexibility to control matters such as building height, site area etc which can vary between precincts, and where the normal rules may not be appropriate.</p> <p>See also Ap20r.4 in relation to signs on heritage buildings and trees.</p>
<p>REr.90.4</p> <p>a) particular regard will be had to compliance with the design guide for the particular residential precinct.</p> <p>b) any effects (positive and adverse) on the heritage values of the entire heritage precinct.</p> <p>c) any cumulative effects on the heritage values of the precinct or any effects which may establish a precedence within the precinct.</p>	<p>REr.90.5</p> <p>The rules aim to get a gradual enhancement in the heritage precincts by ensuring that if any building is replaced - be it a listed heritage or any other building - or a new site is developed - the design and appearance of the building is compatible with the values of the precinct. This does not mean that new buildings have to be replicas of heritage buildings (except in South Street), but rather that they have design features which fit with the character of the precinct. As with the previous rule, the aim is to get a gradual enhancement of the precinct.</p> <p>Note: Subdivision in a Heritage Precinct is a discretionary activity - See Rule REr.113 (heritage precincts: subdivision).</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>REr.91</b>  <b>Heritage Precincts</b>  Removal or demolition of listed heritage buildings</p>	<p>REr.91.1  Whole or partial demolition or removal of any building is permitted, if:  a) the building is not a Group A or B heritage building listed in Appendix 1, and  b) for any Group C heritage building listed in Appendix 1, 2 months written notice is given to the Council prior to the work being done.</p>	<p>REr.91.2  not applicable</p>	<p>REr.91.3  Activities that contravene a permitted condition:  a) Group A or B buildings - Rule REr.87 (demolition or removal of Group A and B items) applies.  b) Group C - Rule REr.88 (demolition or removal of Group C items) applies.</p>
<p><b>REr.92</b>  <b>Heritage Precincts</b>  Front fences</p>	<p>REr.92.1  Any fence located between the residential unit and the road boundary of the site is permitted, if:  All precincts (excluding South Street and Dear Cottages):  a) the maximum height is 900mm, and it is constructed of timber pickets or wrought iron.  b) alternatively, fences may be a maximum height of 1.8m, provided at least the top 600mm is of open construction such as trellis, picket or wrought iron.  South Street and Dear Cottages:  c) the maximum height is 900mm, and  d) it is constructed of timber pickets.</p>	<p>REr.92.2  not applicable</p>	<p>REr.92.3  Activities that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p>REr.91.4</p> <p>The assessment criteria for Rules REr.87 (demolition or removal of Group A or B items) and Rule REr.88 (demolition or removal of Group C items) apply as appropriate.</p> <p>In addition, particular regard will be had to:</p> <ul style="list-style-type: none"> <li>a) compliance with the design guide for the particular residential precinct.</li> <li>b) any effects (positive and negative) on the heritage values of the entire heritage precinct.</li> <li>c) any cumulative or precedent effects on the heritage values of the precinct.</li> </ul>	<p>REr.91.5</p> <p>As noted earlier, the buildings in a Heritage Precinct have a particular collective value. The loss of even a single building can have major impacts on the entire precinct - rather like a missing tooth from a smile. The controls therefore focus on retaining Group A and B listed heritage buildings.</p> <p>No consent is required to demolish or remove any other building in a Heritage Precinct. Keeping Group C buildings is encouraged however. Removal of other non-listed buildings may enhance the precinct, particularly if any replacement building is more sympathetic to the streetscape. (See Rule REr.90 - heritage precincts: erection of new buildings.)</p>
<p>REr.92.4</p> <ul style="list-style-type: none"> <li>a) particular regard will be had to compliance with the design guide for the particular residential precinct.</li> <li>b) any effects (positive and adverse) on the heritage values of the entire heritage precinct.</li> <li>c) any cumulative effects on the heritage values of the precinct or any effects which may establish a precedence within the precinct.</li> <li>d) any effects on the outlook of the adjoining property.</li> <li>e) any impacts on the streetscape, or traffic and pedestrian safety.</li> <li>f) the design and appearance of the fence.</li> <li>g) whether the fence blocks all visibility or allows some visibility through it.</li> <li>h) any positive effects on or off the site, including improved privacy or security, improved appearance, or the ability to screen unsightly activities or objects.</li> </ul>	<p>REr.92.5</p> <p>Front fences are an important element of the heritage precincts, including providing an intimacy of the houses with the street, and an opportunity to appreciate the heritage buildings.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>REr.93</b>  <b>Heritage Trees</b>  Trimming of a Heritage Tree identified in Appendix 2</p>	<p>REr.93.1  Trimming of a heritage tree is permitted if:</p> <p>a)</p> <ul style="list-style-type: none"> <li>i) it is crown cleaning, being the removal of dead, dying, diseased, crowded, weakly attached, low-vigour branches and watersprouts from a tree crown, or</li> <li>ii) it is canopy lifting, being the balanced removal of lower branches of a tree on road reserve, and</li> </ul> <p>b) the work is done in accordance with accepted arboricultural practice.</p>	<p>REr.93.2  not applicable</p>	<p>REr.93.3  Activities that contravene a permitted condition are discretionary.</p>
<p><b>REr.94</b>  <b>Landscape Trees</b>  Trimming of a Landscape Tree identified in Appendix 2</p>	<p>REr.94.1  Trimming of a Landscape tree is permitted if:</p> <p>a) it is crown thinning (as defined in Chapter 2), and</p> <p>b) the work is done in accordance with accepted arboricultural practice.</p>	<p>REr.94.2  Activities that contravene a permitted condition are controlled.</p> <p>Control is reserved over:</p> <ul style="list-style-type: none"> <li>i) amount, timing and manner in which the trimming is carried out.</li> </ul> <p>Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.</p>	<p>REr.94.3  not applicable</p>

Assessment Criteria	Explanation
<p>REr.93.4 - REr.97.4</p> <ul style="list-style-type: none"> <li>a) the condition of the tree, including any significant potential hazard to people or property.</li> <li>b) the extent to which the tree or trees contribute to the amenity of the neighbourhood.</li> <li>c) whether the work can be done without adversely affecting the health of the tree, or compromising the appearance and setting of the tree, including the visibility of the tree from a road or public place.</li> <li>d) whether the tree is currently causing, or is likely to cause significant damage to buildings, services or property.</li> <li>e) the extent to which the tree would seriously restrict the development potential of the site.</li> <li>f) any hardship or significant nuisance the tree causes to any person</li> <li>g) any substitute or compensating tree planting or landscaping proposed.</li> <li>h) when the activity is within the root protection zone of a Heritage or Landscape Tree, how the tree trunk and roots are to be protected while works proceed (eg, erection of a physical barrier).</li> <li>i) in the case of a tree in the road reserve, in addition to the above: <ul style="list-style-type: none"> <li>i) whether the tree places an unreasonable restriction on the development or widening of a road, or is a hazard to traffic.</li> <li>ii) whether alternatives to removing or damaging the tree have been adequately explored.</li> </ul> </li> <li>j) in the case of a tree in an esplanade reserve or strip, for which the purpose of the reserve or strip includes hazard mitigation, in addition to the above: <ul style="list-style-type: none"> <li>i) whether the tree places an unreasonable restriction on the development of river control works, or impedes the flow of the river</li> <li>ii) whether alternatives to removing or damaging the tree have been adequately explored.</li> </ul> </li> </ul>	<p>REr.93.5</p> <p>Very limited trimming of Heritage Trees is allowed without a resource consent.</p> <p>Tighter controls are placed on Heritage Trees recognising that they are of greater significance to the community than the Landscape Trees.</p> <p>Trimming that is for the benefit of the landowner or neighbours (due to shading, debris or other effects) is required to go through the resource consent process.</p> <hr/> <p>REr.94.5</p> <p>Normal trimming is permitted for Landscape Trees.</p> <p>The controls on Landscape Trees recognise that these are of less significance to the community than the Heritage Trees, but still important.</p> <p>Increased light and air maintain and stimulate interior foliage, which in turn improves branch taper and strength. Thinning reduces the wind-sail effect of the crown and the weight of limbs.</p> <p>Thinning the crown can emphasise the structural beauty of trunk and branches as well as improve the growth of plants beneath the tree by increasing light penetration.</p> <p>Trees and branches thinned as per the definition will have stress evenly distributed throughout the tree and along the branches.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>REr.95</b>  <b>Heritage and Landscape Trees</b>            Activities within the root protection zone of a Heritage or Landscape Tree identified in Appendix 2</p>	<p>REr.95.1            Activities within the root protection zone (defined in Chapter 2 Meanings of Words) of a Landscape Tree or a Heritage Tree identified in Appendix 2 are permitted if:</p> <ul style="list-style-type: none"> <li>a) parking or storage of materials, vehicles, or machinery is on an existing sealed, formed surface, and</li> <li>b) it does not involve compaction, sealing, removal or addition of soil, and</li> <li>c) there is no discharge of a toxic substance, and</li> <li>d) there is no excavation or construction of structures.</li> </ul> <p>except where the tree is on Road Reserve, where activities are permitted if:</p> <ul style="list-style-type: none"> <li>i) excavation is no deeper than 200mm and no less than 2m from the tree trunk, and</li> <li>ii) sealing is within the existing formed carriageway or footpath.</li> </ul>	<p>REr.95.2            Activities within the root protection zone of Landscape or Heritage Trees on Road Reserve that contravene a permitted condition are controlled.</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> <li>i) location, proximity to tree trunk, timing and manner in which the activity is carried out, and</li> <li>ii) remedial measures.</li> </ul> <p>Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.</p>	<p>REr.95.3            Activities within the root protection zone of Landscape or Heritage Trees (not on Road Reserve) that contravene a permitted condition are discretionary.</p>
<p><b>REr.96</b>  <b>Heritage and Landscape Trees</b>            Removing or destroying a Heritage or Landscape Tree identified in Appendix 2</p>	<p>REr.96.1            Removing or destroying a Heritage or Landscape Tree is not a permitted activity.</p>	<p>REr.96.2            not applicable</p>	<p>REr.96.3            Landscape Trees            removing or destroying a Landscape Tree is a discretionary activity.</p> <p>Heritage Trees            removing or destroying a Heritage Tree is a non-complying activity.</p>
<p><b>REr.97</b>  <b>Local trees</b>            Removing a Local Tree identified in Appendix 2</p>	<p>REr.97.1            Removing a Local Tree is permitted if:</p> <ul style="list-style-type: none"> <li>a) written notice is given to Council at least 1 week prior to work being done.</li> </ul>	<p>REr.97.2            not applicable</p>	<p>REr.97.3            Activities that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
	<p>REr.95.5</p> <p>Activities in the area of the roots or trunk can damage or kill the tree. Resource consents are required for these activities so that the potential impacts can be assessed. Where the area beneath the tree is already sealed the impact is likely to be less significant.</p> <p>See also Ap20r.4 in relation to signs on heritage buildings and trees.</p>
	<p>REr.96.5</p> <p>Heritage Trees are trees for which retention is considered essential. Landscape Trees are trees for which retention is considered important.</p> <p>Tighter controls are placed on Heritage Trees recognising that they are of greater significance to the community than the Landscape trees.</p> <p>(note: section 330 of the Act provides for emergency works, such as the removal of trees threatening life or property, but in strictly defined circumstance and by certain persons or agencies. Consent for such works can be applied for retrospectively (section 330A)). Some latitude is provided for the removal of trees in the road reserve if it can be shown it places an unreasonable restriction on the roading network, recognising that the primary purpose of the road reserve is transportation.</p>
	<p>REr.97.5</p> <p>Local Trees are of noteworthy interest, and are not as significant as either Heritage or Landscape Trees. Retention and protection is encouraged. A week's notice prior to removal of a Local Tree allows the Council the opportunity to negotiate with the owner if it desires. Written notice also allows the Council to update its list of Local Trees.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.98</b> <b>Archaeological sites</b>  Advisory Note: This rule continues to apply to plantation forestry activities permitted by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2018 (NESPF) because this rule deals with effects of plantation forestry activities that are different from those dealt with by the permitted activity conditions of the NESPF.	REr.98.1 On any site containing an Archaeological Site listed in Appendix 3 (archaeological sites) and identified on the Planning Maps, erection or extension of any building or other structure, any soil disturbance, or any earthworks is permitted if: a) written advice that the proposed activity will not adversely affect the values of the archaeological site is obtained from: i) in the case of a Maori archaeological site, the relevant iwi, or ii) in the case of other sites, a suitably qualified and experienced archaeologist.	REr.98.2 not applicable	REr.98.3 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 qualified and experienced in archaeological survey.)
<b>REr.99</b> <b>Bishopdale Pottery</b> (Scheduled Site - Sch.B)	REr.99.1 Activities are permitted if: they comply with Schedule Sch.B.	REr.99.2 Schedule Sch.B applies	REr.99.3 Schedule Sch.B applies
<b>REr.100</b> <b>Nelson Marlborough Health Services</b> (Scheduled Site - Sch.C)	REr.100.1 Activities are permitted if: a) they comply with Schedule Sch.C.	REr.100.2 Schedule Sch.C applies	REr.100.3 Schedule Sch.C applies
<b>REr.101</b> <b>BP Annesbrook</b> (Scheduled Site - Sch.D)	REr.101.1 Activities are permitted if: a) they comply with Schedule Sch.D.	REr.101.2 Schedule Sch.D applies	REr.101.3 Schedule Sch.D applies
<b>REr.102</b> <b>Ngawhatu Residential Area</b> (Scheduled. Site - Sch.E)	REr.102.1 Activities are permitted if: a) they comply with Schedule Sch.E.	REr.102.2 Schedule Sch.E applies	REr.102.3 Schedule Sch.E applies
<b>REr.103</b> <b>Polytechnic</b> (Scheduled Site - Sch.F)	REr.103.1 Activities are permitted if: a) they comply with Schedule Sch.F.	REr.103.2 Schedule Sch.F applies	REr.103.3 Schedule Sch.F applies
<b>REr.104</b> <b>Trafalgar Street/Hathaway Court</b> (Scheduled Site - Sch.G)	REr.104.1 Activities are permitted if: a) they comply with Schedule Sch.G.	REr.104.2 Schedule Sch.G applies	REr.104.3 Schedule Sch.G applies
<b>REr.105</b> <b>Bishopdale Subdivision Area</b> (Scheduled Site – Sch H)	REr.105.1 Schedule Sch H applies.	REr.105.2 Schedule Sch H. applies.	REr.105.3 Schedule Sch H applies.
<b>REr.106</b> <b>Marsden Valley</b> (Scheduled Site – Sch I)	REr.106.1 Schedule Sch.I applies.	REr.106.2 Schedule Sch.I applies.	REr.106.3 Schedule Sch.I applies.
<b>REr.106A</b> <b>Marsden Plateau Landscape Area</b> (Scheduled Site – Sch U)	REr.106A.1 Schedule Sch. U applies	REr.106A.2 Schedule Sch. U applies	REr.106A.3 Schedule Sch. U applies
<b>REr.106B</b> <b>Marsden Hills</b> (Scheduled Site – Sch V)	REr.106B.1 Schedule Sch. V applies	REr.106B.2 Schedule Sch. V applies	REr.106B.3 Schedule Sch. V applies
<b>REr.106C</b> <b>Enner Glynn and Upper Brook Structure Plan (Schedule W)</b>	REr.106C.1 Schedule W applies	REr.106C.2 Schedule W applies	REr.106C.3 Schedule W applies

Assessment Criteria	Explanation
REr.98.4 a) the nature, form and extent of the proposed activity and its effects on the site. b) the impacts on the integrity or heritage value of the site. 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. d) where the application relates to a Maori archaeological site, the response of the tangata whenua. e) if the site is to be modified, whether there is sufficient time and expertise to record the site. f) the ability to avoid, remedy or mitigate any adverse effects of the activity on the site.	REr.98.5 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). 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 where written advice is not available that the site will be unaffected. This allows examination of the extent of the site, and how the proposed activity could affect the values associated with the site. Applicants are reminded that authority is needed from the Historic Places Trust before any archaeological site is destroyed, damaged or modified. This 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.
REr.99.4 See Schedule Sch.B.	REr.99.5 See Schedule Sch.B. The schedules for this zone follow after the Rule Table.
REr.100.4 See Schedule Sch.C.	REr.100.5 See Schedule Sch.C. The schedules for this zone follow after the Rule Table.
REr.101.4 See Schedule Sch.D.	REr.101.5 See Schedule Sch.D. The schedules for this zone follow after the Rule Table.
REr.102.4 See Schedule Sch.E.	REr.102.5 See Schedule Sch.E. The schedules for this zone follow after the Rule Table.
REr.103.4 See Schedule Sch.F.	REr.103.5 See Schedule Sch.F. The schedules for this zone follow after the Rule Table.
REr.104.4 See Schedule Sch.G.	REr.104.5 See Schedule Sch.G. The schedules for this zone follow after the Rule Table.
REr.105.4 See Schedule Sch H.	REr.105.5 See Schedule Sch H. The schedules for this zone follow after the Rule Table.
REr.106.4 Schedule Sch.I applies.	REr.106.5 Schedule Sch.I applies. The schedules for this zone follow after the Rule Table
REr.106A.4 Schedule Sch. U applies.	REr.106A.5 Schedule Sch. U applies. The schedules for this zone follow after the Rule Table
REr.106B.4 Schedule Sch. V applies	REr.106B.5 Schedule Sch. V applies. The schedules for this zone follow after the Rule Table
REr.106C.4 Schedule W applies	REr.106C.5 Schedule W applies This schedule is found in Chapter 12 Rural Zone.

**subdivision rules**

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>REr.107 Subdivision</b> General (except for subdivision located in the Services, Natural Hazard, Landscape or Heritage Overlays)</p>	<p>REr.107.1 Not a permitted activity</p>	<p>REr.107.2 Subdivision not located in the Services, Natural Hazard, Landscape or Heritage Overlays (excluding Wakefield Quay) shown on the Planning Maps is controlled, if:</p> <ul style="list-style-type: none"> <li>a) it complies in all respects with all the relevant standards in Appendices 10 to 12 and</li> <li>b) it complies with the minimum standards as defined in Section 1.1.1 General in the NCC Land Development Manual 2010, and</li> <li>c) esplanade reserves or strips as indicated in the Riparian Overlay of the dimensions set out in Appendix 6, Table 6.2, are created and vested in the Council, and</li> <li>d) the minimum finished ground level for any land allotment (excluding water bodies) is 15.35m NCC Datum, and</li> <li>e) the minimum finished ground level is greater than the crown level of the road to which the piped stormwater from the allotment is drained, and</li> <li>f) the net area of every allotment is at least: Lower Density Area: 600m<sup>2</sup> Port Effects Control Overlay: 600m<sup>2</sup> Airport Effects Control Overlay 600m<sup>2</sup> Lower Density Area (Stoke): 1,000m<sup>2</sup> average with a minimum of 850m<sup>2</sup> Higher Density Area: 300m<sup>2</sup> Remainder of Zone 400m<sup>2</sup> except for allotments created solely for access or utility services, and</li> <li>g) a rectangle, measuring 15m by 18m, is capable of being located within the boundaries of any allotment, that is clear of any right of way, or road widening designation, and on a front site, part of which is within 5m of the road boundary, except for allotments created solely for access or utility services, and</li> <li>h) any existing buildings comply with the conditions for permitted activities, or a resource consent, and</li> <li>i) for any allotment with frontage to the eastern side of Main Road Stoke, from Saxton Road East to the Suburban Commercial Zone by Ardilea Avenue, a 6m wide landscaped strip adjoining the boundary of Main Road Stoke, planted to the satisfaction of the Manager of Parks and Recreation, is established and vested in the Council, and</li> <li>j) in respect of any site located within an area covered by any Schedule, its associated subdivision layout and design generally accords with the Structure Plan or as otherwise specified by the Schedule.</li> </ul> <p><i>Continued overleaf...</i></p>	<p>REr.107.3 Subdivision not located in the Services, Natural Hazard, Landscape or Heritage Overlays (excluding Wakefield Quay) shown on the Planning Maps that contravenes a controlled standard is a restricted discretionary if:</p> <ul style="list-style-type: none"> <li>a) it is accompanied by the design and information requirements as detailed in AP14.2 in Appendix 14, and</li> <li>b) it complies with controlled activity terms REr.107.2 b) to h), and</li> <li>c) in relation to Comprehensive Housing Developments compliance with REr.107.2 f) is not required provided it meets the restricted discretionary standards and terms of rule REr.22.3</li> </ul> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>i) the matters of control under REr.107.2, and</li> <li>ii) the ability of the subdivision, as expressed in the design statement, contextual analysis and preliminary infrastructure design to demonstrate the urban design outcomes sought, and</li> <li>iii) the matters in the NCC Land Development Manual 2010</li> <li>iv) the matters in Appendices 10 to 12 of the Plan, and</li> <li>v) the design and layout of roads, access, cycle ways, walkways, reserves and biodiversity corridors, and</li> <li>vi) the staging of development and associated roading and reserves, and</li> <li>vii) for Comprehensive Housing Developments the matters in Rule REr.22.3.</li> </ul> <p>Resource consent for restricted discretionary activities will be considered without notification or service of notice.</p> <p>Discretionary Activity</p> <p>Activities that contravene a standard for a restricted discretionary activity are discretionary.</p>

Assessment Criteria	Explanation
<p>REr.107.4</p> <ul style="list-style-type: none"> <li>a) the matters in the NCC Land Development Manual 2010.</li> <li>b) the extent of compliance with Appendices 10 to 12.</li> <li>c) for Comprehensive Housing Developments, or subdivision within the Wakefield Quay precinct, the degree to which the subdivision achieves the outcomes contained in Appendices 22 and 23 respectively.</li> <li>d) the extent to which the design response for the proposal ensures that the design and appearance of the subdivision will achieve the urban design outcomes sought in the objectives and policies of the NRMP (refer particularly to DO13A Urban Design and the Residential Zone Objectives and Policies).</li> <li>e) the extent to which the subdivision design provides for the orderly development of adjoining land with development potential and the provision of services, including roading, to the boundary.</li> <li>f) the pattern of subdivision and how it relates to the desired environmental outcomes, amenity values for the locality, and efficient use of infrastructure.</li> <li>g) effects on traffic, road network, access, parking, stormwater management, water supply wastewater reticulation, and power and telecommunication services.</li> <li>h) effects of allotment size and shape, including on amenities of neighbourhood, on private to public space relationships, function and amenity, and on the potential efficiency and range of uses of the land.</li> <li>i) the extent of compliance with any plan provisions relating to streams, drains leading to streams, and any other water bodies on the land to be subdivided.</li> <li>j) the extent to which the land is subject to natural hazards, or included in inundation, floodpaths, fault areas and slope risk overlays, and whether any risks can be remedied or mitigated.</li> <li>k) the assessment criteria contained in REr.61.4 (Earthworks).</li> <li>l) the actual and legal protection of significant natural features or heritage items, and means to avoid or mitigate significant changes to the landscape, views or amenity values of the area (see Appendix 9 – landscape components and views).</li> <li>m) the extent to which the proposal has regard to Maori values, particularly in traditional, cultural, or spiritual aspect relating to the land.</li> <li>n) any consultation, including with tangata whenua as appropriate, and the outcome of that consultation.</li> <li>o) avoidance, remedy or mitigation of adverse effects of the subdivision, including temporary effects of construction.</li> <li>p) financial contributions (see Chapter 6).</li> <li>q) the extent to which the proposal includes protection and planting of biodiversity corridors as shown on the Planning Maps or Structure Plans.</li> <li>r) the ground level required to avoid the effects of flooding.</li> <li>s) the type of inundation likely to be experienced, whether it be stormwater ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding.</li> <li>t) effects on neighbouring properties, especially stormwater runoff.</li> <li>u) provision of adequate flow paths for surface flooding.</li> <li>v) the possibility of an overloaded public storm water system overflowing onto private property.</li> </ul>	<p>REr.107.5</p> <p>Specific rules apply to subdivision activities proposed within the Services, Natural Hazard, Landscape or Heritage Overlays (see Rules REr.108 to REr.114).</p> <p>Resource consent is required for all subdivision so that conditions can be imposed on the development to ensure a satisfactory standard of amenity, the minimisation of adverse effects and that the site can be adequately serviced.</p> <p>The controls also enable consideration to be had to the development potential of nearby land, so that the level of servicing provided is appropriate to the likely future demand in the area. This allows consideration of future roading patterns, and demands on the wastewater network and other services, to avoid the need for costly and disruptive upgrading later. Refer to Policy DO14.3.1 Roading and DO14.3.2 Drainage, Water and Utilities for direction in terms of when Council will fund infrastructure provision to sites, or when the infrastructure provision shall be funded by the developer.</p> <p>The shape factor for land parcels is specified to ensure that sites are of a shape that will maximise the range and efficiency of potential uses of the land ie. such that complying buildings can be reasonably placed on them at a later stage.</p> <p>There is an extra provision regarding the position of the shape factor in relation to the front boundary of a front site. This ensures reasonable widths of section are presented to the street, and that the streetscape is not just a series of narrow frontages comprised of driveways.</p> <p>It also helps clarify the difference between a front and rear site. This is important, since on rear sites, the area occupied by accesses up to a certain width is deducted to determine net area of a site.</p> <p>A restricted discretionary activity category is provided in recognition that it is difficult to achieve the better urban design outcomes sought by the NRMP and the NCC Land Development Manual through a prescriptive set of minimum standards. The restricted discretionary category is therefore provided for applicants who can demonstrate, through compliance with Appendix 14, that the proposed design solution is compatible with the urban design outcomes sought by the Plan and the guidance in the NCC Land Development Manual. This category also includes Comprehensive Housing Developments in the restricted discretionary subdivision category.</p> <p>In order to achieve high quality urban design outcomes it is considered that the design and construction of local neighbourhood reserves should be undertaken in conjunction with the residential subdivision. The process and design criteria to achieve this are outlined in section 12 'Reserves' of the NCC Land Development Manual 2010.</p> <p>Development, including front fences, should not perpetuate existing patterns of design and layout that are not valued development patterns, nor representative of the urban design outcomes sought in the Plan. Valued development patterns are explained further in DO13A.1.1.i.</p> <p>The Act states the preservation of the natural character of the river and coastal margins to be matters of national importance. This includes public access along these, and protection of areas of significant indigenous flora and the habitats of indigenous fauna, contained within them. It provides a number of mechanisms to achieve this protection including the taking of Esplanade Reserves and Strips.</p> <p>The river and coastal margins on the Planning Maps and in Appendix 6, Table 6.2, have been identified as containing riparian values in accord with section 229 of the Act. In some cases riparian protection already exists, or special circumstances exist, which make the taking of Esplanade Reserves or Strip unnecessary. In other cases a lesser width, or an alternative way of achieving riparian protection may be more appropriate. In these situations, a discretionary consent application is needed, in order to depart from the standards set out for a normal subdivision.</p> <p><i>Continued overleaf...</i></p>
<i>Continued overleaf...</i>	<i>Continued overleaf...</i>

Item	Permitted	Controlled	Discretionary/Non-complying
		<p data-bbox="477 232 687 259">REr.107.2 (<i>continued</i>)</p> <p data-bbox="477 293 687 320">Control reserved over:</p> <ul style="list-style-type: none"> <li data-bbox="507 322 1134 349">i) the matters in the NCC Land Development Manual 2010, and</li> <li data-bbox="507 351 975 378">ii) the effects of natural and other hazards, and</li> <li data-bbox="507 380 1134 407">iii) design and layout of the subdivision including any proposed public spaces and any appropriate connections/linkages, and</li> <li data-bbox="507 409 1134 472">iv) protection of natural features, landscapes, heritage items, vegetation and Maori values, and</li> <li data-bbox="507 474 810 501">v) riparian management, and.</li> <li data-bbox="507 504 730 530">vi) public access, and</li> <li data-bbox="507 533 1134 595">vii) adverse effects likely to arise from the subdivision, associated development or subsequent use of the land, and</li> <li data-bbox="507 598 1107 624">viii) development of the subdivision and sites having regard to: <ul style="list-style-type: none"> <li data-bbox="553 627 890 654">a) appropriate vehicle access, and</li> <li data-bbox="553 656 1126 719">b) the intensity of residential units to be erected on each lot and the siting of such buildings, and</li> <li data-bbox="553 721 831 748">c) provision of services, and</li> </ul> </li> <li data-bbox="507 750 839 777">ix) stormwater management, and</li> <li data-bbox="507 779 1134 842">x) the effects of vegetation clearance, land disturbance and earthworks, including on visual amenity, soil erosion and sedimentation, and</li> <li data-bbox="507 844 1091 871">xi) financial contributions in accordance with Chapter 6, and</li> <li data-bbox="507 873 1134 936">xii) the future of land subdivided for the purposes of public utilities and no longer required for the purpose, and</li> <li data-bbox="507 938 1134 1095">xiii) for areas subject to a Structure Plan, the matters contained on those including: <ul style="list-style-type: none"> <li data-bbox="553 940 1134 1048">• the provision of adequate road, walkway and cycleway linkages, 'greenspace' and Biodiversity Corridors with appropriate connections within the subdivision and to adjacent land, as defined by the indicative routes shown in the Structure Plan or within the Planning Maps;</li> <li data-bbox="553 1050 1134 1095">• any specific rules, schedules or other notations shown on the Structure Plan as applying to that land.</li> </ul> </li> </ul>	

Assessment Criteria	Explanation
<p>REr.107.4 (<i>continued</i>)</p> <ul style="list-style-type: none"> <li>w) the values for esplanade purposes outlined in Table 6.1 or 6.2, Appendix 6, including any additional information regarding the values of the reserve or strip sought for the purposes outlined in section 229 of the Act.</li> <li>x) any circumstances which make the taking of the esplanade reserve or strip (or the width stated in Appendix 6, Table 6.2) inappropriate, including (but not limited to) the nature of existing development, reasons of security, public safety, minor boundary adjustment..</li> <li>y) an existing protection of the area including any existing Esplanade Reserves or Strips or any protective covenants.</li> <li>z) alternative ways in which the esplanade values identified in the area can be provided for including (but not limited to) the use of esplanade strips and protective covenants.</li> <li>aa) the assessment matters in Table DO6.1.1 regarding the type of protection appropriate in given circumstances.</li> <li>bb) in the case of an allotment less than the stated minimum net area, the relevant assessment criteria in REr.23 (minimum site area).</li> <li>cc) the matters contained in any Schedules or shown on the Structure Plan as applying to that land.</li> <li>dd) the density of planting, mature height and species of plant proposed in any required landscaping.</li> <li>ee) potential shading of neighbouring properties from development of the site, including fences.</li> <li>ff) the extent to which the proposed public reserves achieve the outcomes sought in section 12 Reserves of the NCC Land Development Manual 2010.</li> <li>gg) in the case of conversion to freehold of cross lease allotments existing prior to the notification of this Plan: the need to provide greater flexibility than the standards in Appendices 10 to 12 allow, except where these are necessary to mitigate adverse effects arising from the conversion.</li> <li>hh) the matters contained in any schedules or shown on the Structure Plan as applying to that land.</li> </ul>	<p>REr.107.5 (<i>continued</i>)</p> <p>Where a subdivision is discretionary, and the allotment adjoins any river or the coastal margin, then an esplanade reserve or strip may be required as a condition of the subdivision consent, having regard to the values identified in Appendix 6, Table 6.1.</p> <p>The minimum ground levels set are based on the best estimates from the Ministry for the Environment for likely sea level rise caused by global climate change. This takes account of predicted spring tides and expected tidal surges, and their consequential effects on stormwater ponding. Monaco is exposed to wind driven tidal surge and wave set, hence additional safety margin is required there.</p> <p>Sites below the minimum levels stated for controlled activities will be assessed individually to ensure that ground or floor heights are sufficient to protect the site from inundation.</p> <p>See Rule REr.61 (earthworks) for earthworks associated with the subdivision layout and creation of future building sites.</p> <p>Where the allotment is to be less than the minimum net area stated in REr.7.2 (subdivision), see rule REr.23</p>

**Subdivision Rules relating to Overlays on the Planning Maps**

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>REr.108</b>  <b>Services Overlay</b>                      Subdivision</p>	<p>REr.108.1                      Subdivision is not a permitted activity.</p>	<p>REr.108.2                      not applicable</p>	<p>REr.108.3                      Subdivision in the Services Overlay, is a restricted discretionary activity, if:</p> <ul style="list-style-type: none"> <li>a) it is accompanied by the design and information requirements as detailed in AP14.2 in Appendix 14, and</li> <li>b) it complies with all other controlled activity terms REr.107.2 b) to h), or</li> <li>c) in relation to REr.107.2 f) 'Minimum Site Area' it is the subdivision component of a Comprehensive Housing Development meeting the restricted discretionary standards and terms of rule REr.22.3.</li> </ul> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>(i) ensuring the development is provided with services of adequate capacity to serve the future development level of the site and surrounding sites in the Services Overlay as provided for by zone standards, and</li> <li>(ii) ensuring the proposal provides for future roading and servicing connections to adjoining land in Services Overlay.</li> <li>(iii) the matters in the NCC Land Development Manual 2010, and</li> <li>(iv) the extent of consistency with the Councils strategic planning for the servicing of sites within the district as identified in the LTP, and the timing of the development in relation to the availability of roading and service connections, and</li> <li>(v) the matters of restricted discretion in Rule REr.107.3 (subdivision general).</li> </ul> <p>Resource consent for restricted discretionary activities will be considered without notification.</p> <p>Discretionary Activity                      Activities that contravene a standard for the restricted discretionary activity are discretionary.</p>

Assessment Criteria	Explanation
<p>REr.108.4</p> <p>a) whether the disposal of storm water or wastewater from the site, or supply of water, can be done effectively without risk to human health or the environment, natural hazards or adjoining properties.</p> <p>b) the minimum standards and the matters in the NCC Land Development Manual 2010.</p> <p>c) the assessment matters in Rule REr.107 (Subdivision: General).</p> <p>d) the timing of the development in relation to the availability of roading and servicing connections.</p> <p>e) the extent to which the development is provided with services of adequate capacity to serve the future development level of the site and surrounding sites.</p> <p>f) the financial costs to the Council (including operation and maintenance costs) of providing water and wastewater services to the development.</p> <p>g) the assessment matters in REr.107.4. Subdivision (General).</p>	<p>REr.108.5</p> <p>Subdivision in the Services Overlay provides specific services related assessment matters in addition to those that would be applied to a subdivision consent application under REr.107 General. For subdivision in the Services Overlay, subdivision consent is only required under REr.108, unless any other overlays also apply to the site.</p> <p>Subdivision in the Services Overlay is a restricted discretionary activity rather than a controlled activity. This provides a limitation on the range and type of conditions that can be imposed, relevant to particular sites and circumstances. It also allows the option of declining a subdivision if the site or the development is unsuitable or servicing of the site is considered unsustainable for Council.</p> <p>The areas defined on the Planning Maps include areas where the provision of services to subdivisions is not straightforward. There may be constraints on the capacity of existing systems. The area may need filling in order to get the necessary fall for stormwater or wastewater drainage. Special regard also has to be had to the roading pattern, to avoid precluding future development of other areas, as well as ensuring that the capacity of services has regard to the development potential of neighbouring land.</p> <p>In other cases, the area may be above the contour to which the Council can supply water, where the landowner would have to provide their own supply. Such situations are a discretionary activity. The Council wishes to avoid a proliferation of small individual systems, and will be looking for proposals that integrate with other developments, and have the ability to serve a wider area. Since the Council often ends up maintaining these systems, ongoing operating and maintenance costs are important.</p> <p>There are also areas where services can be supplied, but where additional conditions may apply eg. an additional financial contribution towards the cost of a special water supply, or special conditions regarding the point where the public supply may be accessed.</p> <p>Refer to Policy DO14.3.1 Roading and DO14.3.2 Drainage, Water and Utilities for direction in terms of when Council will fund infrastructure provision to sites, or when the infrastructure provision shall be funded by the developer.</p> <p>The Council holds copies of maps which define the servicing constraints in more detail.</p> <p>(Note: The capacity of the drain or wastewater network means the capacity of the length of the drain from the site to, and including, its outfall to a water body, coastal water or treatment facility).</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>REr.109</b> <b>Landscape Overlays</b> Subdivision</p>	<p>REr.109.1 Subdivision is not a permitted activity.</p>	<p>REr.109.2 not applicable</p>	<p>REr.109.3 Subdivision in the Landscape Overlay, is a restricted discretionary activity, if:</p> <ul style="list-style-type: none"> <li>a) it is accompanied by the design and information requirements as detailed in AP14.2 in Appendix 14, and</li> <li>b) is accompanied by a landscape assessment by an appropriately qualified person, and</li> <li>c) it complies with all other controlled activity terms REr.107.2 b) to h), and</li> <li>d) in relation to Comprehensive Housing Developments compliance with REr.107.2 f) is not required provided it meets the restricted discretionary standards and terms of rule REr.22.3.</li> </ul> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>i) the matters of restricted discretion in Rule REr.107.3 (subdivision: general), with particular regard to the visual impacts of the subdivision and the likely structures that will be built on the subdivided land, and</li> <li>ii) the location of building sites, and</li> <li>iii) the matters in the NCC Land Development Manual 2010 with particular regard to the alignment and location of roads, the width of carriageways and planting of berms, and</li> <li>iv) retention of existing vegetation and other site features, and</li> <li>v) location and design of utilities, and</li> <li>vi) extent and form of earthworks and the matters in REr.61.3, and</li> <li>vii) size, shape and orientation of allotments, and</li> <li>viii) the location and types of planting for amenity and restoration.</li> <li>ix) the extent of compliance with Appendix 7 Guide for Subdivision and Structures in the Landscape Overlay.</li> </ul> <p>Discretionary Activity Activities that contravene a standard for the restricted discretionary activity are discretionary.</p>
<p><b>REr.110</b> <b>Fault Hazard Overlay</b> Subdivision</p>	<p>REr.110.1 Subdivision is not a permitted activity.</p>	<p>REr.110.2 not applicable</p>	<p>REr.110.3 Subdivision in the Fault Hazard Overlay is discretionary, except in that portion of the overlay between Seymour Avenue and Cambria Street where this rule does not apply, if:</p> <ul style="list-style-type: none"> <li>a) the fault trace can be accurately located from existing Council records including the Conditions Book, subdivision files, site files, and GIS database, or</li> <li>b) the consent application is accompanied by a geotechnical assessment by a suitably qualified person which identifies the presence or absence of the fault trace, and where present, its location.</li> </ul>

Assessment Criteria	Explanation
<p>REr.109.4</p> <p>a) compliance with the Guide for Subdivision and Structures in the Landscape Overlay (Appendix 7).</p> <p>b) the assessment matters for Rule REr.107.4 (subdivision: general).</p>	<p>REr.109.5</p> <p>Subdivision in the Landscape Overlay provides specific landscape related assessment matters in addition to those that would be applied to a subdivision consent application under REr.107 General. For subdivision in the Landscape Overlay, subdivision consent is only required under REr.109, unless any other overlays also apply to the site.</p> <p>The areas in the Landscape Overlays are sensitive to development. Rather than controlling subdivision and the resulting development of residential housing separately, the plan controls subdivision design recognising that the layout and design of roads, lots and vegetation in the subdivision has a strong influence over the final appearance of the built development.</p> <p>In Ngawhātu, where the land is subject to the Landscape Overlay, subdivision design options which create neighbourhoods separated by landscaped/open space areas will influence the appearance of earthworks and of built development which follows.</p> <p>In the Lower Density (Marsden Hill Schedule V) Residential Zone, where the land is subject to the Landscape Overlay, subdivision design options which create neighbourhoods separated by landscaped/open space areas will influence the appearance of earthworks and of built development which follows (see Schedule U for the relevant subdivision rules for the Marsden Plateau Landscape Area).</p>
<p>REr.110.4</p> <p>a) the risk to life, property and the environment posed by the natural hazard.</p> <p>b) the risk identified fault line may pose to services and any likely buildings.</p> <p>c) the anticipated use of the site.</p> <p>d) the ability to arrange the site so that the fault line avoids building sites.</p> <p>e) whether the subdivision would create a site that was unusable.</p> <p>f) the assessment matters in Rule REr.107.4 (subdivision: general).</p>	<p>REr.110.5</p> <p>Subdivision in the Fault Hazard Overlay provides specific hazard related assessment matters in addition to those that would be applied to a subdivision consent application under REr.107 General. For subdivision in the Fault Hazard Overlay, subdivision consent is only required under REr.110, unless any other overlays also apply to the site.</p> <p>The rule requires identification of any fault line so the subdivision can be aligned to minimise risk to people and property, and also to ensure that any proposed allotments are usable.</p> <p>(Note: subdivision of land in the Overlay between Cambria Avenue and Seymour Street is controlled under Rule REr.107 – subdivision: general.)</p>

<b>Item</b>	<b>Permitted</b>	<b>Controlled</b>	<b>Discretionary/Non-complying</b>
<b>REr.111</b> <b>Flood Path Overlay, Flood Overlay and Inundation Overlay</b> Subdivision	REr.111.1 Subdivision is not a permitted activity.	REr.111.2 not applicable	REr.111.3 Subdivision in Flood Path Overlay, Flood Overlay, Inundation Overlay or any flood path specified in the flood path table in Volume 4 (planning maps) of this Plan is discretionary.
<b>REr.112</b> <b>Tahunanui Slump Core Slope Risk Overlay</b> <b>Tahunanui Slump Fringe Slope Risk Overlay</b> Subdivision	REr.112.1 Subdivision is not a permitted activity.	REr.112.2 not applicable	REr.112.3 Discretionary: Subdivision is discretionary, if it is: a) a boundary adjustment, and does not create a new allotment, or b) for a network utility or public open space, or c) in the Tahunanui Slump Fringe Slope Risk Overlay, and the application is accompanied by a geotechnical assessment from suitably qualified engineer or geologist, that addresses issues raised in section 106 of the Act.  Prohibited Subdivision is a prohibited activity, if: a) it contravenes a standard for a discretionary activity.
<b>REr.113</b> <b>Heritage Precincts</b> Subdivision	REr.113.1 Subdivision is not a permitted activity.	REr.113.2 not applicable	REr.113.3 Subdivision in any Heritage Precinct is discretionary.
<b>REr.114</b> <b>Heritage Overlays</b> (excluding Heritage Precincts and Wakefield Quay Precinct) Subdivision	REr.114.1 Subdivision is not a permitted activity.	REr.114.2 not applicable	REr.114.3 Subdivision of any allotment shown on the Planning Maps to contain a Heritage Overlay is discretionary.
<b>REr.115</b> <b>Bishopdale Subdivision Area</b> (Scheduled Site – Sch.H)	REr.115.1 Schedule Sch.H applies.	REr.115.2 Schedule Sch.H applies.	REr.115.3 Schedule Sch. H applies.
<b>REr.116</b> <b>Grampian Slope Risk Overlay</b> Subdivision	REr.116.1 Subdivision is not a permitted activity.	REr.116.2 not applicable	REr.116.3 Subdivision in the Grampian Slope Risk Overlay is discretionary.

Assessment Criteria	Explanation
<p>REr.111.4</p> <p>a) the risk to life, property and the environment posed by the natural hazard.</p> <p>b) the anticipated use of the site.</p> <p>c) whether the subdivision would create a site that was unusable.</p> <p>d) any fences and other structures that might accompany the subdivision, and their likely effect on the flood hazard.</p> <p>e) the assessment matters in Rule REr.107.4 (subdivision: general).</p> <p>f) Whether a site can be created at a level that avoids inundation, and</p> <p>g) the nature of infill, its compaction and placement.</p>	<p>REr.111.5</p> <p>Subdivision in the Flood Path, Flood Overlay and Inundation Overlay provides specific hazard related assessment matters in addition to those that would be applied to a subdivision consent application under REr.107 General. For subdivision in the Flood Path and Flood Overlay, subdivision consent is only required under REr.111, unless any other overlays also apply to the site.</p> <p>The rule seeks to ensure that allotments created are usable, and that the activities that may accompany subdivision do not worsen the flood hazard or expose additional people or property to risk.</p> <p>Note: The Residential zoned land in Todds Valley surrounded by Rural zoned land is subject to the Flood Overlay.</p>
<p>REr.112.4</p> <p>a) see Rules REr.74 to REr.79 (Tahunanui Slump Core and Tahunanui Slump Fringe slope risk overlays).</p> <p>b) the assessment matters in Rule REr.107.4 (subdivision: general).</p>	<p>REr.112.5</p> <p>Subdivision in the Tahunanui Core Slope Risk and Fringe Slope Risk Overlay provides specific hazard related assessment matters in addition to those that would be applied to a subdivision consent application under REr.107 General. For subdivision in the Tahunanui Core Slope Risk and Fringe Slope Risk Overlay, subdivision consent is only required under REr.112, unless any other overlays also apply to the site.</p> <p>See Rule REr.74 to REr.79 (Tahunanui Slump Core and Tahunanui Slump Fringe slope risk overlays).</p>
<p>REr.113.4</p> <p>a) the application will be assessed for compatibility with the Design Guide for that precinct.</p> <p>b) the assessment matters in Rule REr.107.4 (subdivision: general).</p>	<p>REr.113.5</p> <p>Subdivision in a Heritage Precinct provides specific heritage related assessment matters in addition to those that would be applied to a subdivision consent application under REr.107 General. For subdivision in a Heritage Precinct, subdivision consent is only required under REr.113, unless any other overlays also apply to the site.</p> <p>Changes in the subdivision pattern and lot size can affect the heritage values of a precinct. Small lots and close settlement are characteristic of areas such as South and Elliott Streets.</p>
<p>REr.114.4</p> <p>a) the extent to which trade-offs might be appropriate to ensure the values of the listed item are protected, providing that these have minor environmental effects, or are not contrary to the Objectives and Policies of this Plan, and any effects are on the public rather than the private environment (i.e. people's private property rights). eg. allowing averaging of the minimum site requirements, or an overall reduction in the size of some sites, to ensure sufficient land was retained around a heritage building or protected tree. eg. allow flexibility in the shape factor requirements to ensure a heritage item or tree was not compromised, while allowing reasonable use of the land concerned. eg. protecting the item in common or public reserve in lieu of reserve contributions.</p> <p>b) the extent to which subdivision of the land is likely to adversely affect the values for which the item was listed and whether conditions on the use of the site are needed to avoid, remedy or mitigate this.</p> <p>c) the assessment matters in Rule REr.107.4 (subdn: general).</p>	<p>REr.114.5</p> <p>Subdivision in the Heritage Overlay provides specific heritage related assessment matters in addition to those that would be applied to a subdivision consent application under REr.107 General. For subdivision in the Heritage Overlay, subdivision consent is only required under REr.114, unless any other overlays also apply to the site.</p> <p>Making subdivision a discretionary activity where a heritage item, or a protected tree, is located on the section, provides more flexibility in the options that can be explored. It provides more scope to meet the owner's needs to use the site, and the needs of the wider community to preserve the item in question. If a controlled activity procedure were used, these options would be much more limited by the minimum site and other requirements set out in those rules.</p> <p>The aim in making subdivision in such cases discretionary is to find "win-win" situations where this is possible and reasonable, not to penalise the owner of the site.</p>
<p>REr.115.4</p> <p>a) See Schedule Sch.H</p> <p>b) the assessment matters in Rule REr.107.4 (subdivision general).</p>	<p>REr.115.5</p> <p>See Schedule Sch.H.</p> <p>Subdivision in Schedule H Bishopdale Subdivision Area has specific servicing and financial contribution provisions in addition to those that are applied to a subdivision consent application under REr.107 General. For subdivision in the Bishopdale Subdivision Area both REr.107 and REr.115 rules apply.</p>
<p>REr.116.4</p> <p>a) the risk to life, property and the environment posed by the natural hazard.</p> <p>b) the anticipated use of the site.</p> <p>c) whether the subdivision would create a site that was unusable.</p> <p>d) the assessment matters in Rule REr.107.4 (subdivision: general)</p>	<p>REr.116.5</p> <p>Subdivision in the Grampians Slope Risk Overlay provides specific hazard related assessment matters in addition to those that would be applied to a subdivision consent application under REr.107 General. For subdivision in the Grampians Slope Risk Overlay, subdivision consent is only required under REr.116, unless any other overlays also apply to the site.</p> <p>See Rule REr.80 and REr.81 (Grampian Slope Risk Overlay – Stormwater and Wastewater, and Earthworks).</p>

## **freshwater rules**

Refer Appendix AP28.9 for freshwater rules.

# Schedule Residential Zone

## Sch.A Papakainga development

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### A.1 Application of the schedule

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Papakainga development is provided for as a scheduled activity in the Residential Zone. No specific sites are shown on the Planning Maps. Any land that meets the criteria set out in the Rules is eligible for use as a Papakainga (eg. if it is vested in Trustees, is not able to be on-sold, and so forth). Papakainga developments are controlled activities, meaning a resource consent is required. This will be granted but conditions may be imposed on the consent. Where the criteria (standards and terms) cannot be met, the development is discretionary. This schedule relates to rule REr.62 (Papakainga development).

### A.2 General rule

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For the purposes of this schedule, any reference to a boundary of a site in the Residential Zone rules means the perimeter boundary of the total land area subject to the Papakainga development.

### A.3 Permitted activity

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Papakainga development is permitted if it complies as a permitted activity with the conditions in all Residential Zone rules.

### A.4 Controlled activity

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Papakainga development is controlled if:

- a) the land concerned is Maori customary land, Maori freehold land, or General land owned by Maori, as defined in section 129 of Te Ture Whenua (Maori Land Act) 1993, and
- b) the land is vested in a Trust, constituted under Part XII of Te Ture Whenua (Maori Land Act) 1993, whose authority is defined in a Trust Order or other empowering instrument which will ensure as far as practicable that:
  - i) the land remains vested in the trustees or the incorporation without power of sale, and
  - ii) the possession and/or beneficial interest on the land is restricted to the beneficiaries of the Trust, and
- c) the development complies with the permitted conditions in the Residential Rule Table, except the following rules: minimum site area, front yards, and other yards, and
- d) the application is accompanied by a Development Plan for the land concerned, a copy of the certificate of title, and the Trust Order or empowering instrument.

The Development Plan must indicate:

- a) the location and extent of the area to be part of the Papakainga development, and
- b) land contours, vegetation and existing activities, and
- c) the nature and location of neighbouring activities, including the location of any residences, and
- d) the number and location of proposed buildings, and their intended use, and
- e) the proposed provision and design of access to the site, and
- f) the proposals for landscaping to avoid, remedy or mitigate any adverse visual effects of the activity, and
- g) the proposed reticulation of water supply and provisions for stormwater and sanitary drainage, including the disposal of effluent, and
- h) any proposal for staging of the development.

Control reserved over:

- i) the number of residential units and other buildings, and
- ii) landscaping of the site, and
- iii) vehicle access and egress, and
- iv) the proximity of buildings to the boundaries, and
- v) the external design and appearance of buildings visible from any public place, and
- vi) design and siting of buildings and activities with respect to generation of noise and light spill, and
- vii) drainage, and
- viii) bonds or covenants to restrict ownership and sale of land, and
- ix) whether the resource consent attaches to the land, excluding any subsequent owners, in terms of section 134 of the Act

Resource consent applications for controlled activities will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.

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## **A.5 Discretionary activities**

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The following are discretionary activities:

- a) any development that contravenes a condition for a permitted activity above, and
- b) any development that contravenes a standard for a controlled activity

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## **A.6 Assessment Criteria**

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- a) the visual appearance of the development from the road and neighbouring sites
- b) the compatibility of any development with the surrounding area
- c) any adverse effects on the noise environment of neighbouring residential areas
- d) the adequacy of parking, services and other infrastructure for the development proposed

In addition, where the activity contravenes one of the Residential Rules listed above under Permitted Activities, the assessment criteria for that rule will apply.

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## **A.7 Explanation**

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In accordance with the principles of the Treaty of Waitangi and Part II of the Act, provision is made for a degree of self management within Papakainga developments. This allows more flexibility within the total site to arrange buildings and activities in a way that suits the particular cultural needs of the iwi involved. However controls are retained over effects at the boundary of the Papakainga site, to protect the amenity of neighbouring sites, and the general public.

There is a requirement that the land is not able to be sold, since the flexible style of development provided by this schedule is targeted specifically to meet iwi needs. If the property could be on-sold this could lead to substantial non-compliance with the Plan, and uses of the land that are unsuited to this style of development.

## Schedule Residential Zone

### Sch.B Bishopdale pottery - Waimea Road

#### B.1 Application of the schedule

This schedule applies to the site shown as Sch.B on Planning Maps 23, 24 and 54, (Lot 2 DP 4854 (CT125/171), 251 Waimea Road. This schedule relates to rule REr.99 (Bishopdale Pottery).

#### B.2 General rule

When pottery/brickworks activity ceases on the scheduled site, the normal Residential Zone provisions will apply in all respects.

#### B.3 Permitted activities

The operation of a pottery/brickworks on the scheduled site is permitted if it complies with the conditions set out below. Pottery/brickworks activity includes extraction and storage of clay, fuel and materials, operation of equipment such as a kiln, loaders, screens, and vehicles entering and leaving the site, and associated buildings.

Buildings	Maintenance and replacement of existing buildings is permitted if: <ul style="list-style-type: none"> <li>a) the height of the existing building is not exceeded in any part</li> <li>b) the gross floor area of the buildings is not increased by more than 5%</li> </ul>
Dust Control	Open areas of land and stockpiles of materials must be contained or maintained to prevent the creation or dispersal of dust beyond the scheduled site.
Noise	<ul style="list-style-type: none"> <li>a) Noise levels measured at, or as close as practicable to, the boundary of any site within the Residential Zone must not exceed: <ul style="list-style-type: none"> <li>Day Time L 10: 55 dBA</li> <li>Other Times L 10: 45 dBA</li> </ul> </li> <li>Lmax: 75 dBA(A), or the background sound level plus 30dBA, whichever is lower.</li> <li>b) Day Time means 7am to 10pm Monday to Friday, and 9am to 10pm Saturdays, Sundays and Public Holidays.</li> <li>c) All measurements and assessment in accordance with NZS 6801:1991 (Measurement of Sound) and NZS 6801:1991 (Assessment of Environmental Sound).</li> </ul>
Hazardous Substances	The use or storage of hazardous substances must comply with the conditions for permitted activities in Appendix 21 (hazardous substances), as if the scheduled site were in the Vanguard/St Vincent Street industrial area.
Parking and Loading	Must be in compliance with Appendix 10 (standards and terms for parking and loading), as an Industrial Activity
Access	Must be in compliance with Appendix 11 (access standards).
Other rules	The following rules in the Residential Rule Table must be complied with: aerials; building over or alongside drains; car parking and access; vehicle crossings; signs; noise; helicopter landing pads; vibration; light spill; hazardous substances; radioactive material; microwave or ultra high frequency emissions, subdivision rules and all freshwater rules.

**Note** This schedule does not apply to any resource consent that may be required with respect to the discharge of contaminants to air, in terms of section 15 (1)(c) of the Resource Management Act.

#### **B.4 Discretionary activities**

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The following are discretionary activities:

- a) Any activity other than a pottery/brickworks (eg. residential units), and
- b) Pottery/brickworks activities that contravene a permitted condition in this schedule.

#### **B.5 Assessment criteria**

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These are applied to the consideration of any application for a discretionary activity resource consent.

- a) the nature and timing of noise and its likely effects, and any proposals to mitigate these effects
- b) the hours of operation of the proposed activity
- c) any risk to human life or property
- d) in the case of hazardous substances, the assessment criteria in Appendix 21 (hazardous substances)
- e) any cumulative effects on adjacent residences

#### **B.6 Explanation**

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The land is zoned residential but the pottery has existing use rights on the site.

Scheduling the site creates more certainty for the pottery and for neighbouring sites than operating solely on the existing use rights. The permitted conditions provide for a range of activities to occur without the need to obtain a resource consent. For nearby residents it sets in place controls to help maintain an adequate level of amenity. The schedule on the maps and in the text also provides information for people as to the existence of the activity and the controls that apply to it.

## Schedule Residential Zone

### Sch.C Nelson Marlborough Health Services Ltd Facilities - Waimea Road

#### C.1 Application of the schedule

This schedule applies to the sites shown as Sch.C on Planning Map 19, adjoining Waimea Road (commonly known as Nelson Public Hospital and Braemar). This schedule relates to rule REr.100 (Nelson Marlborough Health Services).

#### C.2 General rule

- a) The rules in this schedule apply only to land owned by Nelson Marlborough Health Services Limited (NMHS Ltd) or any successor public health organisation whether of the same or different name. If land is transferred to any other party the schedule does not apply, and the land is governed entirely by the Residential Zone rules.
- b) For activities other than Health Services as described under C.3 below, the normal residential provisions in the Residential Rule Table apply.
- c) For the purposes of this schedule and this Plan, any reference to site boundaries is to the boundaries of a scheduled site.

#### C.3 Permitted activities

Health Services including services relating to physical and mental health needs, and ancillary services including laundry facilities, laboratory facilities, pharmaceutical supplies, counselling and other health support facilities are permitted activities if they comply with the following conditions:

Maximum building height	20m, provided the daylight requirements in the Residential Rule Table under Rule REr.35 (daylight admission) are met at the boundaries of the scheduled site.
Set back from road boundary	Buildings must be set back a minimum of 3m from the road boundaries, and A landscape strip of an average depth of not less than 1m must be established along the road boundary.
Set back from other boundaries	On external boundaries of the scheduled site (i.e. the boundaries with any site not owned by NMHS Ltd), other than road boundaries: buildings must be set back a minimum of 3m from the boundary of the scheduled site, and comply with the daylight provisions of Appendix 15 (daylight admission - residential), and landscaping, a fence or wall, or a combination must be provided along the length of the boundaries to a height of at least 1.8m, and where landscaping is provided, it must have an average depth of 1.5m along the boundary.
Parking and Loading	The provisions of Appendix 10 (standards and terms for parking and loading) apply.
Access Standards	The provisions of Appendix 11 (access standards) apply.

Outdoor storage	Goods and materials stored outside must not be readily visible from a road or an adjoining site.
Radioactive Material	The use, storage and disposal of radioactivity in excess of 1000 terabecquerels is a prohibited activity.
Other rules	The following rules in the Residential Rule Table must be complied with: building over or alongside drains; noise; helicopter landing pads; vibration; microwave or ultra high frequency emissions; all rules on heritage buildings, laces and objects; all rules on Heritage, Landscape and Local Trees; all subdivision rules, and all freshwater rules.

#### **C.4 Discretionary activities**

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The following are discretionary activities:

Any activity that contravenes a permitted condition in this schedule.  
(Note C.2 b) above)

#### **C.5 Assessment criteria**

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- a) any adverse effects of reduced set back of buildings, particularly on any adjoining residential sites
- b) the ability to mitigate any adverse effects by additional landscaping or screening
- c) any adverse effects on adjoining sites in terms of dominance by buildings and loss of privacy
- d) in the case of a reduced setback, the ability to better utilise the site and provide better environmental quality elsewhere on the site
- e) the nature of the activity to occur within any reduced setback and its likely effects on the residential neighbours, or the appearance from the road
- f) the nature and timing of noise and its likely effects
- g) the hours of operation of the activity
- h) the type and volume of any materials to be stored on the site, and any other means of screening
- i) the scale of the activity, taking account in particular of cumulative effects on adjacent residential sites
- j) any risk posed to people and property by intensification or alteration of the activity

In addition, where the activity contravenes one of the Residential Rules listed above under Permitted Activities, the assessment criteria for that rule will apply.

#### **C.6 Explanation**

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Nelson Marlborough Health Services Ltd (NMHS Ltd) does not have the ability to designate in the Plan. The scheduled site therefore makes provision for the operation of Nelson Hospital and related services. Relying just on existing use rights would be very limiting for the activity. The schedule allows for normal hospital and related activities, while ensuring that residential amenity is maintained at the boundaries of the site. The site is surrounded by residential activity. The site has been scheduled over the top of its Residential zoning rather than be given a separate zoning. This is because should health services cease to be provided on some or all of the site, the Plan seeks the replacement activity to be residential, rather than for a commercial or industrial operation to establish.

NMHS Ltd has a process of rationalising its land holdings. Some land may be disposed of to the open market for the normal range of residential development and use. For this reason the schedule only applies if the land is in NMHS Ltd ownership. Once sold the normal residential provisions apply.

## Schedule Residential Zone

### Sch.D BP Annesbrook (Service Station)

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#### D.1 Application of the schedule

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This schedule applies to the site shown as Sch.D on Planning Map 22, (Lots 9, 10 and 11, DP 4057), 360 Annesbrook Drive. This schedule relates to rule REr.101 (BP Annesbrook).

#### D.2 General rule

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For activities other than the operation of a service station as described under D.3 below, the normal provisions in the Residential Rule Table apply.

For the purposes of this schedule and this Plan, any reference to site boundaries is to the boundaries of the scheduled site.

#### D.3 Permitted activities

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The operation of a service station (see Chapter 2, meanings of words) is permitted on the scheduled site if it complies with the following conditions:

Maximum building height	8m, provided the daylight requirements in the Residential Rule Table under Rule REr.35 (daylight admission) are met at the boundaries of the scheduled site.
Site coverage	The percentage of the site covered by buildings (excluding forecourt canopies) and required car parking must not exceed 50%.
Set back from road boundary	Buildings (excluding any canopy) must be set back a minimum of 3m from the road boundary, and A landscape strip of an average depth of not less than 1m must be established across the front of the site (except across vehicle crossings)
Set back from other boundaries	a) buildings must be set back a minimum of 3m from the internal boundaries, and b) landscaping, a fence or wall, or a combination must be provided along the length of the boundaries to a height of at least 1.8m, and c) where landscaping is provided, it must have an average depth of 1.5m along the boundary.
Ancillary retailing	The area for retailing goods which are ancillary to the sale of motor fuels and vehicle accessories, must not exceed 160m <sup>2</sup> .
Hours of operation	7am to 11pm
Outdoor storage	Goods and materials stored outside must not be readily visible from the road or an adjoining site.
Other rules	The following rules in the Residential Zone Rule Table must also be complied with: building over or alongside drains; aerials; parking; access; signs; noise; helicopter landing pads; vibration; light spill; hazardous substances; radioactive material; microwave or ultra high frequency emissions; all subdivision rules, and all freshwater rules.

#### **D.4 Discretionary activities**

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The following are discretionary activities:

- a) Any activity other than a residential activity or a service station, and
  - b) Service station activities that contravene a permitted condition in this Schedule.
- (Note D.2 a) above)

#### **D.5 Assessment criteria**

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- a) any adverse effects of increased building coverage or site density, or reduced set back, particularly on any adjoining residential sites
- b) the ability to mitigate any adverse effects by additional landscaping or screening
- c) any adverse effects on adjoining sites in terms of dominance by buildings and loss of privacy
- d) in the case of a reduced setback, the ability to better utilise the site and provide better environmental quality elsewhere on the site
- e) the nature of the activity to occur within any reduced setback and its likely effects on the residential neighbours, or the appearance from the road
- f) the nature and timing of noise and its likely effects
- g) the hours of operation of the activity
- h) the type and volume of any materials to be stored on the site, and any other means of screening
- i) the scale of the activity, taking account in particular of cumulative effects on adjacent residential sites
- j) any risk posed to people and property by intensification or alteration of the activity.

In addition, where the activity contravenes one of the Residential Rules listed above under Permitted Activities, the assessment criteria for that rule will apply.

#### **D.6 Explanation**

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This site was zoned Commercial C.1A in the previous District Plan. That zone essentially provided for service stations and taverns that existed at the time that Plan was notified.

This Plan tries to reduce the number of different zones and to avoid creating spot zones for single activities. Since this site is surrounded on three sides by residential sites, it is considered more appropriate to zone the land Residential, but with a schedule to provide for the existing service station on the site, and its future operations.

Activities other than a service station on the scheduled site will be considered in terms of the ordinary Residential Zone rules. Service station activity has been given special status only because of its existing use rights, and its positive effects for the community, at the time this Plan was first notified.

## Schedule Residential Zone

### Sch. E Ngawhatu Residential Area

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#### E1 Application of the schedule

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This schedule applies to the Ngawhatu Residential area, including the site now known as Montebello (the ex-Ngawhatu Hospital Site), in the Highland and York Valleys, and the land surrounding these two valleys which fall within the Ngawhatu Catchment, as shown on Planning Maps 30, 33, 34 and 54, and on the Structure Plan in this Schedule. This schedule is referred to under Rule REr.102 and REr.107, the subdivision rules/assessment criteria and within Policies and Explanations.

#### E2 General rule

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The scheduled site shall generally be developed in accordance with the attached overall concept plan for Ngawhatu.

i) Activities and subdivision in the Ngawhatu Residential Area as zoned are subject to the standards, conditions, and activity status of the Residential zone, the Suburban Commercial Zone, and the Rural Zone (as it applies to the High Density Small Holdings area) except where specific standards apply in Schedule E.2.

ii) In respect of subdivision development infrastructure layout shall generally accord with the Structure Plan within Schedule E.

iii) Ngawhatu Road is noted as a Sub Collector Road in the roading hierarchy. Ngawhatu Road and the roads connecting with it generally meet a 10m wide standard, with the exception of some pinch points to address the issue of protecting heritage trees, and a single threshold treatment at the entrance of the subdivision.

Subdivision and development within the valleys served by Ngawhatu Road will not necessitate an upgrade of the physical formation of Ngawhatu Road as its existing formation is sufficient to carry the full future growth of traffic from the valleys served by Ngawhatu Road and to fulfil its function as a Sub Collector Road. As such, any future subdivision development within the areas shown in the Structure Plan in Schedule E will be deemed to comply with roading standards by maintaining the existing formation of Ngawhatu Road.

Note: For the purpose of interpretation of Rule E.2(ii), “generally accord” shall mean that the major road network shall provide for connection between the separate land holdings covered by Schedule E, in the general locations shown. It is not intended that the positions are exact or can be identified by scaling from the Structure Plan. The term “generally accord” is to allow for flexibility in the exact location of the connection from one landholding to the other in Schedule E, depending on the detailed analysis of the physical suitability of an alignment, other servicing implications and costing considerations. Compliance with the rule requires connections are provided for within the general locations identified, and not restricted or prevented through use of “spite strips” or other such methods which could lead to adjoining land within Schedule E becoming landlocked.

“Generally accord” in respect of the positioning of walkways on the Structure Plan shall mean that clear pedestrian connections are provided between esplanade reserve areas and residential areas up to the Barnicoat Walkway above the Ngawhatu properties covered by Schedule E. Compliance with the Structure Plan in respect of walkways requires the connections noted to be provided for on each stage of development. It is the connection that is required, the actual position of the route to achieve connection is flexible as the exact route will reflect detailed analysis of physical suitability, e.g. grade/stability, other servicing considerations and appropriate location in respect of residential development layout.

### **E.3 Restricted/Discretionary activities**

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Subdivisions that contravene any general rule E.2(i), E.2(ii) or E.2(iii) are restricted discretionary if they are located in the Landscape or Services Overlay and comply with the standards and terms of REr.108.3 and REr.109.3. Subdivision that contravene any standard in Rule REr.108.3 and 109.3 are discretionary. Subdivision located in any other Overlays is a Discretionary Activity.

### **E.4 Assessment criteria**

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a) Where connections for roading and walkways are not provided for on subdivision in accordance with the Structure Plan, the alternative access arrangements available to adjoining land shall be assessed with specific regard to the capacity of alternative access options, and the efficiency of those in realising residential development potential of adjoining land within Schedule E.

b) The extent of the adverse effect on efficiency and convenience of alternative roading options in terms of increasing travel distance to access the main roading routes through to Ngawhatu Road.

c) The extent of the adverse effects on the efficiency and convenience of alternatives for walkway access when walkway connections on the Structure Plan are not provided for.

d) In Ngawhatu Valley and the land between the Valleys, the extent of provision for pedestrian linkages between open space areas, commercial areas, residential neighbourhoods, and neighbouring land to ensure that over time, pedestrian links connect up to the Barnicoat Walkway. Pedestrian linkages should extend across the Ngawhatu area to connect into Marsden Valley.

e) In Ngawhatu Valley the proposed protection (in addition to listed, protected trees) for significant and essential trees, to ensure the special mature landscape and amenity values of the site are maintained.

f) In Ngawhatu Valley the extent to which the subdivision layout and access provisions, creates residential neighbourhoods integrated into the mature landscape.

g) In Ngawhatu Valley and the land between the Valleys, the measures proposed to address cross-boundary conflicts with the adjoining Rural Zone.

h) Within the Ngawhatu Residential area, provision of adequate cycle and pedestrian route and linkages, including both connections within the subdivision and connections between the subdivision and adjacent land to the north and west.

### **E.5 Explanation**

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Development in the Ngawhatu Residential area is controlled by the zoning rules and overlay rules. Schedule E provides for a Structure Plan which provides a further layer of control. The purpose of the Structure Plan is to ensure, as development progresses, that there is integration between stages of development and between separate landholdings (and land ownerships), in respect of key services and access provision to land within Schedule E. The general rule requiring subdivision development to occur with the Structure Plan ensures that both the developer and Consent Authority consider the requirement for services and access integration, ensuring that any subdivision layout facilitates rather than restricts, efficient and sustainable service and access provision through the Ngawhatu development area.

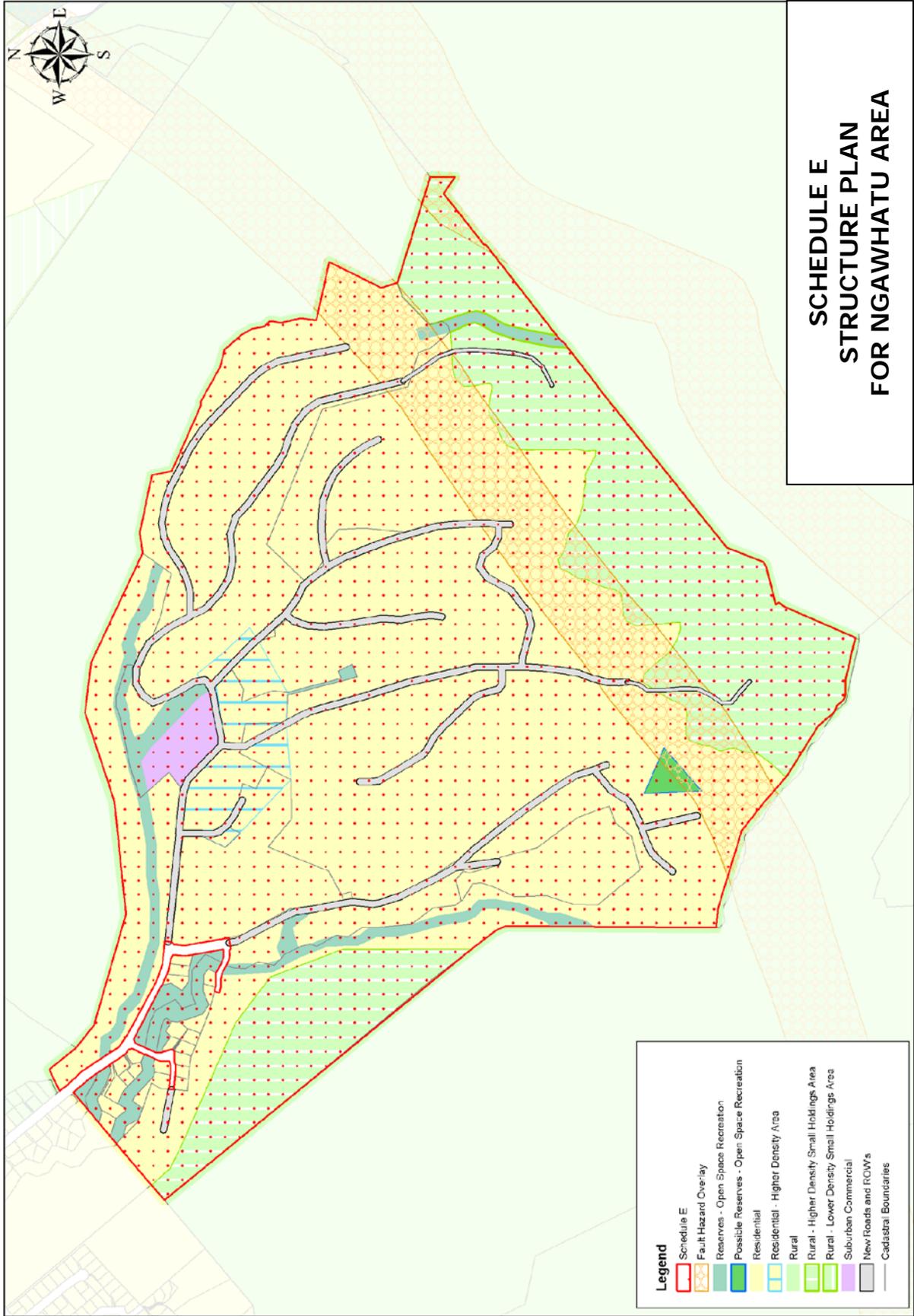
The Structure Plan sits alongside the other planning controls which seek to ensure sustainable urban development, These include the services overlay, the fault hazard overlay, and the landscape overlay which, together with the objectives, policies and rules applicable to the various zonings for Ngawhatu, provide an appropriate set of planning controls to achieve efficient and sustainable development within Schedule E.

## **E.6 Anticipated environmental outcomes**

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- i) An area of urban development within the physical and servicing capacity of the location.
- ii) Integration of infrastructure planning ensuring efficient servicing and access to the Ngawhatu Residential area covered by Schedule E.
- iii) A network of pedestrian corridors to link neighbourhoods and provide linkages into the Barnicoat Walkway.





## Schedule Residential Zone

### Sch.F Polytechnic (former Griffins site) - Residential

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#### F.1 Application of the schedule

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This schedule applies to the site shown as Sch.F on Planning Map 15, on the north eastern corner of Alton and Nile Streets. This Schedule is referred to in Rule REr.103 (polytechnic).

#### F.2 General rule

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- a) The rules in this schedule apply only to land owned by the Polytechnic (as defined in Chapter 2 - meanings of words). If land is transferred to any other party the schedule does not apply, and the land is governed entirely by the Residential Zone rules (and assessment criteria).
- b) For activities on land owned by the Polytechnic other than those described under F.3 to F.5 below, the normal residential provisions in the Residential Rule Table apply.
- c) When Polytechnic activities as described under F.3 to F.5 below are carried out on the scheduled site, for the purpose of this schedule and the City Fringe rules that apply, the boundary of the scheduled site with the rest of the Residential Zone is deemed to act as the boundary of the Inner City Zone (eg. for determining daylight admission, or setbacks).

#### F.3 Permitted activities

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Any of the following Polytechnic activities:

Delivery of learning programmes, ancillary learning facilities, administrative offices, student and staff support services, ancillary retail activities, and carparking, if the activities:

- a) comply with the rules for the City Fringe, and
- b) are not controlled or discretionary activities, and
- c) comply with all freshwater rules.

#### F.4 Controlled activities

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Erection or extension of any building or establishment of any carpark associated with a permitted activity above is controlled, if:

- a) it complies with the rules for the City Fringe.

Control reserved over:

landscaping and site layout, and

the design and orientation of the building and any related outdoor areas, to control the emission of noise, and light spill, and

the hours of use of the building, and any related outdoor areas.

#### F.5 Discretionary activities

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Activities that contravene a permitted condition or a controlled standard are discretionary.

**F.6****Assessment criteria**

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- a) the proposed use of the building and the likely effects, particularly noise, on adjacent activities.
- b) whether the design, construction and orientation of the building and outdoor areas is such that it will reduce the impacts of noise and glare on neighbouring residences.
- c) whether the design and construction of the building is such that the sound insulation measures cannot be negated e.g. by opening windows or doors.
- d) the extent and type of landscaping.
- e) the appearance of the site from any public space or residence.

**F.7****Explanation**

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The area subject to the schedule has for many years been used for commercial/industrial purposes, and since 1993 by the Polytechnic. In the former District Plan the site was zoned Residential. The longer term aim for the area remains residential, should Polytechnic activity cease on the site. The site therefore is zoned Residential, but with a schedule to provide for Polytechnic activities. The scheduled site adjoins established residential areas and has in the past been the subject of complaint from residents regarding noise and other matters. The schedule allows Polytechnic activities on the site. But the construction or alteration of any building, and the layout of the site and any carpark, is controlled to provide the opportunity to incorporate noise reduction and other measures into the building, and the site, at the design and construction stage.

## Schedule Residential Zone

### Sch.G Trafalgar Street/Hathaway Court site

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#### G.1 Application of the schedule

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This schedule applies to the sites shown as Sch.G on Planning Map 10, being the site bounded by the Maitai River, Trafalgar St, and Hathaway Terrace, referred to here as the Trafalgar Street/Hathaway Court site.

This Schedule is referred to in Rule REr.104.

#### G.2 General rules

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- a) The site may be used for tourist accommodation as a permitted activity, with an associated restaurant and on-license for the sale of liquor. For this activity the City Fringe area rules of the Inner City Zone shall apply, except that:
- in REr.72.1 (maximum building height - intense development area) the maximum permitted building height shall be 10m, and
  - no building may be located within 4m of a road boundary, and
  - building coverage of the net area of the scheduled site must not exceed 50%, and
  - not less than 30% of the net area of the scheduled site must be landscaped, and
- for the purposes of this schedule and the City Fringe rules that apply, the centreline of Hathaway Terrace, and of Trafalgar Street, abutting the Residential Zone is deemed to act as the boundary of the Inner City Zone (eg. for determining daylight angles).
- b) When the activity in G.2a) ceases on the scheduled site, the normal Residential Zone provisions shall apply in all respects.

#### G.3 Discretionary activities

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Activities that contravene general rule G.2 a) are discretionary activities. For all other rules the normal provisions of the Inner City rule table apply.

#### G.4 Assessment criteria

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- a) the likely adverse effects of the activity, particularly on adjacent Residential sites, and on the special amenity of the area.
- b) whether the activity would enhance the public use or appreciation of the riverside amenity.
- c) the appearance of the site from any public space or Residential sites.
- d) the extent to which building design, landscaping or other methods could mitigate any adverse effects of the activity.
- e) the volume and nature of any traffic generated.
- f) the likely hours of operation of the activity.

In addition, where the activity contravenes one of the City Fringe rules the assessment criteria for that rule will also apply and be given whatever weight is appropriate.

#### G.5 Explanation

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The Trailways motor hotel and restaurant has operated on this site since the early 1960s. In the previous District Plan this site, along with a number of other sites, had a Residential C Special zoning which provided as of right for tourist accommodation, chartered clubs and professional offices, subject to special height, landscaping and coverage controls. This zoning led to substantial capitalisation of the Trailways site. This schedule recognises the level of existing development, and seeks to provide a similar framework to the former zoning to allow the operation to continue.

Importantly, the schedule, with its underlying Residential Zoning, recognises the special amenity of the riverside setting, and the amenity requirements of the residential neighbours. An Inner City or other commercial zoning was not considered appropriate for the site because of these concerns. Also, the Maitai River was seen as the appropriate and natural boundary between the Inner City and the Residential Zone.

## Schedule Residential Zone

### Sch.H Bishopdale subdivision area

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#### H.1 Application of the schedule

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The rules in this schedule apply to the sites shown as Sch.H (Lot 1 DP 19899 and Lot 1 DP16640) on Planning Maps 23 and 24.

this Schedule is referred to in Rule REr.105.

#### H.2 General rules

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a) The normal subdivision rules shall apply in all respects to the land in Schedule H except that:  
the maximum number of allotments (excluding any reserve, access, road or utility allotment) in the area of Schedule H must not exceed 68, and  
for each allotment (up to the maximum of 68 as defined in a) i)) created by a subdivision, \$347.00 plus GST must be paid to the Council (as a contribution to the cost of the 1986 upgrading of the sewerage system in Waimea Road and Vanguard Street), and  
no lot shall be serviced by a vehicle access onto Waimea Road, either directly, or indirectly via land outside Schedule H.

The contribution towards the sewer in a) ii) above shall replace in all respects any financial contribution towards the sewer system of the type contemplated in FC2.7.i e). Where a) i and ii are complied with, no further financial contribution for extension or upgrade of the sewer system may be levied under FC2.7.

#### H.3 Discretionary activities

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Activities that contravene general rule H.2 a) are discretionary activities.

Where a consent for any subdivision exceeds the total of 68 allotments as specified in H.2 a) i), then the lots in excess of 68 will be subject to the normal subdivision rules, including the Financial Contribution provisions of Chapter 6 and including FC2.7.i e).

#### H.4 Assessment criteria

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- a) Where the number of lots exceeds 68, the capacity of the sewerage system to accommodate the additional lots and the likely uses of those allotments.
- b) Where the number of lots exceeds 68, and extension or upgrade of public sewers are required, the proportion of that cost attributable to the subdivider.
- c) The ability of any traffic to safely access and egress Waimea Road, without adverse effects on the safe and efficient operation of that road.

#### H.5 Explanation

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In the 1980s an overall scheme plan was lodged by Bishopdale Developments Limited for a proposed 201 lot subdivision on the western side of Market Road. The Council assessed that a further 16.95 litres/second would be discharged into the sewerage system from this development. This increase in flow necessitated the upgrading of all lines unable to take this new flow.

In 1986 a contract was let for this work which amounted to \$154, 214.76. The contribution attributable to Bishopdale Developments was assessed at \$69,750. This contribution was progressively recovered as new lots were developed. At the time this Plan was written 133 allotments had been created, leaving 68 lots in the company's entitlement (subject to it paying the remainder of its contribution).

This schedule is essentially a 'saving' or 'grandparenting' provision to carry over those arrangements. It provides for the remaining lots to be developed as per the earlier agreement. For the Council it ensures that not more than the agreed number of lots are created, consistent with the contribution assessed towards the sewer upgrade. For the land developer, it allows for development of the land to proceed without being subject to the Services Overlay which in other circumstances would apply to the land. The developer avoids the risk of being required to 'double pay' for the sewer upgrade (i.e. being required to also contribute to the upgrade under FC2.7), or even of having the subdivision declined.

A restriction is put on vehicle access onto and from Waimea Road because of safety considerations, to ensure vehicular access to the land is provided via Bishopdale Avenue.

# Schedule Residential Zone

## Sch.I Marsden Valley

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### I.1 Application of the Schedule

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This Schedule applies to the area shown as Sch.I on Planning Maps 28, 31, 34, 54 and 55 within Marsden Valley; generally bounded to the south by Schedule U 'Marsden Plateau Landscape Area' and Schedule V 'Marsden Hills', east by the Rural Zone, north by the Marsden Valley / Enner Glynn Valley ridge and west by the existing Residential Zone boundary.

The purpose of this Schedule is to ensure that subdivision and development proceeds in general accordance with the Structure Plan accompanying this Schedule (see Figure 1 of this Schedule) and to incorporate specific rules in addition to the standard Plan rules. Schedule I is referred to under rules REr.106, REr.107, RUR.77, RUR.78, SCR.69B and SCR.71, as it relates to subdivision rules and assessment criteria within the Residential, Rural and Suburban Commercial Zones, and with associated policy and explanation in Volumes 1 and 2 of the Plan.

All activities provided for in the Residential Zone, Suburban Commercial Zone, Open Space and Recreation Zone, and Rural Zone Rule tables as permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited activities, and supporting Objectives and Policies shall apply to their respective zones in the Schedule I area, except if subject to variations set out in this Schedule and Schedule I Structure Plan Figure 1.

### I.2 General Rules

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- a) Subdivision design shall generally accord with the Structure Plan contained in Schedule I Figure 1 except for the indicative educational facility which need not be developed to ensure any proposal generally accords with the Structure Plan.
- b) No buildings are permitted within 'greenspace' areas, or Biodiversity Corridors (see Meanings of Words, Chapter Two) as indicatively shown on Schedule I Structure Plan Figure 1.
- c) Biodiversity Corridor locations shall generally accord with that shown on the Structure Plan contained in Schedule I Figure 1. Biodiversity Corridors (see definition Chapter 2, Meaning of Words) shall consist of:
  - i) existing native and/or exotic vegetation, or
  - ii) predominantly eco-sourced native vegetation indigenous to the area and ecosystem type as proposed in a planting and maintenance plan forming part of any application for subdivision consent, or
  - iii) predominantly eco-sourced native vegetation indigenous to the area and ecosystem type to be planted to replace any existing vegetation removed from within the corridor;

except that:

- iv) the formation and maintenance of walkways, cycleways, and the construction and maintenance of utility service lines and their structures are permitted within the Biodiversity Corridor provided they cross the corridor more or less at right angles, and
- v) the formation and maintenance of walkways and cycleways may also run along the corridor provided a corresponding increase in width is provided, and

- vi) the formation and maintenance of roads and required property accesses, where there is no practicable alternative, may transect any Biodiversity Corridor provided that they cross the corridor more or less at right angles, and
- vii) in the case of ii) and iii), exotic vegetation may be used as a nursery crop for the purpose of assisting with the establishment of the native vegetation referred to.
- d) The existing tree groups (1-5) shown on Schedule I Structure Plan Figure 1, and not included in Appendix 2 of the Plan, shall be retained. Protection of the tree groups by way of consent notice, QEII covenant, or other such mechanism which is registered on the title of the land on which the trees are located shall be established at, or before, the time of issue of new property titles subsequent to the grant of subdivision consent. Tree group 4 shall include allowance for a road formation to pass through provided vegetation removal is kept to a minimum.

Note: Tree group 1 area also contains individual trees separately protected through other provisions of the Plan, the Tree grouping identifier protects other vegetation within this defined area. The location of tree groupings are exact, i.e. not indicative.

- e) Buildings are permitted up to, but not within, the 5m building setback (setback is the area within 5m of the Marsden Valley Road Reserve legal boundary (north east side) as at 1 October 2009) until such a time as this road reserve boundary is moved north eastward. After this movement occurs rule REr.25 'Front Yards' shall apply. In both cases this applies for the frontage length as shown in Schedule I, Structure Plan Figure 1. Vehicle crossings in this setback are to have a minimum separation distance of 40m.
- f) For the Marsden Valley Suburban Commercial Zone SCr.39.1 b) shall be replaced by 'Any activity located more than 50m from the Residential Zone boundary, which involves the sale of liquor for consumption on the premises may be open for the sale of liquor only during the following hours: daily 7am to 1am the following day, Monday to Saturday, and 7am to 11pm on Sundays.'
- g) The following activities are not permitted activities in the Marsden Valley Suburban Commercial Zone: motor vehicle sales, service, and storage; industrial activities; warehouses; and building and landscape supply activities (including outdoor storage).

### **I.2.1 Restricted Discretionary Activities**

- h) Buildings and structures located in the Marsden Valley Suburban Commercial Zone which exceed 8m in height but are less than 12m in height are a Restricted Discretionary Activity.

Discretion restricted to:

- i) design, scale and appearance in relation to building height and external walls.
- ii) visual, shading and dominance effects on adjacent zones
- iii) visual, shading and dominance effects on publicly accessible open space within the Suburban Commercial Zone
- iv) contribution to achieving the overall design principles of the Marsden Valley Suburban Commercial Zone (see Clause I.5)

Resource consent applications for Restricted Discretionary Activities under Sch.I.2 h) will not be notified or limited notified.

## **I.3 Activity Status**

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### **I.3.1 Discretionary Activities**

Any activity which does not meet one or more of the performance standards in Schedule I.2 a-g) 'General Rules', or is a building or structure over 12m in height in the case of I.2 h), is a Discretionary activity.

Any activity in the scheduled area will be assessed under the relevant rules as they apply to the zone and overlays in which the activity is located, with the most stringent activity status being applicable to the application.

In determining whether to refuse consent, or grant consent subject to conditions, the consent authority will have regard to relevant assessment criteria listed in I.4.

### **I.3.2 Subdivision**

The general rules set out in I.2 shall apply to subdivision proposals. The relevant provisions of the Plan's Residential, Rural, Open Space and Recreation, and Suburban Commercial Zone rule tables shall also apply individually to land within those zones. A subdivision application will take on the most stringent activity status as determined by the relevant rules triggered, whether they are from this Schedule or the relevant zone rule table.

Relevant assessment criteria listed in I.4 apply to all subdivision applications within the scheduled area.

### **I.4 Assessment Criteria**

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These assessment criteria relate to issues specific to the Schedule I area. All other relevant assessment criteria of zone rules triggered are also to be considered.

- i) The extent to which any proposal and / or development is in general accordance with Schedule I and with the associated Structure Plan (Schedule I Figure 1).
- ii) Mitigation of the actual or potential effects of activities or subdivision design on landscape values.
- iii) Integration and compatibility with adjoining activities.
- iv) Opportunities to mitigate any cross-boundary effects.
- v) The method/s of ongoing retention and protection of identified vegetation within the scheduled area.
- vi) Where practicable the incorporation of a network of walking and cycling links between roads, and from roads to open spaces (reserves, 'greenspace' or Biodiversity Corridors).
- vii) Ability to cluster development to mitigate visual amenity in the Rural - Higher Density Small Holdings Zone.
- viii) The required width of Biodiversity Corridors.
- ix) The proposed ownership, maintenance and management regime for Biodiversity Corridors and 'greenspace' areas, and the effect different alternatives have on subdivision layout and design, and on the values of those spaces.
- x) Any likely presence of, and disturbance to, any archaeological sites.
- xi) Compliance with the relevant local and national legislation in relation to existing high voltage transmission lines.
- xii) An activity type, building and/or outdoor space design, or subdivision design's contribution to achieving the relevant overall design principles of the Marsden Valley Suburban Commercial Zone. (Clause I.5)
- xiii) Use of design techniques to add interest to external walls of buildings facing onto public space or residentially zoned land.
- xiv) Any assessment criteria for other relevant rules triggered by a proposal, or referred to in this schedule under cross-reference to the appropriate Zone rule table also apply.

### **I.5 Marsden Valley Suburban Commercial Zone Overall Design Principles**

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The following key design principles seek to provide for a vibrant Marsden Valley Suburban Commercial Zone which results in a quality urban environment:

- i) Proximity of different activities which enables a degree of walkability.
- ii) Public spaces that are active and provide for a variety of users, are pedestrian friendly in scale and amenity, and easy to get around and through.
- iii) Design and finish of buildings and structures that create a sense of distinctiveness and cohesiveness through the use of height, roof forms, layout and circulation.
- iv) Active frontages and avoidance of visible blank walls.
- v) Safe and comfortable outdoor environments through people presence and "eyes on the street".

- vi) Adaptable and flexible building configuration, layout and dimensions to enable use and reuse for a variety of different activities.
- vii) Living environments which have good access to sun, pleasant outlooks, and are appropriate to the location.
- viii) Mixed use commercial, employment and living environments which have easily accessed facilities.
- ix) Activities which promote a quality urban environment with a focus on meeting basic commercial and social needs of the nearby residents but also allowing for appropriate commercial and employment uses serving people from a wider catchment.
- x) Building and open space design, layout and orientation which responds well to, and integrates with, adjacent zones and uses.
- xi) Building and open space design, layout and orientation which relates to and integrates with Poorman Valley Stream and the protected woodland (W2) to the north.
- xii) Provision of an area of publicly accessible open space central to the Marsden Valley Suburban Commercial Centre which is of a type, size and design which provides a community focal point and amenity appropriate to development and uses which will occur within the Centre.

## **1.6 Explanation**

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The Nelson Urban Growth Strategy 2006 (NUGS) identified the Stoke Foothills, including Marsden Valley, as suitable for accommodating some of the future residential growth of Nelson. This Schedule and Structure Plan are to ensure residential development can be achieved to give effect to the direction provided by NUGS, while respecting landforms and recognised specific landscape features of the valley. It will allow for an integrated and planned system of walkways, roading and servicing across multiple properties.

Marsden Valley has been identified as having important land forms and landscape features which require consideration and protection when planning development in the area. Of importance from a landscape perspective are the prominent slope at the head of Marsden Valley and along the slopes of Jenkins Hill, and the upper ridgeline and shoulder slopes separating Marsden and Enner Glynn Valley's.

Established trees along the Marsden Valley Road frontage contribute to the Valley's character and also to the attractive amenity, a 5m wide landscape strip is required along the north-east frontage with Marsden Valley Road to retain some of this character. Some of the existing vegetation (for example, the stand of kanuka identified as a Landscape Woodland) is seen as important in helping define the overall landscape of Marsden Valley and for softening built development, and have been retained.

Esplanade reserves, Biodiversity Corridors, parks and 'greenspace' areas all provide opportunity to retain and enhance vegetation in the Schedule I area. Biodiversity Corridors and 'greenspace' are shown in indicative locations on the Structure Plan. These serve to provide corridors for biodiversity to occupy and travel through, ultimately creating a network which allows passage from one area of habitat to another. The 'greenspace' areas are often located in conjunction with the Biodiversity Corridors and can achieve the same end result but their primary purpose is to offset the Residential Zoning and ensure an open space, or vegetated network is created which is integral to the community in this area.

The Marsden Valley community will be strengthened by an area of Suburban Commercial zoning. It is intended that this area will provide the commercial and social hub for residents in the valley and surrounding area while also allowing for residential development within the Suburban Commercial Zone. In regard to the provision of open space it is expected the Suburban Commercial Zone will consist of a mix of retail, commercial and residential activity which will be best served by a generally paved space such as a privately owned, but publicly accessible village square. If the Suburban Commercial Zone is however primarily residential in character then a larger predominantly green space will better provide the recreational and visual amenity that is appropriate and necessary for such development. The importance of this publicly accessible open space area is expressed through objectives and policies of the Suburban

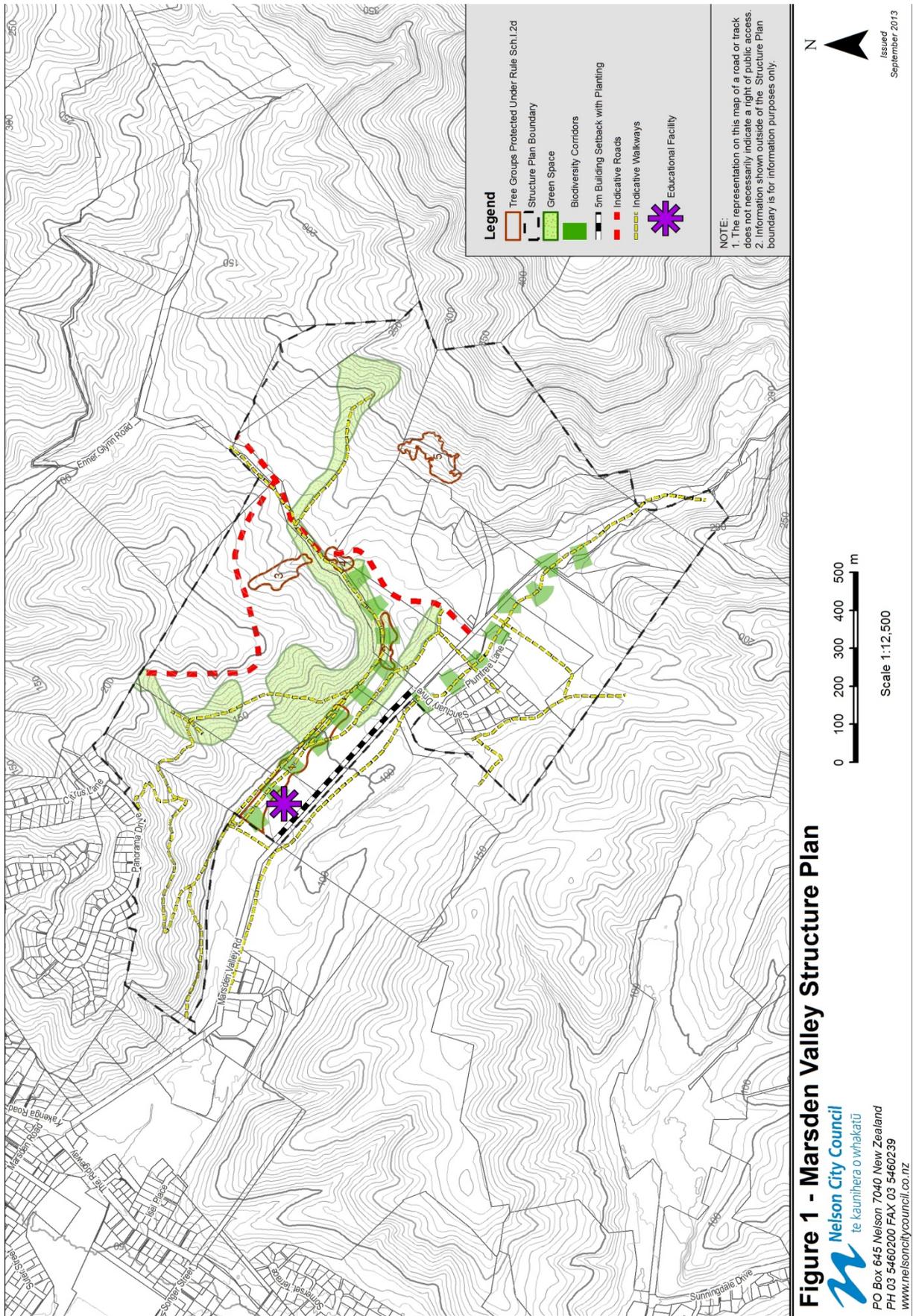
Commercial Zone. Higher Density Residential Zoning is provided in support of the commercial zoning. This provides a housing choice within the valley (and the wider Nelson area) allowing for increased flexibility in living styles and the opportunity to live and work in the same area. In addition, the Suburban Commercial Zone will provide an important destination and meeting point for visitors to the Valley as well as recreational users who use Marsden Valley to access important recreational areas.

In order to avoid activities which are incompatible with the Marsden Valley Suburban Commercial Zone, certain inappropriate activities are not permitted, along with earlier closing times for selling liquor for on-site consumption. These controls will enhance the compatibility of activities both within the zone and within adjacent zones. The controls will also aid in achieving the objective for the Suburban Commercial Zone of creating a quality urban environment.

The particular allowance for buildings up to 12m height in the Marsden Valley Suburban Commercial Zone provides greater flexibility in design and roof forms. It also promotes building adaptability and future re-use by allowing higher ceilings for a wider range of uses over time (residential and commercial). Control over the appearance, location, impact on neighbouring zones and effect on the urban environment is retained by Council through the requirement for a restricted discretionary activity resource consent for buildings between 8 and 12m in height. Any building over 12m in height would be considered as a discretionary activity.

An indicative education facility is shown on the Structure Plan to signal that this is considered to be an activity which could help to create a viable community in Marsden Valley. The amenities of any educational facility could potentially be a shared resource for use by the community. No specific rules relate to the site and any application for an educational facility requires a resource consent for a non-residential activity.

The Rural Zone - Higher Density Rural Small Holdings Area included in the Schedule I area, covers two areas of land of low productive value, but which retain landscape, open space and amenity characteristics. A higher density of development than the standard Rural Zone is provided for in recognition of the limits on productive use and to provide consistency with zoning on the foothills of the Barnicoat Range.



## Sch.U Marsden Plateau Landscape Area

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### U.1 Application of the schedule

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This schedule applies to the area shown as Schedule U on Planning Maps 30 and 31 between the Marsden and Ngawhatu Valleys. The Schedule relates to the activities of subdivision, earthworks and building under rules REr.23, REr.61 and REr.106 and to Figures 1 and 2 and contains a description of the outcomes and assessment criteria for the development of the Marsden Valley Plateau Landscape Area. All buildings are a Controlled Activity, and all subdivision and associated earthworks are a Restricted Discretionary Activity in terms of the design, layout and appearance of the subdivision, earthworks and subsequent development.

The Marsden Plateau is an important area to Nelson because it covers an area of high visual appeal and combined with the Barnicoat Ranges forms part of the backdrop to the city, when viewed from various public spaces, in particular Stoke, Monaco and the Airport. The area is also recognised as providing an urban resource in terms of its ability to accommodate future growth from Nelson City. There is an expectation and desire for the area to accommodate some urban development so long as the special landscape values of the area are afforded suitable consideration and design response. Figures 1 and 2 of Schedule U are spatial tools used to direct development to appropriate parts of the Plateau. Although the Plateau has an underlying Residential Zone, development is restricted to the development areas shown in Figure 2. These areas act as default sub-zonings and have the same minimum lot standards as the zonings of the same description. This combined with design tools (provided as rules and assessment criteria) form an enabling framework to accommodate well designed future urban growth within the Marsden Plateau in a manner that ensures the landscape values are respected and retained within any development.

Because of the area's visual significance, the overall subdivision and development of the north and northwest face of the Marsden Foothill and the plateau fronting the city have been made a Restricted Discretionary Activity to ensure the existing landscape values are maintained. The future urban development of the Marsden Plateau needs to demonstrate that this can occur while maintaining a relatively open and undeveloped appearing landform to offset those developed parts thereby contributing to the larger backdrop to Stoke and the City. This is to be achieved in part by restricting the spatial location of development in relation to open space (refer Figure 2), and through subsequent controls on subdivision, earthworks and building design. Figure 2 provides for 25% built area to a 75% open space area of the Marsden Plateau as a means of achieving a balance between medium to low density development of the plateau offset by open space to retain the landscape values associated with the Plateau Area.

Applicants are required to demonstrate an understanding of the existing attributes of the development site and its place within the context of the landscape and the wider city, and take this into account in planning and design. A development approach is required that ensures a considered connection with the wider settlement of Stoke and the significance of the site in terms of landscape values. The desired result is the creation of a level of urban development that has an attractive visual character both internally and externally, is responsive to the environmental features of the site (topography, drainage, vegetation), and to a multitude of future user needs. The intention of the rules, assessment criteria and design standards in Schedule U is to create a well designed residential area but only where the landscape significance of the site from adjoining north to north west suburbs of Stoke plains/Monaco/Airport area are integrated with the overall design. This is sought to be achieved through locating development on the edge of a vegetated foreground that follows the natural landform, thereby providing a context or structure for the location of development which 'fits' or is 'responsive to' the landscape, sited within the backdrop context provided by the Barnicoat Ranges.

To achieve such integrated planning and design for the Marsden Plateau Landscape Area, an Applicant must provide Council with a master plan (or total development plan) of the area when seeking resource consent. Subdivision and development of the site can be staged, however the total framework of subdivision, development, building sites and open space and associated linkages must be assessed in terms of the design criteria before any staged application for consents can be provided. Such a master plan must also address the vesting of open space, its development and associated pedestrian/cycle linkages in relation to the stages sought for the development. The ratio of reserve/open space or public facilities to be vested as part of each stage shall be representative of the ratio of sections within that stage, and the practical alignment of boundaries of reserves and open space areas, and the consent term which each staged consent has been provided.

## **U.2 Information requirements**

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All applications for subdivision and land use consents shall be accompanied by a Design Statement from a suitably qualified person reflective of the nature and scale of the development proposed. The Design Statement shall demonstrate how each relevant assessment criteria in section U.8 within Schedule U has been responded to, or where criteria are unable to be accommodated within a specific design how an alternative design tool has been adopted to produce a positive urban design outcome in keeping with the overall landscape and visual protection sought for the Marsden Plateau Landscape Area. The Design Statement shall include, but is not limited to, the following information:

- a) The opportunities and constraints for development of this area are identified in Figure 1 and demonstration that these have been acknowledged in any application for subdivision or land use consents is required.
- b) Subdivision of the Marsden Plateau Landscape Area is provided for as a Restricted Discretionary Activity in the area identified by Figure 2. The ability for the landscape to absorb this level of development is based on the preservation of open space in the foreground as shown on Figure 2. Preservation of open space as a backdrop to the development is achieved through Council ownership of the Barnicoat Range beyond (to the east) to the skyline. In recognition of this approach, all subdivision applications shall be accompanied by a Landscape Assessment and Planting Plan demonstrating how the open space area is to be used to mitigate potential adverse visual effects of development in terms of preserving open space and a green network that contributes to the Barnicoat Ranges green backdrop, and provides for neighbourhood amenity, connectivity and utilisation and enhancement of ecosystem services within the development.
- c) One public lookout and associated supporting infrastructure (access, car parking, walking track) shall be provided for as part of any open space to be vested in Council and credited against reserve fund requirements.
- d) All subdivision, development and subsequent building shall be supported by a Landscape Assessment (prepared by a qualified landscape architect) relative to the nature and scale of the proposed activity, that assesses the landscape values of the site (including those identified in Schedule U and those sought to be achieved by the open space landscape assessment, refer b) above, and any previous subdivision or master plan), and the potential adverse landscape effects of the proposal, and provides an appropriate design response, along with methods to avoid, remedy or mitigate those visual effects.
- e) Details on servicing infrastructure, integration with ecosystem services, pedestrian/cycle linkages and their relationships with Stoke commercial area, staging and any other management requirements required to ensure successful implementation of the development.
- f) Ongoing control is sought in terms of the built environment following subdivision and development of the area. Subdivision and development must necessarily give consideration to future dwelling locations, relationships with open space and adjoining sites, to the overall visual appearance of the development as a whole, and methods and tools to be imposed to ensure the development philosophy outlives the subdivision. Where the application is for land use consent for a single dwelling, the Design Statement shall take into account those matters in U.8.5 and shall include

recommended conditions (consent notices, dwelling design restrictions) to ensure the design philosophy is fulfilled on an ongoing basis by all future owners.

- g) Where the land management overlay applies a geotechnical report is required to support the application.
- h) Wherever possible all consents required to give effect to the development shall be sought in conjunction with one another.
- i) Demonstrate how all earthworks, buildings, structures and fences proposed to be located within 20 metres of the high voltage transmission lines traversing the Open Space Areas comply with the minimum safe separation distances outlined in the New Zealand Electrical Code of Practice (NZECP) 34:2001.

### **U.3 Permitted activities**

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Unless otherwise described within this Schedule, the permitted activities and building standards - e.g. height, yard requirements, coverage, daylight controls - shall be as set out in the Residential Zone Chapter 7 for the Medium and Low Density Residential Areas in Figure 2, and as set out in the Rural Zone Chapter 12 for the Low Density Small Holdings Area in Figure 2, and as set out in the Open Space Zone Chapter 11 for the Open Space Areas in Figure 2.

#### **U.3.1 Earthworks**

Earthworks within the Residential and Open Space Areas of the Marsden Plateau Landscape Area shown in Figure 2 are a permitted activity provided they comply with the following conditions:

- The ground level is not to be altered by more than 2.5m measured vertically.
- The total area of ground disturbance is less than 250m<sup>2</sup>.
- The excavation or fill area is to be retained or covered as soon as practicable by a building (other than a stand alone retaining structure) authorised by a building consent.
- The earthworks do not take place within the land management overlay or the fault hazard overlay.
- Earthworks are not undertaken on slopes of more than 45 degrees.
- No earthworks are carried out within 5m of a waterbody.
- That no contamination, including siltation, of any waterbody occurs.
- Earthworks comply with the NZECP 34:2001.

Earthworks that do not meet the conditions for a permitted activity are Restricted Discretionary Activities.

#### **U.3.2 Vegetation removal**

The damage, destruction or removal (modification) of any vegetation within the open space area of the Marsden Plateau Landscape Area as shown on Figure 2 is permitted provided the modification is limited to:

- Vegetation that has been determined a noxious weed or pest by Nelson City Council.
- The removal of broken branches, deadwood or diseased vegetation.
- The removal of branches which are interfering or overhanging buildings.
- The removal of branches that are necessary to maintain access across existing farm tracks.
- Modification by any network utility operator to ensure the safety and integrity of the network utility or to maintain access to the network utility.

Vegetation removal in the open space area that does not meet the conditions for a permitted activity is a Discretionary Activity.

### **U.4 Controlled activities**

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The following are controlled activities in the Marsden Plateau Landscape Area. Resource consent applications will be considered without notification or the service of notice, and without obtaining written approval of affected persons under Section 94 of the Act. Conditions may be imposed relating to the matters over which Council has restricted its control.

#### **U.4.1**

##### **Buildings**

The erection of a building, or any alteration or addition to any building, on any lot within Residential Areas of the Marsden Plateau Landscape Area that complies with the following standards and terms is a Controlled Activity.

- i) Development of residential sites located in the Marsden Plateau medium and low density residential area identified on Figure 2 including compliance with the minimum net area site size per residential unit.
- ii) All applications shall be supported by a design statement that addresses the relationship between proposed buildings and the underlying subdivision design intent created through Schedule U, the relationship of the buildings to adjoining sites, public spaces (including road frontage and access lanes) and in terms of maximising surveillance of open space areas.
- iii) All buildings shall comply with the permitted activity standards in the Residential Rules table unless otherwise provided for by Schedule U or by condition or consent notice provided as part of any subdivision consent issued under Schedule U where buildings were specifically assessed as part of the subdivisions landscape assessment.
- iv) All applications for land use consent for buildings shall be supported by a landscape assessment that addresses the visual effects of the building when viewed from various public spaces, in particular parts of Stoke, Monaco and the Airport in accordance with the information requirements in U.2, any buildings on adjoining sites, and the overall design concept intended by the layout of the subdivision which created the site, and any conditions or consent notices imposed on the site as a result of the subdivision.

In determining the conditions to be imposed, Council will have regard to the following matters over which it has retained its control as listed below and the assessment criteria in U.8.5.

- Relationship of the building design and site layout to the subdivision design and layout including servicing and roading.
- Relationship to public and open space areas.
- Visual appearance of the building including materials, colour and built form from within the development, and externally from public places, in particular parts of Stoke, Monaco and the Airport.

#### **U.5**

##### **Restricted discretionary activities**

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The following are Restricted Discretionary Activities in the Marsden Plateau Landscape Area for which consent may be refused or granted subject to conditions. Grounds for refusal and conditions are restricted to those matters specified in assessment criteria J8.

#### **U.5.1**

##### **Subdivision**

Any subdivision within the Marsden Plateau Landscape Area that complies with the following standards and terms is a Restricted Discretionary Activity.

- i) Subdivision to create residential sites in the Marsden Plateau is limited to the residential areas (medium to low density) identified on Figure 2 provided it complies with the minimum lot size (refer to lot size explanation in section U.10) and Table 1 Rooding Standards.
- ii) Subdivision to create Low Density Small Holdings sites located on the Marsden Plateau is limited to the Low Density Small Holdings Areas identified on Figure 2 provided it complies with the minimum lot size (refer to lot size explanation in section U.10).
- iii) The primary roading pattern is generally in accordance with that shown in Figure 2.
- iv) Pedestrian and where practical, cycle linkages are included in any proposal generally in accordance with those shown on Figure 2.
- v) The proposal is accompanied by a landscape assessment that addresses the visual effects of the proposal and subsequent development when viewed from various public spaces, in particular parts of Stoke, Monaco and the Airport in accordance with the information requirements in U.2.

vi) The proposal is either accompanied by a master plan which shows the proposed subdivision layout and design of the whole of the Marsden Plateau Landscape Area for which a staged consent is sought, or comprises an application for a stage of an already approved master plan.

The matters over which Council has restricted its discretion are as follows:

- Layout and design.
- Provision of walkways and where practical, cycle links.
- Servicing and roading patterns.
- Open Space and landscaping.
- Relationship to future dwellings/land use.
- Geotechnical issues.

In determining whether to grant consent, and what conditions to impose, Council will have regard to assessment criteria in U.8.

## U.5.2

### **Earthworks**

Any earthworks within the Residential or Open Space Areas of the Marsden Plateau Landscape Area shown on Figure 2 that do not comply with the permitted activity standards are a Restricted Discretionary Activity.

The matters over which Council has restricted its discretion are as follows:

- Visual effects.
- Extent of compliance with the New Zealand Electrical Code of Practice (NZECP)34:2001.
- Any adverse effects on the stability of high voltage transmission line support structures.
- Stability, geotechnical and hazard effects particularly in the land management overlay.
- The minimisation of earthworks achieved through design and layout being responsive to the site.
- The need for the quantity of earthworks to support infrastructure, roading or future urban development.
- The extent of disturbance to natural drainage patterns.
- Sediment control.
- Extent of resultant hard surfaces.
- Staging of earthworks and relationship to the master plan of any subdivision proposal.

In determining whether to grant consent, and what conditions to impose, Council will have regard to the assessment criteria in U.8.

## U.6

### **Discretionary activities**

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The following are Discretionary Activities for which consent may be refused or granted subject to conditions. In determining whether to grant consent, and what conditions to impose, Council will have regard to the assessment criteria in U.8.

The application for buildings and vegetation removal that do not comply with the permitted or controlled activity standards will be assessed as Discretionary Activities. This will enable the full effects of the proposal to be considered with public involvement where appropriate.

### U.6.1

#### **Buildings**

a) Any buildings within the Residential Areas of the Marsden Plateau Landscape Area shown on Figure 2 that do not comply with the controlled activity standards are a Discretionary Activity.

b) Any buildings within the Open Space/Reserve Area shown on Figure 2 are a Discretionary Activity.

## **U.6.2 Vegetation removal**

The damage, destruction or removal (modification) of any vegetation located within the open space area within the Marsden Plateau Landscape Area shown on Figure 2 that does not comply with the permitted activity standards is a Discretionary Activity.

## **U.7 Non-complying activities**

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- i) Any other activity in the Marsden Plateau Landscape Area not listed as permitted, controlled or discretionary is a non-complying activity.
- ii) Applications for subdivision and earthworks that do not comply with the Restricted Discretionary Activity standards will be assessed as Non-Complying Activities.

## **U.8 Assessment criteria**

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In making a decision whether to grant consent, and impose conditions, the following assessment criteria are relevant.

### **U.8.1 Subdivision layout**

- i) The extent to which the proposal acknowledges and complies with the concept in Figures 1 and 2 and promotes the protection of the special landscape values of the site.
- ii) The ability of the design to achieve an urban form that works in harmony with the natural environment patterns that exist in the Marsden Plateau Landscape Area. The proposed design shall be responsive to existing significant vegetation, landform features and patterns, and site constraints.
- iii) The extent to which the street system maximises connectivity and permeability in order to promote convenience, social interaction, and to enhance user safety in the street and security of property. Refer also to connectivity criteria in U.8.3, U.8.6 and U.8.7.
- iv) The ability for the design to provide rear or side access lanes to provide garage access away from the road front, reduce use of rights of way, and possibly to assist with future redevelopment opportunities.
- v) The extent to which each allotment has road frontage. Right of ways should be limited and only be used to reach pockets of land that are inaccessible by road, and would require streams to be piped, vegetation cleared, or the topography is too steep to facilitate a road or where numbers of dwellings to be accommodated off the access do not justify a road.
- vi) The ability of the design, orientation and layout to contribute to energy efficiency of the development.
- vii) The degree of variation in the lot density within the Schedule U site.
- viii) The degree of compliance with Appendices 10, 11, 12 and the matters in section 4 of the NCC Land Development Manual 2010 except where specific alternatives are provided to address environmental and landscape values of the site and assessment criteria in this schedule, through design.
- ix) The degree to which the subdivision facilitates good urban design for resultant site development.
- x) The actual of potential effects of the activity on the special landscape values of the Marsden Plateau as the backdrop to the City, especially when viewed from public spaces and Stoke, Monaco and the Airport.
- xi) The relationship of design to future adjoining urban development, open space linkages, and its ability to integrate and promote efficiency.
- xii) Financial contributions.
- xiii) Any assessment criteria for other relevant rules in the Residential Zone rules tables or in Schedule U.8.2 to U.8.8.

## **U.8.2 Services overlay**

- i) The ability for the site to integrate with the City's services infrastructure, and future urban expansion, in a sustainable manner that avoids, remedies or mitigates any risks to human health, or the environment, natural hazards, or adjoining properties.
- ii) The extent of the use of low impact stormwater methods.
- iii) The extent to which stormwater runoff is reduced by limiting permeable surfaces and including permeable road and parking surfaces where possible.
- iv) The degree to which the design provides for the improvement in the quality of stormwater before it reaches streams by allowing it to flow through stormwater treatment devices including, but not limited to, grass areas (such as swales, rain gardens) and through constructed wet areas. Note that these devices may also allow for stormwater flow attenuation.
- v) the matters in the NCC Land Development Manual 2010.

## **U.8.3 Road design**

- i) The extent to which the design provides for connectivity of neighbourhoods and the whole site as it is progressively developed. Note: a means of assisting to achieve this is through use of the roading standards for the Marsden Plateau Landscape Area in Table 1 of this schedule.
- ii) The visual effects of roading location and materials. The alignment of roading should follow the contour to be responsive to the site and less obtrusive. Roading materials and colours that reduce visual impact should be considered in the design.
- iii) The extent to which the roading design provides for safe streets which combine the movement of private vehicles, cycles and pedestrians.
- iv) The provision of narrower carriageways where low traffic flows are anticipated, to help slow and calm traffic, but providing enough width for safe and efficient access to adjoining land.
- v) The use of street trees to connect to open space, reduce adverse landscape effects and enhance visual amenity.
- vi) The extent to which the proposed lighting provides for pedestrian purposes without significant adverse visual effects at night when viewed from various public spaces, in particular parts of Stoke, Monaco or the Airport.
- vii) The extent to which devices and systems are put in place to mitigate any adverse effects that may be created by both the quality and quantity of stormwater runoff from road areas.
- viii) The ability of the design to provide for car parking in association with the look out area required as part of the open space development. The car parking can be located within or separate from the carriageway.

## **U.8.4 Earthworks**

- i) The extent to which the design avoids adverse landform modifications which would disturb the natural character of the area or visually sensitive areas.
- ii) The assessment criteria in REr.61 Earthworks.
- iii) The likely presence of and disturbance to any archaeological sites.

## **U.8.5 Building**

- i) Demonstration of how the building is to be integrated visually with the site and its relationship to public open space through responsive architectural design, colour and landscaping. In particular, the ability of landscaping to integrate the building visually especially when viewed from public spaces and Stoke, Monaco, and the Airport.

- ii) The extent to which building height is responsive to the site, its relationship to public open space, adjoining sites, and its visual prominence especially when viewed from public spaces and Stoke, Monaco, and the Airport.
- iii) The degree to which buildings positively address the street and other public spaces by providing good functional relationships to the public realm and providing opportunities for informal surveillance.
- iv) The use of openings that are punctuated within the building design to provide residential character and appearance, and avoid adverse visual effects.
- v) The extent to which the building and site design provides for:
  - a) A positive contribution of the dwelling to the streetscape.
  - b) The avoidance of high fencing in front of dwellings and adjoining public open spaces.
  - c) The location of car parking areas or garages so that they do not dominate the development or road frontage.
- vi) The extent to which building forms and materials have the following features:
  - a) A clear relationship between the roof form, walls and foundations, with varying roof pitch.
  - b) Walls and roofs of all buildings should be finished in colours that are recessive and which blend with the immediate environment taking care not to be visually obtrusive when viewed from public spaces, in particular from Stoke, Monaco or the Airport. The roof colour should be darker than the walls.
- vii) The provision of a stormwater assessment with each dwelling/site design concept that demonstrates how stormwater generation is minimised at the source to integrate with the subdivisions overall stormwater infrastructure and design goals. *Note: this can be achieved by using a range of devices such as collection of roof water for non-potable use, minimisation of permeable surfaces in hard landscaping, reducing the length of driveways, provision of rain gardens etc.*

## **U.8.6 Open space network**

- i) The provision of open space areas in accordance with Figure 2 to offset the development impact of the Marsden Plateau and provide for the protection of the special visual and landscape values of the site so that development can be integrated in a manner that minimises adverse visual effects.
- ii) The proposed ownership, maintenance and management regime for open space areas, and the effect different alternatives have on subdivision layout and design.
- iii) The extent to which the open space provides for the continuity of green networks where waterway and/or gully systems provide opportunities.
- iv) The ability of the design to provide for a public lookout and associated infrastructure (carpark, walk track etc) with views unobstructed by buildings over Stoke, Monaco and out to Tasman Bay.
- v) The extent to which the design of public spaces and streets connect new development into the surrounding context.
- vi) Where subdivision adjoins public open space, the ability of the design to:
  - a) Compliment the character and use of the adjacent open space.
  - b) Front the space by provision of a road along the boundary wherever practical. If no road, then the layout should be designed and controlled so that dwellings front the space and a public footpath shall be provided along that frontage wherever possible.
  - c) Enhance surveillance of the open space.
- vii) The degree to which open space is used to protect ecologically sensitive habitats such as streams and drainage gully systems.
- viii) The extent of use of large areas of open space, gully networks, streams as opportunities to integrate ecological restoration.

ix) The extent to which ecosystem services are to be utilised as part of the development, for stormwater treatment measures, and their relationship to open space network.

x) Financial contributions, including the provision of reserves and any credit for infrastructural works associated with those reserves (e.g. viewing platforms, playground equipment).

### **U.8.7 Pedestrian/recreational linkages**

i) The extent to which pedestrian and cycleway links are provided where roads are not practical to connect to Stoke suburbs and existing open space networks, and to future urban expansion areas (i.e. Ngawhatu and Marsden Valleys).

ii) The consideration of the design of pedestrian and/or cycle links with surface conditions, lighting, signage and visual outlook appropriate to their target level of use (i.e. for able bodied persons, mobility impaired, for general public use or for specific recreational use (tramping, running etc) only) where they are to be used during day and night. Where pedestrian and/or cycle links are to be used during the day only, the design features should discourage night use.

iii) Financial contributions, including the provision of walkway/cycle linkages and any credit for infrastructural works associated with those public resources.

### **U.8.8 Landscaping and planting**

i) The extent of re-vegetation, at an appropriate scale, of the foreground open space area to provide a vegetated backdrop to the City and integration of Marsden Plateau into a setting dominated by landscape context rather than built features.

ii) The proposed mechanisms for ownership, maintenance and management of those vegetated areas.

iii) The proposals ability to:

a) Avoid, remedy or mitigate significant adverse visual effects on the City's backdrop landscape when viewed from public spaces, in particular Stoke, Monaco and the Airport.

b) Utilise planting to assist with the integration of the subdivision and subsequent development of the sites.

c) Preserve view shafts from the development to the west, including between planting and proposed dwellings to ensure residential amenity and outlook is preserved.

d) Present and future compliance with the Electricity (Hazards from Trees) Regulations 2003 around existing high voltage transmission lines.

iv) The degree to which the planting plan includes the use of vegetation native to the Nelson/Marlborough Ecological District, that are suitable for the site conditions, and are of an appropriate scale and form to positively contribute to the valued landscape patterns provided by the Barnicoat Ranges to the rear.

v) The extent to which the subdivision and development provides for the vegetation of gullies to enhance amenity values by emphasising the landform while also improving soil and water quality values.

## **U.9 Explanation**

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The Marsden Plateau zoning in Schedule U of the Nelson Resource Management Plan provides for medium to low density development on the top of the plateau, with landscape protection in the form of an open space area on the bulk of the foothill facing the coast. The visible part of Barnicoat Range located to the rear is owned by Nelson City Council and provides a green backdrop to the City and the Marsden Plateau, and forms the horizon defining Tasman Bay. Subdivision and development is required to be integrated with this landscape context.

Consideration of context requires recognition that the ecosystems and habitats of the natural environment are an important resource. In this situation where they play a

significant landscape role as the backdrop to the City, they should be incorporated into the design of the subdivision to achieve an integration of natural and built environments. For this reason specific rules, assessment criteria and roading standards have been developed to assist with the integration of development with the landscape, and its ability to acknowledge natural systems and to enhance residential amenity. The roading standards in Table 1 can be used for the Marsden Plateau in lieu of those contained in section 4 of the Land Development Manual 2010 as they directly relate to the assessment criteria for development within this Schedule. The proposed roading standards are in Table 1 along with definitions detailing the intended use of each road type.

The major modification of sites and their landform/landscape for subdivision can result in residential areas resembling many other suburbs and lacking in character and individuality. Where there are specific landscape values, as exist on the Marsden Plateau Landscape Area, a design that is responsive to the receiving environment will result in distinctiveness, connectivity to surrounding suburbs, and respect for a landscape. Subdivision should aim to develop a new neighbourhood's identity by connecting it with the underlying landform and ecosystems, which in turn will integrate the subdivision with the landscape protecting those visual values associated with the Marsden Plateau.

## **U.10 Marsden Plateau Structure Plan**

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Figures 1 and 2 in Schedule U illustrate the Site Analysis and subsequent Structure Plan that has been adopted through the careful consideration of the site opportunities and constraints for development. The objective of the Structure Plan is to provide an outline within which subdivision and development can occur in a manner that acknowledges the significance of the Marsden Plateau landscape and will ensure that this landscape is integrated, protected and enhanced.

Figure 1 Site Analysis Plan illustrates the various site opportunities and constraints that any future development proposal will be required to demonstrate consideration of. This is to be evaluated through the assessment criteria in U.5 above. The Site Analysis Plan also provides the reader with a greater understanding of how the Structure Plan in Figure 2 has been created.

The Structure Plan has resulted from the identification and analysis of the many factors of the site that, combined with the assessment criteria, will ensure any resultant subdivision design will conform with natural systems and integrate with the landscape that is valued as part of the backdrop to the City. The Marsden Plateau has visual and landscape values from various vantage points particularly in the Stoke, Monaco and Airport areas, but also provides a gentle slope with minimal stability issues, and generous views of Tasman Bay suitable for high quality residential development. A range of medium to low density development is considered suitable for the plateau but only where it can be offset visually through open space and vegetation to minimise adverse environmental effects, particularly landscape effects.

### **U.10.1 Figure 2: Key and definition of zoning types**

Schedule U provides for a range of densities to be developed on the Marsden Plateau in recognition of the preservation and vegetation of the open space foreground which will integrate the development with the landscape, and enable such densities to make efficient use of a gently sloping land resource without significant adverse effects on the valued green backdrop to the City and views from various public spaces, in particular parts of Stoke, Monaco and the Airport. The densities provided for are those which are considered to be appropriate for the site given the open space area offset, and the assessment criteria within the schedule. It may however be that a higher or lower density, or development form that is different to that of residential dwellings can also be accommodated on the site while retaining the landscape values sought for the backdrop to the City. The ability for such higher or lower density to be accommodated will be dependant upon design, and may also involve a greater or lesser degree of open space. However, for the purpose of Schedule U, the above densities relate specifically to the

Structure Plan in Figure 2 which directs the location of such development within the site.

The density categories below (as used in Figure 2) have specified minimums which trigger associated subdivision rules, however it is anticipated that a range of densities within each Area (Low to Medium Density Residential and Low Density Small Holdings) will be created as it will not be possible to achieve the minimum consistently throughout the Area due to topographical features and the need to comply with various assessment criteria within the Schedule.

Medium Density Residential (minimum 400m<sup>2</sup>)

Low Density Residential (minimum 1000m<sup>2</sup>)

Low Density Small Holdings Area (see Rule RUr.78)

## **U.11 Marsden Plateau roading standards**

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The landscape and visual qualities, combined with the topographical restrictions, size of the development area, the densities intended to be achieved, relationship to open space and the stormwater design considerations have resulted in the following three road types being appropriate to safely and efficiently serve the Marsden Plateau Area, in a manner that is both efficient and environmentally responsive.

### **Major residential road (serving over 20 residential lots)**

Major residential roads are to be vested in Council ownership. Their purpose is to provide both vehicle and pedestrian access between residential clusters linking to the roading network extending from Marsden Valley Road. Carriageway widening on small radius bends and traffic calming measures shall be encouraged and individual lot access minimised to aid in providing a safe and efficient environment for all users including motor vehicles, cyclists and pedestrians.

### **Minor residential road (serving up to 20 residential lots)**

Minor residential roads are to be vested in Council ownership. Their purpose is to distribute vehicle and pedestrian traffic from the major residential roads to residential lanes and individual lots within the residential clusters. It is important to maintain two-way access on these roads whilst keeping vehicle speeds low to minimise the dominance of motor vehicle movements and ensure the safe operation of the road for all users. Carriageway widening on small radius curves and traffic calming measures shall be encouraged.

### **Residential lane (serving up to 20 residential lots)**

Residential lanes are to be vested in Council ownership and are to be connected to either a minor or major residential road at each end. Their main purpose is to provide access to either rear lots or the back of single depth lots with frontages onto major or minor residential roads. A secondary function of the lanes is to provide maximum integration within the public roading network at low design speeds. For these reasons it is considered beneficial to create low speed single lane access with opportunities for vehicles to pass at regular intervals.

Table U.11.1 - Marsden Plateau roading standards

Road Type	Number of users	Minimum reserve width <sup>3</sup>	Carriageway width	Carparking	Footpath	Service berm	Maximum grade	Design speed
Major Road	Over 20 lots	18.00m	Two 2.75m traffic lanes	2.00m wide strip adjoining carriageway across lot frontages <sup>1</sup>	1.40m wide across lot frontages <sup>2</sup>	Two at 1.00m	1 in 7	50km/hr
Minor Road	Up to 20 lots	15.00m	Two 2.50m traffic lanes	2.00m wide strip adjoining carriageway across lot frontages <sup>1</sup>	1.40m wide across lot frontages <sup>2</sup>	Two at 1.00m	1 in 6 over 50m maximum length. 1 in 7 average grade.	30km/hr
Residential Lane <sup>4, 5</sup>	Up to 20 lots	10.00m	One 3.50m traffic lane	2.00 wide strip adjoining one side of the carriageway	1.40m wide along one side of the carriageway	One at 1.00m	1 in 5 over 50m maximum length. 1 in 6 average grade.	15km/hr

<sup>1</sup> Where providing car parking parallel to the road carriageway cannot be achieved due to topographical constraints car parking areas may be clustered at 40m maximum spacings at the rate of 1.5 car parks per lot.

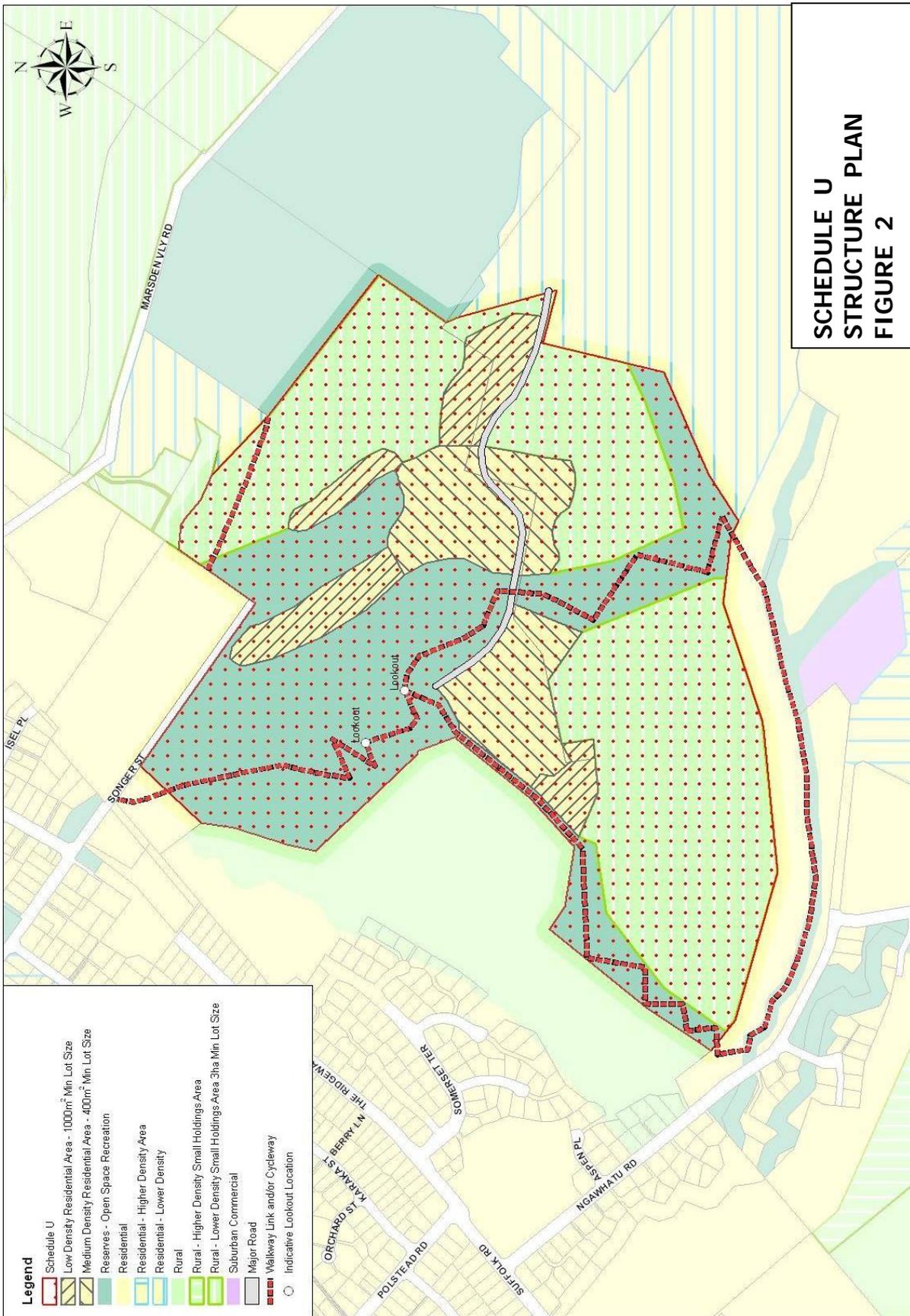
<sup>2</sup> Where there are no residential lots fronting the road way one 1.40m wide footpath is required which may be located outside the road reserve in other Council owned land such as recreation reserves and playground areas.

<sup>3</sup> Road reserve widths shown are minimum widths which are to be increased to contain all devices necessary for all long-term maintenance and operation of the roading network.

<sup>4</sup> Residential lanes are to be connected to either a minor or major residential road at each end.

<sup>5</sup> Individual lot accesses from residential lanes are to be paired up at every second lot boundary to act as passing lanes, except where there is a single access which cannot be paired up.





## Sch.V Marsden Hills

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### V.1 Application of the schedule

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This Schedule applies to the area shown as Schedule V on Planning Maps 31 and 34, on the hills between the Marsden and Ngawhatu Valleys, and inland of the Marsden Plateau Landscape Area (see Schedule U).

The purpose of this Schedule is to ensure that subdivision proceeds in general accordance with the Structure Plan accompanying this Schedule. Schedule V is referred to under Rules REr.106, REr.107, RUr.77 and RUr.78 as it relates to subdivision rules and assessment criteria within the Residential and Rural Small Holdings zones, and with associated policy and explanation in Volumes 1 and 2 of the Plan.

### V.2 General rules

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i) The status of activities and subdivision standards are as set out in the Residential Zone Rule Table (Chapter 7) and Rural Zone (as it applies to the High Density Small Holdings Area) Rule Table (Chapter 12).

ii) Development shall be controlled in accordance with i) above provided that, in respect of subdivision development, infrastructure layout shall generally accord with the Structure Plan within this Schedule.

**Note:** For the purpose of interpretation of Rule V.2.ii, “generally accord” shall mean that the road network layout shall provide for connection, in the general locations shown, between the Marsden Hills and the adjoining development areas within Ngawhatu Valley and on the Marsden Plateau as covered by Schedules E and U. It is not intended that the positions are exact or can be identified by scaling from the Structure Plan. The term “generally accord” is to allow flexibility in the exact location of the connections depending upon detailed analysis of the physical suitability of an alignment, other servicing implications and costing considerations. Compliance with the rule requires that connection is provided for within the general location identified, and not restricted or prevented through the use of “spite strips” or other such methods which could lead to adjoining land within Schedule U becoming landlocked.

“Generally accord” in respect of the positioning of walkways and cycle paths on the Structure Plan shall mean that clear pedestrian or cycle connections are provided between and through residential and open space areas on the Marsden Hills, Marsden Plateau, and in the Ngawhatu Valley. Compliance with the Structure Plan in respect of walkways and cycle paths requires the connections noted to be provided for on each stage of the development. It is the connection that is required, the actual position of the route to achieve connection is flexible as the exact route will reflect detailed analysis of physical suitability, e.g. grade/stability, other servicing considerations and appropriate location in respect of residential development layout.

### V.3 Discretionary activities

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Activities that contravene the general rule V.2.ii) are Discretionary Activities.

## **V.4 Assessment criteria**

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- a) Where connections for roading and walkways or cycle paths are not provided for on subdivision in general accord with the Structure Plan, the alternative access arrangements available to adjoining land shall be assessed with specific regard to the capacity of alternative access options, and the landscape impacts and efficiency of those in realising residential development potential of adjoining land within Schedule U.
- b) The extent of the adverse effect on efficiency and convenience of alternative roading options in terms of increasing travel distance to access the main roading routes through to Marsden Valley Road.
- c) The extent of the adverse effect on the efficiency and convenience of alternatives for walkway and/or cycleway access when walkway connections on the Structure Plan are not provided for.
- d) whether the design provides for integrated roading design via not more than two linkages through to Marsden Valley Road.
- e) landscape analysis of neighbourhood creation and cluster development separated by open space and landscaped areas in subdivision design, within the Higher Density Small Holdings Area, to avoid the appearance of continuous sprawl of development in the more elevated and prominent parts of the site.

## **V.5 Explanation**

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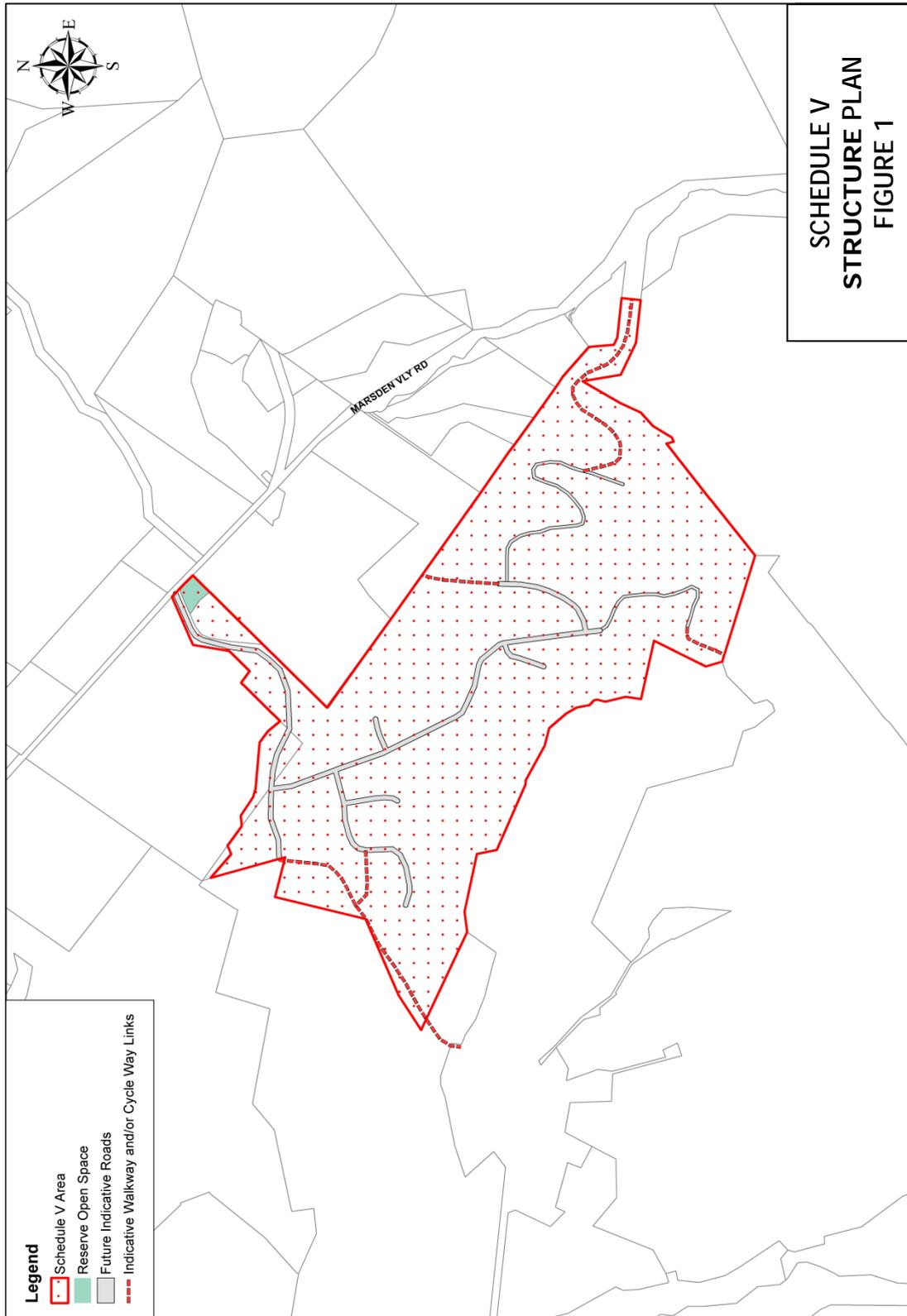
Development in the Marsden Hills is controlled by the zoning and overlay area rules in Chapters 7 and 12 of the Plan. Schedule V in its reference to a Structure Plan provides a further layer of control. The purpose of the Structure Plan is to ensure that, as development of the Marsden Hills progresses, there is integration between stages of development (particularly for road linkage and services through to the more visually sensitive Marsden Plateau Area) and between separate landholdings and land ownerships (including walkway and/or cycleway linkage to Ngawhatu Valley), in respect of key service and access provision to land within and adjoining Schedule V. The general rule requiring subdivision development to accord with the Structure Plan ensures that both the developer and Consent Authority consider the requirement for service and access integration, ensuring that any subdivision layout facilitates, rather than restricts, efficient and sustainable service and access provision through the Marsden Hills and to the Marsden Plateau and Ngawhatu development areas.

The Structure Plan sits alongside the other planning controls which seek to ensure sustainable urban development. These include the services overlay, the fault hazard overlay, and the landscape overlay which, together with the objectives, policies and rules applicable to the various zonings for Marsden Hills, provide an appropriate set of planning controls to achieve efficient and sustainable development within Schedule V.

## **V.6 Anticipated environmental outcomes**

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- i) An area of urban development within the physical and servicing capacity of the location.
- ii) Integration of infrastructure planning within the Marsden Hills, and between that area and the Marsden Plateau and Ngawhatu Valley, to ensure efficient servicing and access for future urban development.
- iii) Provision of road access from the Marsden Hills to the Marsden Plateau, so as to minimise the visual impacts of earthworks and roading on the Plateau when viewed from public spaces, in particular Stoke, Monaco and the Airport.
- iv) A network of pedestrian and cycling corridors to link neighbourhoods and open space areas, and to provide connectivity with the Barnicoat Range.



SCHEDULE V  
STRUCTURE PLAN  
FIGURE 1

# inner city

ICd	Description
ICd.1	The Inner City Zone covers the commercial area of inner Nelson. It extends from Pioneer Park in the west, to include the Polytechnic and the government precinct in Albion Square on the eastern side. The Maitai River and residential areas form a natural boundary to the north, while the Cathedral and residential areas in the vicinity of Nile Street (East and West) define the southern extremity.
ICd.2	See the objective and policies relating to zones in Chapter 5 (district wide objectives and policies). The Plan should always be considered as a whole.  Within the Inner City there are two definable areas.
<b>city centre</b>	
ICd.3	The City Centre is the area within the ring road formed by Collingwood, Halifax, and Rutherford Streets, and Selwyn Place. It also extends to the Maitai River along Trafalgar Street. This recognises the potential that exists to link the City Centre to this under-utilised natural feature, complementing the Church Steps and the Cathedral at the other end of Trafalgar Street. (It is considered that a City Centre zoning for the area bordering the Maitai River will generally result in activities with a higher standard of amenity, and more pedestrian traffic, than if the area were City Fringe.)
ICd.4	The City Centre is the heart of the city and provides a city and regional destination. It contains a concentration of mainly comparison shopping, services such as banks and offices, as well as a growing number of restaurants, cafes and other entertainment activities. All contribute to the City Centre being a commercial, cultural, tourist and recreational focal point to the city.
ICd.5	Past planning provisions have resulted in a compact form which is relatively easily walked from end to end. An important part of the character and functioning of the City Centre has been the progressive development since the 1960s of parking squares. These give vehicle access and parking directly behind the buildings on the main pedestrian streets.
ICd.6	The establishment of the ring road to divert through-traffic from using Bridge, Hardy and Trafalgar Streets, along with traffic calming measures, has reduced traffic volumes and impacts within the City Centre. Direct access from the ring road to the squares has also reduced the need for vehicles to travel down Hardy and Bridge Streets.
ICd.7	Streetscape works, including planting, street furniture and paving, have enhanced the amenity of the area as has the creation of the 1903 park.
ICd.8	Over most of the area, sites are highly developed as past planning provisions have allowed 100% coverage, with the Council providing car parking collectively.
ICd.9	The majority of the buildings within the City Centre are low rise, predominantly two storeys. There are only a handful of buildings in excess of 4 storeys. Many of the buildings date from the Victorian or Edwardian period, and many of these are of historic and architectural significance.

ICd.10 The term City Centre is used rather than “Central Business District” to reflect the multiplicity of functions and the community focus. While it is recognised that retailing is the primary activity in the City Centre, and is likely to remain so, the broader term City Centre better describes the range of functions served by the area.

### **city fringe**

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ICd.11 The City Fringe more or less surrounds the City Centre, on the outer side of the ring road.

ICd.12 Activities in the City Fringe are diverse and include convenience shopping (such as supermarkets), some service industries, large site retailing (such as bulk retail and second hand stores), offices, the Nelson Polytechnic, cultural and recreational facilities, wholesaling, and retailing to commercial users in the City Centre. Businesses tend to be more vehicle oriented. That is, people are more likely to drive to these businesses, and may in fact need to drive to a particular site.

ICd.13 The area has been formed as a result of transition to other activities and past contraction of the retail centre. This had tended to sprawl over a wide area until previous planning controls concentrated retail activity into the City Centre.

ICd.14 The appearance of the area is diverse, and includes substantial Government Service buildings, churches, the Polytechnic, converted dwellings, warehouses and purpose built commercial buildings.

ICd.15 The general appearance of the area tends therefore to be somewhat utilitarian, although landscaping has softened particularly the Government buildings and the Polytechnic. Heavy traffic volumes are experienced around the inner edge of the area. The area is frequently used for free all day parking, which has led to some congestion, particularly around the Polytechnic.

## **objective**

### **IC1 form and access**

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*A compact and convenient pedestrian oriented environment within the City Centre, which is supported and complemented by a more vehicle oriented City Fringe.*

#### **Reasons**

IC1.i The strength and usefulness of the City Centre, as the commercial and cultural focus of the city, relies on the life that people bring to the area. Comparison shopping, and the recreational functions served by the City Centre, are enhanced by a pedestrian orientation. If the City Centre is dispersed, cohesion breaks down and it is no longer convenient for the people using it. This is an adverse effect on people, and the environment that is the City Centre. By providing the opportunity for activities to locate in the Fringe which are unsuited or unable to locate in the City Centre, the quality of the environment in the City Centre can be enhanced, eg. enabling vehicle based activities in the City Fringe reduces potentially adverse effects within the City Centre. A focus on supporting and complementing the City Centre is included to ensure the area enhances rather than weakens the role of the City Centre. The City Fringe is also an important location for activities that may be unsuited to the Industrial Zone or the Suburban Commercial areas. Likewise, the provision for limited large format retailing and complimentary activities on the site defined in Schedule N is in recognition of the appropriateness of that Site to accommodate growth in this retailing sector in an efficient manner that also maintains the strength and vitality of the commercial environment.

## **policy**

### **IC1.1 strength of city centre**

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*Activities should not set up in locations, where singly or together with other activities, they are likely to have a significant adverse effect on the role of the City Centre as the focal point for the City. Within the city fringe, special provision is made for small scale activities in Nile Street West, while limited large format retailing is specifically provided for in the Schedule N (Industrial Zone in Tahunanui).*

#### **Explanation and Reasons**

**IC1.1.i** The policy is concerned with adverse effects of activities on the City Centre. The City Centre is a physical resource in terms of the Act's definition of natural and physical resources. When considered in conjunction with the definition of 'environment' the City Centre is an aspect of the Nelson City community that should be sustained.

**IC1.1.ii** The policy addresses the City Centre as an entity, and does not seek to protect particular existing activities. As noted in ICd.4, the City Centre is the commercial, cultural, tourist and recreational focal point to the city. The policy is concerned with the vitality of the City Centre as a whole. The City Centre is a complex interaction between the physical environment, including heritage buildings, landscaping, parking and traffic control, and the activities that occur within the area.

**IC1.1.iii** Certain activities setting up outside the City Centre can lead to a decline in the role of the Centre as a focal point for a range of purposes. Despite the mosaic of activities that make up the City Centre, retailing is the activity with the greatest potential impact. This is because it is a major attractor of people. Also, retailing can tend to form alternate centres or nodes to the detriment of the City Centre as a whole. This is not usually the case for other activities such as restaurants and cafés.

**IC1.1.iv** The City Centre has had a major investment of public money to support its role as a community focal point e.g. the creation of the parking squares, paving, planting and addition of street furniture, street closures and the development of the ring road system. Any significant decline in the City Centre would also threaten the viability of many heritage buildings which make a significant contribution to the character of Nelson, and the City Centre in particular.

**IC1.1.v** Restricting retailing in the City Fringe area has costs. A total prohibition would not allow businesses the flexibility to locate on sites that best suit their needs. Thus benefits would be lost to retailers and shoppers in terms of convenient vehicle-based shopping, and possibly cheaper prices. Hence, the Plan provides an appropriate opportunity for commercial activities in other complimentary locations.

**IC1.1.vi** These factors, however, must be weighed against the decline in the City Centre that would result if a totally hands-off approach were adopted. Controls have therefore been put in place to regulate the scale and nature of retailing activities with regard to their proximity and relationship to the City Centre from both a functional and locational basis. These controls recognise the growing physical demand for commercial activities, especially the large format retail trends, that may not be able to be met in the City Centre or could only be met at the expense of the present convenient pedestrian orientation of the City Centre. The City Centre is also better adapted to being served by public transport.

**IC1.1.vii** The policy focuses on activities that might adversely affect the City Centre, rather than total prohibition. It provides for retailing and other activities outside the City Centre so long as they do not adversely affect the Centre. Thus the methods that implement the policy allow as of right retailing in the City Fringe and as a controlled activity within schedule N in the Industrial Zone in Tahunanui that can be defined as having minor effects, or indeed that would be unsuited to a City Centre location. Finally, other retailing is considered as a discretionary activity on a case by case basis. This allows an effects based assessment of any possible adverse effects. This multi-pronged approach aims to capture the benefits of a more flexible approach, while maintaining the overall objective of a strong and vibrant City Centre, while enabling the community to meet its need for land for growth in the retailing sector.

IC1.1. viii Special provision has been made for Nile Street West, recognising the presence of the Rutherford Hotel and the high tourist foot traffic that this generates.

#### Methods

IC1.1.ix Continue to enhance the desirability of the City Centre as a place for people to visit and businesses to locate in eg. physical works to enhance the attractiveness of the City Centre (paving, planting etc), maintain and improve access to the City Centre and parking within, more pedestrian-friendly environment.

IC1.1.x Rules controlling retail activities in the City Fringe area and Industrial Zone which compete with the City Centre, which are unsuited to a City Centre location or are unable to be accommodated within other commercial zones.

### policy

#### IC1.2 large scale activities

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*Activities which are likely to generate large numbers of customers should be sited preferably within the City Centre, on sites with good physical linkages to the City Centre, or on the site defined by Schedule N (see Schedule N in the Industrial Zone).*

#### Explanation and Reasons

IC1.2.i This policy recognises the particular needs and effects of activities with a large customer base. These are most likely to be large scale retail stores, such as warehouse trading operations, super stores or supermarkets. The policy gives preference to such activities located within the City Centre, subject to the availability of suitable sites and their effects being acceptable. This supports the City Centre as the commercial, cultural, tourist and recreational focal point of the city. It is recognised that in the Inner City, sites suitable for high customer-generating activities may only be available in the City Fringe. In such cases there should be strong linkages between the site and the City Centre itself. Again this helps reinforce the objective of a compact and convenient City Centre which is supported by the Fringe. Occasional events such as carnivals and festivals outside the City Centre would not be contrary to this policy.

#### Method

IC1.2.ii Rules providing for large scale retail activities to locate:

- a) in close proximity to the ring road.
- b) otherwise on the site defined by Schedule N (see Schedule N in the Industrial Zone).

### policy

#### IC1.3 access - city centre

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*Access of people and goods to and from the City Centre should be maintained and enhanced. Within the City Centre pedestrian accessibility and safety should be enhanced, and vehicle/pedestrian conflicts reduced, recognising in particular the needs of people with disabilities.*

#### Explanation and Reasons

IC1.3.i People get to the City Centre by foot, cycle, public transport and private vehicles, with the private car being the dominant form of transport. The policy aims to ensure good access of vehicles to the City Centre, but to reinforce the dominance of pedestrians within the City Centre. The Squares provide a very good framework to build on. They bring people close to the main pedestrian streets, enabling them to leave their vehicles to complete a number of tasks on foot.

#### Methods

IC1.3.ii Maintain and enhance ability of ring road to bring vehicles to City Centre.

IC1.3.iii Create more parking squares.

IC1.3.iv Further traffic calming.

IC1.3.v Investigate improving public transport eg siting of bus stops, taxi stands.

IC1.3.vi Improve cycling facilities.

**policy**  
**IC1.4 access - ring road**

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*Activities which have the potential to generate a high number of vehicle trips or heavy vehicle usage should locate with safe direct or indirect access to arterial or principal roads (as defined on the Planning Maps).*

**Explanation and Reasons**

IC1.4.i The ring road, and Vanguard and St Vincent Streets are designed to carry higher traffic volumes. The policy aims to have activities with high potential traffic impacts locating on either side of the ring road or on Vanguard or St Vincent Street. Access from other roads is to be restricted to locations in the Fringe where there are not significant impacts on the functioning of those roads.

**Method**

IC1.4.ii Rule requiring large scale retail activity to locate with access to, or close to, the ring road. Assess other sites on their merits via the resource consent process.

**policy**  
**IC1.5 maintenance of traffic routes**

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*The operation of activities should not compromise the safe and efficient operation of the roading system, in particular the ring road.*

**Explanation and Reasons**

IC1.5.i The ring road is the primary access around and to the City Centre. Preservation of the function of that road is vital to the success of the City Centre, otherwise development will tend to drift to areas better served by traffic routes. This may involve controlling the number or location of access points.

**Method**

IC1.5.ii Rules controlling number of access points according to the roading hierarchy (i.e. major arterial/principal street/collector road etc).

**policy**  
**IC1.6 parking**

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*Within the City Centre parking will be provided publicly in parking areas defined for that purpose, in locations which enhance vehicle and pedestrian access, and provision of private parking will be voluntary but will be regulated to support Policy IC1.3 (access - city centre), Policy DO10.1.1 (environmental effects of vehicles) and Objective IC2 (street and public amenity).*

*Within the City Fringe sites will be required to provide for the parking demand they generate, subject to Policy DO10.1.6A (reduction in on-site parking).*

**Explanation and Reasons**

IC1.6.i Land in the City Centre is a scarce resource. Collective provision of car parking means that 100% of individual sites can be developed, making better use of the land resource. It also makes more efficient use of car parks. Car parking in central squares also increases the accessibility of the City Centre and ties the area together as an entity. Separate car parks tend to cause disaggregation of an area, and detract from the streetscape and amenity objectives being sought. Individual sites can provide parking voluntarily, but this is not a requirement. Where such parking is provided, a maximum level applies (equivalent to the minimum level required in zones where parking is mandatory).

IC1.6.ii The City Fringe experiences greater levels of traffic effects. In order to minimise potential hazards created by traffic movement and traffic generation sites should generally provide adequate space on site so that parking and manoeuvring of vehicles can be contained within the boundaries of the site. Policy DO10.1.6A, which applies across the district, provides guidance for considering reductions below the required parking levels.

#### Methods

- IC1.6.iii Maintain existing differential rates within the City Centre, with the Council providing collective parking in the City Centre.
- IC1.6.iiiA Rules setting maximum parking ratios within the City Centre.
- IC1.6.iiiB Rules controlling private carparking areas.
- IC1.6.iv Rules in the City Fringe specifying requirements for parking according to broad types of activity.
- IC1.6.v Resource consent process to consider departure from the parking rules.
- IC1.6.vi Regular parking surveys in the inner city to monitor the demand for and availability of on-street and public car parks.

### policy

#### IC1.7 compactness/consolidation - city centre

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*Infill development and consolidation within the City Centre will be encouraged, to provide an environment that is easily walked from one extent to the other.*

#### Explanation and Reasons

IC1.7.i There is scope for intensification of development within the City Centre, including infill of gaps, eg. in Trafalgar Street. Any development would have to be compatible with the other policies set for the City Centre, eg. in terms of noise, and traffic generation. Such development would enhance the vitality and viability of the area and assist the achievement of a compact centre with a subsequent concentration of activities. Concentrating activities around the Squares and the main streets with access to them, aims to make efficient use of these parking areas, thereby reducing traffic flows elsewhere in the City Centre.

#### Methods

- IC1.7.ii Control building coverage only by reference to daylight admission and similar controls.
- IC1.7.iii The Council to act as facilitator through strategic purchase and redevelopment of land.
- IC1.7.iv Develop new car parking squares which will provide the focus for redevelopment around them.

### policy

#### IC1.8 pedestrian circulation - city centre

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*Activities at ground floor level in the main pedestrian areas of the City Centre should be attractive and interesting to pedestrians, and should promote rather than inhibit the flow of pedestrian traffic.*

#### Explanation and Reasons

IC1.8.i This policy seeks to avoid things such as blank or uninteresting frontages, or a row of such frontages which collectively discourage pedestrian circulation along streets. The intention is to avoid "dead" areas which detract from the pleasantness of the whole City Centre and which can lead to activities seeking to relocate outside the City Centre.

IC1.8.ii Gaps created when buildings in the main streets are demolished and not rebuilt can be unsightly and can also disrupt the flow of pedestrians by breaking up or isolating areas.

#### Methods

- IC1.8.iii Rule requiring transparent glass frontages on the ground floor of main pedestrian areas and squares, and restricting the use of solid roller security doors.
- IC1.8.iv Rule preventing residential activity on ground floor.

## **policy**

### **IC1.9 pedestrian access - city centre**

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*Provision of pedestrian access between the main pedestrian streets and the public car parking areas will be promoted, particularly after hours access, taking account of the needs of people with disabilities.*

#### **Explanation and Reasons**

IC1.9.i This policy aims to increase the number of pedestrian access points from the car parks to the main pedestrian streets. This could be via conditions on resource consent or by the Council buying access rights. Good access from the car parks is expected to reduce people's desire to take their vehicles into the main streets.

#### **Methods**

- IC1.9.ii Rely on the market to provide pedestrian links as part of new developments or when old buildings are refurbished (as has happened to a large degree with Buxton and Montgomery Squares).
- IC1.9.iii Where the voluntary methods do not work the Council may set access requirements as a condition of a resource consent or in exchange for a development being in non-compliance with a rule, eg. slightly over height.
- IC1.9.iv The Council will provide pedestrian access to Trafalgar Street as part of road stopping of Achilles Avenue, Wakatu Lane and New Street when any new squares are established.

## **objective**

### **IC2 street and public amenity**

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*Streets and public areas which are pleasant and attractive for people to visit and use.*

#### **Reasons**

IC2.i The success of the City Centre relies very much on the quality of the environment it provides to people and businesses.

## **policy**

### **IC2.1 sunlight - Trafalgar, Hardy and Bridge Streets**

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*Buildings and structures within the ring road should allow reasonable access of direct midwinter sunlight to the pedestrian areas of Trafalgar Street, and along the footpaths on the southern sides of Hardy and Bridge Streets.*

#### **Explanation and Reasons**

IC2.1.i Direct sunlight is important for enhancing the pleasant and attractive qualities of the main streets and public areas to pedestrians. Because of its north-south orientation, Trafalgar Street is shaded by buildings on the opposite side of the street. As east-west streets, Bridge and Hardy Streets are particularly prone to winter shading by buildings on the northern side. These streets are narrower than Trafalgar Street which worsens the problem. The policy aims to ensure comfortable levels of sunlight for shoppers and other users.

## **policy**

### **IC2.2 sunlight and daylight - other areas**

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*The levels of access of sunlight and daylight to other areas within Inner City should take account of what is reasonable given the use, density of development and character of those areas.*

#### **Explanation and Reasons**

IC2.2.i The policy aims to allow reasonable access of sunlight appropriate to the use and nature of other areas in the City Centre and the City Fringe. Therefore the Squares, and any public parks (eg. the 1903 site), should receive reasonable levels of sunlight. On the other hand, in some of the minor side streets and lanes it might be reasonable to expect reduced levels of sunlight amenity. Similar judgements are required for areas on the boundary of the City Centre.

#### **Methods (policies IC2.1 and IC2.2)**

IC2.2.ii Rules setting sunlight recession planes which buildings may not penetrate.

## **policy**

### **IC2.3 weather protection**

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*Weather protection should be provided over building frontages in areas of high pedestrian usage within the Inner City.*

#### **Explanation and Reasons**

IC2.3.i For the main pedestrian areas to be convenient and attractive, a degree of protection from the weather is needed, such as from the effects of rain and wind. In the past, verandahs over shop frontages have provided some protection, and provisions in the Plan seek that a similar level of protection is maintained where pedestrian numbers are high.

#### **Method**

IC2.3.ii Rule requiring verandahs on main pedestrian areas, and setting specifications.

## **policy**

### **IC2.4 views**

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*Buildings and structures should not interrupt or otherwise compromise significant views within the Inner City and from other parts of the City across the Zone.*

#### **Explanation and Reasons**

IC2.4.i Nelson's inner city is enhanced by its setting within the hills and the views that are afforded of these and the more distant mountains, of the sea from Church Hill, and of Church Hill itself and the steps (significant views are defined in Appendix 9 - landscape components and views).

IC2.4.ii As well as providing an attractive setting, these features also provide a sense of place and orientation for people visiting the inner city. The policy aims to ensure that buildings and structures do not block or detract from these views. In some circumstances buildings may enhance a view by providing a better frame for it.

#### **Methods**

IC2.4.iii Rule defining view shaft protection area from the Church Steps, looking down Trafalgar Street.

IC2.4.iv Use view shafts defined in Appendix 9 (landscape components and views) to assess any consent for a building which exceeds the height limits or the recession planes established in the rules.

## **policy**

### **IC2.5 public space, Maitai River**

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*Public access, public use and the amenity of the Maitai River where it bounds the City Centre shall be enhanced.*

#### **Explanation and Reasons**

IC2.5.i Opportunities also exist to better link the Maitai River to the City Centre, and to enhance its attractiveness. Opportunities should also be taken to increase and enhance public areas where appropriate as part of private developments eg as a form of environmental compensation when a building is, for example, over height. The option of making parts of Trafalgar Street into pedestrian malls at some future time would also yield areas which could be used for public space, cafes, and similar activities.

#### **Method**

IC2.5.ii For the Maitai River: purchase access, works, planting (the Council will use indigenous species as appropriate), and use placement of civic buildings to enhance amenity and use of area. This will also be achieved, where appropriate, by conditions on consents. The Council will initiate procedures to close that part of Ajax Avenue fronting Miller's Acre and include it in a landscaped river bank.

## **policy**

### **IC2.6 street enhancement and public facilities**

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*Enhance the attractiveness of the City Centre and the public facilities available to the public.*

#### **Explanation and Reasons**

IC2.6.i Past traffic calming, paving, planting and addition of street furniture to parts of the main pedestrian streets have made these areas much more attractive and convenient for people using the City Centre. The policy provides for these works to be extended to other parts of the streets, and the provision of more and better toilets. The Squares would also benefit from works which soften their appearance, eg. planting, and which better define areas for pedestrian movement, eg. by paving. Conditions of consent could also require landscaping or other works which enhance the streetscape or public areas. The southern end of the City Centre is relatively well served with public space, with Church Hill and the 1903 park. The northern end of the City Centre however lacks convenient areas for shoppers and people working in the City.

#### **Methods**

IC2.6.ii The Council will continue its programme of streetscape enhancement and the provision of new and upgraded facilities in the City Centre.

IC2.6.iii To require landscaping or other enhancement as a condition of resource consents where appropriate.

IC2.6.iv For parks and public spaces, the Council will purchase or acquire land or money as a condition of consent (as a financial contribution). When new squares are developed the Council will, where appropriate, take the opportunity to incorporate planted and landscaped areas in the new and existing squares. Where a building is over height, or otherwise departs from a permitted standard, the Council will consider requiring the provision of public open space or other facilities by way of compensation.

## objective

### IC3 site amenity

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*Site development which:*

- a) *is appropriate to the streetscape of the area, and*
- b) *is sympathetic to the form and function of the locality, and*
- c) *is sympathetic to the character of the heritage buildings in the Inner City*

Reasons

IC3.i The Inner City, particularly the City Centre, is highly visible to the public and visitors to Nelson. It contributes substantially to the identity of the City. In an inner city environment, buildings are the main factor in determining this identity. In the City Centre in particular, buildings become more than just private structures. The design of buildings has a very significant impact on the public amenity or pleasantness of the area. It is recognised that the City Fringe can contain buildings of a more utilitarian nature, and that a lesser standard of amenity may be appropriate.

### policy

#### IC3.1 street wall - Trafalgar, Hardy and Bridge Streets

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*The overall appearance of Trafalgar, Hardy and Bridge Streets within the City Centre should be of:*

- a) *strong enclosure by buildings, and*
- b) *visually pleasing coherence, and*
- c) *reasonable continuity of facade height, and line of the street wall, with respect to the street boundary.*

*Exceptions will be provided for where:*

- a) *there are benefits in terms of the creation of public space, pedestrian access, the retention of any heritage building or item, or where a building design makes a particular contribution to enhancing the streetscape, or*
- b) *there are benefits in terms of public transport bringing people into the City Centre (except on Trafalgar Street), and*
- c) *any adverse effects in terms of the appearance of the street, and the movement of people along these streets can be mitigated or remedied.*

Explanation and Reasons

IC3.1.i Trafalgar, Hardy and Bridge Streets have historically been characterised by more or less continuous vertical walls of buildings. These were generally two storeys (occasionally three) built up to the street boundaries which provide a very defined street environment. The policy aims to maintain and enhance this overall appearance. Vacant sections, for example, are not considered appropriate in a main street environment. Similarly, gaps between buildings and irregular setback from the street can detract from the appearance and cohesion of the street and interrupt pedestrian flows. Large variation in the height of facades can also affect the coherence of the streetscape, with low facades sometimes providing a street edge that is out of character with the streetscape, the effect of which can usually be remedied by controlling façade heights.

IC3.1.ii Exceptions are provided for where there are positive effects, and where adverse effects can be dealt with, eg. by landscaping. One example might be the retention of an historic building outside the building line, when all surrounding buildings have been set back because of a road widening requirement. Some gaps between buildings may be necessary for access, recognising that visual impact can be reduced or overcome. Flexibility is provided for activities or designs that will enhance the amenity of the City Centre, such as provision of public open space or access. Flexibility is also provided for public transport depots as they enhance pedestrian use of the inner city and lessen the space required for carparking. The Trafalgar Street frontage is not considered desirable for such bus depots since it has strong visual and commercial significance.

## Methods

- IC3.1.iii Rules controlling facade height, continuity and positioning on road boundaries.
- IC3.1.iv Deal with exceptions by way of discretionary activity.
- IC3.1.v Guidance through the Nelson City Centre Design Guide.
- IC3.1.vi Conditions on consent requiring landscaping or similar enhancement.
- IC3.1.vii The Council's own works eg. parks, paving, street furniture.

## policy

### IC3.2 street appearance - remainder of zone

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*Sites should present an attractive frontage to the street which is appropriate to the function of the site and should remedy or mitigate any adverse visual impacts readily visible from public areas.*

#### Explanation and Reasons

IC3.2.i Apart from the main retail streets, which are dealt with in Policy IC3.1, sites will not be required to locate buildings or parts of buildings on the road frontage. They will have the freedom to orientate the site according to function, providing an attractive street frontage is maintained.

#### Methods

- IC3.2.ii Rely on businesses to present a site which is attractive to their customers.
- IC3.2.iii Rules controlling outdoor storage.

## policy

### IC3.3 style and form - city centre

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*New buildings and alterations to existing buildings within the City Centre should be of a form and style which:*

- a) *is sympathetic to, and compatible with the design of the significant buildings in the vicinity, and*
- b) *in particular, has regard to and draws on the significant architectural features of historic buildings in the vicinity, while not necessarily imitating them.*

Explanation and Reasons (see also DO4 heritage provisions)

IC3.3.i The policy aims to avoid disparate building designs which detract from the streetscape in the City Centre. Where there is a heritage building nearby, the design of any new development will need to take account of it. This does not involve mimicking heritage buildings, but rather reflecting key elements from the design of that historic building.

IC3.3.ii "In the vicinity" requires regard to be had to the visual catchment in which the building is located. This may include the buildings immediately adjacent, in the block, or across the street, depending on the particular circumstances.

#### Methods

- IC3.3.iii Rules controlling building design for sites in Trafalgar, Hardy, and Bridge Streets linked to the Nelson City Centre Design Guide.
- IC3.3.iv Elsewhere, encourage voluntary use of the relevant principles in the City Centre Design Guide. Also apply the policy, and the principles of the design guide, in appropriate cases when a resource consent is required.

## **policy**

### **IC3.4 building height**

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*The height of any building or structure should not compromise the scale of the Inner City and its setting on the valley floor.*

#### **Explanation and Reasons**

IC3.4.i With a few exceptions, Nelson's inner city is relatively low rise. Tall buildings tend to have a significant impact on the cityscape and its relationship with the surrounding hills. They can be out of scale with the streetscape, other buildings, and the relationship of the inner city to the surrounding areas. (See also policy IC2.4 - views)

#### **Methods**

IC3.4.ii Rule setting maximum building height.

## **objective**

### **IC4 activities and adverse effects**

---

*A diversity of activities which do not adversely affect the environment sought for the City Centre and City Fringe.*

#### **Reasons**

IC4.i There are two main factors that make the City Centre attractive for people to visit and use. One is the physical environment - the attractiveness of the streets and the buildings, and the accessibility. The other is the activities that occur there, such as retailing, services, cafes, restaurants, street stalls, markets, buskers and festivals. Similarly, in the City Fringe the main factor is the ease of vehicle access. The objective aims to enable a diverse range of activities to occur. This is providing they are appropriate to the pedestrian and vehicle oriented environments being fostered in the City Centre and City Fringe respectively.

## **policy**

### **IC4.1 range of activities**

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*Activities which enhance the vitality and vibrancy of the City Centre shall be encouraged.*

#### **Explanation and Reasons**

IC4.1.i The policy signals a flexible approach to the activities that can locate in the Inner City, with the overall aim of enhancing the City Centre. The Plan does not attempt to pick winners but rather to provide scope for activities to locate where they consider most appropriate, so long as the objectives and policies of the plan are not compromised. The policy also deals with informal activities such as markets, carnivals and street entertainment which add colour to the City Centre.

#### **Methods**

IC4.1.ii Rules controlling activities by reference to general effects, rather than naming activities which are allowed in the City Centre.

IC4.1.iii Support informal activities which have a positive effect on the vitality of the City Centre.

IC4.1.iv Council licensing policy which enables appropriate informal activities such as street stalls and use of footpath areas.

## **policy**

### **IC4.2 adverse effects**

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*Activities should not give rise to levels of noise, smell, dust, and smoke, or traffic, landscape, aesthetic or other adverse effects which will detract from the character being sought for the City Centre and City Fringe areas.*

#### **Explanation and Reasons**

IC4.2.i The City Centre is primarily a people place. Because of this, the Plan aims to exclude activities from the City Centre which are excessively noisy or smelly, or which generate other effects which are inappropriate in a City Centre environment. If such adverse effects can be controlled to a level suitable to the people oriented nature of the City Centre, then the activity should be allowed to occur.

IC4.2.ii A lower level of amenity is expected in the City Fringe than in the City Centre. For example, vehicle movements and sizes will be greater. It is however acknowledged that fringe areas are often adjacent to more sensitive residential areas and will still primarily serve people, in terms of them coming to the area for services or goods. The City Fringe is not an industrial area where there is little interaction with the general public, and where higher levels of effects might be permissible.

#### **Methods**

IC4.2.iii Rules setting performance standards for emissions such as noise, smoke, dust, and odour.

IC4.2.iv Use of management practices for emissions such as noise, smoke, dust and odour.

IC4.2.v Rules which require newly established producers of noise to take action to minimise noise emission.

IC4.2.vi Use of sections 16, 326 and 327 of the Resource Management Act 1991, for enforcement of unreasonable and excessive noise (see AP13).

IC4.2.vii Rules with a limited listing of unacceptable activities.

## **policy**

### **IC4.3 residential amenity**

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*The Inner City, and sites used for residential activity, should provide a reasonable standard of residential amenity, but recognising that the fundamental character of the area is non-residential.*

#### **Explanation and Reasons**

IC4.3.i The Inner City is not the suburbs and a similar level of residential amenity cannot be expected. Higher levels of noise and glare, for example, must be expected in the Inner City, particularly given the presence of places of assembly, licensed bars and restaurants and other noise generating activities. Also the expectation of outdoor space must be lower than in suburban areas. Similarly, given the height of some buildings in the City Centre, expectation regarding privacy and sunlight must be lower. At the same time, the policy recognises a broad bottom line to provide a reasonable level of residential amenity in the Inner City. This recognises residential activity is a valid activity, deserving of a degree of protection from more traditional Inner City activities.

#### **Methods**

IC4.3.ii Provision of information on opportunities for inner city living and the relevant Resource Management Plan provisions.

IC4.3.iii Rules setting performance standards for residential activity.

IC4.3.vi Rules requiring acoustic insulation in new Bedrooms in the Inner City Zone.

IC4.3.v Rules setting performance standards, for emissions such as noise, smoke, dust and odour.

IC4.3.vi Use of management practices for emissions such as noise, smoke, dust and odour.

## objective

### IC5 effects on neighbouring zones

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*Development on the edge of the Zone which does not detract from neighbouring or nearby zones but seeks to complement in function and design the values of the adjacent zones.*

#### Reasons

IC5.i The Inner City involves a concentration of activities, and a scale of buildings, which by their nature can have impacts on areas adjacent to, or even remote from the Inner City. These cross boundary effects need to be addressed in order to minimise any reduction in environmental quality in other areas.

## policy

### IC5.1 amenity of neighbouring areas

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*Activities within the Inner City should not have adverse effects which significantly diminish the amenity of neighbouring areas, having regard to the character of these areas and the cumulative effects of such activities.*

#### Explanation and Reasons

IC5.1.i Any impacts that activities in the Inner City have on neighbouring areas need to take account of the nature of that area. Residential areas and activities will be more sensitive to certain effects such as noise and glare, than commercial areas. Also a single activity may have effects that are acceptable to residential activities, but the addition of further similar activities may eventually lead to an unacceptable level of effect. The policy aims to address such cumulative effects.

#### Method

IC5.1.ii Rules setting performance standards, and the use of management practices, for emissions such as noise, smoke, dust, and odour.

## policy

### IC5.2 residential zones

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*Special regard shall be had to preventing any deterioration of the amenity of the Residential Zone as a result of expansion of activities from the Inner City Zone, or as a result of adverse effects across the zone boundary*

#### Explanation and Reasons

IC5.2.i A reasonably liberal approach is being taken to the type of activity that can establish within the Inner City Zone. A tough line will be taken, however, to limit the intrusion of the Zone into the Residential Zone. This could be either directly in terms of physical expansion, or in terms of effects which impact on residential areas.

#### Methods

IC5.2.ii Rules with performance standards for effects such as noise and odour.

IC5.2.iii Rules requiring landscaping buffers, application of the residential noise standards and daylight angles along any residentially zoned site.

## policy

### IC5.3 traffic

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*The adverse effects on other areas of traffic generated by activities within the Inner City, including any cumulative effects, should be avoided, remedied, or mitigated.*

#### Explanation and Reasons

IC5.3.i The success of the City Centre can generate traffic impacts particularly around the periphery, but potentially in more remote locations too. These impacts need to be avoided, remedied or mitigated, taking account of the nature of the area affected.

**Methods**

- IC5.3.ii Rule requiring parking, loading and manoeuvring to be contained on site.
- IC5.3.iii Use of financial contributions in lieu of parking to offset an adverse effect; requiring additional parking on another site, requiring loading during off peak traffic hours (where appropriate).
- IC5.3.iv Monitoring of traffic volumes and impacts, and response as appropriate.

**ICe environmental results anticipated and performance indicators**

ICe.i The following results are expected to be achieved by the above objectives, policies and methods. The means of monitoring whether this Plan achieves the necessary changes are also detailed below:

Anticipated Environmental Result	Indicators	Data Source
<p><b>ICe.1</b> Development of a convenient and compact City Centre aiding the efficient operation as a focus for a wide range of activities</p>	<p><b>ICe.1.1</b> a) People's views about getting to and around the City Centre b) Change in number of pedestrians c) Infilling of gaps in streets d) Activities locating in the City Centre rather than on fringes</p>	<p>City Centre Pedestrian Survey (CCPS)  Map using Valuation NZ Data</p>
<p><b>ICe.2</b> A multi-functional City Centre with vitality and diversity and with a local and transient population to support and enliven it, including a slowly growing residential population</p>	<p><b>ICe.2.1</b> a) Change in type and number of selected activities b) Change in number of people living in the City Centre c) Change in type and frequency of visits made to the City Centre eg. shopping, recreation d) Change in people's impressions about the City Centre environment</p>	<p>VNZ information  Census CCPS CCPS</p>
<p><b>ICe.3</b> A more attractive streetscape, where good new and good old buildings blend</p>	<p><b>ICe.3.1</b> a) Change in facade heights, form and style b) Number of significant heritage buildings lost c) Changes in cases where new buildings clash with historic ones d) People's impressions</p>	<p>Regular photographic recording of City Centre street frontages  CCPS</p>

<p><b>ICe.4</b> Pleasant and quality pedestrian areas and public places which are well used</p>	<p><b>ICe.4.1</b> a) Users' views about suitability of pedestrian areas and public places in terms of sunlight, shelter, safety b) Change in number of pedestrians getting around the City Centre</p>	<p>CCPS</p>
<p><b>ICe.5</b> Control of adverse effects of activities and development in the City Centre to within acceptable levels of environmental quality</p>	<p><b>ICe.5.1</b> a) Changes in ambient noise levels and other environmental effects at selected locations b) Complaints received about adverse effects</p>	<p>Data collected at selected sites  Council complaints register</p>

# rules inner city zone

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# ICr Rules

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## ICr.1 Rule table - rules

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

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

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## ICr.2 Prohibited activities

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

Use, storage, or disposal of radioactive material with an activity exceeding 1000 terabecquerels.

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## ICr.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 this Zone, permitted activities also include all land uses that are not specifically mentioned 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 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

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## ICr.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 ICr.8 below regarding further matters of control.)

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## ICr.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 ICr.8 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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**ICr.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. 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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**ICr.7 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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**ICr.8 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:

- ICr.8.a Financial contributions in the form of money, land, works or services, or a combination of these (See Chapter 6), and
- ICr.8.b bonds or covenants or both, to ensure performance or compliance with any conditions imposed, and
- ICr.8.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
- ICr.8.d the duration of a resource consent, under section 123 of the Act, and
- ICr.8.e lapsing of a resource consent, under section 125 of the Act, and
- ICr.8.f change and cancellation of a consent, under sections 126 and 127 of the Act, and
- ICr.8.g notice that some or all conditions may be reviewed at some time in the future, under section 128 of the Act, and
- ICr.8.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.

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**ICr.9 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.

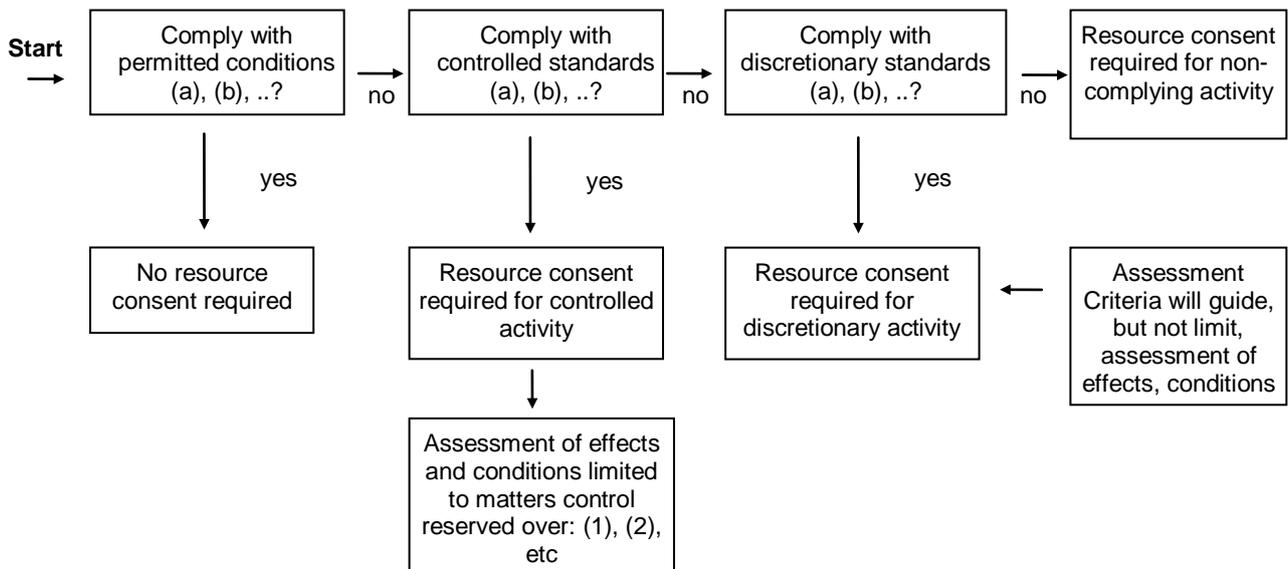
**ICr.10 Reading the rule table**

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.



**ICr.10.1** 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.

## Contents of inner city zone rule tables

### Rule table - city centre area only

ICr.20	Location of buildings - Road frontage
ICr.21	Buildings over road reserve
ICr.22	Continuity
ICr.23	Minimum facade height
ICr.24	Maximum building height
ICr.25	Daylight admission - Trafalgar, Hardy or Bridge Streets (within the ring road)
ICr.26	Daylight admission - Parking squares
ICr.27	Buildings in Montgomery, Buxton and Wakatu Squares
ICr.28	External design and appearance - Trafalgar, Hardy and Bridge Streets
ICr.29	Display windows
ICr.30	Security doors and screens
ICr.31	Parking and loading
ICr.31A	Private car parking areas
ICr.32	Access
ICr.33	Residential activity ground floor

### Rule table - city centre and city fringe areas

ICr.34	Building setback - Corner sites
ICr.35	Daylight admission - Boundary with Residential Zone or Open Space and Recreation Zone
ICr.36	Verandahs - Trafalgar, Hardy and Bridge Street and Parking Squares
ICr.37	Verandahs - Other roads
ICr.38	Activities near the coast
ICr.39	Building over or alongside drains and water mains
ICr.40	Outdoor living court - residential activity
ICr.41	Signs
ICr.42	Night Time Noise Limits
ICr.42A	Noise Generating Activities
ICr.43	Noise received at sites in the Residential Zone
ICr.43A	Acoustic Insulation of Buildings
ICr.44	Vibration
ICr.45	Light Spill
ICr.46	Closing times - services to the public
ICr.47	Hazardous substances - use and storage
ICr.48	Radioactive material
ICr.49	Aerials
ICr.50	Radiofrequency exposure levels
ICr.51	Network utility - above ground and underground utilities
ICr.52	Structures on the road reserve
ICr.53	Network utility - roads
ICr.54	Building on low lying sites
ICr.55	Earthworks
ICr.55A	Landfill

### Rules relating to Overlays on Planning Maps

ICr.56	View Shaft Overlay
ICr.57	Riparian Overlay - Activities on land identified with riparian values
ICr.58	Flood Path Overlays
ICr.59	Inundation Overlays - Low lying ground susceptible to localised stormwater ponding or tidal inundation
ICr.60	Heritage Buildings, Places and Objects - Alterations to Group A and B Items
ICr.61	Heritage Buildings, Places and Objects - New buildings on the site of a Heritage Item
ICr.62	Heritage Buildings, Places and Objects - Demolition or removal of Group A or B Items
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ICr.64	Heritage Precincts - Group A or B Heritage Buildings, Places and Objects
ICr.65	Heritage Precincts - Buildings other than Group A or B Heritage Buildings
ICr.66	Heritage Trees
ICr.67	Landscape Trees
ICr.68	Heritage and Landscape Trees - Activities within the root protection zone of a Heritage or Landscape Tree identified in Appendix 2
ICr.69	Heritage and Landscape Trees - Removing or destroying a Heritage or Landscape Tree identified in Appendix 2
ICr.70	Local Trees - Removing a Local Tree identified in Appendix 2
ICr.71	Archaeological Sites

## Contents of inner city zone rule table cont'd

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### Rule table - city fringe area only

ICr.72	Maximum building height – Intense Development Area
ICr.73	External appearance - Large buildings
ICr.73A	Design and External Appearance - Area bounded by Collingwood St, Riverside, Malthouse Lane, Harley St and Hardy St
ICr.74	Landscaping
ICr.75	Setback - From Residential Zone boundary
ICr.76	Parking and loading
ICr.77	Access
ICr.78	Retail Activity

### Rules relating to Overlays on Planning Maps

ICr.79	Retail Activity
ICr.80	Ajax Avenue Special Amenity Area

### Subdivision rules - city centre and city fringe areas

ICr.81	Subdivision - General
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### Rules relating to Overlays on Planning Maps

ICr.82	Heritage Precincts
ICr.83	Heritage Overlays (excluding Heritage Precincts)

### Freshwater Rules

	(Refer Appendix AP28.9 for freshwater rules)
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## Rule table

Item	Permitted	Controlled	Discretionary/Non-complying
<b>ICr.20</b> <b>Location of buildings</b> Road frontage	ICr.20.1 Any building (when it is erected, or substantially altered), must be built to the road boundary, except: a) any Group A or B Heritage Building listed in Appendix 1, or b) any building on the boundary with the ring road, or Montgomery, Buxton or Wakatu Square.	ICr.20.2 The set back of any building from a frontage with the ring road, or Montgomery, Buxton or Wakatu Square is controlled. Control reserved over: i) landscaping, and ii) design and appearance of the set back area. Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.	ICr.20.3 Activities that contravene a permitted condition are discretionary.
<b>ICr.21</b> <b>Buildings over road reserve</b>	ICr.21.1 a) no part of any building may protrude over any road reserve (or beyond any road widening designation), except for a verandah, a sign, or a minor decorative feature, and b) a minor decorative feature may protrude not more than 1m provided there is a minimum 3m clearance above the footpath height.	ICr.21.2 not applicable	ICr.21.3 Activities that contravene a permitted condition are discretionary.
<b>ICr.22</b> <b>Continuity</b>	ICr.22.1 Any building must occupy the full frontage of the site, except: a) any Group A or B Heritage Building listed in Appendix 1, or b) any building on the boundary with the ring road, or Montgomery, Buxton or Wakatu Square, or c) where land is set aside for public pedestrian access.	ICr.22.2 not applicable	ICr.22.3 Activities that contravene a permitted condition are discretionary.
<b>ICr.23</b> <b>Minimum facade height</b>	ICr.23.1 No part of the crest of the facade of any building where it fronts Trafalgar, Bridge or Hardy Streets (within the ring road) may be less than 8m high.	ICr.23.2 not applicable	ICr.23.3 Activities that contravene a permitted condition are discretionary.

## city centre area only

Assessment Criteria	Explanation
<p>ICr.20.4 to ICr.23.4</p> <p>a) the effects of any setback, building protrusion, change in continuity, or reduced facade height upon the visual impression of the streetscape, the sense of containment of the road, and the continuity and appearance of building facades.</p> <p>b) any proposed public amenity or building design features (including provision of street furniture), to compensate for changes in the setback.</p> <p>c) the effects of any setback or reduced continuity on the flow of pedestrians along the road or to other areas.</p> <p>d) any likely public benefits in terms of use of the setback or other area, including any contribution to the vitality of the locality.</p> <p>e) the relationship of the building with the scale and facade heights of adjoining buildings.</p> <p>f) In the case of an addition or alteration to the street façade of an existing building, the façade height of the existing and adjoining buildings.</p> <p>g) the effects of any building protrusion on views along the road, having regard in particular to Appendix 9 (landscape components and views).</p> <p>h) the significance of any loss of sunlight or daylight to the road, resulting from any protrusion into the road space, taking account of the use of the area.</p> <p>i) any particular impacts on the amenity of any heritage buildings or public open spaces.</p>	<p>ICr.20.5</p> <p>Provision for building up to the road edge reflects the historical pattern of development along roads in the City Centre. A continuance of this pattern provides a strong and regular edge to these areas, which is a value the Plan seeks to reinforce. It also helps enhance the setting of the existing buildings, a number of which have significant heritage value. The ability to set back buildings is provided along the ring road, and on the side of the parking squares, where the building line is less important.</p> <p>Note: Where a road widening designation is shown on the Planning Maps and defined in Appendix 24 (designations), this is considered the road boundary.</p> <p>See Rule ICr.60 (heritage buildings: alterations to Group A or B items).</p> <p>ICr.21.5</p> <p>The rule prevents buildings encroaching into the road i.e. public space. However, provision is made for verandahs (which provide public amenity), signs and architectural features.</p> <p>See also Rule ICr.36 and ICr.37 (verandahs)</p> <p>See also Rule ICr.56 (view shaft overlay)</p> <p>See also Rule ICr.41 (signs)</p>
	<p>ICr.22.5</p> <p>Occupation by buildings of the full frontage is required for reasons of streetscape appearance, and continuity of buildings to maintain pedestrian interest and flows.</p> <p>An exception is provided on the ring road and the parking squares recognising that maintaining a street wall on these roads is less important than on the main streets within the City Centre. It also recognises that ICr.20 (road frontage) provides for setbacks from the road boundary and that this will affect the street wall in any event. Under ICr.20.2 (location of buildings), the setback is a controlled activity, providing the opportunity to manage the visual impacts on the streetscape.</p> <p>Heritage buildings are also exempted to help preserve their original character.</p>
	<p>ICr.23.5</p> <p>Minimum facade heights are required to provide a strong edge to the roads, and a more uniform pattern of building height. Eight metres is the equivalent of two storeys, at least on that part of a building fronting the road.</p> <p>See also Rule ICr.25 (daylight admission)</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>ICr.24</b> <b>Maximum building height</b>	ICr.24.1 The maximum height of a building must not exceed 15m  (see Chapter 2 Meaning of Words for definitions of 'Height' [including chimneys] and 'Height measurement').	ICr.24.2 not applicable	ICr.24.3 Activities that contravene a permitted condition are discretionary, if: the height does not exceed 21m.
<b>ICr.25</b> <b>Daylight admission</b> Trafalgar, Hardy or Bridge Streets (within the ring road)	ICr.25.1 Except for an aerial, no part of a building may penetrate any recession plane specified below and shown in Appendix 17 (daylight admission): a) a recession plane originating from the road boundary at ground level on the south side of Bridge Street inclined at 24° towards the north, and b) a recession plane originating from the road boundary at ground level on the south side of Hardy Street inclined at 24° towards the north, and c) a recession plane originating from the road boundary at ground level on the east side of Trafalgar Street inclined at 24° towards the west, and d) a recession plane originating from the road boundary at ground level on the west side of Trafalgar Street inclined at 24° towards the east	ICr.25.2 not applicable	ICr.25.3 Activities that contravene a permitted condition are discretionary.
<b>ICr.26</b> <b>Daylight admission</b> Parking squares	ICr.26.1 Except for an aerial, no part of any building may cast a shadow on the ground in Montgomery, Buxton or Wakatu Square between the hours of 10.10 am and 2.50 pm beyond the lines AB, BC and CD as shown in Appendix 17 (daylight admission). (Note: the angle of recession is 29 degrees in the east/west planes, and 21° in the north/south plane.)	ICr.26.2 not applicable	ICr.26.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>ICr.24.4</p> <ul style="list-style-type: none"> <li>a) the height of the building in relation to the scale and height of buildings in the area and the Inner City.</li> <li>b) the scale and bulk of the structure.</li> <li>c) the effects on significant views within or across the City Centre (see Appendix 9 – landscape components and views).</li> <li>d) any effects of shading on open spaces and pedestrian areas.</li> <li>e) any effects on funnelling wind, particularly where there are other tall buildings in the vicinity.</li> </ul>	<p>ICr.24.5</p> <p>The rule provides for 5-6 storey (15m) buildings to be built as of right. For buildings between 15 and 21 metres the Council will exercise its discretion, depending on the individual circumstances and the assessment criteria and objectives and policies in the plan. Beyond 21m (the height of the lift tower on the National Mutual Building, Hardy Street) the activity would be non-complying.</p> <p>Therefore buildings over 15m or averaging over 15m on sloping ground are discretionary.</p> <p>Note: The Council is under no obligation to approve a discretionary application up to the maximum height stated in rule ICr.24.3 (maximum building height).</p> <p>See also Rule ICr.25 and ICr.26 (daylight admission)</p>
<p>ICr.25.4 and ICr.26.4</p> <ul style="list-style-type: none"> <li>a) the effects of any shading on the public enjoyment and amenity of roads and public spaces.</li> <li>b) the extent of any additional shading, having regard to the size of the shadow cast and the period of time any area is affected by it (eg. tall thin shadow compared with shorter, bulky shadow taking longer to pass).</li> <li>c) the nature of the activities undertaken in any area affected.</li> </ul>	<p>ICr.25.5</p> <p>The rule establishes minimum access requirements for midwinter sunlight and daylight to the southern footpaths of Bridge and Hardy Streets. The angle is set to ensure buildings allow entry of 2 hours sunlight on the shortest day (21 June) (from approximately 11.30am - 1.30pm). The recession plane would allow a 9.4m facade at the road edge. This height also fits well with the scale of existing and heritage buildings.</p> <p>For Trafalgar Street, the rule aims to ensure reasonable access of sunlight to the main pedestrian road in the city. The recession planes apply to both sides of the road. They set a midwinter benchmark with access of sunlight to the western footpath at about 9.50 am on the shortest day (21 June), leaving the eastern footpath at about 3.20 pm. The recession planes would allow 11m facades at the road edge. This height also fits well with the scale of existing and heritage buildings.</p>
	<p>ICr.26.5</p> <p>This rule is to preserve a degree of sunlight and daylight amenity to the public parking squares. This recognises the increasing trend for the squares to have multiple functions, and the Council's intention to further enhance the amenity of these areas. The lines allow a facade height at the perimeter of the squares of about 12m. On the northern side, 8m back from the perimeter, buildings could rise to the maximum height permitted in the City Centre, 15m.</p> <p>On the western side of Buxton Square and the eastern side of Montgomery Square, the Trafalgar Street recession planes will also limit the maximum height of buildings. However, on the eastern side of Buxton Square and the western side of Montgomery Square, there is the potential for buildings of the maximum permitted height.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>ICr.27</b> <b>Buildings in Montgomery, Buxton and Wakatu Squares</b>	ICr.27.1 Not a permitted activity	ICr.27.2 Buildings in Montgomery, Buxton, and Wakatu Squares are controlled if: a) the total gross floor area of all buildings within any square does not exceed 200m <sup>2</sup> , and b) the height of any building does not exceed 4m. Control reserved over: i) design and external appearance, and design and external appearance, and ii) landscaping	ICr.27.3 Activities that contravene a controlled standard are discretionary.
<b>ICr.28</b> <b>External design and appearance</b> Trafalgar, Hardy and Bridge Streets	ICr.28.1 Alteration to the exterior of the facades of buildings fronting Trafalgar, Hardy or Bridge Streets, (including any facades of the building fronting the ring road) is permitted, if: a) Either: i) the work is redecoration, restoration or insignificant alteration of existing fabric or detailing, and ii) it is carried out with materials similar to, or having the same appearance to those originally used or b) the work is not on a Group A or B Heritage Building (listed in Appendix 1), and is below the verandah, or where there is no verandah it is not above 3m from ground level.	ICr.28.2 Alteration to the exterior of the facades of any existing building that contravenes the permitted conditions, or erection of any new building is controlled, if: a) the building is not a Group A or B Heritage Building (listed in Appendix 1), or b) the building is not in a Heritage Precinct shown on the Planning Maps. Control reserved over: i) design and external appearance. Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.	ICr.28.3 See Rule ICr.60 (heritage buildings, places and objects: alterations to Group A or B items), and Rule ICr.64 and ICr.65 (heritage precincts)

Assessment Criteria	Explanation
<p>ICr.27.4</p> <ul style="list-style-type: none"> <li>a) the size, design and location of the building in the square.</li> <li>b) whether the building would enhance or detract from the amenity of the square.</li> <li>c) the effects on open space in the City Centre, and any uses of the square, including any proposals to compensate or mitigate these adverse effects.</li> <li>d) the effects on parking in the City Centre, and traffic and pedestrian movements in the square.</li> <li>e) the effects on access of sunlight and daylight to the square, and therefore amenity.</li> </ul>	<p>ICr.27.5</p> <p>The rule allows toilets and other amenity blocks within the squares as controlled activities. Control is exercised to maintain and enhance the amenity of the squares. Larger scale developments however require a discretionary resource consent, so that their merits or otherwise can be considered on a case by case basis.</p>
<p>ICr.28.4</p> <ul style="list-style-type: none"> <li>a) compliance with the Nelson City Centre Design Guide.</li> </ul>	<p>ICr.28.5</p> <p>The City Centre is the heart of the city. Buildings fronting the main pedestrian roads, although mostly in private ownership, present a very public face and have a major influence on the appearance of the city. The rule aims to promote quality building design and appearance, by assessing the external appearance of buildings against a design guide for the City Centre. The activity will be controlled, meaning the application must be granted, but that conditions can be put on with respect to design and appearance. Redecoration and minor alteration are provided for, as is work below verandah level on other than heritage buildings. This enables businesses to adapt building frontages to their changing needs without having to get a resource consent. Such changes have little effect on the overall streetscape. The City Centre Design Guide seeks to control the height, scale, and modulation of buildings overall, and the appearance above verandah level.</p> <p>Different rules apply to alterations to Group A or B Heritage Buildings, or to alterations to any building within a Heritage Precinct (as shown on the Planning Maps). This is to take additional account of the heritage implications. See Rules ICr.60 (heritage buildings: alterations to Group A and B items), ICr.64 (heritage precincts: Group A or B heritage buildings), and ICr.65 (heritage precincts – buildings other than Group A or B heritage buildings) listed in Appendix 1). Appendix 1 should be checked to see whether a particular building is protected below verandah level. Many City Centre heritage buildings can be altered below verandah level without a resource consent.</p> <p>NOTE: THE CITY CENTRE DESIGN GUIDE APPLIES TO THIS RULE. Copies of the guide can be obtained from the City Council.</p>

Item	Permitted	Controlled	Discretionary/ Non-complying
<b>ICr.29</b> <b>Display windows</b>	<p>ICr.29.1</p> <p>On buildings fronting Trafalgar, Hardy or Bridge Streets (within the ring road):</p> <p>a) the ground floor frontages must contain glazing for the display of goods and services, which gives a clear view into the premises for a depth of at least 0.8m, and which is not obscured during normal business hours by curtains, blinds, screens, paint or other means, and</p> <p>b) the clear glazed area must occupy at least 60% of the frontage area between 0.6 and 2.1m above footpath level.</p>	<p>ICr.29.2</p> <p>not applicable</p>	<p>ICr.29.3</p> <p>Activities that contravene a permitted condition are discretionary.</p>
<b>ICr.30</b> <b>Security doors and screens</b>	<p>ICr.30.1</p> <p>On buildings fronting Trafalgar, Hardy or Bridge Streets (within the ring road):</p> <p>a) display windows, or glazed pedestrian entrances must not be blocked from view from the road by the use of obscure doors, screens, shutters or similar structures (including roller doors).</p> <p>b) transparent or semi-transparent security grills are permitted</p>	<p>ICr.30.2</p> <p>not applicable</p>	<p>ICr.30.3</p> <p>Activities that contravene a permitted condition are discretionary.</p>
<b>ICr.31</b> <b>Parking and loading</b> (including scheduled frontages)	<p>ICr.31.1</p> <p>a) parking spaces are not required in the City Centre, but:</p> <p>i) any provided on a site must meet the design and layout standards in Appendix 10 (standards and terms for parking and loading) including for manoeuvring, queuing, set down areas, and surfacing, and</p> <p>ii) must not exceed as a maximum the number calculated for the activity or activities on the site in accordance with AP10.3 in Appendix 10, and</p> <p>b) except on sites with a boundary on any scheduled frontage shown on Planning Maps 1 and 10, loading must be provided and maintained on each site in accordance with the standards set out in Appendix 10, and</p> <p>c) for sites with a boundary on a scheduled frontage, any loading spaces voluntarily provided must meet the design and layout standards in Appendix 10 including manoeuvring and queuing areas, and</p> <p>d) no reverse manoeuvring is permitted onto the ring road from any site.</p>	<p>ICr.31.2</p> <p>not applicable</p>	<p>ICr.31.3</p> <p>Activities that contravene a permitted condition are discretionary.</p> <p>Where the parking proposed is more than 15 spaces, and exceeds the maximum in ICr.31.1a) ii) by more than 20%, the application must be accompanied by a Travel Management Plan that addresses the matters in Assessment Criterion ICr.31.4 h).</p>

Assessment Criteria	Explanation
<p>ICr.29.4</p> <p>a) The appearance of the building.</p>	<p>ICr.29.5</p> <p>The rule aims to ensure that the majority of building frontage on the key pedestrian roads is glazed to provide pedestrian interest. This rule replaces the “retail frontage” concept of previous District Schemes, and avoids the need to name particular activities that can locate on these roads. Rather, the approach focuses on maintaining an interesting pedestrian environment, irrespective of the activities within the buildings.</p>
<p>ICr.30.4</p> <p>a) the extent to which pedestrian circulation flows along the road are likely to be affected.</p> <p>b) the appearance of the building, and the impacts on the streetscape, including cumulative impacts.</p> <p>c) the adequacy of transparent devices in protecting the premises.</p>	<p>ICr.30.5</p> <p>Security devices which block the view of glazed areas of buildings in the main pedestrian areas defeat the purpose of having these windows. They can also detract from the streetscape and atmosphere of the City Centre, conveying a siege appearance. The rule therefore provides for transparent screens, doors or similar structures, as of right. Devices that do not allow a through view will be assessed as a discretionary activity.</p>
<p>ICr.31.4</p> <p>a) refer to Appendix 10.</p> <p>b) the effects of parking or loading areas in pedestrian safety, having regard to the level of foot traffic in the area.</p> <p>c) the extent to which alternative methods of access for goods may be available, such as providing a goods loading zone adjacent to the site and/or restricting the times of delivery or dispatch of goods.</p> <p>In terms of exceeding the parking maximum:</p> <p>d) the effects of any additional parking on Council's objectives to enhance the appearance and the pleasantness of the City Centre, and to encourage use of public transport, cycling and walking.</p> <p>e) the timing of any planned public transport improvements serving the City Centre.</p> <p>f) evidence from similar developments in comparable circumstances with a similar quality of access by non-car modes, justifying a higher parking provision than permitted by the maximum rate. This should clearly distinguish between long stay/employee parking (if any) and visitor parking.</p> <p>g) the cumulative impacts from a number of activities providing additional parking.</p> <p>h) Where the parking proposed for an activity is more than 15 spaces, and exceeds the maximum by more than 20%, consideration of a Travel Management Plan is required. This Plan shall include the following, taking into account the increase in parking spaces being sought:</p> <ol style="list-style-type: none"> <li>i. The nature and scale of the activity and associated parking demands from employees and visitors/customers;</li> <li>ii. Proposed means of managing parking demands, such as; <ul style="list-style-type: none"> <li>• Managing the number of motor vehicle trips to and from the activity by encouraging higher vehicle occupancies</li> <li>• Sharing parking spaces between complementary uses and spreading peak loads</li> <li>• Encouraging more use of public transport, walking and cycling</li> </ul> </li> <li>iii. Proposed means of monitoring outcomes.</li> </ol>	<p>ICr.31.5</p> <p>Refer to Appendix 10.</p> <p>Parking is provided collectively in the City Centre, therefore provision of parking on individual sites is not mandatory. However, if parking is provided it must meet the normal standards for layout and design.</p> <p>Parking must not exceed the maximum level determined from Appendix 10. This is to discourage congestion within the City Centre and on the roads to it, and to enhance the amenity within the City Centre.</p> <p>Note that vehicle crossings are restricted across certain scheduled frontages (generally the inside of the parking squares, and the main pedestrian streets. See Planning Map 1 and Rule ICr.32 (access).</p> <p>Loading is not mandatory on scheduled frontages shown on Maps 1 and 10. This is because frontage continuity, and pedestrian circulation, is more important in this area and because the Parking Squares provide a level of collective loading. However, Appendix 10 (Ap10.6) limits the time period when loading can be made from certain streets, in order to avoid traffic congestion.</p> <p>Reversing onto the ring road is not allowed for safety and efficiency reasons. These are busy roads with higher traffic volumes and vehicle speeds.</p> <p>See also Policies IC1.6, DO10.1.6 and DO10.1.6A.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>ICr.31A</b> <b>Private car parking areas</b> (Definition see Chapter 2, Meaning of Words)	ICr.31A.1 Private car parking areas are permitted if: a) the parking spaces meet the design and layout standards in Appendix 10 (standards and terms for parking and loading) including for manoeuvring, queuing, set down areas, and surfacing, and b) the number of parking spaces does not exceed 10, and c) the site does not have a boundary fronting a scheduled street as shown on Planning Map 1 or fronting onto Wakatu Square, except if there is a building along that frontage that screens the car parks from the street or square.	ICr.31A.2 Private car parking areas are controlled if: a) the parking spaces meet the design and layout standards in Appendix 10 (standards and terms for parking and loading) including for manoeuvring, queuing, set down areas, and surfacing, and b) the number of parking spaces does not exceed 25, or c) the site does not have a boundary fronting a scheduled street as shown on Planning Map 1 or fronting onto Wakatu Square, except if there is a building along that frontage that screens the car parks from the street or square, and except that private car parks where the number of parking spaces does not exceed 10 may front onto Montgomery, Buxton or Wakatu parking squares.  Control reserved over: i. the design and appearance of the car park, including any fencing and signage, and the type and appearance of the surfacing, and ii. landscaping, including its location, and iii. access to and from the site (including reverse manoeuvring onto roads), and iv. conditions relating to the safety of users and the public, and the prevention of crime.	ICr.31A.3 Activities that contravene a controlled standard are discretionary if: a) the site does not have a boundary fronting Trafalgar, Hardy or Bridge Streets except if there is a building along that frontage that screens the car parks from the street.  Activities that contravene discretionary standard a) are non-complying.
<b>ICr.32</b> <b>Access</b> (including scheduled frontages)	ICr.32.1 a) Vehicle access must be provided and maintained on each site (except for Small Unstaffed Network Utility Buildings) in accordance with the standards set out in Appendix 11 (access standards) and sections 4.3.7d)1) to 7), 4.3.7e) to j), 4.3.7d), 4.3.8.2a) to c), 4.3.8.5a), 4.3.12.7a) to c), 4.3.15d), 4.3.15.1a) to f), 4.3.15.2b) to d), 4.3.15.3b) to c), 4.3.15.3a) and Tables 4-6, 4-7, and 4-164 and Figures 4-M, 4-N, 4-O and 4-P of the NCC Land Development Manual 2010 <b>except that</b> no vehicle access may be provided across any scheduled frontage shown on Planning Map 1. b) Where vehicle access is not required under this rule but voluntarily provided all such access must be provided in accordance with Appendix 11.	ICr.32.2 not applicable	ICr.32.3 Activities that contravene a permitted condition are discretionary.
<b>ICr.33</b> <b>Residential activity ground floor</b>	ICr.33.1 Residential activity may not occur on the ground floor of that part of a building with a boundary on any scheduled frontage shown on Planning Map 1.	ICr.33.2 not applicable	ICr.33.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>ICr.31A.4</p> <ul style="list-style-type: none"> <li>a) how visually prominent the site is, and the impact of the parking area on the built environment, having regard to the character and desired character of the area.</li> <li>b) opportunities to enhance the appearance of the site through landscaping, surface texture, control of signage, fencing and other infrastructure.</li> <li>c) the location and the width of vehicle access to and from the site, having regard to pedestrian safety and the appearance of the site.</li> <li>d) the safety of the users of the car park and of members of the public, particularly after dark, and ways to manage this such as lighting, avoidance of entrapment spots, locking the area or other means, while having regard to any potential adverse effects of these methods on the appearance and amenity of the City Centre.</li> <li>e) the effects of the parking area on pedestrian safety, having regard to the level of foot traffic in the area.</li> <li>f) the effects on pedestrian circulation patterns and/or continuity of weather protection for pedestrians.</li> <li>g) the assessment criteria in Appendix 10.</li> <li>h) in terms of parking of more than 25 spaces within any building or a dedicated parking building, the appearance of that building and how it contributes to the amenity objectives and policies for the Inner City Zone, and good urban design principles.</li> <li>i) the effects of additional car parking on vehicle congestion in the Inner City and on roads to and from the Inner City.</li> <li>j) the effects of additional car parking on Council's strategies and objectives to encourage public transport use, cycling and walking.</li> <li>k) the cumulative impacts of additional parking on the City Centre.</li> </ul>	<p>ICr.31A.5</p> <p>Private car parking areas within the City Centre provide an important service for businesses and for people working in the City Centre. However, some parking areas can be unsightly and detract from the objectives to make the City Centre more attractive and vibrant. Some locations are potentially more sensitive than others, and this is recognised in the rules e.g. in the main retail streets (Bridge, Hardy and Trafalgar Streets), and those accessed off the public parking squares (Montgomery, Buxton and Wakatu). There can be adverse effects on visual amenity, pedestrian safety and amenity, and the continuity of the 'street edge' and verandah protection.</p> <p>The supply of car parking can influence the growth of private vehicle traffic. Limiting car parking can encourage use of other sustainable modes of transport, reduce congestion on the transport network and may also improve the environment of the City Centre.</p> <p>Very large private car parks, or many smaller ones, can have significant visual impacts, break up the continuity of streets, and impact on the pedestrian-friendly objectives that are sought for the City Centre.</p>
<p>ICr.32.4</p> <ul style="list-style-type: none"> <li>a) refer to Appendix 11.</li> <li>b) the extent to which alternative methods of access for goods may be available, such as providing a goods loading zone adjacent to the site and/or restricting the times of delivery or dispatch of goods.</li> <li>c) the effects on traffic and pedestrian movement and safety.</li> </ul>	<p>ICr.32.5</p> <p>Refer to Appendix 11.</p> <p>Vehicle crossings are not allowed as of right within the City Centre on the main pedestrian roads, and on the inside of the parking squares, in order to promote a better and safer pedestrian environment. A crossing in these situations may be granted by resource consent, having regard to the impacts on pedestrian traffic, and the appropriateness of the crossings in relation to the operational effects of the activity on the safe and efficient movement of traffic on and off the site and along the roadway.</p>
<p>ICr.33.4</p> <ul style="list-style-type: none"> <li>a) the extent to which residential activity can occur on the ground floor without affecting the pedestrian circulation and interest along the main roads in the City Centre.</li> <li>b) the nature of any neighbouring activity, including in the case of any activity involving hazardous substances, any risk to human health posed by that substance</li> </ul>	<p>ICr.33.5</p> <p>This rule, again, is to maintain pedestrian interest on the ground floor frontage of buildings in the City Centre. The assessment criteria anticipate that ground floor living may be appropriate if pedestrian circulation is unaffected.</p>

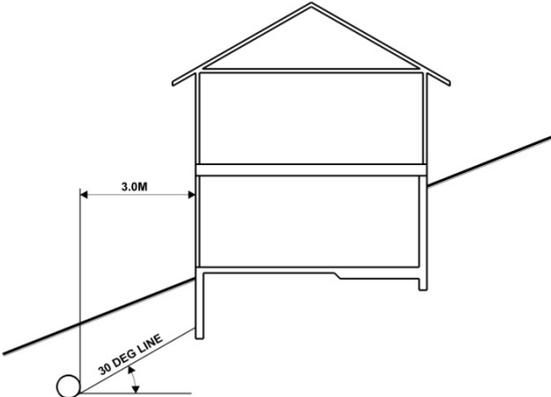
## rule table

Item	Permitted	Controlled	Discretionary/Non-complying
<b>ICr.34</b> <b>Building setback</b> Corner sites	ICr.34.1 The ground floor of any building must be set back at the corner to a diagonal line joining points on each road boundary 3m from the corner of the site (or the point where the road boundaries would meet if extended).	ICr.34.2 not applicable	ICr.34.3 Activities that contravene the conditions for permitted activities are discretionary
<b>ICr.35</b> <b>Daylight admission</b> Boundary with Residential Zone or Open Space and Recreation Zone	ICr.35.1 Any building on a site adjoining a Residential Zone or an Open Space and Recreation Zone must comply with the daylight angles in Appendix 15 (daylight admission – residential).	ICr.35.2 not applicable	ICr.35.3 Activities that contravene a permitted condition are discretionary
<b>ICr.36</b> <b>Verandahs</b> Trafalgar, Hardy and Bridge Streets and Parking Squares (scheduled frontages)	ICr.36.1 Any building (except any Group A or B Heritage Building listed in Appendix 1), when it is erected, or substantially altered in any way that substantially changes its external appearance: <ul style="list-style-type: none"> <li>a) must be provided with a verandah along any scheduled frontage shown on Planning Map 1 or 10, and</li> <li>b) the verandah must comply with the specifications in Appendix 18 (verandahs).</li> </ul>	ICr.36.2 not applicable	ICr.36.3 Activities that contravene a permitted condition are discretionary.
<b>ICr.37</b> <b>Verandahs</b> Other roads	ICr.37.1 Any building may be provided with a verandah, if: <ul style="list-style-type: none"> <li>a) the building is not a Heritage building listed in Appendix 1, and</li> <li>b) the verandah complies with the specifications in Appendix 18 (verandahs).</li> </ul>	ICr.37.2 not applicable	ICr.37.3 Activities that contravene a permitted condition are discretionary.

## city centre and city fringe areas

Assessment Criteria	Explanation
<p>ICr.34.4</p> <p>a) the effects on driver visibility and therefore road safety.</p>	<p>ICr.34.5</p> <p>The rule improves driver sight lines at intersections and safer pedestrian movements.</p>
<p>ICr.35.4</p> <p>a) the effects of any shading on the public enjoyment and amenity of roads and public spaces.</p> <p>b) the extent of any additional shading, having regard to the size of the shadow cast and the period of time any area is affected by it (eg. tall thin shadow compared with shorter, bulky shadow taking longer to pass).</p> <p>c) the nature of the activities undertaken in any area affected</p>	<p>ICr.35.5</p> <p>The rule ensures that a residential level of daylight amenity is maintained on properties in residential zones, and public open space, even from adjoining zones. The rationale for the daylight angles is explained in Appendix 15.</p>
<p>ICr.36.4</p> <p>a) the extent the footpath may be exposed to adverse weather conditions if a verandah is not provided.</p> <p>b) whether suitable alternative provision for pedestrian cover can be made.</p> <p>c) the volume of pedestrian movement in the vicinity.</p> <p>d) the effect of not providing a verandah on appearance of the building, and the road in the vicinity.</p> <p>e) the effect of departing from the specifications in Appendix 18 in terms of the relationship with adjoining verandahs (eg. appearance, continuity of weather protection), the appearance of the building and the road, and such things as ensuring adequate head clearance above footpaths.</p> <p>f) the extent to which a verandah added to a heritage building would detract from the architectural or historic merits of the building.</p> <p>g) the provisions of the Nelson City Centre Design Guide (where relevant)</p>	<p>ICr.36.5</p> <p>The rule is to enhance the attractiveness and convenience of the City Centre as a shopping environment and as a place for visitors. In locations with high pedestrian movements verandahs are compulsory. Certain design specifications must be met. These ensure there is general consistency of design and continuity of protection for pedestrians.</p> <p>Having a verandah on a listed heritage building is not mandatory. Addition of such a structure may detract from the appearance of the building, and for this reason addition of a verandah to a listed building requires a resource consent.</p> <p>See also Rule ICr.60 (heritage buildings, places and objects: alterations).</p>
<p>ICr.37.4</p> <p>a) the effect of departing from the specifications in Appendix 18 in terms of the relationship with adjoining verandahs (eg. appearance, continuity of weather protection), the appearance of the building and the road.</p> <p>b) the extent to which a verandah added to a heritage building would detract from the architectural or historic merits of the building.</p> <p>c) the provisions of the City Centre Design Guide.</p>	<p>ICr.37.5</p> <p>Verandahs are optional on other than the scheduled frontages. However, certain design specifications must be met. These ensure there is general consistency of design and continuity of protection for pedestrians.</p> <p>See also Rule ICr.60 (heritage buildings, places and objects: alterations).</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>ICr.38</b> <b>Activities near the coast</b>	ICr.38.1 Activities within 5m of mean high water springs are permitted if: a) they do not involve erection or extension of structures (excluding fences), and b) they do not impede the legal right of foot access along a waterbody where this exists. Earthworks near coastal water or water bodies are regulated under other rules.	ICr.38.2 Extension of a utility service line or structure is controlled. Control reserved over: i) damage to indigenous vegetation, and damage to indigenous vegetation, and ii) discharge of contaminants and iii) discharge of contaminants, and iv) maintenance of access, and maintenance of access, and v) remedial measures.	ICr.38.3 Activities that contravene a permitted condition are discretionary.
<b>ICr.39</b> <b>Building over or alongside drains and water mains</b>	ICr.39.1 a) Structures: i) must be located no closer than 1m measured horizontally from the near side of any public water main or common private or public sewer or stormwater drain, where the required pipe or drain is less than or equal to 300mm in diameter or width, and ii) must be located no closer than 1.5m measured horizontally from the near side of any public water main, or common private or public sewer or stormwater drain, where the required pipe or drain is greater than 300mm in diameter or width, and iii) may overhang the line of the pipe or drain, provided the structure is cantilevered or is an eave and the height to the underside of the structure above ground level is not less than 1.8m, and iv) which are located within 3m, measured horizontally, from the near side of the pipe or drain must have the base of the foundations deeper than a line drawn at 30° from the horizontal from the invert (bottom) of the pipe or drain (see diagram).  As an alternative to a), structures may be located over common private or public wastewater or stormwater drains, if they comply with "Acceptable Techniques for Building over Drains or Pipelines". Table 3-4 in section 3 of the NCC Land Development Manual.	ICr.39.2 not applicable	ICr.39.3  Restricted Discretionary Activity Activities that contravene a permitted standard are a restricted discretionary activity.  Discretion restricted to: i) the design and location of the structure, and ii) access to pipework or drain for maintenance, and iii) the nature and location of the pipework or drain.  Resource consent applications for restricted discretionary activities will be considered without notification, or service of notice, provided it can be shown that the building can be located in such a way as to ensure that access to the drain or pipe for maintenance or replacement purposes, can be achieved without causing adverse financial or physical effect on neighbouring properties or persons who are served by the same pipe or drain.

Assessment Criteria	Explanation
<p>ICr.38.4</p> <ul style="list-style-type: none"> <li>a) the appropriateness of undertaking the activity within this area</li> <li>b) effects on water quality</li> <li>c) effects on public access and recreation</li> <li>d) effects on indigenous vegetation and the habitat of indigenous fauna</li> <li>e) effects on sites of cultural significance</li> <li>f) the justification for the establishment of esplanade reserves, strips or other protections for the margins</li> <li>g) the values of coastal waters listed in Appendix 4 (marine ASCV overlay) and Appendix 6 (riparian and coastal margin overlays).</li> </ul>	<p>ICr.38.5</p> <p>Coastal margins are sensitive to modification, provide habitat for plant and animal communities, and are important for recreational, aesthetic, and cultural reasons.</p>
<p>ICr.39.4</p> <ul style="list-style-type: none"> <li>a) the nature of the structure and whether access to the pipe or drain can be maintained.</li> <li>b) any measures taken to ensure that replacement of the pipe or drain can be undertaken.</li> <li>c) the nature of the pipe or drain, taking into account materials of construction and any bends or joints.</li> </ul>	<p>ICr.39.5</p> <p>Limiting access to pipes and drains means that repair and maintenance may be very costly and may even result in pipes or drains having to be relocated. This rule seeks to preserve access to all pipes or drains where off-site facilities are likely to be affected. Table 3-4, section 3 of the NCC Land Development Manual 2010 provides techniques which allow the construction of structures over drains in some limited circumstances. Diagram referred to in ICr.39.1a):</p>  <p>The diagram illustrates a cross-section of a building with a gabled roof. A horizontal line extends from the left side of the building, representing a pipe or drain. A vertical dimension line indicates a distance of 3.0M from the left edge of the building to the start of the pipe. A 30-degree line is drawn from the bottom-left corner of the building, intersecting the horizontal pipe line. The angle between this 30-degree line and a vertical reference line is labeled '30 DEG LINE'.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>ICr.40 Outdoor living court - residential activity</b>	ICr.40.1 Every residential unit must be provided with an outdoor living court: a) minimum area: 1 and 2 bedrooms 25m <sup>2</sup> 3 or more bedrooms 40m <sup>2</sup> , and b) minimum dimension 4m, and c) units without a room on the ground floor may instead provide a balcony or balconies (minimum combined area of 12m <sup>2</sup> , minimum dimension for any required balcony of 2.4m), and d) the outdoor living court must not be located on a side of the residential unit facing within 45° either side of due South, and must be readily accessible from a living area of the unit.	ICr.40.2 not applicable	ICr.40.3 Activities that contravene a permitted condition are discretionary.
<b>ICr.41 Signs</b>	ICr.41.1 Any sign must be designed and constructed in accordance with Appendix 20 (signs and outdoor advertising).	ICr.41.2 not applicable	ICr.41.3 See Appendix 20.
<b>ICr.42 Night Time Noise Limits</b>	ICr.42.1 The sound level assessed 1 metre from any external wall of any Residential Unit or Short Term Living Accommodation Unit shall not exceed the following noise limit during the hours 10:00pm to 7:00am:  75 dB L <sub>AFmax</sub>  All measurements and assessment shall be in accordance with NZS6801:2008 and NZS6802:2008.	ICr.42.2 Not Applicable	ICr.42.3 Activities that contravene a permitted condition are discretionary.
<b>ICr.42A Noise Generating Activities</b>	ICr.42A.1 The establishment or extension of a 'noise generating activity' is not a permitted activity. For the purposes of this rule 'extension' is defined as any alteration of change which: a) results in a 10% or greater increase in permitted patrons, or b) any increase in operating hours or hours amplified music is played at, or c) results in an outdoor area accessible to patrons which is new, has a different location, or is increased in size by 10% or more.	ICr.42A.2 Not applicable	ICr.42A.3 The establishment or extension of a 'noise generating activity' is a restricted discretionary activity, provided that the following condition is met: a) a noise management plan shall be provided in accordance with the provisions of Appendix 13.1 Noise Generating Activities.  Discretion restricted to: i) Noise effects, ii) Mitigation measures, including any Noise Management Plan, iii) hours of operation iv) proposed location of activity v) volume and type of noise expected to be generated vi) cumulative effects  Any activity subject to this rule that does not comply with condition ICr.42A.3a) shall be a Non-Complying activity.

Assessment Criteria	Explanation
<p>ICr.40.4</p> <p>a) whether alternative outdoor space is available adjacent or near to the site.</p> <p>b) with an existing building, whether provision of a living court is impracticable.</p> <p>c) the needs of the current or likely future occupants of the residential unit.</p> <p>d) the nature of the building and the practicality of providing a living court of the dimensions and location specified in the rule.</p>	<p>ICr.40.5</p> <p>A requirement for a minimum outdoor living area is included, as, apart from this rule, in the Inner City Zone there are no controls on maximum building coverage or minimum lot size requirements. In other words there is otherwise no requirement to leave some space free of buildings.</p> <p>The living court requirements are not as high as in the Residential Zone, recognising that the amenity requirements of the two zones differ.</p> <p>The rule recognises that residential use may occur above shops or other premises which are not specifically designed for residential living. The rule therefore provides for a small balcony as an alternative to ground floor open space.</p> <p>Consent may be granted to further reduce or waive the living court requirement in certain circumstances eg. if the development fronted onto a public park, or if providing the specified living court is impractical.</p>
<p>ICr.41.4</p> <p>The assessment criteria in Appendix 20 will apply.</p>	<p>ICr.41.5</p> <p>See Appendix 20.</p>
<p>ICr.42.4</p> <p>a) The length of time, number of times, or the level by which, the noise standards will be exceeded 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 occupants of Residential Units and Short Term Living Accommodation within the Inner City and neighbouring zones.</p> <p>c) Whether the noise is likely to detract from the amenity sought for the Inner City and Residential Zones.</p>	<p>ICr.42.5</p> <p><math>L_{AFmax}</math> control at night time provides an upper limit to single noise events which provides a level of certainty around the limits to a single 'spike' of sound. Note this does not act as a limit that a more continuous source of noise can generally operate to and be deemed to be reasonable and not excessive.</p> <p>In addition to controls on maximum noise; noise will be controlled by Council officers under the relevant sections of the Resource Management Act for unreasonable and excessive noise. See AP13 'Inner City Zone: Noise Management Plans and assessment of unreasonable and excessive noise' for information and guidance on this process. As a pro-active measure, Council officers will also offer information and advice to noise producers on ways in which they can reduce and control their emission of noise.</p>
<p>ICr.42A.4</p> <p>a) the suitability of the site, the activity on the site and in any outdoor areas, having regard to its location, and the proximity of residential or other noise-sensitive activities.</p> <p>b) expected hours of operation, volume and type of noise expected to be generated.</p> <p>c) the adequacy of measures to manage or reduce noise at source, including the provisions of a Noise Management Plan in accordance with Appendix 13.</p> <p>d) the effectiveness of measures proposed to avoid or mitigate nuisance effects, including from low frequency noise.</p>	<p>ICr.42A.5</p> <p>Before a Noise Generating Activity establishes or extends in the Inner City Zone a resource consent is required to assess the suitability of the site and specific proposal in terms of management and reduction of noise at source. Conditions can be imposed as appropriate to maintain an acceptable level of noise generation for the Inner City (see policies IC4.2, IC4.3 and IC5.2 in particular). In addition to this rule, rule ICr.42 and the relevant sections of the Resource Management Act 1991 apply to the ongoing operation of the activity and to existing activities already established.</p> <p>The permitted activity standard includes a definition of extension based on there being a 10% or greater increase in permitted patrons. The number of permitted patrons in a building is determined through the Building Codes fire safety provisions (Clause 'C'). Any changes which will result in a 'change of use' must be advised to the Territorial Authority for consideration under the Building Code.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>ICr.43</b> <b>Noise received at sites in the Residential Zone</b>	ICr.43.1 a) Noise levels measured at any site within a Residential Zone must not exceed: <b>Daytime</b> 53 dB L <sub>Aeq</sub> <b>Other times</b> 43 dB L <sub>Aeq</sub> 75 dB L <sub>Afmax</sub> (Daytime means 7am to 10pm Monday to Friday, and 9am to 10pm Saturdays, Sundays and Public Holidays). b) All measurements and assessment in accordance with NZS6801:2008 and NZS6802:2008. c) Parts a) and b) of this rule do not apply to construction activities, which, when assessed at, or within, any site within the Residential Zone, must comply with NZS6803:1999 'Acoustics - Construction Noise'.	ICr.43.2 Not Applicable	ICr.43.3 Activities that contravene a permitted condition are non-complying.
<b>ICr.43A Acoustic Insulation of Buildings</b>	ICr.43A.1 Construction of any new Bedroom is permitted if: a) the new Bedroom is acoustically insulated in accordance with Appendix 19 (AP19.3 Inner City Zone, Table 3), or b) the new Bedroom is acoustically insulated to achieve a facade sound level difference of not less than 30dB $D_{2m,T}+C_{tr}$ , and has either ventilating windows open or minimum ventilation requirements as set down in Appendix 19 (AP19.3 Inner City Zone), and c) If option b) is used then prior to commencement of any construction or site works a certificate is obtained from a suitably qualified acoustic engineer to demonstrate that the building design complies with option b) above.  For the purposes of this rule, the 'construction of any new Bedroom' shall also include the conversion of any existing room to a Bedroom. Note: Bedroom is defined in Chapter 2, Meanings of Words.	ICr.43A.2 Not applicable	ICr.43A.3 Activities that contravene a permitted condition are a restricted discretionary activity. Discretion restricted to: i) Location and orientation of Bedrooms in relation to noise sources, and ii) Insulation or other measures required for noise mitigation purposes for Bedrooms, and iii) Health and well-being effects for residents, and iv) Potential reverse sensitivity effects on other activities
<b>ICr.44</b> <b>Vibration</b>	ICr.44.1 No vibration created on a site may be discernible at any other site.	ICr.44.2 not applicable	ICr.44.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>ICr.43.4</p> <p>a) The length of time, number of times, time of day or night, or the level by which, the noise standards will be exceeded, 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 occupants of residential units and Short Term Living Accommodation within the Inner City and neighbouring zones.</p> <p>c) Whether the noise is likely to detract from the amenity sought for the Residential Zone or result in a nuisance effect, including as a result of low frequency noise.</p>	<p>ICr.43.5</p> <p>This rule is to prevent unreasonable levels of noise affecting properties in the Residential Zone. When compared to the Inner City Zone it is expected there will be a higher standard of residential amenity, and particularly a night time environment conducive to sleeping.</p> <p>This recognises the greater sensitivity of the Residential Zone, the generally lower ambient sound levels, and that noise has a major influence on residential amenity. For this reason any proposal for noise in excess of the permitted standard will be assessed as a non-complying activity where it affects the Residential Zone.</p>
<p>ICr.43A.4</p> <p>a) The location and orientation of the new Bedrooms in relation to noise sources.</p> <p>b) The likely exposure to the noise, the type of noise (volume, tone and audio frequency), and the duration.</p> <p>c) The time of day or night the noise is likely to be experienced.</p> <p>d) The measures proposed to be undertaken to ensure an appropriate sleeping noise environment is achieved.</p> <p>e) The effectiveness of any noise barriers.</p> <p>f) The presence of any balconies.</p>	<p>ICr.43A.5</p> <p>This rule proactively ensures that the new Bedrooms in the Inner City Zone have acoustic insulation features designed into the building from the start to create reasonable sleeping environments. The rule operates in conjunction with other rules to manage noise in the city centre. It recognises that new Bedrooms in the Inner City Zone, which is inherently a noisier environment than that generally experienced in the Residential Zone, should undertake some measures to protect against the adverse effects of noise.</p> <p>Two methods of achieving compliance with the rule are possible; one allows a developer or owner to select from a list of specified materials, and construction methods to use, whilst the second allows any material or construction style to be used (subject to the Building Code) but it must be certified by a suitably qualified acoustic engineer to achieve a specified level of noise reduction.</p>
<p>ICr.44.4</p> <p>a) the length of time, and the type of vibration, and the likely disturbance that may cause.</p> <p>b) the nature and location of nearby activities and the effects they may experience.</p> <p>c) whether the vibration is likely to detract from the general environmental quality being proposed for the City Fringe or City Centre, or the amenity of any Residential Zone.</p>	<p>ICr.44.5</p> <p>Vibration can have a major impact on people's enjoyment of their property.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>ICr.45</b> <b>Light Spill</b>	ICr.45.1 Artificial lighting is permitted if: a) the spill of light onto any other site within the zone does not exceed 30 lux (horizontal and vertical) measured at the boundary of the other site, and b) the spill of light onto any site in the Residential Zone does not exceed 3 lux (horizontal and vertical), measured at the boundary of the other site, and c) the lighting does not create any light on roads which may distract traffic or interfere with any traffic aids or signals, or d) the light is a street light, navigation light or traffic signal.	ICr.45.2 not applicable	ICr.45.3 Activities that contravene a permitted condition are discretionary.
<b>ICr.46</b> <b>Closing times - services to the public</b>	ICr.46.1 a) Any activity located within 50m of a Residential Zone Boundary, which is open to the public, or is a place of public assembly, may be open to the public only during the following hours: Sunday to Thursday inclusive: 7am - 11pm Friday, Saturday, Christmas Eve and New Year's Eve: 7am - 1am the following day, and b) Any activity located more than 50m from the Residential Zone boundary, which involves the sale of liquor for consumption on the premises, may be open for the sale of liquor only during the following hours: Daily: 7am - 3am the following day, and c) Any activity located anywhere in the zone, which involves the sale of liquor for consumption off the premises may be open for the sale of liquor only during the following hours: Daily: 7am - 11pm.	ICr.46.2 not applicable	ICr.46.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>ICr.45.4</p> <ul style="list-style-type: none"> <li>a) effects on adjacent and adjoining uses</li> <li>b) the extent to which additional light may adversely affect occupation of residential properties.</li> <li>c) the effect on traffic safety.</li> <li>d) the positive effects of improved pedestrian safety and security.</li> <li>e) the type of light, including its strength, and hours of operation.</li> </ul>	<p>ICr.45.5</p> <p>The rule is to prevent unreasonable levels of light spilling onto neighbouring properties. Different levels are specified for light received on sites within the zone, compared to sites within the Residential Zone. This recognises the greater sensitivity of areas containing dwellings.</p>
<p>ICr.46.4</p> <ul style="list-style-type: none"> <li>a) the nature and scale of the activity in relation to nearby residential activity, having regard to the nature of the existing and permitted future uses on nearby sites.</li> <li>b) the effect on the existing and likely foreseeable amenity of nearby residential areas, particularly in relation to noise and traffic generation.</li> <li>c) the ability to remedy or mitigate any adverse effects of the activity by the layout or design of the site or buildings, or by the provision of landscaping or similar measures.</li> <li>d) the topography of the site and the neighbouring areas.</li> <li>e) the adequacy of car parking on the site, and its location in relation to the neighbouring residential activities.</li> <li>f) the effectiveness, and in particular the certainty, provided by any conditions or controls that might be imposed on the activity.</li> <li>g) whether the activity is temporary, and the frequency of such events (where applicable).</li> </ul>	<p>ICr.46.5</p> <p>Activities which are close to residential areas and which are open to the public late at night, have the potential to create adverse effects which conflict with the residential nature of the neighbouring areas. Particular problems are traffic arriving and leaving the premises, noise from patrons, and sometimes music. Therefore restrictions have been placed on the hours of opening of such activities.</p> <p>Away from the boundary with residentially-zoned land, there are no restrictions on hours of opening, except for activities which involve the sale of alcohol. This recognises the adverse environmental effects which often accompany licensed premises and the patrons using them. There are set hours for off-licence premises throughout the zone. The hours for licensed premises were developed after extensive public consultation under the Sale of Liquor Act and only apply to the sale of liquor aspects of activities.</p> <p>Rule ICr.42A 'Noise Generating Activities' may also be applicable to activities considered under rule ICr.46. See definition of 'Noise Generating Activity' in Chapter Two 'Meanings of Words' and rule ICr.42A.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>ICr.47</b> <b>Hazardous substances - use and storage</b>	ICr.47.1 The use or storage of hazardous substances is a permitted activity if it complies with the conditions for permitted activities in Appendix 21.	ICr.47.2 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 (hazardous substances).	ICr.47.3 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>ICr.48</b> <b>Radioactive material</b>	ICr.48.1 Permitted if: a) used for clocks, watches, and other instruments containing luminous material, smoke detectors, and ionisation and electron capture detectors for use in gas chromatography, or b) the radioactivity does not exceed 0.1 terabecquerel.	ICr.48.2 not applicable	ICr.48.3 Activities that contravene the permitted condition are discretionary, if the amount does not exceed: a) 1 terabecquerel in the City Centre, or b) 10 terabecquerels in the City Fringe.
<b>ICr.49</b> <b>Aerials</b>	ICr.49.1 Aerials are permitted if: a) any dish antenna does not exceed a diameter of: i) 3m in the City Centre, and ii) 5m in the City Fringe, and b) On the site of any Group A or B Heritage Building there are not more than 3 aerials per site. c) any dish antenna is not visible from any public place when located on the site of any Group A or B Heritage Building (listed in Appendix 1) or on any site fronting Trafalgar, Hardy and Bridge Streets within the ring road, and d) aerials attached to a building do not exceed the height of the building by more than 7m, and e) aerials that are not attached to a building do not exceed 18m in height, and f) the supporting mast does not exceed 450mm diameter when the aerial is attached to a building.	ICr.49.2 not applicable	ICr.49.3 Restricted Discretionary Activity Activities that contravene a permitted condition are a restricted discretionary activity if the activity is being carried out by a network utility operator. Discretion restricted to: i) visual effects (including cumulative effects), and ii) practical alternatives, and iii) design and appearance of the structure (including its height and bulk) and method of mounting, and iv) siting of the structure, and v) landscaping or other treatment, and vi) the shading effects of the structure, and vii) effects on heritage values. Discretionary Activity Activities that contravene a permitted condition and are not a restricted discretionary activity are discretionary.

Assessment Criteria	Explanation
ICr.47.4 Assessment criteria in Appendix 21.	ICr.47.5 See Appendix 21
ICr.48.4 a) the type of radioactive source proposed and its relative activity. b) compliance with the relevant National Radiation Laboratory code of practice. c) the methods of storage and disposal proposed, particularly in relation to natural hazards which may affect the site. d) transportation routes, particularly through residential areas, and methods.	ICr.48.5 The permitted standard provides for such things containing minor amounts of radioactive materials such as smoke detectors, and luminous watches and clocks. The discretionary activity category would provide for facilities such as medical laboratories or dentists in the City Centre, and X ray centres or hospitals in the City Fringe. The prohibited category excludes large scale facilities such as irradiation plants and nuclear power plants. Activities involving radioactive substances are controlled by the Radiation Protection Act 1965 and the Radiation Protection Regulations 1982. The rules seek to impose additional control only on the higher potential emission activities to enable wider community consultation. Note: activities are prohibited if emissions are in excess of 1000 terabecquerels of radioactivity (see ICr.2).
ICr.49.4 a) the visual impacts of the structure on the streetscape and the general public. b) any shading posed by the structure. c) how prominent the site is, taking account of any significant public or private views or any significant landscapes. d) the extent to which any heritage or cultural values of the site or adjoining sites might be compromised by the structure. e) the height and bulk of the structure. f) the extent to which design, colour scheme or screening (eg. locating it below the parapet) might mitigate the adverse effects of the structure. g) the cumulative effects of additional aerials and structures, taking account of the impacts of existing aerials on the site and on adjacent sites.	ICr.49.5 The height controls for the Inner City are generous and there should be little reason to breach these standards. Dish antennas tend to be bulkier than traditional aerials, and potentially more visually intrusive. Hence special controls relate to their location on heritage buildings and main shopping streets to ensure they do not affect the public enjoyment of these buildings and areas. Dish antennas are also subject to Rule ICr.56 which relates to protection of views from the Church Steps. Heritage buildings are also protected from multiple aerial installations because aerials can detract from the values of these special buildings. Note the definition of aerial in Chapter 2: Meaning of Words which allows for a support mast with several antenna mounted on it. Within the Inner City Zone therefore, Rule ICr.49 provides for a maximum of 3 support masts with multiple antenna/aerials.

Item	Permitted	Controlled	Discretionary/Non-complying
<b>ICr.50</b> <b>Radiofrequency exposure levels</b>	<p>ICr.50.1</p> <p>Subject to the exclusions at the end of this rule, activities which produce radiofrequency fields are permitted activities if:</p> <p>a) Radiofrequency exposures measured at any point where any person may reasonably and lawfully gain access (excepting those employed or engaged on the maintenance and operation of the radio communication or telecommunication facility), do not exceed the maximum non-occupational exposure level in New Zealand Standard NZS 2772.1:1999 Radiofrequency Fields: Part 1 – Maximum Exposure Levels 3kHz-300GHz (“the New Zealand Standard”), and</p> <p>b) Prior to establishing any facility that produces radio frequency fields at any site, the Planning and Consents Division of the Council are advised of the location and nature of the proposed facility, and</p> <p>c) Where radiofrequency exposure levels will exceed 25% of the maximum non-occupational exposure limit set in the New Zealand Standard, then, within three months of radio frequency emissions commencing or increasing, a report from the National Radiation Laboratory (or another appropriately qualified person/organisation) certifying compliance with the New Zealand Standard NZS 2772.1:1999 Radio Frequency Fields; Part 1 – Maximum Exposure Levels 3kHx-300GHz, based on measurements at the site in accordance with New Zealand Standard NZS 6609.2:1990 Radiofrequency Radiation: Part 2: Principles and Methods of Measurement 300kHz to 100GHz, will be lodged with the Planning and Consents Division of the Council.</p> <p><b>Exclusion</b></p> <p>Conditions b), and c) of this rule shall not apply to domestic transmitting equipment, including, but not limited to, cellular and cordless phones, microwave ovens, CB radios, garage door openers, security systems, licensed amateur radio installations, and radio-controlled toys.</p>	<p>ICr.50.2</p> <p>not applicable</p>	<p>ICr.50.3</p> <p>Activities that contravene permitted condition (a) are non-complying.</p> <p>Activities that contravene any other permitted condition are discretionary.</p>
<b>ICr.51</b> <b>Network utility - above ground and underground utilities</b>	<p>ICr.51.1</p> <p>a) Any underground network utility is permitted except:</p> <p>i) any high pressure gas line exceeding a gauge pressure of 2000 kilopascals, and</p> <p>b) any above ground network utility is not permitted except:</p> <p>i) maintenance and operation of existing utilities, or</p> <p>ii) network utility buildings and substations, or</p> <p>iii) small above ground parts of an underground utility (eg. Junction boxes), or</p> <p>iv) as explicitly provided for elsewhere in this rule table.</p>	<p>ICr.51.2</p> <p>not applicable</p>	<p>ICr.51.3</p> <p>Activities that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p>ICr.50.4</p> <ul style="list-style-type: none"> <li>a) the potential effects of any increase of radiofrequency exposure on the health of persons near the facility.</li> <li>b) the nature of any activities near the proposed site, having regard to their susceptibility to any exposures.</li> <li>c) the location of the site, and any potential for shielding from exposures.</li> <li>d) any cumulative effects, particularly with regard to exposure to electro magnetic radiation from existing facilities in the area.</li> </ul>	<p>ICr.50.5</p> <p>Certain utilities and other activities emit electromagnetic radiation. These activities are perceived to be a health concern to some people living near them.</p> <p>In developing the rules on radiofrequency exposures, Council has based its approach on that recommended in the "National Guidelines for Managing the Effects of Radiofrequency Transmitters" produced by the Ministry of Health and the Ministry for the Environment in December 2000. The key findings of the guidelines was that there are no established health effects from exposure to radiofrequency fields as long as they comply with the New Zealand Standard NZS 2772.1:1999 Radiofrequency Fields: Part 1 – Maximum Exposure Levels 3kHz-300GHz.</p> <p>The Council is to be notified of location and nature of any proposed facility. Should this predictive report anticipate and should exposure levels be greater than 25 percent of the New Zealand Standard level, monitoring to determine the actual exposure levels from the transmitting installation will be required.</p> <p>The rule contains an exception for domestic radiofrequency transmitting equipment. This is to ensure that these domestic transmitting devices can be used without the rules applying to their radiofrequency emissions.</p> <p>Radiofrequency emissions that exceed the exposure levels set within the New Zealand Standard are to be considered as non-complying activities.</p>
<p>ICr.51.4</p> <ul style="list-style-type: none"> <li>a) any hazard presented by the utility.</li> <li>b) the environmental setting of the structure, having regard to the general locality, topography, geographical features and adjacent land uses.</li> <li>c) the visual impacts of the structure on residential or recreational use of land in the vicinity, and on significant ridge lines and view planes from public places, including roads.</li> <li>d) the scale, bulk and height of the facility.</li> <li>e) screening or landscaping of the utility and any modifications to its colour and design to reduce the visual effect of the utility on the surrounding environment.</li> <li>f) any constraints on placing the utility underground.</li> </ul>	<p>ICr.51.5</p> <p>Provision is made for lower pressure gas lines as permitted activities, but high pressure lines which present a higher risk need to be assessed as discretionary activities.</p> <p>The electricity and telephone network is an important part of the city's infrastructure. They, and similar facilities, are permitted if located under ground. However, overhead lines have the potential to detract from the residential streetscape, and have to be dealt with as discretionary activities. Maintenance and operation of existing utilities is permitted in accordance with the definition of "maintenance" in Chapter 2 (meanings of words).</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>ICr.52</b> <b>Structures on the road reserve</b>	ICr.52.1 Structures on the road reserve are permitted if: a) they are part of the road infrastructure (eg. bridges, culverts, street lighting, traffic signals, masts), or relate to the safe use of the road or walkway, or b) structures (including equipment shelters and bus shelters) do not exceed 6m <sup>2</sup> .	ICr.52.2 not applicable	ICr.52.3 Activities that contravene a permitted condition are discretionary.
<b>ICr.53</b> <b>Network utility - roads</b>	ICr.53.1 The construction of any new road is permitted if: a) the road is not a State Highway, Arterial Road or Principal Road as defined on the Planning Maps, and b) the minimum standards (as defined in Section 1.1.1 General) in Section 4 of the NCC Land Development Manual 2010 are complied with.	ICr.53.2 not applicable	ICr.53.3 Activities that contravene a permitted condition are discretionary.
<b>ICr.54</b> <b>Building on low lying sites</b>	ICr.54.1 Building is permitted if: a) the ground level (excluding water bodies) is 15.35m NCC Datum or above; or ground level is raised and compacted to at least those levels: i) in accordance with NZS4431:1989 (Code of Practice for Earthfill for Residential Development) and ii) such that stormwater runoff from the site is not directed onto other sites or into any river or stream, and that stormwater runoff from other sites is not obstructed, and iii) the finished ground level is not less than 400mm above the design hydraulic grade level of the storm water system serving the site, and b) the minimum finished floor level of the building is: i) concrete floor: 15.50m ii) timber floor: 15.65m	ICr.54.2 not applicable	ICr.54.3 Buildings that contravene a permitted condition are restricted discretionary activities.  Discretion is restricted to measures required for the avoidance or mitigation of inundation hazards on the subject and surrounding properties.

Assessment Criteria	Explanation
<p>ICr.52.4</p> <ul style="list-style-type: none"> <li>a) the size and scale of the structures.</li> <li>b) any visual impacts, taking account of the character of the area.</li> <li>c) safety considerations including any effects on line of sight for motorists and other road users, having regard to the usage of the road.</li> </ul>	<p>ICr.52.5</p> <p>This rule allows for the usual basic infrastructure in the road reserve at a scale that is generally accepted by the public. This infrastructure includes street lights and other traffic equipment, as well as electricity distribution boxes and telephone booths.</p> <p>The rule is not restricted to network utility operators in order to regulate bus shelters, street vendors, and the use of the road reserve for pavement cafes.</p> <p>The Council (and the NZ Transport Agency in the case of State Highways) has an additional control as the owner of the land, in respect of who goes there and under what circumstances.</p> <p>Telecommunications and electricity operators have certain rights to put works on roads (under the Telecommunications Act 1987, section 15, and Electricity Act 1992, section 24). The Council will be guided when it prescribes conditions under those Acts, by the matters contemplated in these rules.</p>
<p>ICr.53.4</p> <ul style="list-style-type: none"> <li>a) the minimum standards (as defined in Section 1.1.1 General) in section 4 of the NCC Land Development Manual 2010.</li> <li>b) the noise and air emissions from the road, taking account of the nature of nearby activities.</li> <li>c) any implications for traffic and pedestrian safety, both positive and adverse.</li> <li>d) any proposals to mitigate the adverse effects of the road, particularly by screening for noise and visual impacts.</li> <li>e) any impacts on communities eg. whether the road would divide a neighbourhood.</li> <li>f) any opportunities to provide views and vistas from the road.</li> </ul>	<p>ICr.53.5</p> <p>New roads and realignments and upgrading work on existing roads are generally dealt with by way of designations in the Plan. The designation procedure provides an opportunity for the public or affected persons to have a say on the proposals and for the environmental effects to be scrutinised. Where new roads have not been dealt with by designation, this rule provides the opportunity for public input via the resource consent process if the road is to be a major traffic carrier, or the usual design standards are not being followed.</p>
<p>ICr.54.4</p> <ul style="list-style-type: none"> <li>a) the ground level required to avoid the effects of anticipated flooding.</li> <li>b) the type of inundation likely to be experienced, whether it be stormwater ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding.</li> <li>c) the effects on neighbouring properties, especially with respect to stormwater runoff.</li> <li>d) section 5.6.5b) and Table 5-6 and 5-7 in section 5 of the NCC Land Development Manual 2010.</li> </ul>	<p>ICr.54.5</p> <p>The minimum ground levels set are based on the best estimates from the Ministry for the Environment for likely sea level rise caused by global climate change. This takes account of predicted spring tides and expected tidal surges, and their consequent effects on stormwater ponding.</p> <p>Sites below the minimum levels stated for permitted activities will be assessed individually to ensure that ground or floor heights are sufficient to protect the building from inundation.</p> <p>See Rule ICr.55 (earthworks) where a site is to be filled.</p> <p>Note: This low lying site rule does not apply within the Inundation Overlay - see ICr.59 (inundation overlays)</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>ICr.55 Earthworks</b></p> <p>[note – this rule is a regional and a district rule]</p>	<p>ICr.55.1</p> <p>Earthworks are a permitted activity if:</p> <p>a) the maximum height or depth of excavation or filling does not exceed 1.2m; or</p> <p>b) the earthworks are for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the earthworks are no more than required to permit the activity, or</p> <p>c) the excavation or fill:</p> <p>i) is retained immediately by a structure authorised by a building consent, and</p> <p>ii) the maximum height or depth of the fill or excavation does not exceed 3m, and</p> <p>iii) the depth of any excavation adjacent to a property boundary does not exceed the distance from that boundary measured on a horizontal plane, and</p> <p>d) the earthworks do not take place within 10m of the banks of any river identified in Appendix 6 (riparian and coastal margin overlays), or within 20m of the Coastal Marine Area, except for the purpose of:</p> <p>i) maintaining a State Highway and other roads, or</p> <p>ii) forming or constructing a fire break, fence line, survey line, or</p> <p>iii) installing a utility service line across a river, or</p> <p>iv) is for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the earthworks are no more than required to permit the activity, and</p> <p>e) no soil is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</p> <p>f) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance:</p> <p>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</p> <p>ii) vegetated, paved, metalled or built over, and</p> <p>g) after reasonable mixing there is no conspicuous change in the colour or visual clarity in any water body or coastal water as a result of undertaking the activity, and</p> <p>h) all formation surfaces with an inward cross fall are drained by a water table and cut-offs or culverts are formed or installed so as to prevent erosion of the formed surfaces, and</p> <p>i) trenches formed for utility service lines are back filled, compacted and revegetated as soon as practicable, and</p> <p>j) material used for fill is cleanfill material, and</p> <p>k) soil is managed on the site during the construction period and after, such that there are no adverse effects on adjoining properties or any waterbodies.</p>	<p>ICr.55.2</p> <p>Earthworks that contravene a permitted condition are controlled if:</p> <p>a) the maximum height or depth of filling or excavation does not exceed 4m, and</p> <p>b) the site is not in the Land Management Overlay, and</p> <p>c) earthworks do not take place within 10m of the banks of any river identified in Appendix 6 (riparian and coastal margin overlays), or within 20m of the Coastal Marine Area, and</p> <p>d) no soil is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</p> <p>e) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance, or the time specified in the sedimentation and erosion control plan for the site:</p> <p>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</p> <p>ii) vegetated, paved, metalled or built over, and</p> <p>f) all formation surfaces with an inward cross fall are drained by a water table, and cut-offs or culverts are formed or installed so as to prevent erosion of the formed surfaces, and</p> <p>g) material used for fill is cleanfill material.</p> <p>Control reserved over:</p> <p>i) loss of topsoil or movement of soil down slope, and</p> <p>ii) damage to structures or adjoining properties, and</p> <p>iii) soil and vegetation entering rivers or coastal water, and</p> <p>iv) damage to instream and coastal habitats, and</p> <p>v) adverse effects on catchment stream flow, including stormwater, and</p> <p>vi) river bank and coastal erosion, and</p> <p>vii) duration of exposure of bare soil to wind and rainfall, and</p> <p>viii) water quality, including suspended sediment load and increased stream bed load, and</p> <p>ix) the method and timing of the activity, and</p> <p>x) the area to be disturbed at any one time, and</p> <p>xi) the provision of structures to control soil erosion or sedimentation, and</p> <p>xii) the timing and techniques used for revegetation, and</p> <p>xiii) the depth, height and volume of cut and fill and the finished ground level, and</p> <p>xiv) the quality of fill material and compaction methods, and</p> <p>xv) visual effects, and</p> <p>xvi) control of noise, and</p> <p>xvii) control of dust, and</p> <p>xviii) traffic and access issues.</p>	<p>ICr.55.3</p> <p>Earthworks that contravene a controlled standard other than g) are restricted discretionary activities. Where g) is contravened the activity is a discretionary activity.</p> <p>Discretion restricted to:</p> <p>i) loss of topsoil or movement of soil down slope, and</p> <p>ii) the potential for slope failure, and</p> <p>iii) damage to structures or adjoining properties, and</p> <p>iv) soil and vegetation entering rivers and coastal water, and</p> <p>v) damage to instream and coastal habitats, and</p> <p>vi) adverse effects on catchment stream flow, and</p> <p>vii) bank and coastal erosion, and</p> <p>viii) duration of bare soil to wind and rainfall, and</p> <p>ix) water quality, including suspended sediment load and increased stream bed load, and</p> <p>x) the method and timing of the activity, and</p> <p>xi) the area to be cleared at any one time, and</p> <p>xii) the provision of structures to control soil erosion or sedimentation, and</p> <p>xiii) the timing and techniques used for revegetation, and</p> <p>xiv) the long term management of the land cleared, and</p> <p>xv) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated, and</p> <p>xvi) visual effects, and</p> <p>xvii) the impact on privacy and on the admission of daylight and sunlight to neighbouring sites, and</p> <p>xviii) the values set out in Appendix 6 Table 6.1 for any river, and</p> <p>xix) the matters in Appendix 9 (landscape components and views), and</p> <p>xxi) control of noise, and</p> <p>xxii) control of dust, and</p> <p>xxiii) traffic and access issues.</p>

Assessment Criteria	Explanation
<p>ICr.55.4</p> <p>In considering applications for controlled and discretionary activities, Council will exercise control over the matters listed in ICr.55.2, and restrict its discretion to the matters listed in ICr.55.3.</p>	<p>ICr.55.5</p> <p>This rule generally follows the pattern of the NCC Land Disturbance Regional Plan notified in 1993. That Plan will cease to have effect when this Plan becomes operative. The Land Management Overlay covers the land in Land Management Zone C in the Regional Plan, that is, land that has higher risks of erosion and sedimentation.</p> <p>Earthworks on flatter land are less likely to cause adverse soil erosion and sedimentation effects, except where the activity is close to a water body, and are therefore generally permitted. On steeper land, minor activities such as roads and utilities are permitted, but other activities are more closely regulated.</p> <p>Earthworks in the Land Management Overlay, apart from the minor work mentioned, may have more serious effects, and require assessment to ensure adverse soil erosion and sedimentation effects are avoided or minimised.</p> <p>Earthworks adjacent to rivers and the Coastal Marine Area have, because of their location, a high potential to cause soil erosion (river bank and coastal erosion), or sedimentation effects. Most rivers are included in Appendix 6.</p> <p>Fill can be used to improve sites for use and in particular to mitigate effects of natural hazards and servicing constraints.</p> <p>Clean fill is required because fill that contains contaminants can have adverse effects on the environment, while excessive amounts of vegetation can cause settling when it decomposes. Fill height and quality are controlled to ensure sufficient information to determine ground height in any particular area is available and considered on a case by case basis. However, where the height of the cut or fill exceeds 4m a discretionary activity resource consent is required.</p> <p>This is because such earthworks can have significant visual impacts. Also, in urban areas, significant filling of a site, relative to a neighbour, can affect privacy, and access to daylight and sunlight.</p> <p>Some confusion may arise as to whether an activity constitutes earthworks, landfill, or a combination of the two. The essential distinction is that while earthworks may involve some degree of landfill, it is not the primary purpose of the activity, whereas with landfill activities the primary purpose is the disposal of solid waste.</p> <p>Note: Section 14 of the Resource Management Act prohibits any activity that dams or diverts water, unless a resource consent is granted. This applies to earthworks that might dam or divert water (eg a spring), even if they are permitted or controlled activities under this rule.</p> <p>Note that Earthworks are regulated in other rules, particularly in Overlays, which may impose additional regulation on particular activities.</p>

<b>Item</b>	<b>Permitted</b>	<b>Controlled</b>	<b>Discretionary/Non-complying</b>
<b>ICr.55A Landfill</b>  [Note: This rule is a regional and district rule]	ICr.55A.1 Landfills are not a permitted activity	ICr.55A.2 Not applicable	ICr.55A.3 Landfill activities are restricted discretionary activities if: a) the maximum height of the landfill does not exceed 2m, and its total volume is less than 2,000m <sup>3</sup> , and b) the landfill accepts only cleanfill material.  Discretion is restricted to those matters listed in ICr.55.3 plus: i) visual and landscaping effects, and ii) leachate and runoff, and iii) fill brought on site, and iv) depth, height, volume of fill and finished ground level, and v) fill quality/compaction methods, and vi) effect on soil fertility/versatility, and vii) consequential stormwater characteristics such as ponding, and viii) cumulative effects of landfill activities. Activities that contravene a restricted discretionary condition are discretionary activities.
<b>Rules relating to Overlays on Planning Maps</b>			
<b>ICr.56 View Shaft Overlay</b>	ICr.56.1 Buildings or other structures are permitted if: a) no part (other than a chimney, mast, pole, or aerial attached to a building, including any dish antenna up to 1m in diameter) penetrates the View Shaft Overlay as shown on the Planning Maps, and defined in Appendix 8 (Church hill view shaft).	ICr.56.2 not applicable	ICr.56.3 Activities that contravene a permitted condition are discretionary.
<b>ICr.57 Riparian Overlay Activities on land identified with riparian values</b>	ICr.57.1 On land adjoining a Riparian Overlay listed in Table 6.2 Appendix 6 (riparian or coastal areas with priority values) the following are not permitted within the distance set out in the Esplanade Requirements column: a) erection or extension of any structure (excluding a fence), or b) adverse effect on indigenous vegetation, or c) disturbance to river banks.	ICr.57.2 On land located within a Riparian Overlay listed in Table 6.2 of Appendix 6 (riparian or coastal areas with priority values) extension of a utility service line or structure is controlled.  Control reserved over: i) protection of indigenous vegetation, and ii) disturbance of riverbanks, and iii) maintenance of access, and iv) remedial measures	ICr.57.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>ICr.55A.4</p> <p>In considering applications for landfills, Council will restrict its discretion to the matters identified in ICr.55A.3 provided that the application does not contravene a restricted discretionary condition.</p>	<p>ICr.55A.5</p> <p>Landfill development and operation are restricted discretionary activities, provided conditions in ICr.55A.3 are met. While landfills generally involve earthworks and modify the shape of the land, their primary purpose is the disposal of solid waste. The concentration of solid waste, often containing contaminants, within landfill sites, increases the potential for adverse effects on the environment beyond that associated with normal earthworks. Additional adverse effects may include generation of leachate, discharge of gas, geotechnical issues such as poor bearing strength and settlement, and contamination of the land itself making it unsuitable for other uses. Some landfills operate as cleanfill sites, accepting only material that does not undergo any physical, chemical, or biological transformations likely to cause adverse environmental effects, or health effects, once it is placed in the ground. Cleanfill operations are clearly preferable to activities accepting hazardous or potentially hazardous materials, and are more likely to be granted resource consent. Discharges to water and air from material within landfill sites also require separate regional resource consents.</p>
<p>ICr.56.4</p> <p>a) whether the building frames the view horizontally or vertically from the edges of the view shaft. This may be acceptable in some circumstances.</p> <p>b) the extent of intrusion into the view shaft, and the elements of the view affected.</p> <p>c) the extent to which the core of the view is impinged upon.</p> <p>d) whether the building removes existing intrusions or increases the quality of the view.</p>	<p>ICr.56.5</p> <p>The rule relates to views from the Church Steps looking north, towards the Haven. These views are important for visitors and residents alike, and provide an important link between the City Centre and the sea beyond. Any proposed building or structure that would impinge on the defined view shaft, will need to be assessed as a discretionary activity in terms of its potential impact on the view shaft. The view up Trafalgar Street is an important part of the view shaft. Rule ICr.21 (Buildings over road reserve) controls the intrusion of structures that might block this view eg. walkways connecting buildings, enclosed verandahs.</p>
<p>ICr.57.4</p> <p>a) the values for esplanade purposes stated in Appendix 6, Table 6.2, including any additional information regarding the values of the reserve or strip sought for the purposes outlined in section 229 of the Act.</p> <p>b) the nature of the proposed activity, its likely effects on the values for esplanade purposes, and methods of avoiding, remedying or mitigating the adverse effect.</p> <p>c) any circumstances making the future setting aside of an esplanade reserve or esplanade strip inappropriate including the nature of existing development, security needs, public safety, minor boundary adjustment.</p> <p>d) whether a lesser distance than specified might adequately protect the esplanade values.</p> <p>e) any existing protection of the area including existing esplanade reserves or strips or protective covenants.</p>	<p>ICr.57.5</p> <p>This rule ensures that activities within areas identified for possible acquisition of esplanade reserves or strips do not compromise their riparian values, or value for future acquisition.</p> <p>In the case of Riparian Overlays listed in Table 6.2 of Appendix 6, esplanade reserves or strips will be acquired whenever subdivision occurs, or may be required as a condition of a resource consent, eg. when there is a change of land use activity on the site. The width of the desired esplanade reserve or strip is set out in Appendix 6, Table 6.2.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>ICr.58</b> <b>Flood Path Overlays</b>	ICr.58.1 In any Flood Path Overlay, the following are not a permitted activity: a) erection or extension of any building, or structure, except: i) underground network utility lines, and ii) above ground network utility lines where these are attached to an existing structure no lower than the existing profile of that structure (eg. The underside of a bridge superstructure), or b) earthworks (except where these are associated with the establishment, operation and maintenance of underground network utility lines where the profile of the land is not permanently altered).	ICr.58.2 not applicable	ICr.58.3 Activities that contravene a permitted condition are discretionary.
<b>ICr.59</b> <b>Inundation Overlays</b> Low lying ground susceptible to localised stormwater ponding or tidal inundation	ICr.59.1 In any Inundation Overlay with the exception of network utilities and structures (which are permitted), the following are not permitted activities: a) erection of any building or extension of the ground floor by more than 20% (Note: the restrictions in this clause do not apply where the ground level of the building site has been filled according to a resource consent granted since the date of notification of this plan and all floor levels are not less than 150mm above the approved ground level), or b) earthworks (except those associated with installation or maintenance of an underground network utility where the profile of the land is not permanently altered).	ICr.59.2 In any Inundation Overlay, erection of any building or extension of the ground floor by more than 20%, or earthworks are controlled. Control reserved over: i) finished ground and floor levels, and ii) the nature of fill, its compaction and placement, and iii) the design of the building in so far as it relates to the avoidance of flooding, and iv) stormwater management.	ICr.59.3 Activities that contravene a permitted condition or a controlled standard are discretionary.
<b>ICr.60</b> <b>Heritage Buildings, Places and Objects</b> Alterations to Group A and B items	ICr.60.1 Alteration to any Group A or B building, place or object listed in Appendix 1 is permitted, if: a) the work is redecoration, restoration or insignificant alteration of any existing fabric or detailing, and b) 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 c) 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).	ICr.60.2 not applicable	ICr.60.3 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>ICr.58.4</p> <ul style="list-style-type: none"> <li>a) any effects of the development on floodpaths.</li> <li>b) any likelihood of flooding being aggravated on adjacent sites, or of additional water being directed onto adjacent sites.</li> <li>c) the ground level or floor level height required to give protection from a 1 in 50 year return period event.</li> <li>d) the nature of any activity proposed, particularly if lower standards are sought and whether the activity will involve the use and storage of hazardous substances or some other sensitive use.</li> </ul>	<p>ICr.58.5</p> <p>All buildings and any above ground structures and any earthworks (other than temporary earthworks for laying underground utilities) in flood paths have been made discretionary activities so the degree of risk to life and property can be evaluated in each case.</p>
<p>ICr.59.4</p> <ul style="list-style-type: none"> <li>a) the ground level required to avoid the effects of anticipated flooding.</li> <li>b) the type of inundation likely to be experienced, whether it be stormwater ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding.</li> <li>c) the effects on neighbouring properties, especially with respect to stormwater runoff.</li> <li>d) the provision of an adequate secondary flow path for surface flooding.</li> <li>e) the possibility of an overloaded public storm water system overflowing onto private property.</li> </ul>	<p>ICr.59.5</p> <p>The Inundation Overlays do not show floodpaths but areas which may be subject to localised ponding from stormwater etc during heavy rain events and/or high tides particularly if affected by sea level rise. The primary risk is to property, hence lesser controls apply than to flood paths. The activity is controlled so that floor levels and fill heights can be determined relative to the degree of risk and to co-ordinate filling to provide necessary fall for stormwater disposal and to avoid ponding.</p> <p>Extensions which increase the ground floor area by not more than 20% are provided for as a permitted activity to avoid the need to obtain a resource consent for a minor alteration.</p>
<p>ICr.60.4</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 alterations or additions proposed on the integrity of the original heritage building or object, taking account of how visible the change will be. For the City Centre area, the degree of compliance with the Nelson City Centre Design Guide.</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> <li>h) the effect of the alterations or additions on any feature of heritage significance listed in Appendix 1.</li> </ul>	<p>ICr.60.5</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. Features of particular heritage significance for Group A buildings are listed in Appendix 1. Protection is not confined to these features, but it is anticipated that where additions or alterations will not affect these features, a consent application will be considered favourably. For Group B items discretion is restricted to the design and appearance of the alteration. See separate rules for Heritage Precincts.</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>ICr.61</b>  <b>Heritage Buildings, Places and Objects</b>            New Buildings on the site of a Heritage Item</p>	<p>ICr.61.1            Erection of a new building on the site of a Group A or Group B heritage item is not a permitted activity.</p>	<p>ICr.61.2            Erection of a new building on the site of a Group A or Group B heritage item is controlled.</p> <p>Control reserved over:</p> <p>i) design and appearance in relation to existing heritage item, and design and appearance in relation to existing heritage item, and</p> <p>ii) distance of new building from, and location and relationship to existing heritage item distance of new building from, and location and relationship to existing heritage item</p>	<p>ICr.61.3            not applicable</p>
<p><b>ICr.62</b>  <b>Heritage Buildings, Places and Objects</b>            Demolition or removal of Group A and B items</p>	<p>ICr.62.1            Whole or partial demolition or removal of any Group A or Group B heritage building, place or object listed in Appendix 1 is not a permitted activity.</p>	<p>ICr.62.2            not applicable</p>	<p>ICr.62.3  <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><b>ICr.63</b>  <b>Heritage Buildings, Places and Objects</b>            Demolition or removal of Group C items</p>	<p>ICr.63.1            Whole or partial demolition or removal of any Group C heritage building, place or object listed in Appendix 1 is permitted if:</p> <p>a) 2 months written notice is given to the Council prior to the work being done</p>	<p>ICr.63.2            not applicable</p>	<p>ICr.63.3            Activities that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p>ICr.61.4</p> <p>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.</p> <p>b) the degree to which the new building is compatible with the heritage building or object, including size, scale and materials used.</p> <p>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.</p>	<p>ICr.61.5</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>ICr.62.4</p> <p>a) the historic, cultural or architectural significance of the item, having regard to the site on which the item is located.</p> <p>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.</p> <p>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.</p> <p>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), and whether the item is to be protected or covenanted on its new site.</p> <p>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.</p> <p>f) the ability of the applicant to economically develop or use the site without demolition, alteration or removal.</p> <p>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 City Centre area, the degree of compliance with the Nelson City Centre Design Guide).</p> <p>h) whether the heritage value of the building, place or object has altered since the item was listed in the Plan.</p> <p>i) any immediate or cumulative effects of the loss or removal of the listed building, place or object on the range, number, and quality of heritage features in the vicinity and the city as a whole.</p>	<p>ICr.62.5</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. Buildings and objects may have different strengths of association with their site and location. Relocation on the same site or to an adjoining site may have limited adverse effects, while relocation to a site further away will have a greater adverse effect.</p>
<p>ICr.63.4</p> <p>a) whether reducing the notification time would disadvantage any party, or would preclude effort to negotiate retention of the item.</p>	<p>ICr.63.5</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
<b>ICr.64</b> <b>Heritage Precincts</b> Group A or B Heritage Buildings, Places and Objects	ICr.64.1 a) Alteration to any Group A or B building, place or object listed in Appendix 1 - see Rule ICr.60 (alterations to Group A and B items). b) Demolition or removal of Group A and B items - see Rule ICr.62 (demolition or removal of Group A and B items).	ICr.64.2 not applicable	ICr.64.3 See Rule ICr.60 (alterations to Group A and B items) and Rule ICr.62 (demolition or removal of Group A and B items).
ICr.65 Heritage Precincts Buildings other than Group A or B Heritage Buildings	ICr.65.1 a) Alteration to the external appearance of any building (other than a Group A or B Heritage Building) within a heritage precinct as defined on the Planning Maps is permitted, if: 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 iii) the work is on a building within the City Centre, and is below the verandah, or where there is no verandah it is not above 3m from ground level. Erection of new buildings is not a permitted activity.	ICr.65.2 not applicable	ICr.65.3 a) The design and external appearance of any new building, or b) any alteration to the external appearance of any existing building which does not comply with the permitted conditions, is a restricted discretionary activity.  Discretion restricted to: i) design and external appearance.  Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.

Assessment Criteria	Explanation
<p>ICr.64.4</p> <p>The Assessment Criteria in Rules ICr.60 and ICr.62 (Heritage Buildings, Places and Objects) will apply.</p> <p>In addition, particular regard will be had to:</p> <ul style="list-style-type: none"> <li>a) for the City Centre precincts, the degree of compliance with the Nelson City Centre Design Guide.</li> <li>b) the degree of compliance with the South Street Design Guide.</li> <li>c) any effects (positive and negative) on the heritage values of the entire heritage precinct.</li> <li>d) any cumulative or precedent effects on the heritage values of the precinct.</li> </ul>	<p>ICr.64.5</p> <p>The Heritage Precincts recognise the whole is often greater than the sum of the parts. That is, that a collection of heritage buildings in context, has a greater impact to the observer and the resident, and has greater heritage value, than the same number of buildings scattered throughout the City. The loss or the unsympathetic alteration to even a single building can have major impacts on the entire precinct - rather like a missing tooth from a smile. The controls therefore focus on retaining Group A and B listed heritage buildings, and ensuring that any significant alterations are in keeping with the heritage values of the precinct.</p> <p>NOTE: THE CITY CENTRE DESIGN GUIDE, AND THE SOUTH ST DESIGN GUIDE APPLY – Copies are available from the City Council. See also Ap20r.4 (signs on heritage items or listed trees) in relation to signs on heritage buildings and trees.</p>
<p>ICr.65.4</p> <ul style="list-style-type: none"> <li>a) for the City Centre precincts, the degree of compliance with the Nelson City Centre Design Guide.</li> <li>b) the degree of compliance with the South Street Design Guide.</li> <li>c) any effects (positive and adverse) on the heritage values of the entire heritage precinct.</li> <li>d) any cumulative effects on the heritage values of the precinct or any effects which may establish a precedence within the precinct.</li> </ul>	<p>ICr.65.5</p> <p>The rules aim to get a gradual enhancement in the heritage precincts by ensuring that if any building is replaced - be it a listed heritage or any other building in the precincts - the design and appearance is compatible with the values of the precinct. This does not mean that new buildings have to be replicas of heritage buildings, but rather that they have design features which fit with the character of the precinct. Similarly, there are design controls on significant alterations to existing non-listed buildings within the heritage precinct. The purpose of this is to promote a gradual improvement in the compatibility of these buildings with the heritage buildings, where this is practicable. As with rule ICr.28 (external design and appearance), work below verandah level is permitted on buildings in the City Centre heritage precincts (i.e. the main commercial streets). This enables businesses to adapt building frontages to their changing needs without having to get a resource consent. Such changes have little effect on the overall streetscape. The City Centre Design Guide seeks to control the height, scale, and modulation of buildings overall, and the appearance at and above verandah level.</p> <p>See also Rule ICr.63 (Heritage Buildings, Places and Objects demolition or removal of Group C items).</p> <p>NOTE: THE CITY CENTRE DESIGN GUIDE, AND THE SOUTH ST DESIGN GUIDE APPLY – Copies are available from the City Council</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>ICr.66</b>  <b>Heritage Trees</b>  Trimming of a Heritage Tree identified in Appendix 2</p>	<p>ICr.66.1  Trimming of a heritage tree is permitted if:  a) either  i) it is crown cleaning, being the removal of dead, dying, diseased, crowded, weakly attached, low-vigour branches and watersprouts from a tree crown, or  ii) it is canopy lifting, being the balanced removal of lower branches of a tree on road reserve, and  b) the work is done in accordance with accepted arboricultural practice.</p>	<p>ICr.66.2  not applicable</p>	<p>ICr.66.3  Activities that contravene a permitted condition are discretionary.</p>
<p><b>ICr.67</b>  <b>Landscape Trees</b>  Trimming of a Landscape Tree identified in Appendix 2</p>	<p>ICr.67.1  Trimming of a Landscape tree is permitted if:  a) it is crown thinning (as defined in Chapter 2), and  b) the work is done in accordance with accepted arboricultural practice.</p>	<p>ICr.67.2  Activities that contravene a permitted condition are controlled.  Control is reserved over:  i) amount, timing and manner in which the trimming is carried out.  Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.</p>	<p>ICr.67.3  not applicable</p>

Assessment Criteria	Explanation
<p>ICr.66.4 - ICr.70.4</p> <ul style="list-style-type: none"> <li>a) the condition of the tree, including any significant potential hazard to people or property.</li> <li>b) the extent to which the tree or trees contribute to the amenity of the neighbourhood.</li> <li>c) whether the work can be done without adversely affecting the health of the tree, or compromising the appearance and setting of the tree, including the visibility of the tree from a road or public place.</li> <li>d) whether the tree is currently causing, or is likely to cause significant damage to buildings, services or property.</li> <li>e) the extent to which the tree would seriously restrict the development potential of the site.</li> <li>f) any hardship or significant nuisance the tree causes to any person.</li> <li>g) any substitute or compensating tree planting or landscaping proposed.</li> <li>h) when the activity is within the root protection zone of a Heritage or Landscape Tree, how the tree trunk and roots are to be protected while works proceed (eg erection of a physical barrier).</li> <li>i) In the case of a tree in the road reserve, in addition to the above: <ul style="list-style-type: none"> <li>ii) whether the tree places an unreasonable restriction on the development or widening of a road, or is a hazard to traffic.</li> <li>iii) whether alternatives to removing or damaging the tree have been adequately explored.</li> </ul> </li> <li>j) in the case of a tree in an esplanade reserve or strip, for which the purpose of the reserve or strip includes hazard mitigation, in addition to the above: <ul style="list-style-type: none"> <li>i) whether the tree places an unreasonable restriction on the development of river control works, or impedes the flow of the river</li> <li>ii) whether alternatives to removing or damaging the tree have been adequately explored.</li> </ul> </li> </ul>	<p>ICr.66.5</p> <p>Very limited trimming of Heritage Trees is allowed without a resource consent.</p> <p>Tighter controls are placed on Heritage Trees recognising that they are of greater significance to the community than the Landscape Trees.</p> <p>Trimming that is for the benefit of the landowner or neighbours (due to shading, debris or other effects) is required to go through the resource consent process.</p>
	<p>ICr.67.5</p> <p>Normal trimming is permitted for Landscape Trees.</p> <p>The controls on Landscape Trees recognises that these are of less significance to the community than the Heritage Trees, but still important.</p> <p>Increased light and air maintain and stimulate interior foliage, which in turn improves branch taper and strength. Thinning reduces the wind-sail effect of the crown and the weight of limbs.</p> <p>Thinning the crown can emphasise the structural beauty of trunk and branches as well as improve the growth of plants beneath the tree by increasing light penetration.</p> <p>Trees and branches thinned as per the definition will have stress evenly distributed throughout the tree and along the branches.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>ICr.68</b>  <b>Heritage and Landscape Trees</b>            Activities within the root protection zone of a Heritage or Landscape Tree identified in Appendix 2</p>	<p>ICr.68.1            Activities within the root protection zone (defined in Chapter 2 Meanings of Words) of a Landscape Tree or a Heritage Tree identified in Appendix 2 are permitted if:</p> <ul style="list-style-type: none"> <li>a) parking or storage of materials, vehicles, or machinery is on an existing sealed, formed surface, and</li> <li>b) it does not involve compaction, sealing, removal or addition of soil, and</li> <li>c) there is no discharge of a toxic substance, and</li> <li>d) there is no excavation or construction of structures.                except where the tree is on Road Reserve, where activities are permitted if:</li> <li>e) excavation is no deeper than 200mm and no less than 2m from the tree trunk, and</li> <li>f) sealing is within the existing formed carriageway or footpath.</li> </ul>	<p>ICr.68.2            Activities within the root protection zone of Landscape or Heritage Trees on Road Reserve that contravene a permitted condition are controlled.            Control is reserved over:</p> <ul style="list-style-type: none"> <li>i) location, proximity to tree trunk, timing and manner in which the activity is carried out, and</li> <li>ii) remedial measures.</li> </ul> <p>Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.</p>	<p>ICr.68.3            Activities within the root protection zone of Landscape or Heritage Trees (not on Road Reserve) that contravene a permitted condition are discretionary.</p>
<p><b>ICr.69</b>  <b>Heritage and Landscape Trees</b>            Removing or destroying a Heritage or Landscape Tree identified in Appendix 2</p>	<p>ICr.69.1            Removing or destroying a Heritage or Landscape Tree is not a permitted activity.</p>	<p>ICr.69.2            not applicable</p>	<p>ICr.69.3  <b>Landscape Trees</b>            Removing or destroying a Landscape Tree is a discretionary activity.</p> <p><b>Heritage Trees</b>            Removing or destroying a Heritage Tree is a non-complying activity.</p>
<p><b>ICr.70</b>  <b>Local Trees</b>            Removing a Local Tree identified in Appendix 2</p>	<p>ICr.70.1            Removing a Local Tree is permitted if written notice is given to Council at least 1 week prior to work being done.</p>	<p>ICr.70.2            not applicable</p>	<p>ICr.70.3            Activities that contravene a permitted condition are discretionary.</p>

<b>Assessment Criteria</b>	<b>Explanation</b>
See assessment criteria ICr.66	<p>ICr.68.5</p> <p>Activities in the area of the roots or trunk can damage or kill the tree. Resource consents are required for these activities so that the potential impacts can be assessed. Where the area beneath the tree is already sealed the impact is likely to be less significant.</p> <p>See also Ap20r.4 in relation to signs on heritage buildings and trees.</p>
	<p>ICr.69.5</p> <p>Heritage Trees are trees for which retention is considered essential. Landscape Trees are trees for which retention is considered important.</p> <p>Tighter controls are placed on Heritage Trees recognising that they are of greater significance to the community than the Landscape Trees.</p> <p>(Note: section 330 of the Act provides for emergency works, such as the removal of trees threatening life or property, but in strictly defined circumstance and by certain persons or agencies. Consent for such works can be applied for retrospectively (section 330A)). Some latitude is provided for the removal of trees in the road reserve if it can be shown it places an unreasonable restriction on the roading network, recognising that the primary purpose of the road reserve is transportation.</p>
	<p>ICr.70.5</p> <p>Local Trees are of noteworthy interest, and are not as significant as either Heritage or Landscape Trees. Retention and protection is encouraged. A week's notice prior to removal of a Local Tree allows the Council the opportunity to negotiate with the owner if it desires. Written notice also allows the Council to update its list of Local Trees.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>ICr.71</b> <b>Archaeological Sites</b>	ICr.71.1 On any site containing an Archaeological Site listed in Appendix 3 (archaeological sites) and identified on the Planning Maps, erection or extension of any building or other structure, any soil disturbance, or any earthworks is permitted if: a) written advice that the proposed activity will not adversely affect the values of the archaeological site is obtained from: i) in the case of a Maori archaeological site, the relevant iwi, or ii) in the case of other sites, a suitably qualified and experienced archaeologist	ICr.71.2 not applicable	ICr.71.3 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 qualified and experienced in archaeological survey).

Assessment Criteria	Explanation
<p>ICr.71.4</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>ICr.71.5</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 where written advice is not available that the site will be unaffected. This allows examination of the extent of the site, and how the proposed activity could affect the values associated with 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 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>

**rule table**

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>ICr.72</b>  <b>Maximum building height</b>                      Intense Development Area</p>	<p>ICr.72.1                      a) 20m - Intense Development Area (as shown on Planning Maps) , or                      b) 12m - rest of City Fringe.                       (see Chapter 2 Meanings of Words for definitions of 'Height' [including chimneys] and 'Height measurement').</p>	<p>ICr.72.2                      not applicable</p>	<p>ICr.72.3                      Activities that contravene a permitted condition are discretionary.</p>
<p><b>ICr.73</b>  <b>External appearance</b>                      Large buildings</p>	<p>ICr.73.1                      The erection or substantial alteration of a building is a permitted activity if:                      a) the gross ground floor area of the building does not exceed 2500m<sup>2</sup>.</p>	<p>ICr.73.2                      The erection or substantial alteration of a building where the proposed gross floor area of the building is in excess of 2,500m<sup>2</sup>, is controlled.                      Control reserved over:                      i) the visual appearance of the site and buildings (including advertising and landscaping), and                      ii) the layout of the site.                      Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.</p>	<p>ICr.73.3                      not applicable</p>
<p><b>ICr.73A</b>  <b>Design and External Appearance</b>   <b>Area bounded by Collingwood St, Riverside, Malthouse Lane, Harley St and Hardy St</b></p>	<p>ICr.73A.1                      The erection or substantial exterior alteration of a building in the area bounded by Collingwood St, Riverside, Malthouse Lane, Harley St and Hardy St is not a permitted activity.</p>	<p>ICr.73A.2                      The erection or substantial exterior alteration of a building in the area bounded by Collingwood St, Riverside, Malthouse Lane, Harley St and Hardy St is a controlled activity if:                      a) the building is, or when altered will be, setback no more than 3m from the road boundary, and                      b) no car parking or loading is located between the road boundary and building frontage (or a line extended from the building frontage to the side boundaries of the site).                      Control reserved over:                      i) the design and external appearance of the building, and                      ii) the width and location of access to and from the site, and the direction of traffic flow (including the control of reverse manoeuvring onto roads), and                      iii) landscaping and maintenance of the site.</p>	<p>ICr.73A.3                      Activities that contravene a controlled standard are discretionary.</p>
<p><b>ICr.74</b>  <b>Landscaping</b></p>	<p>ICr.74.1                      Except where the building is built to the road boundary, a minimum of 5% of any site must be set aside as a landscaped area or areas, and                      a) The landscaped area must be located along the road frontage (except for any rear site), and                      b) The landscaped area must be maintained in good condition.</p>	<p>ICr.74.2                      not applicable</p>	<p>ICr.74.3                      Activities that contravene a permitted condition (excluding condition b) are discretionary.</p>

## city fringe area only

Assessment Criteria	Explanation
<p>ICr.72.4</p> <ul style="list-style-type: none"> <li>a) the height of the building in relation to the scale and height of buildings in the area and the Inner City Zone as a whole.</li> <li>b) the scale and bulk of the structure.</li> <li>c) the effects on significant views within or across the Inner City Zone (see Appendix 9 – landscape components and views).</li> <li>d) any effects of shading on open spaces, pedestrian areas, and residential zones.</li> <li>e) the extent to which the building is likely to have an overbearing effect on properties in adjoining residential zones.</li> </ul>	<p>ICr.72.5</p> <p>Building height over the majority of the area provides for 4 storey buildings. This meets most needs, and is slightly less than the maximum height in the City Centre, reinforcing the importance of the Centre as the focal point for the city. Buildings over the height limits in ICr.72.1 a) and b), or buildings averaging over those height limits on sloping ground, are discretionary.</p> <p>An exception is provided for in the block housing the Polytechnic, where taller buildings are allowed. The preference is to allow the Polytech to build up, rather than to intrude further into residential areas. Refer also to rules for daylight angles.</p>
<p>ICr.73.4</p> <ul style="list-style-type: none"> <li>a) the extent to which expansive walls can be softened through the use of architectural features including form or surface treatment and landscaping.</li> <li>b) the degree to which building appearance and site layout including advertising is harmonious with other development in the surrounding area.</li> <li>c) the extent to which the site layout will minimise potential effects on the neighbouring area including noise, appearance and glare.</li> <li>d) the efficient use of the site.</li> </ul>	<p>ICr.73.5</p> <p>Large buildings can detract from amenity values. The rule allows control over the visual aspects of the site where the 'footprint' of the building exceeds 2500m<sup>2</sup>.</p>
<p>ICr.73A.4</p> <ul style="list-style-type: none"> <li>a) the extent to which the building relates positively to the street.</li> <li>b) the maintenance of an existing pattern of setback from the street, or the need to establish a new pattern which is more consistent with good urban design principles.</li> <li>c) the ability through planting or other landscaping to enhance the appearance of the site as seen from the street, having regard to the effectiveness of this in the longer term with respect to enforcement, maintenance, durability, and potential vandalism.</li> <li>d) the safety of vehicles entering or leaving the site, and potential impacts on pedestrian and other road users.</li> <li>e) the width of the vehicle access and potential impacts on the continuity of building facades and on the streetscape.</li> <li>f) whether the configuration of the site, existing buildings, or other significant factors limit the ability to develop the site in a way that makes the greatest contribution to the streetscape.</li> <li>g) the extent to which the building design and site layout promotes public safety by avoiding entrapment spots or areas with the potential to be used for anti-social behaviour (i.e. Crime Prevention Through Environmental Design).</li> </ul>	<p>ICr.73A.5</p> <p>The area bounded by Collingwood St, Riverside, Malthouse Lane, Harley St and Hardy St is signalled in the Heart of Nelson Strategy to become part of the City Centre. As an interim measure ahead of a more comprehensive review of the zoning to apply to the area, and the design rules and controls that are to apply to the City Centre, some design control has been reserved over the external appearance of new or significantly altered buildings, and layout of the site.</p> <p>In the past rules required significant levels of parking to be provided in this area (see ICr.76.5). This, coupled with a lack of control over building location and design, was resulting in buildings that often did not contribute positively to the streetscape, and that would affect this area long term. Sometimes buildings were setback a long way from the street with parking dominating the frontage, and in other cases the required parking was accommodated under the building. This can provide a poor, and sometimes unsafe, frontage to the street.</p> <p>Resource consent applications, where considered necessary, will be referred to the Council's Urban Design Panel for consideration and advice.</p>
<p>ICr.74.4</p> <ul style="list-style-type: none"> <li>a) the visibility of the site and any building from any adjoining site, particularly in a Residential Zone.</li> <li>b) the visibility of the site and any building from any road, having regard to the nature and volume of traffic carried.</li> <li>c) the contribution of the landscaping to noise reduction, maintenance of privacy, or other aspects of amenity on any site.</li> <li>d) the nature and appearance of the activity and any building, and desirability of providing screening or softening.</li> <li>e) where landscaping is to be reduced, the effect on the amenity of adjoining sites, or the visibility from the road.</li> </ul>	<p>ICr.74.5</p> <p>Sites in the City Fringe can be rather utilitarian in appearance. The landscaping requirement is to screen the public view of such sites. It is not intended that non-compliance with condition b) will result in requiring a resource consent, because a judgement is involved in condition b). Condition b) is to be used for enforcement purposes, ie. when the condition is not complied with, enforcement of the condition may be actioned.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>ICr.75</b> <b>Setback</b> From Residential Zone boundary	ICr.75.1 a) Buildings must be set back at least 3 metres from a Residential Zone boundary, and b) Provision must be made for landscaping, fences, walls, or for a combination, to at least 1.8m in height along the length of the zone boundary, and c) Where landscaping is provided it must have an average depth of 1.5m along the boundary.	ICr.75.2 not applicable	ICr.75.3 Activities that contravene a permitted condition are discretionary.
<b>ICr.76</b> <b>Parking and loading</b>	ICr.76.1 Parking, loading, manoeuvring, and queuing areas must be provided and maintained on each site in accordance with the standards set out in Appendix 10 (standards and terms for parking and loading), except: a) for sites in the area bounded by Collingwood St, Riverside, Malthouse Lane, Harley St and Hardy St where rules ICr.31 and ICr.31A apply as if the area were City Centre, and b) no reverse manoeuvring is permitted onto the ring road from any site.	ICr.76.2 Parking for Short Term Living Accommodation units (excluding any loading zones for coaches and parking for managers units) and which complies in all other respects with the relevant standards in Appendix 10, is a controlled activity if: a) a minimum of 0.8 spaces per unit is provided, except where the unit can accommodate more than 6 guests, in which case a minimum of 1.5 spaces must be provided per unit.  Control reserved over: i) number of vehicle parks, and ii) type and size of vehicle parks, and iii) location of vehicle parking, and iv) manoeuvring to and from vehicle parking.	ICr.76.3 Activities that contravene a permitted condition or a controlled standard are discretionary, except that an application to reduce the parking requirements in Appendix 10 is a restricted discretionary activity if: (a) for short term living accommodation a minimum of 0.6 spaces per unit is provided, except where the unit can accommodate more than 6 guests, in which case a minimum of 1 space must be provided per unit, or (b) for other activities : i. the proposed reduction in parking spaces is not more than 20% of the number required in Appendix 10, and ii. where the reduction in parking spaces exceeds five spaces, the application is accompanied by a Travel Management Plan that addresses the matters in Assessment Criterion ICr.76.4 c).  Discretion restricted to: i) number of parking spaces (and any loading spaces) provided, and ii) the surfacing of the area, and iii) the location, dimensions and layout of parking, loading, manoeuvring and queuing areas, and iv) conditions relating to any parking off-site or any other methods or arrangements that are to be put in place to facilitate the reduction in parking. Resource consent applications for restricted discretionary activities under this rule will be considered without notification and without service of notice.
<b>ICr.77</b> <b>Access</b>	ICr.77.1 Vehicle access must be provided and maintained on each site in accordance with the standards set out in Appendix 11 (access standards).	ICr.77.2 not applicable	ICr.77.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>ICr.75.4</p> <ul style="list-style-type: none"> <li>a) the effects on the amenity of the neighbouring property(ies).</li> <li>b) any provision for compensating landscaping or screening.</li> <li>c) the scale and height of the buildings within the reduced setback.</li> <li>d) the ability to better use the site and provide better environmental quality elsewhere on the site.</li> <li>e) any aspects of the proposal which may compensate for reduced landscaping or screening, such as the nature of planting or materials used, the location of parking, manoeuvring or storage areas, and offices.</li> </ul>	<p>ICr.75.5</p> <p>This provision ensures a degree of outlook is maintained from residential properties, and provides opportunity to "soften" that outlook by planting or other site treatments.</p> <p>Landscaping along the boundary can be to an average depth, to provide for variability in depth, thus increasing the visual interest.</p>
<p>ICr.76.4</p> <ul style="list-style-type: none"> <li>a) refer to Appendix 10.</li> <li>b) for sites in the area bounded by Collingwood St, Riverside, Malthouse Lane, Harley St and Hardy St the assessment criteria for rules ICr.31 and ICr.31A apply.</li> <li>c) where a Travel Management Plan is required under ICr.76.3, it shall include the following, taking into account the reduction in parking spaces being sought: <ul style="list-style-type: none"> <li>i. The nature and scale of the activity and associated parking demands from employees and visitors/customers;</li> <li>ii. Proposed means of reducing parking demands, such as; <ul style="list-style-type: none"> <li>• Managing the number of motor vehicle trips to and from the activity by encouraging higher vehicle occupancies</li> <li>• Sharing parking spaces between complementary uses and spreading peak loads</li> <li>• Encouraging more use of public transport, walking and cycling</li> </ul> </li> <li>iii. Proposed means of monitoring outcomes.</li> </ul> </li> </ul>	<p>ICr.76.5</p> <p>Refer to Appendix 10.</p>
<p>ICr.77.4</p> <p>Refer to Appendix 11.</p>	<p>ICr.77.5</p> <p>Refer to Appendix 11.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>ICr.78</b> <b>Retail activity</b></p>	<p>ICr.78.1 Retail activity (including display) is permitted, if:</p> <ul style="list-style-type: none"> <li>a) it is a single business, and the site is occupied by no more than one other retail business under any lease, sublease, licence or concession. (For the purposes of this rule, retail activities ancillary to the normal activities of the Polytechnic are considered a single business, and are exempt from b) and c) below), and</li> <li>b) the retail activity involves one or more of the following: <ul style="list-style-type: none"> <li>i) the sale of goods manufactured or processed on-site.</li> <li>ii) the sale of goods which is ancillary to retail services, or trade sales, or sale of motor fuel and vehicle accessories.</li> <li>iii) sale of food, groceries and related consumables.</li> <li>iv) sale of goods by auction.</li> <li>v) the outside storage and display of large bulky items such as building materials, heavy equipment, boat and vehicle sales (but excluding vehicle wrecking yards), or wood and concrete products, or landscape supplies (provided the outside retail and display area is not less than 60% of the total retailing area of the activity), and</li> </ul> </li> <li>c) the area for retailing in b) (i), (ii), or (iii) (including display) does not exceed 160 m<sup>2</sup>.</li> </ul>	<p>ICr.78.2 Retail activity that does not comply with the permitted conditions, is controlled, if:</p> <ul style="list-style-type: none"> <li>a) it is a single business occupying the entire site, with no part of the site occupied by any other retail business under any lease, sublease, licence or concession, and</li> <li>b) the retail activity and display is indoors, and the activity and display occupies a gross floor area in excess of 2500m<sup>2</sup>, and</li> <li>c) the site has vehicle access either directly onto the ring road, or onto a road at a point within 50m of the intersection of that road with the ring road.</li> </ul> <p>Control reserved over:</p> <ul style="list-style-type: none"> <li>i) the visual appearance of the site and buildings (including advertising), including the layout of the site and landscaping, and</li> <li>ii) the number and position of vehicle entrances, and</li> <li>iii) the impacts on traffic safety and movement, and</li> <li>iv) the provision of adequate loading and manoeuvring space for delivery vehicles.</li> </ul>	<p>ICr.78.3 Any retail activity that does not comply with a permitted condition or a controlled standard is discretionary.</p>

Assessment Criteria	Explanation
<p>ICr.78.4</p> <p>a) the extent to which the scale or type of retailing proposed would adversely affect the strength and vitality of the City Centre.</p> <p>b) the extent to which any retailing outside the scope of the standards would, or is likely to, create an aggregation of retail activity in the vicinity eg. is likely to attract other retail activities to join them on the site or nearby (eg. large "anchor" tenant type activity).</p> <p>c) the extent to which any aggregation of retailing in the area, or any cumulative effects of additional retailing in the City Fringe, would weaken rather than support or complement the role of the City Centre as the retail, cultural and visitor focal point for the District.</p> <p>d) whether the retail activity is, or would be, unreasonably constrained by a City Centre location eg. in terms of the size of the site needed, servicing and access, or the existing or likely customer base.</p> <p>e) the likely impacts of the activity on traffic congestion, access, and the safety and efficiency of the road network.</p> <p>f) the extent to which expansive walls can be softened through the use of architectural features including form or surface treatment and landscaping.</p> <p>g) the degree to which building appearance and site layout including advertising is harmonious with other development in the surrounding area.</p> <p>h) the extent to which the site layout will minimise potential effects on the neighbouring area including noise, appearance and glare.</p> <p>i) the proximity and linkages of the site to the City Centre.</p> <p>j) the ability to locate a safe vehicle access to the site.</p> <p>k) for a controlled activity, the assessment criteria in ICr.73, ICr.74, ICr.76 and ICr.77 as appropriate.</p>	<p>ICr.78.5</p> <p>The rule aims to control retailing activity in the City Fringe that might be to the detriment of the vitality of the City Centre. The permitted standards set out the situations where retailing activity is not considered detrimental, or indeed is suited to the environment sought in the City Fringe. Sale of goods associated with a retail service could include such things as the sale of pharmaceuticals associated with a health facility.</p> <p>Larger floor space outlets can consist of dominant and rather utilitarian buildings with large expanses of car parking. They are to be dealt with as controlled activities so that control can be exercised over aspects such as appearance, landscaping and traffic safety, as each of these factors will be different in particular circumstances.</p> <p>These larger activities are required to be either on the ring road, or on a suitable road that joins the ring road, because of their traffic demands. A maximum distance from the ring road is stated to keep these activities relatively close to the City Centre. The maximum distance, however, needs to be sufficient to allow for the location of a complying vehicle access as set out in Appendix 11, Table 11.1 (minimum distance of vehicle crossing from intersections). Single retail operations are specified in the controlled rule that deals with large stores to avoid malls or shopping complexes which might detract from the City Centre. Up to two retail outlets per site are allowed in the permitted rule. This allows such things as drive through food outlets and service stations to co-locate.</p> <p>Provision is made for activities that do not fit the permitted or controlled standards, to be considered on their merits as a discretionary activity, on a case by case basis.</p> <p>The Polytechnic operates as one activity comprised of many parts which potentially creates the need for a range of retailing activity ancillary to the various courses operated. In addition activities such as the retail of stationery, banking facilities, food retailing and the like are common on the campus of tertiary education facilities. Because of this, specific acknowledgement of the special nature and need for such activities on the Polytechnic site is considered appropriate.</p> <p>Note: With respect to a controlled activity application under ICr.78.2, rules ICr.73, ICr.74, ICr.77, and the locational matters in ICr.76 do not apply. This is because the subject matter of these rules, is a matter over which control is reserved in ICr.78.2.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>Rules relating to Overlays on Planning Maps</b>			
<b>ICr.79</b> <b>Retail Activity</b> <b>St Vincent St and Haven Road</b> (Scheduled Site - Sch.J)	ICr.791.1 Retailing permitted if: a) it complies with Schedule Sch.J.	ICr.79.2 Schedule Sch.J applies	ICr.79.3 Schedule Sch.J applies
<b>ICr.80</b> <b>Ajax Avenue</b> <b>Special Amenity Area</b> (Scheduled Site - Sch.K)	ICr.80.1 a) Schedule Sch.K applies	ICr.80.2 Schedule Sch.K applies	ICr.80.3 Schedule Sch.K applies

Assessment Criteria	Explanation
ICr.79.4 As above (for Retail Activities)	ICr.79.5 See Schedule Sch.J. The schedules for this zone follow after the Rule Table.
ICr.80.4 See Schedule Sch.K	ICr.80.5 See Schedule Sch.K. The schedules for this zone follow after the Rule Table.

## subdivision rules

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>ICr.81 Subdivision General</b></p> <p>(except for subdivision located in the Heritage Overlay or Heritage Precinct)</p>	<p>ICr.81.1 Not a permitted activity.</p>	<p>ICr.81.2 Any subdivision not located in the Heritage Overlay or Heritage Precinct is controlled, if:</p> <ul style="list-style-type: none"> <li>a) it complies in all respects with all the relevant standards in Appendices 10 to 12, and</li> <li>b) it complies with the minimum standards as defined in Section 1.1.1 General in the NCC Land Development Manual 2010, and</li> <li>c) esplanade reserves or strips as indicated in the Riparian Overlay of the dimensions set out in Appendix 6, Table 6.2 (riparian or coastal areas with priority values), are created and vested in the Council, and</li> <li>d) the minimum finished ground level for any land allotment (excluding water bodies) is 15.35m NCC Datum, except in the Inundation Overlay, and</li> <li>e) the minimum finished ground level is greater than the crown level of the road to which the piped stormwater from the allotment is drained, except in the Inundation Overlay, and</li> <li>f) every allotment is of a regular shape that will maximise the range and efficiency of potential uses of the land, and</li> <li>g) any existing buildings comply with the conditions for permitted activities, or a resource consent.</li> </ul> <p>Control reserved over:</p> <ul style="list-style-type: none"> <li>i) the matters contained in the NCC Land Development Manual 2010, and</li> <li>ii) the effects of natural and other hazards, and</li> <li>iii) design and layout of the subdivision, and</li> <li>iv) protection of natural features, landscapes, heritage items and trees and Maori values, and</li> <li>v) riparian management, and.</li> <li>vi) public access, and</li> <li>vii) adverse effects likely to arise from the subdivision, associated development or subsequent use of the land, and</li> <li>viii) development of the subdivision and sites having regard to: <ul style="list-style-type: none"> <li>a) appropriate vehicle access, and</li> <li>b) the intensity of buildings to be erected on each lot and the siting of such buildings, and</li> <li>c) provision of services, and</li> </ul> </li> <li>ix) stormwater management, and</li> <li>x) the effects of vegetation clearance, land disturbance and earthworks, including on visual amenity, soil erosion and sedimentation, and</li> <li>xi) financial contributions in accordance with Chapter 6, and</li> <li>xii) the future of land subdivided for the purposes of public utilities and no longer required for the purpose, and</li> <li>xiii) in the Inundation Overlay, in addition to the matters listed above, control is reserved over: <ul style="list-style-type: none"> <li>a) finished ground level, and</li> <li>b) the nature of infill, its compaction and placement.</li> </ul> </li> </ul>	<p>ICr.81.3 Any subdivision not located in the Heritage Overlay or Heritage Precinct that contravenes a controlled standard is discretionary if it is for the purposes of a network utility. Any other subdivision that contravenes a controlled standard is discretionary if:</p> <ul style="list-style-type: none"> <li>a) every allotment (other than an access lot) complies with the standards as defined in Section 1.1.1 General relating to storm water and sewerage in Sections 5 &amp; 6 of the NCC Land Development Manual 2010, and</li> <li>b) every allotment (other than an access lot) is connected through gravity fed pipes to the Council water supply system.</li> </ul>

## city centre and city fringe areas

Assessment Criteria	Explanation
<p>ICr.81.4</p> <ul style="list-style-type: none"> <li>a) the matters in the NCC Land Development Manual 2010, and</li> <li>b) the extent of compliance with Appendices 10 to 12, and</li> <li>c) The extent of compliance with any plan provisions relating to streams, drains leading to streams, and any other waterbodies on the land to be subdivided.</li> <li>d) effects on traffic, road network, access, parking, stormwater management, water supply, sewage reticulation, and power and telecommunication services.</li> <li>e) the extent to which the land is subject to natural hazards, or included in inundation, floodpaths, fault areas and slope risk overlays, and whether any risks can be remedied or mitigated.</li> <li>f) the pattern of subdivision and how it relates to the desired environmental outcomes, amenity values for the locality and efficient use of infrastructure.</li> <li>g) the actual and legal protection of significant natural features or heritage items, and means to avoid or mitigate significant changes to the landscape or amenity values of the area.</li> <li>h) the extent to which the proposal has regard to Maori values, particularly any traditional, cultural, or spiritual aspect relating to the land.</li> <li>i) any consultation, including with Tangata Whenua as appropriate, and the outcome of that consultation.</li> <li>j) avoidance, remedy or mitigation of adverse effects of the subdivision, including temporary effects of construction.</li> <li>k) financial contributions (see Chapter 6).</li> <li>l) the development potential of other adjacent land.</li> <li>m) the ground level required to avoid the effects of flooding.</li> <li>n) the type of inundation likely to be experienced, whether it be stormwater ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding.</li> <li>o) effects on neighbouring properties, especially stormwater runoff.</li> <li>p) provision of adequate flow paths for surface flooding.</li> <li>q) the possibility of an overloaded public storm water system overflowing onto private property.</li> <li>r) effects of allotment size and shape, including on amenities of neighbourhood and on the potential efficiency and range of uses of the land.</li> <li>s) the values for esplanade purposes outlined in Table 6.1 or 6.2, Appendix 6, including any additional information regarding the values of the reserve or strip sought for the purposes outlined in section 229 of the Act.</li> <li>t) any circumstances which make the taking of the esplanade reserve or strip (or the width stated in Appendix 6, Table 6.2) inappropriate, including (but not limited to) the nature of existing development, reasons of security, public safety, minor boundary adjustment.</li> <li>u) an existing protection of the area including any existing esplanade reserves or strips or any protective covenants.</li> <li>v) alternative ways in which the esplanade values identified in the area can be provided for including (but not limited to ) the use of esplanade strips and protective covenants.</li> <li>w) the assessment matters in Table DO6.1.1 regarding the type of protection appropriate in given circumstances.</li> </ul>	<p>ICr.81.5</p> <p>Specific rules apply to subdivision activities proposed within the Heritage Overlay or Heritage Precinct (see Rule ICr.82 and ICr.83).</p> <p>Subdivision is a controlled activity so that conditions can be imposed on the development to ensure a satisfactory standard of amenity, the minimisation of adverse effects, and that the site can be adequately serviced.</p> <p>There is no minimum size for allotments, leaving this to the market to determine. Subdividers should note that the proposed allotment should be capable of accommodating a building or an activity which complies with the rules in this zone.</p> <p>The controls also enable consideration to be had to the development potential of nearby land, so that the level of servicing provided is appropriate to the likely future demand in the area. This allows consideration of future roading patterns, and demands on sewers and other services, to avoid the need for costly and disruptive upgrading later.</p> <p>The Act states the preservation of the natural character of the river and coastal margins to be matters of national importance. This includes public access along these, and protection of areas of significant indigenous flora and the habitats of indigenous fauna, contained within them. It provides a number of mechanisms to achieve this protection including the taking of esplanade reserves and strips.</p> <p>The river and coastal margins on the Planning Maps and in Appendix 6, Table 6.2 (riparian or coastal areas with priority values), have been identified as containing riparian values in accord with section 229 of the Act. In some cases riparian protection already exists, or special circumstances exist, which make the taking of esplanade reserves or strips unnecessary. In other cases a lesser width, or an alternative way of achieving riparian protection may be more appropriate. In these situations, a discretionary consent application is needed, in order to depart from the standards set out for a normal subdivision.</p> <p>Where a subdivision is discretionary, and the allotment adjoins any river or the coastal margin, then an esplanade reserve or strip may be required as a condition of the subdivision consent, having regard to the values identified in Appendix 6, Table 1 (riparian and coastal margins with identified riparian values).</p> <p>The minimum ground levels set are based on the best estimates from the Ministry for the Environment for likely sea level rise caused by global climate change. This takes account of predicted spring tides and expected tidal surges, and their consequent effects on stormwater ponding.</p> <p>Sites below the minimum levels stated for controlled activities will be assessed individually to ensure that ground or floor heights are sufficient to protect the site from inundation.</p> <p>See Rule ICr.55 (earthworks) where a site is being filled.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>Rules relating to Overlays on Planning Maps</b>			
<b>ICr.82</b> <b>Heritage Precincts</b>	ICr.82.1 Subdivision is not a permitted activity.	ICr.82.2 not applicable	ICr.82.3 Subdivision in any Heritage Precinct is discretionary.
<b>ICr.83</b> <b>Heritage Overlays</b> (excluding Heritage Precincts)	ICr.83.1 Subdivision is not a permitted activity.	ICr.83.2 not applicable	ICr.83.3 Subdivision of any allotment shown on the Planning Maps to contain a Heritage Overlay (excluding a Heritage Precinct) is discretionary.

Assessment Criteria	Explanation
<p>ICr.82.4</p> <ul style="list-style-type: none"> <li>a) the application will be assessed for compatibility with the Design Guide for that precinct.</li> <li>b) the assessment criteria for ICr.81.4 (subdivision - general).</li> </ul>	<p>ICr.82.5</p> <p>Subdivision in the Heritage Precinct provides specific heritage related assessment matters in addition to those that would be applied to a subdivision consent application under ICr.81 General. For subdivision in the Heritage Precinct, subdivision consent is only required under ICr.82, unless any other overlays also apply to the site.</p> <p>Changes in the subdivision pattern and lot size can affect the heritage values of a precinct. Small lots and close settlement are characteristic of areas such as South and Elliott Streets.</p>
<p>ICr.83.4</p> <ul style="list-style-type: none"> <li>a) the extent to which trade-offs might be appropriate to ensure the values of the listed item are protected, providing that these have minor environmental effects, or are not contrary to the Objectives and Policies of this Plan, and any effects are on the public rather than the private environment (ie. people's private property rights). eg. allowing averaging of the minimum site requirements, or an overall reduction in the size of some sites, to ensure sufficient land was retained around a heritage building or protected tree. eg. allow flexibility in the shape factor requirements to ensure a heritage item or tree was not compromised, while allowing reasonable use of the land concerned. eg. protecting the item in common or public reserve in lieu of reserve contributions.</li> <li>b) the extent to which subdivision of the land is likely to adversely affect the values for which the item was listed and whether conditions on the use of the site are needed to avoid, remedy or mitigate this.</li> <li>c) the assessment criteria for ICr.81 (subdivision - general).</li> </ul>	<p>ICr.83.5</p> <p>Subdivision in the Heritage Overlay provides specific heritage related assessment matters in addition to those that would be applied to a subdivision consent application under ICr.81 General. For subdivision in the Heritage Overlay, subdivision consent is only required under ICr.83, unless any other overlays also apply to the site.</p> <p>Making subdivision a discretionary activity where a heritage item, or a protected tree, is located on the section, provides more flexibility in the options that can be explored. It provides more scope to meet the owner's needs to use the site, and the needs of the wider community to preserve the item in question. If a controlled activity procedure were used, these options would be much more limited by the minimum site and other requirements set out in those rules.</p> <p>The aim in making subdivision in such cases discretionary is to find "win-win" situations where this is possible and reasonable, not to penalise the owner of the site.</p>

## **freshwater rules**

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Refer Appendix AP28.9 for freshwater rules.

## Schedule Inner City Zone

### Sch.J Vanguard Street, St Vincent Street and Haven Road

#### J.1 Application of the schedule

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This schedule applies to the site shown as Sch.J on Planning Maps 1, 10 and 14 within the block bounded by Vanguard Street, Gloucester Street, St Vincent Street, and Haven Road. It comprises Pt Sec's 72, 139 and 1103, Sec's 1102, 1123 and 1133 and Pt's Sec. 143 City of Nelson. Pt's Lot 1 DP 2680, and Reserve City of Nelson. This Schedule is referred to in Rule ICr.79.

#### J.2 Permitted activities

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There are no permitted activities on the site.

#### J.3 Controlled activities

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1. For the purpose of this schedule and this Plan, the scheduled site is considered to be a single site in terms of the activities that can establish on the site and site coverage.
2. A single supermarket and associated concessionaires, and a single bulk retail shop, are controlled activities on the site, if:
  - a) the two are in separate buildings, and
  - b) the total gross floor area of the two buildings does not exceed 40% of the site area, and
  - c) the total gross floor area of all concessionaires associated with the supermarket does not exceed 60m<sup>2</sup>, and
  - d) the bulk retail shop has a gross floor area of 4,000m<sup>2</sup> (plus or minus 10%), and
  - e) the bulk retail shop is operated as a single business with no part of the building occupied by any other business under any lease, sublease, licence or concession, and
  - f) the activities comply with rules for the Inner City Zone, with the exception of Rule ICr.78 (retail activity).

Control reserved over:

- i) landscaping and site layout, and
- ii) the design and external appearance of buildings and other structures, and
- iii) provision for the disposal of stormwater (and all practical measures taken at source to ensure that the contamination of stormwater is avoided, as well as any conditions necessary due to the low lying nature of the land), and
- iv) the location and design of vehicular and pedestrian access to and from the site, and
- v) a financial contribution toward the cost to Council of roading and stormwater improvements required as a result of the development of the site. The percentage of such costs to be required will be calculated with regard to any general improvements to the roading and stormwater systems which result, such contributions not to exceed in total \$500,000.

#### J.4 Discretionary activities

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Activities that contravene a controlled standard are discretionary.

#### J.5 Assessment criteria

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Activities will be assessed in accordance with Rule ICr.78 (retail activities) and any other rule for the Inner City Zone where applicable.

The schedule provides for a single supermarket and associated concessionaires, and a single bulk retail shop of 4,000m<sup>2</sup> (plus or minus 10%) gross floor area, as controlled uses on the scheduled land. The scheduled land was the subject of Plan Change 95/2 to the Transitional District Plan (Third Review, 1982 Nelson Section), to provide for these specific developments on this specific site. The Plan Change was approved just before this Plan was notified. The essence of the Change has been carried over in this schedule, as it does not quite fit within the provisions of Rule ICr.78 (retail activity), not being located close to the ring road.

## Schedule Inner City Zone

### Sch.K Ajax Avenue special amenity area

#### K.1 Application of the schedule

This schedule applies to the sites shown as Sch.K on Planning Map 1, 10 and 52, being those sites fronting Ajax Avenue that are zoned City Fringe (between the edge of Millers Acre carpark and the Residential Zone).

This Schedule is referred to in Rule ICr.80. The Schedule does not apply to the adjoining road reserve, which is subject to rule ICr.21 (buildings over road reserve).

#### K.2 Permitted activities

- a) Residential activity,
  - b) Short term living accommodation excluding restaurants except as provided for in Chapter 2 Meanings of Words, short term living accommodation,
  - c) Offices, including health facilities,
- are all permitted activities if they comply with the following conditions:

Maximum building height	10m
Setback from road boundary	4m
Setback from eastern boundary	3m
Setback from western boundary	1.5m
Maximum site coverage	60%
Building facade modulation	The Ajax Avenue facade of new buildings shall not exceed 8m in length unless stepped back, or forward, by not less than 2m at 8m centres.
Carparking and loading	Carparking, loading and access shall be provided for in the manner set out in Appendices 10 and 11 except that no carpark space or garage shall be located in the front setback area or between the front of the building and the road.
Signs	The requirements of Ap20r.10 (signs for non residential activities) shall apply.
Landscaping	The front setback area shall be landscaped with plantings over not less than 50% of the area. Landscaping may include courtyard seating areas.

### **Other rules**

The following rules in the Residential Zone rule table must also be complied with: building over or alongside drains; aerals; noise; helicopter landing pads; vibration; light spill; hazardous substances; radioactive material; earthworks; inundation overlay; flood path overlay; network utility (REr.52), and microwave or ultra high frequency emissions. In addition, rule ICr.40 (outdoor living court for residential activity), rule ICr.35 (daylight admission on boundary with Residential Zone) and all the freshwater rules shall apply.

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### **K.3 Controlled activities**

- a) Subdivision. The rules of ICr.81 (subdivision - general) shall apply.
- b) Any rule under 'Other Rules' that has a controlled activity component.

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### **K.4 Discretionary activities**

Activities that contravene a permitted condition or a controlled standard are discretionary.

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### **K.5 Assessment criteria**

- a) the likely adverse effects of the activity, particularly on sites which contain residential accommodation, and on the special amenity of the area.
- b) whether the activity would detract from the public use or appreciation of the riverside amenity.
- c) the appearance of the site from any public space or residential site.
- d) the extent to which building design, landscaping or other methods could mitigate any adverse effects of the activity.
- e) the volume of any traffic generated and the effects of such traffic volumes on the amenities of the area and on traffic congestion on Ajax Avenue.
- f) the likely hours of operation of the activity and the effects that this may have on those residents in the zone and in adjoining residential areas.

In addition, where an activity contravenes one of the residential rules or the Inner City rule listed under permitted activities, the assessment criteria for that rule will apply. The same applies for controlled activities.

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### **K.6 Explanation**

The Ajax Avenue Special Amenity Area is identified as an area of special character owing to its riverside location and proximity to the city centre. It is an area with high public amenity value which Council has recognised in its proposals to redevelop and beautify the Millers Acre carpark area. The amenity potential of this locality could easily be diminished by intensification of commercial or industrial activities. Ajax Avenue itself is narrow and ill-suited to accommodating high volumes of traffic without widening of the carriageway. Doing this would encroach on the open space values of the river bank.

Activities such as residential accommodation, offices and tourist accommodation are represented in the locality already and appear to be suited to the character and amenity values of the area. In order that these values can be sustained or enhanced only these activities are permitted. New buildings to accommodate such activities are subject to rules which limit scale and also encourage development of a 'soft edge' along the interface between the river bank and the fringe of the city centre.

# 9

# suburban commercial

<b>SCd</b>	<b>Description</b>
SCd.1	This Zone includes the suburban commercial areas at Stoke, Marsden Valley, Ngawhatu, Victory Square, Tahunanui, Annesbrook, Nayland Road, The Wood (Milton/Grove corner), Washington Road, Robinsons, Atawhai, Bishopdale and on Waimea Road (including the area dominated by tourist accommodation and professional rooms along the western side of the road). It also includes a strip along Haven Road and Wakefield Quay, from the edge of the Port area, to just beyond the yacht club.
SCd.2	Existing isolated commercial premises are generally not included in the zone. These must rely on existing use rights in the broader zones in which they are located. Some of these activities, such as the service station on Annesbrook Drive, are dealt with as scheduled sites within the Residential Zone.
SCd.3	The zone around the Stoke Centre includes land behind the Fire Station, bounded by Poorman Valley Stream. This provides a natural boundary to the zone and allows potential for some limited expansion of the shopping area. Other than that, this area has major constraints on expansion. It is bounded on the other sides by Main Road Stoke, residential and recreational areas.
SCd.4	As well as the existing shopping area at the corner of Rocks Road and Tahunanui Drive (including the Nightingale Library site), a block of land along the western side of Tahunanui Drive, from near Tahunanui School to almost Parkers Road, is included. This land was previously zoned for light industrial use, but has developed more of a commercial focus, probably as a result of its high exposure to passing traffic. In addition, the commercial area between Beach Road and Tahunanui Drive extends to Waikare Street, and almost to Rui Street.
SCd.5	The Stoke, Tahunanui corner, and Victory Square centres all have neighbouring recreational facilities including stadiums, sports grounds and/or clubrooms.
SCd.6	A Leisure Area is included, incorporating land on both sides of Wakefield Quay, in the vicinity of the Marine Rescue Centre. The Council's intention is to see this area enhanced and developed as a tourist and recreational facility.
SCd.7	The Marsden Valley Suburban Commercial Zone services the residents and visitors within Marsden Valley and the surrounding area. Schedule 1 (see Chapter 7, Residential Zone) provides for an increased height limit (through resource consent) for this particular area to allow for varied building heights and roof forms to help create a quality urban environment which supports the surrounding community and provides opportunities for meeting commercial and social needs. Additional restrictions control various activity types, and liquor sale hours to help to create the urban environment desired.
SCd. 8	See the objectives and policies relating to zones in Chapter 5. The Plan should always be considered as a whole.

## objective

### SC1 consolidation

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*Suburban commercial centres which enable the immediate or wider community to meet their needs, and which help reinforce community identity and focal points with due consideration to the appropriateness of development on any site.*

#### Reasons

SC.1.i Suburban commercial centres are important to enable the community to meet its needs. Such centres may meet a need for convenient daily shopping, or for a particular niche market, possibly based on good siting relative to passing traffic. The objective recognises the important role such centres can play in providing a community focus and identity to neighbourhoods. However, the development on any site within the commercial centre must be appropriate in terms of its impact on the immediate and wider community.

#### policy

##### SC1.1 concentration of activities

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*Commercial development and related activities should preferably be located within the Suburban Commercial Zone or the Inner City Zone, in order to contain the adverse effects of such activities, and to strengthen the community focus provided by these centres, and in recognition of the inappropriateness of commercial development in the Residential and Industrial Zones. Commercial development outside these zones would be dependent on adequately avoiding, remedying or mitigating any adverse effects.*

#### Explanation and Reasons

SC1.1.i Concentrating activities in established centres provides a better range of services, and a better focus to the commercial areas. It also encourages better use of community resources such as libraries or recreation facilities which are more convenient when located in defined centres. Consolidation is a means of mitigating potential adverse effects on neighbouring environments. However, there are limits to development densities within these centres. Otherwise problems can arise in maintaining an acceptable shopping environment, and with off site impacts such as from through traffic. The Stoke centre is probably approaching this limit. Establishment of commercial activities out of zone can expose additional areas to the adverse effects associated with such centres in terms of their immediate environs and on the wider community. However, this may be acceptable where such effects can be avoided, remedied or mitigated to an appropriate level.

#### Methods

- SC1.1.ii Control development of new centres through the plan change procedures.
- SC1.1.iii Rules which define a zone, set floor maximums, and include performance standards encouraging commercial development to locate in the zone while ensuring compatibility and appropriateness for each site.
- SC1.1.iv Rules in the industrial and residential zones which require resource consents for commercial development in these zones.
- SC1.1.v Rules in the Inner City Zone to complement the Suburban Commercial Zone.

#### policy

##### SC1.2 association with recreational and other facilities

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*Recreational and other civic facilities in or adjoining suburban centres will be promoted to enhance convenience for the public, and to lead to an overall reduction in adverse effects on the Residential Zone.*

#### Explanation and Reasons

SC1.2.i Associating suburban centres with parks and playgrounds can have benefits in terms of an improved amenity and outlook for the centres. Sports grounds, stadiums and clubrooms, however, can have adverse effects such as noise and traffic, particularly on residential areas. Concentrating these activities with commercial centres, rather than having them dispersed through other zones, can reduce the net effect on these other zones. At the same time, combining them can help strengthen the community focus.

### **policy** **SC1.3 boundaries**

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*Suburban centres should, where practicable, be contained by distinct boundaries or by the creation of effective buffers to adjoining Residential Zones.*

#### Explanation and Reasons

SC1.3.i Roads, streams or other features can provide a transition, and thereby reduce any adverse effects of suburban centres on residential areas. Similarly public parks and recreational areas can serve this function.

#### Methods (policies SC1.2 and SC1.3)

- SC1.3.ii Definition and enforcement setting zone boundaries.
- SC1.3.iii Plan changes to alter boundaries.
- SC1.3.iv Rules requiring adequate screening or landscaping next to residential areas.
- SC1.3.v Siting and management of Council reserves, public buildings and services in order to maintain a defined boundary.

### **policy** **SC1.4 cumulative effects**

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*Change of activities in, or the expansion or redevelopment of, suburban centres should avoid significant cumulative effects, particularly in terms of adverse impacts on the amenity of surrounding Residential Zones.*

#### Explanation and Reasons

SC1.4.i The nature and scale of suburban commercial areas can change incrementally over time. The combined effect of each change may ultimately have adverse effects. These effects can be particularly on the quality of life in neighbouring areas in the Residential Zone, and on other aspects such as traffic safety. The policy aims to address these matters, as well as the one-off larger expansions.

#### Methods

- SC1.4.ii Rules setting performance standards to deal with adverse effects.
- SC1.4.iii Explicitly address cumulative effects, as part of the “assessment criteria” against which resource consents or plan changes are assessed.

## **objective**

### **SC2 amenity and adverse effects**

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*Suburban commercial centres which have a high level of on site amenity, and which do not have significant adverse effects on neighbouring areas or on the safe and efficient operation of the road network.*

#### Reasons

SC2.i Suburban commercial areas should be pleasant places for people, and should not generate significant levels of adverse effects on neighbouring areas or activities.

**policy**  
**SC2.1 residential streets**

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*Activities should not detract to a significant extent from the character and function of residential roads in the vicinity, particularly in terms of significant increases in vehicle movements and parking, the number of heavy vehicles, and associated noise and fumes.*

**policy**  
**SC2.2 roads/carparking**

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*Activities should ensure a safe environment for pedestrians and traffic using the suburban centre and the road network.*

Explanation and Reasons (policies SC2.1 and SC2.2)

SC2.2.i Local residences should reasonably expect that the amenity of their streets will not be adversely affected by nearby suburban centres through significantly increased traffic. Centres are also required to ensure that safe access and egress and pedestrian movement is provided.

Methods (policies SC2.1 and SC2.2)

SC2.2.ii Rules setting requirements for car parking, loading and manoeuvring.

SC2.2.iii Rule making large developments discretionary (allowing traffic and other impacts to be considered).

**policy**  
**SC2.3 odour, dust, glare and noise**

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*Activities should not give rise to odour, dust, glare, or noise:*

- a) *in any neighbouring zone, inconsistent with levels or times that can reasonably be expected in such a zone, or*
- b) *at levels, or times which would adversely affect the character and function of the centre.*

**policy**  
**SC2.4 daylight and sunlight**

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*Buildings and structures should be designed and sited to allow reasonable access of daylight and sunlight to any neighbouring area, including any road or public area.*

**policy**  
**SC2.5 scale of buildings and visual appearance**

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*The size and scale of buildings, and the visual appearance of sites within any suburban commercial centre, should not detract from the character and amenity of neighbouring areas.*

Explanation and Reasons (policies SC2.3 to SC2.5)

SC2.5.i The policies aim to preserve amenity values both within and outside suburban centres. Access of daylight and sunlight is an important factor in the pleasantness of an area. This is particularly so for residential areas and public open space, and for ensuring suburban centres are attractive places for people to visit and use. Buildings and sites need to be attractive, and be of a size or type that might be expected in the neighbourhood.

Methods (policies SC2.3 to SC2.5)

SC2.5.ii Rules setting standards for glare, dust, and noise.

SC2.5.iii Rule setting recession plane for access of sunlight to adjacent residential site and public open space.

SC2.5.iv Rules for maximum building height, setback from residential boundary and landscaping.

SC2.5.v Rules controlling the appearance of large buildings.

- SC2.5.vi Enhancement of centres by the Council and property owners through paving, planting and similar measures.

## **policy**

### **SC2.6 Wakefield Quay - leisure area**

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*The form, style, and height of buildings and structures in the Leisure Area of Wakefield Quay (as shown on the Planning Maps) should have regard to natural landforms, the coastal setting, and any neighbouring development, including the maintenance of the views from residential areas on the hill above, and from Wakefield Quay towards the Haven.*

#### **Explanation and Reasons**

SC2.6.i Much of the waterfront area has a utilitarian appearance which reflects its origins as a working port. With the reorganisation of the Port Industrial Area, and the movement of a number of activities from Wakefield Quay to the reclamation and other sites, the Council is taking the opportunity to upgrade this area. The amenity of the seaward side of Wakefield Quay is being enhanced, which makes the landward side more attractive for commercial developments or other activities that might capitalise on a seaside location. Because of the importance of the coastal environment, and the visibility and high use of the area by both local residents and the wider public, any development within the precinct needs to be sympathetic to the setting and the uses located behind it. Any development in this area should also be aware, however, of the close proximity of the Port Operational Area, and the industrial nature of its present and likely future operations. Port activities can be expected to occur within the Port Industrial Area, and in particular the area defined by Port Nelson Limited's coastal permit (shown by the dotted line on the Planning Maps, and may include ship manoeuvring or potentially (subject to resource consent) extension of existing facilities.

#### **Methods**

- SC2.6.ii Rules making construction or alteration of buildings on the seaward side of Wakefield Quay in the Leisure Area a discretionary activity, in order to retain control over the views from the road to the sea, and over the design and appearance of such buildings.
- SC2.6.iii Rules limiting the height of buildings on the landward side of Wakefield Quay in the Leisure Area in order to provide reasonable protection of views from the residential area above.
- SC2.6.iv Rules making construction or alteration of buildings on the landward side of Wakefield Quay in the Leisure Area a controlled activity with respect to design and appearance.
- SC2.6.v Council works in terms of paving, planting and related developments.
- SC2.6.vi Conditions on land sold or leased by the Council, as property owner, to protect or enhance the amenity of the area.
- SC2.6.vii Rules requiring acoustic insulation for residential units, or any building used for sleeping accommodation.

## **SC3 Marsden Valley Suburban Commercial Zone**

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*To recognise and provide for a vibrant Marsden Valley Suburban Commercial centre, which through its central location, provision of an area of publicly accessible open space central to the Zone, mix of suitable activities, and high quality building design, allows for the creation of a quality urban environment.*

#### **Reasons:**

SC3.i The Marsden Valley Suburban Commercial Zone will form the centre of a new residential community in the valley. It will support the surrounding community and provide opportunities for meeting commercial and social needs. This area is different

to many existing Suburban Commercial zones in that it is central to the creation of a new community and as such can be designed in an integrated manner with this community to achieve the best result from an urban design perspective.

## **policy**

### **SC3.1 building and outdoor space design**

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*Promotion of variety, modulation, active frontages, and creativity in building and outdoor space design which is at a human scale, and contributes to high quality, coordinated public outdoor areas.*

#### **Explanations and Reasons:**

**SC3.1.i** Buildings of a uniform design, with blank walls, a lack of interaction with the street or public places, or of a dominating scale can detrimentally affect the spaces and areas to be used by people. To ensure a quality urban environment is developed it is essential that the buildings and outdoor spaces are designed in such a way as to support this.

#### **Methods**

**SC3.1.ii** Rules to control buildings over a certain height

**SC3.1.iii** Assessment criteria and restricted discretionary matters to ensure buildings, activities and subdivision which trigger a resource consent are assessed for their contribution to achieving the Overall Design Principles for the Marsden Valley Suburban Commercial Zone.

## **Policy**

### **SC3.2 mixed use**

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*To enable a mix of activities (primarily commercial (retail and office) and residential) within the zone which supports the creation of a quality urban environment, adds vibrancy, and provides a wide choice of places to live, work and play.*

#### **Explanations and Reasons:**

**SC3.2.i** Suburban Commercial zones provide an opportunity for mixed use activities, for example retail on the ground floor and residential or offices above. This mix of uses has a number of benefits including: increased vibrancy of these centres; wider range of living options; reduced travel dependence; increased surveillance of public spaces and a larger customer base for retailers.

#### **Methods**

**SC3.2.ii** Rules which permit mixed uses (retail, office and residential)

**SC3.2.iii** Rules which limit the establishment of activities which may be detrimental to creation of a quality urban environment.

## **SCe environmental results anticipated and performance indicators**

SCe.i The following results are expected to be achieved by the above objectives, policies and methods. This means monitoring whether the Plan achieves the outcomes intended:

<b>Anticipated Environmental Result</b>	<b>Indicators</b>	<b>Data Source</b>
<b>SCe.1</b> Control of adverse effects to acceptable levels of environmental quality	<b>SCe.1.1</b> a) Complaints about adverse effects b) Changes in ambient noise levels and other environmental effects	Council's complaints register  Data collected at certain sites
<b>SCe.2</b> Consolidation of commercial activity within the zoned land	<b>SCe2.1</b> a) Number of applications for commercial activities to establish outside the zone (eg. in the Residential Zone) b) Number of plan changes to extend zoning	Resource consent data  Council records

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**rules**  
**suburban**  
**commercial zone**

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## **SCr Rules**

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

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

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

### **SCr.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.

### **SCr.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 this Zone, permitted activities also include all land uses that are not specifically mentioned 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 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

### **SCr.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 SCr.8 below regarding further matters of control.)

### **SCr.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 SCr.8 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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**SCr.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. 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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**SCr.7 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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**SCr.8 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:

- SCr.8.a Financial contributions in the form of money, land, works or services, or a combination of these. (See Chapter 6), and
- SCr.8.b Bonds or covenants or both, to ensure performance or compliance with any conditions imposed, and
- SCr.8.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
- SCr.8.d The duration of a resource consent, under section 123 of the Act, and
- SCr.8.e Lapsing of a resource consent, under section 125 of the Act, and
- SCr.8.f Change and cancellation of a consent, under sections 126 and 127 of the Act, and
- SCr.8.g Notice that some or all conditions may be reviewed at some time in the future, under section 128 of the Act, and
- SCr.8.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.

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**SCr.9 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.

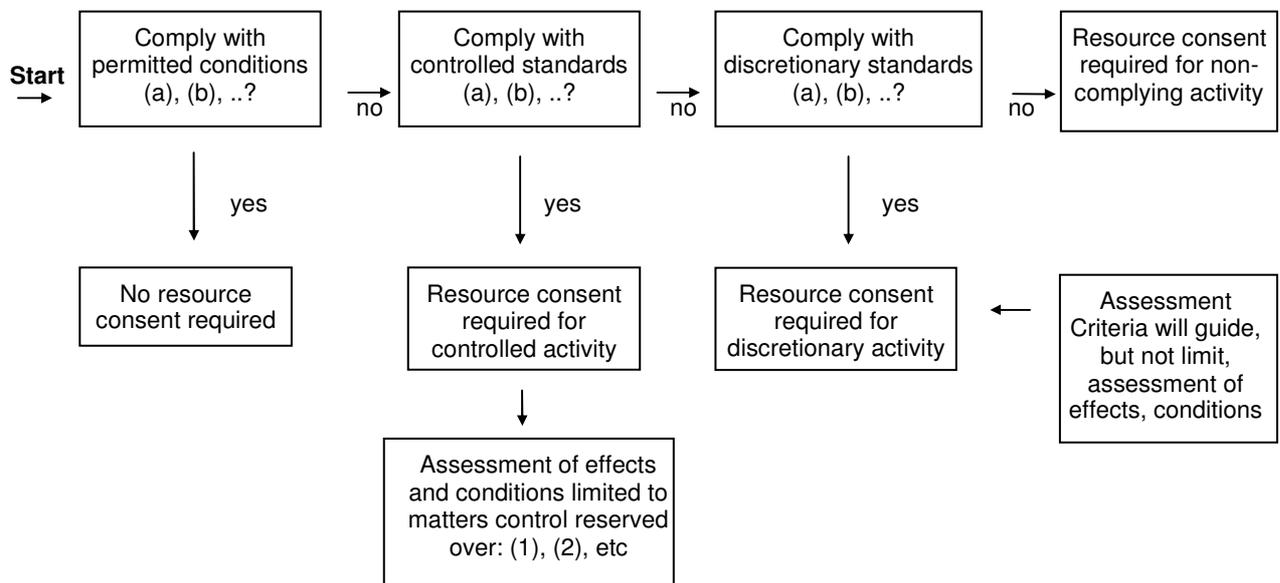
**SCr.10 Reading the rule table**

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.



**SCr.10.1** 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.

## Contents of suburban commercial zone rule table

SCr.20	Restricted activities
SCr.21	Floor Space Maximum and External Appearance – Large Buildings
SCr.22	Maximum building height
SCr.23	Verandahs - Stoke Centre
SCr.24	Verandahs - Other areas
SCr.25	Landscaping
SCr.26	Setback - from Residential Zone boundary
SCr.27	Daylight admission - Residential Zone boundaries
SCr.28	Building over or alongside drains and water mains
SCr.29	Activities near the coast
SCr.30	Outdoor living court - residential activity
SCr.31	Parking and loading
SCr.32	Access
SCr.33	Access – Main Road Stoke
SCr.34	Signs
SCr.35	Light spill
SCr.36	Noise
SCr.37	Noise - at residential boundary
SCr.38	Vibration
SCr.39	Closing times - services to the public
SCr.40	Hazardous substances - use and storage
SCr.41	Radioactive material
SCr.42	Aerials
SCr.43	Radiofrequency exposure levels
SCr.44	Network utility – above ground and underground supplies
SCr.45	Structures on the road reserve
SCr.46	Network utility - roads
SCr.47	Building on low lying sites
SCr.48	Earthworks
SCr.48A	Landfill
<b>Rules relating to Overlays and Areas on the Planning Maps</b>	
SCr.49	Leisure area - Buildings on seaward side of Wakefield Quay
SCr.50	Leisure area - Landward side of Wakefield Quay
SCr.51	Coastal Environment Overlay
SCr.52	Land Management Overlay - Vegetation clearance
SCr.53	Riparian Overlay - Activities on land identified with riparian values
SCr.54	Flood Path Overlays
SCr.55	Inundation Overlays -Low lying ground susceptible to localised stormwater ponding or tidal inundation
SCr.56	Heritage Buildings, Places and Objects - Alterations to Group A and B items
SCr.57	Heritage Buildings, Places and Objects - New Buildings on the site of a Heritage Item
SCr.58	Heritage Buildings, Places and Objects - Demolition or removal of Group A and B items
SCr.59	Heritage Buildings, Places and Objects - Demolition or removal of Group C items
SCr.60	Heritage Precincts - Alterations to any building (including listed Heritage Buildings)
SCr.61	Heritage Precincts - Erection of new buildings
SCr.62	Heritage Precincts - Removal or demolition of listed Heritage Buildings
SCr.63	Heritage Trees - Trimming of a Heritage Tree identified in Appendix 2
SCr.64	Landscape Trees - Trimming of a Landscape Tree identified in Appendix 2
SCr.65	Heritage and Landscape Trees Activities within the root protection zone of a Heritage or Landscape Tree identified in Appendix 2
SCr.66	Heritage and Landscape Trees Removing or destroying a Heritage or Landscape Tree identified in Appendix 2
SCr.67	Local Trees - Removing a Local Tree identified in Appendix 2
SCr.68	Archaeological sites
SCr.69	Airport Effects Control Overlay
SCr.69A	Port Effects Control Overlay
SCr.69B	Marsden Valley (Scheduled Site – Sch I)
SCr.70	Nayland Road Commercial Area (Scheduled Site: Sch. L)
<b>Rules regarding subdivision (including within Overlays)</b>	
SCr.71	Subdivision – General
SCr.72	Heritage Precincts – Subdivision
SCr.73	Heritage Overlays - Subdivision (excluding Heritage Precincts)
<b>Freshwater Rules</b>	
	(Refer Appendix AP28.9 for freshwater rules)

**rule table**

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>SCr.20</b> <b>Restricted activities</b></p>	<p>SCr.20.1 The following are not permitted activities:</p> <ul style="list-style-type: none"> <li>a) boarding of dogs, cats or other animals, or</li> <li>b) storage or sorting of any bottles, scrap or other waste materials, or</li> <li>c) drying or rendering of fish, meat or animal product or by-product, including the manufacture of fish or animal meal, or</li> <li>d) panel beating, vehicle wrecking, sheet metal work, heavy engineering such as engine re boring and crankshaft grinding, spray painting, or boat, caravan or motor vehicle building.</li> </ul>	<p>SCr.20.2 not applicable</p>	<p>SCr.20.3 Activities that contravene a permitted condition are discretionary.</p>
<p><b>SCr.21</b> <b>Floor Space Maximum and External Appearance</b> - Large Buildings</p>	<p>SCr.21.1 No building on any site may exceed a gross floor area of 800m<sup>2</sup>, except for the Stoke Centre, west of Main Road Stoke, where a gross floor area of 1600m<sup>2</sup> is permitted.</p>	<p>SCr.21.2 The erection or substantial alteration of a building in the Stoke Centre, west of Main Rd Stoke, where the gross floor area of the building is in excess of 1600m<sup>2</sup>, is controlled: Control reserved over:</p> <ul style="list-style-type: none"> <li>i) the visual appearance of the site and buildings (including advertising and landscaping), and</li> <li>ii) the layout of, and access to, the site.</li> </ul>	<p>SCr.21.3 Activities that contravene a permitted condition and are not a controlled activity are discretionary.</p>
<p><b>SCr.22</b> <b>Maximum building height</b></p>	<p>SCr.22.1 Buildings and structures are permitted if maximum height is:</p> <ul style="list-style-type: none"> <li>a) 8m, or</li> <li>b) 10m in the Stoke Centre, and Tahunanui (west of Tahunanui Drive and north of Parkers Road), or</li> <li>c) 21m (leisure area, landward side of Wakefield Quay).</li> </ul> <p>(see Chapter 2 Meanings of Words for definitions of 'Height' [including chimneys] and 'Height measurement').</p>	<p>SCr.22.2 not applicable</p>	<p>SCr.22.3 Activities that contravene a permitted condition are discretionary.</p>

**suburban commercial zone**

Assessment Criteria	Explanation
<p>SCr.20.4</p> <ul style="list-style-type: none"> <li>a) the nature and scale of the activity in relation to the activities in the centre and the residential neighbourhood, having regard to the nature of the existing and permitted future uses on nearby sites.</li> <li>b) the effect on the existing and likely foreseeable amenity of the centre and the residential neighbourhood, particularly in relation to noise and traffic generation.</li> <li>c) the ability to remedy or mitigate any adverse effects of the activity by the layout or design of the site or buildings, or by the provision of landscaping or similar measures.</li> <li>d) the topography of the site and the neighbouring areas.</li> <li>e) the adequacy of car parking on the site.</li> <li>f) the effectiveness, and in particular the certainty, provided by any conditions or controls that might be imposed on the activity.</li> <li>g) whether the activity is temporary, and the frequency of such events (where applicable).</li> </ul>	<p>SCr.20.5</p> <p>All the suburban commercial areas are in close proximity to land that is zoned Residential. The other rules in this table set performance standards that activities must meet in order to operate in the zone. However, there are some activities which are known to have potentially high adverse effects in terms of location close to residential areas, and location within Suburban Commercial centres. These activities can be hard to control retrospectively, if once established they are unable to comply with the required performance standards eg. noise. In this case it is considered better to list the specific activities, as this provides more certainty, and a better environmental outcome.</p> <p>If these activities wish to set up in the Zone, then a resource consent application is required. This allows the effects of the activity to be evaluated specifically, and special conditions imposed where necessary.</p>
<p>SCr.21.4</p> <ul style="list-style-type: none"> <li>a) the extent to which expansive walls can be softened through the use of architectural features, including form or surface treatment and landscaping.</li> <li>b) the degree to which building appearance and site layout, including advertising, is harmonious with other development in the surrounding area, particularly any residential development.</li> <li>c) the extent to which the site layout will minimise potential effects on the neighbouring area including noise, appearance and glare.</li> <li>d) the efficient use of the site.</li> <li>e) safe access of traffic to and from the site and any effects on traffic generation.</li> <li>f) the extent or otherwise to which a larger area would make better use of public infrastructure.</li> <li>g) the effects of a larger floor area on the role of the City Centre as the focal point for the city.</li> <li>h) any adverse effects on a Residential zone.</li> </ul>	<p>SCr.21.5</p> <p>Larger buildings can detract from amenity values. This can be particularly the case with large buildings in Suburban Commercial areas which are in close proximity to residential areas. The rule allows control over visual and other aspects of the development to address some of these concerns.</p> <p>A floor area control is included to ensure the scale of activity is compatible with the mainly residential neighbours. Larger premises may be possible but may require a resource consent so that traffic and other impacts can be assessed on a case by case basis. Except in relation to new development in the Stoke Centre west of Main Road, Stoke, effects on the City Centre should also be assessed (see Chapter 8).</p>
<p>SCr.22.4</p> <ul style="list-style-type: none"> <li>a) the height of the building in relation to the scale and height of buildings in the area, having regard to the topography and the character and use of the neighbouring area.</li> <li>b) the effects on significant views.</li> <li>c) any effects of shading on open spaces and pedestrian areas.</li> </ul>	<p>SCr.22.5</p> <p>The rule provides for 2 storey buildings throughout most of the Zone. The majority of the suburban commercial areas adjoin residential areas, so the height of the buildings has been set to be compatible with the surrounding houses. Three storey buildings are provided for in the main Stoke shopping area, recognising that this is a more major commercial area. A higher height is also provided for at Tahunanui, on the land to the west of Tahunanui Drive. Here the areas zoned Suburban Commercial form reasonably large, discrete areas with a strong commercial character where taller buildings can be accommodated without adversely affecting neighbouring residential areas.</p> <p>On the landward side of Wakefield Quay in the Leisure Area, buildings of up to about seven storeys are allowed. Rule SCr.50.2 (leisure area) contains a recession plane, that in combination with the height rule ensures that buildings are tucked against the sea cliff and do not adversely affect views from properties above the cliff.</p> <p>Buildings over the height limits in SCr.22.1, or averaging over those height limits on sloping ground, are discretionary.</p>

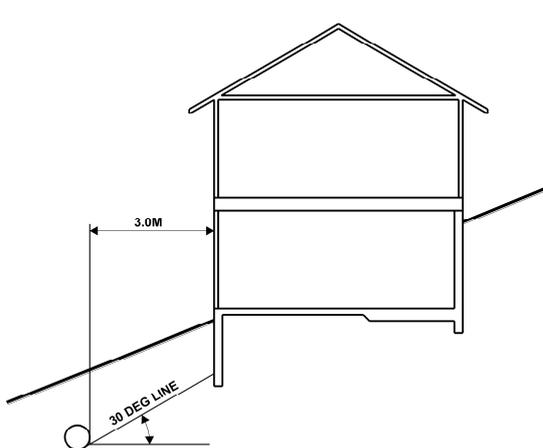
Item	Permitted	Controlled	Discretionary/Non-complying
<b>SCr.23</b> <b>Verandahs</b> Stoke Centre	SCr.23.1 Any building in the Stoke Centre (west of Main Road Stoke)(other than a Group A or B Heritage Building listed in Appendix 1), when it is erected, or altered in any way that substantially changes its external appearance: a) must be provided with a verandah along any road boundary, or any frontage with Strawbridge Square, and b) the verandah must comply with the specifications in Appendix 18 (verandahs)	SCr.23.2 not applicable	SCr.23.3 Activities that contravene the conditions for permitted activities are discretionary. This includes the addition of a verandah to a Group A or B listed Heritage Building in Appendix 1.
<b>SCr.24</b> <b>Verandahs</b> Other areas	SCr.24.1 Any building may be provided with a verandah, if: a) the building is not a Group A or B Heritage building listed in Appendix 1, and b) the verandah complies with the specifications in Appendix 18 (verandahs).	SCr.24.2 not applicable	SCr.24.3 Activities that contravene a permitted condition are discretionary.
<b>SCr.25</b> <b>Landscaping</b>	SCr.25.1 a) Except where the building is built to the road boundary, a minimum of 5% of any site must be set aside as a landscaped area or areas, and b) The landscaped area must be located along the road frontage (except for any rear site), and c) The landscaped area must be maintained in good condition.	SCr.25.2 not applicable	SCr.25.3 Activities that contravene a permitted condition (excluding condition c)) are discretionary.

Assessment Criteria	Explanation
<p>SCr.23.4</p> <ul style="list-style-type: none"> <li>a) the extent the footpath may be exposed to adverse weather conditions if a verandah is not provided.</li> <li>b) whether suitable alternative provision for pedestrian cover can be made.</li> <li>c) the volume of pedestrian movement in the vicinity.</li> <li>d) the effect of not providing a verandah on the appearance of the building, and the street in the vicinity.</li> <li>e) the extent to which a verandah added to a heritage building would detract from the architectural or historic merits of the building.</li> </ul>	<p>SCr.23.5</p> <p>The rule is to enhance the attractiveness and convenience of the Stoke Centre as a shopping environment and as a place for visitors. In the rest of the Zone verandahs are optional. In all cases, certain design specifications must be met. These ensure there is general consistency of design and continuity of protection for pedestrians.</p> <p>Having a verandah on a listed heritage building is not mandatory. Addition of such a structure may detract from the appearance of the building, and for this reason addition of a verandah to a listed building requires a resource consent.</p> <p>Alteration of a heritage building is regulated by Rule SCr.56 (heritage buildings: alterations to Group A or B items).</p>
<p>SCr.24.4</p> <ul style="list-style-type: none"> <li>a) the effect of departing from the specifications in Appendix 18 (verandahs) in terms of the relationship with adjoining verandahs (eg. appearance, continuity of weather protection), the appearance of the building and the road.</li> <li>b) the extent to which a verandah added to a heritage building would detract from the architectural or historic merits of the building.</li> <li>c) where relevant, the provisions of the Design Guide for the Russell Street Heritage Precinct.</li> </ul>	<p>SCr.24.5</p> <p>Verandahs are optional on buildings, other than in the Stoke Centre (Rule SCr.23 - Verandahs). However, certain design specifications must be met. These ensure there is general consistency of design and continuity of protection for pedestrians.</p>
<p>SCr.25.4</p> <ul style="list-style-type: none"> <li>a) the visibility of the site from any adjoining site, particularly in the Residential Zone.</li> <li>b) the visibility of the site from any road, having regard to the nature and volume of traffic carried.</li> <li>c) the contribution of the landscaping to noise reduction, maintenance of privacy, or other aspects of amenity on any site.</li> <li>d) the nature and appearance of the activity and any building, and desirability of providing screening or softening.</li> <li>e) where landscaping is to be reduced, the effect on the amenity of adjoining sites, or the visibility from the road.</li> </ul>	<p>SCr.25.5</p> <p>The landscaping requirement is to improve the amenity of the site. It is not intended that non-compliance with condition c) will result in requiring a resource consent, because a judgement is involved in condition c). Condition c) is to be used for enforcement purposes, i.e. when the condition is not complied with, enforcement of the condition may be actioned.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>SCr.26</b> <b>Setback</b> from Residential Zone boundary</p>	<p>SCr.26.1</p> <p>a) Buildings must be set back at least 3m from a Residential Zone boundary, and</p> <p>b) Provision must be made for landscaping, fences, walls, or for a combination, to at least 1.8m in height along the length of the Zone boundary, and</p> <p>c) Where landscaping is provided it must have an average depth of 1.5m along the boundary.</p> <p>Conditions a, b and c shall not apply to structures that are:</p> <p>i) exclusively associated with a telecommunications service, and</p> <p>ii) no more than 15m<sup>2</sup> in area, and</p> <p>iii) no more than 3.5m in height.</p>	<p>SCr.26.2 not applicable</p>	<p>SCr.26.3 Activities that contravene a permitted condition are discretionary.</p>
<p><b>SCr.27</b> <b>Daylight admission</b> Residential Zone boundaries</p>	<p>SCr.27.1</p> <p>Any building or structure on a site adjoining a Residential Zone must comply with the daylight angles, as detailed in Appendix 15 (daylight admission – residential).</p>	<p>SCr.27.2 not applicable</p>	<p>SCr.27.3 Activities that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p>SCr.26.4</p> <ul style="list-style-type: none"> <li>a) the effects on the amenity of neighbouring properties.</li> <li>b) any provision for compensating landscaping or screening.</li> <li>c) the scale and height of the buildings within the reduced setback.</li> <li>d) the ability to better use the site and provide better environmental quality elsewhere on the site.</li> <li>e) any aspects of the proposal which may compensate for reduced landscaping or screening, such as the nature of planting or materials used, the location of parking, manoeuvring or storage areas, and offices.</li> </ul>	<p>SCr.26.5</p> <p>This provision ensures a degree of outlook is maintained from residential properties, and provides opportunity to soften that outlook by planting or other site treatments.</p> <p>Landscaping along the zone boundary can be to an average depth, to provide for variability in depth, thus increasing visual interest.</p> <p>Buildings that form part of a telecommunications service (as defined by the Telecommunications Act 2001 or relevant amendments) are permitted to be located within these setbacks because they are considered to have no more than minor visual effects in this semi-commercial environment, especially as compared to other residential buildings which are permitted as of right to be located closer to a boundary. An important difference between the telecommunications network and some other network utilities is that telecommunications networks do not include such facilities as substations, which for other reasons may be considered to be unacceptable in the residential environment.</p> <p>Note that all structures and buildings must still comply with rule SCr27 "Daylight Admission" which protects neighbouring properties from the shading effects of buildings located very close to their boundaries.</p>
<p>SCr.27.4</p> <ul style="list-style-type: none"> <li>a) the effects of any shading on the public enjoyment and amenity of residential areas.</li> <li>b) the extent of any additional shading, having regard to the size of the shadow cast and the period of time any area is affected by it (eg. tall thin shadow compared to shorter, bulky shadow taking longer to pass).</li> <li>c) the nature of the activities undertaken in any area affected.</li> </ul>	<p>SCr.27.5</p> <p>The sunlight and daylight controls are set so that a residentially zoned property is not penalised having a commercial rather than a residential neighbour.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>SCr.28</b> <b>Building over or alongside drains and water mains</b></p>	<p>SCr.28.1</p> <p>a) Structures</p> <ul style="list-style-type: none"> <li>i) must be located no closer than one metre measured horizontally from the near side of any public water main or common private or public sewer or stormwater drain, where the required pipe or drain is less than or equal to 300mm in diameter or width, and</li> <li>ii) must be located no closer than 1.5m measured horizontally from the near side of any public water main, or common private or public sewer or stormwater drain, where the required pipe or drain is greater than 300mm in diameter or width, and</li> <li>iii) may overhang the line of the pipe or drain, provided the structure is cantilevered or is an eave and the height to the underside of the structure above ground level is not less than 1.8m, and</li> <li>iv) which are located within 3m, measured horizontally, from the near side of the pipe or drain must have the base of the foundations deeper than a line drawn at 30° from the horizontal from the invert (bottom) of the pipe or drain (see figure).</li> </ul> <p>b) As an alternative to (a), structures may be located over common private or public wastewater or stormwater drains or pipes (but not pressurised pipes), if they comply “Acceptable Techniques for Building over Drains and Pipelines” Table 3-4 in section 3 of the NCC Land Development Manual.</p>	<p>SCr.28.2 not applicable</p>	<p>SCr.28.3</p> <p>Restricted Discretionary Activity</p> <p>Activities that contravene a permitted standard are a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>i) the design and location of the structure, and</li> <li>ii) access to pipework or drain for maintenance, and</li> <li>iii) the nature and location of the pipework or drain.</li> </ul> <p>Resource consent applications for restricted discretionary activities will be considered without notification, or service of notice, provided it can be shown that the building can be located in such a way as to ensure that access to the drain or pipe for maintenance or replacement purposes, can be achieved without causing adverse financial or physical effect on neighbouring properties or persons who are served by the same pipe or drain.</p>

Assessment Criteria	Explanation
<p>SCr.28.4</p> <ul style="list-style-type: none"> <li>a) the nature of the structure and whether access to the pipe or drain can be maintained.</li> <li>b) any measures taken to ensure that replacement of the pipe or drain can be undertaken.</li> <li>c) the nature of the pipe or drain, taking into account materials of construction and any bends or joints.</li> </ul>	<p>SCr.28.5</p> <p>Limiting access to pipes and drains means that repair and maintenance may be very costly and may even result in pipes or drains having to be relocated. This rule seeks to preserve access to all pipes or drains where off site facilities are likely to be affected.</p> <p>Table 3-4, section 3 of the NCC Land Development Manual 2010 provides techniques which allow the construction of structures over drains in some limited circumstances.</p> <p><b>Diagram referred to in SCr.28.1a):</b></p> 

Item	Permitted	Controlled	Discretionary/Non-complying
<b>SCr.29</b> <b>Activities near the coast</b>	SCr.29.1 Activities within 20m of mean high water springs are permitted if: <ul style="list-style-type: none"> <li>a) they do not involve the erection and extension of structures (excluding fences), and</li> <li>b) they do not impede the legal right of foot access along a waterbody where this exists.</li> </ul>	SCr.29.2 Extension of a utility service line or structure is controlled.  Control reserved over <ul style="list-style-type: none"> <li>i) damage to indigenous vegetation, and</li> <li>ii) discharge of contaminants</li> <li>iii) maintenance of access, and</li> <li>iv) remedial measures.</li> </ul>	SCr.29.3 Activities that contravene a permitted condition are discretionary.
<b>SCr.30</b> <b>Outdoor living court residential activity</b>	SCr.30.1 Every residential unit must be provided with an outdoor living court: <ul style="list-style-type: none"> <li>a) minimum area:               <ul style="list-style-type: none"> <li>1 bedroom 25m<sup>2</sup></li> <li>2 or more bedrooms 40m<sup>2</sup>, and</li> </ul> </li> <li>b) minimum dimension 4m, and</li> <li>c) units without a room on the ground floor may instead provide a balcony or balconies (minimum combined area of 12m<sup>2</sup>, minimum dimension for any required balcony of 2.4m), and</li> <li>d) The outdoor living court must not be located on a side of the residential unit facing within 45° either side of due South, and must be readily accessible from a living area of the unit.</li> </ul>	SCr.30.2 Not applicable	SCr.30.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>SCr.29.4</p> <p>a) the appropriateness of undertaking the activity within this area.</p> <p>b) effects on water quality.</p> <p>c) effects on public access and recreation.</p> <p>d) effects on indigenous vegetation and the habitat of e) indigenous fauna effects.</p> <p>e) the effects on sites of cultural importance</p> <p>f) the justification for the establishment of esplanade reserves, strips or other protections for the margins.</p> <p>g) the values of coastal waters listed in Appendix 4 (marine ASCV overlay) and Appendix 6 (riparian and coastal margin overlays).</p>	<p>SCr.29.5</p> <p>Coastal margins are sensitive to modification, provide habitat for plant and animal communities, and are important for recreational, aesthetic, and cultural reasons.</p> <p>Activities in a Flood Path Overlay or Inundation Overlay are regulated by separate rules - Rules SCr.54 (flood path overlays) and SCr.55 (inundation overlays).</p> <p>Structures in the Leisure Area are regulated by rule SCr.49 (leisure area – buildings on seaward side of Wakefield Quay) and SCr.50 (leisure area – landward side of Wakefield Quay)</p>
<p>SCr.30.4</p> <p>a) whether alternative outdoor space is available adjacent or near to the site.</p> <p>b) with an existing building, whether provision of a living court is impracticable.</p> <p>c) the likely needs of the future occupants of the residential unit.</p>	<p>SCr.30.5</p> <p>A requirement for a minimum outdoor living area is included, as, apart from this rule, there are no controls on maximum building coverage meaning there is no requirement to leave some space free of buildings.</p> <p>The living court requirements are not as high as in the Residential Zone, recognising that the amenity requirements of the two zones differ.</p> <p>The rule recognises that residential use may occur above shops or other premises which are not specifically designed for residential living. The rule therefore provides for a small balcony as an alternative to ground floor open space.</p> <p>Consent may be granted to further reduce a living court or waive the living court requirement in certain circumstances eg. if the development fronts onto a public park.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>SCr.31 Parking and loading</b>	<p>SCr.31.1</p> <p>Parking, loading, manoeuvring, and queuing must be provided and maintained on each site in accordance with the standards set out in Appendix 10 (standards and terms for parking and loading):</p> <p>a) except at the Stoke Centre where parking is not required for activities but any provided on a site must meet the design and layout standards in Appendix 10 (including for manoeuvring, and queuing areas).</p>	<p>SCr.31.2</p> <p>Parking for Short Term Living Accommodation units (excluding any loading zones for coaches and parking for managers units) and which complies in all other respects with the relevant standards in Appendix 10, is a controlled activity if:</p> <p>a) a minimum of 0.8 spaces per unit is provided, except where the unit can accommodate more than 6 guests, in which case a minimum of 1.5 spaces must be provided per unit.</p> <p>Control reserved over:</p> <p>i) number of vehicle parks, and</p> <p>ii) type and size of vehicle parks, and</p> <p>iii) location of vehicle parking, and</p> <p>iv) manoeuvring to and from vehicle parking.</p>	<p>SCr.31.3</p> <p>Activities that contravene a permitted condition or controlled standard are discretionary, except that an application to reduce the parking requirements in Appendix 10 is a restricted discretionary activity if:</p> <p>a) for short term living accommodation a minimum of 0.6 spaces per unit is provided, except where the unit can accommodate more than 6 guests, in which case a minimum of 1 space must be provided per unit,</p> <p>or</p> <p>b) for other activities:</p> <p>i) the proposed reduction in parking spaces is not more than 10% of the number required in Appendix 10, and</p> <p>ii) where the reduction in parking spaces exceeds 5 spaces, the application is accompanied by a Travel Management Plan that addresses the matters in Assessment Criterion SCr.31.4.</p> <p>Discretion restricted to:</p> <p>i) number of parking spaces (and any loading spaces) provided, and</p> <p>ii) the surfacing of the area, and</p> <p>iii) the location, dimensions and layout of parking, loading, manoeuvring and queuing areas, and</p> <p>iv) conditions relating to any parking off-site or any other methods or arrangements that are to be put in place to facilitate the reduction in parking.</p> <p>Resource consent applications for restricted discretionary activities under this rule will be considered without notification and without service of notice.</p>
<b>SCr.32 Access</b>	<p>SCr.32.1</p> <p>Vehicle access must be provided and maintained for each site (except for small unstaffed network utility buildings) in accordance with the standards set out in Appendix 11 and sections 4.3.7d)1) to 7), 4.3.7e) to i), 4.3.7d), 4.3.8.2a) to c), 4.3.8.5a), 4.3.12.7a) to c), 4.3.15d), 4.3.15.1a) to f), 4.3.15.2b) to d), 4.3.15.3b) to c), 4.3.15.3a) and Tables 4-6, 4-7, and 4-164 and Figures 4-M, 4-N, 4-O and 4-P of the NCC Land Development Manual 2010.</p>	<p>SCr.32.2</p> <p>not applicable</p>	<p>SCr.32.3</p> <p>Activities that contravene a permitted condition are discretionary.</p>
<b>SCr.33 Access – Main Road Stoke (Pt Sec 60 Subdn Sth Dist Blk VII Waimea, CT 32/83, Planning Map 29)</b>	<p>SCr.33.1</p> <p>Development beyond the state of development on the 1st day of January 2000 (including subdivision) of any land originally comprising Pt Sec 60 Subdn Sth Dist Blk VII Waimea, CT 32/83, is permitted only if:</p> <p>a) a single access road onto Main Road, Stoke, at the location of the proposed road on Planning Map 29 is constructed in accordance with Appendix 26 (access road to Main Road Stoke); and</p> <p>b) there is no direct vehicle access from any site onto Main Road, Stoke, except via the road referred to in a).</p>	<p>SCr.33.2</p> <p>not applicable</p>	<p>SCr.33.3</p> <p>Activities that contravene a permitted condition are non-complying.</p>

Assessment Criteria	Explanation
<p>SCr.31.4</p> <p>a) refer to Appendix 10.</p> <p>b) the effects of parking or loading areas in pedestrian safety, having regard to the level of foot traffic in the area.</p> <p>c) the extent to which alternative methods of access for goods may be available, such as providing a goods loading zone adjacent to the site and/or restricting the times of delivery or dispatch of goods.</p> <p>d) where a Travel Management Plan is required under the restricted discretionary rule it shall include the following, taking into account the reduction in parking spaces being sought:</p> <p>i) The nature and scale of the activity and associated parking demands from employees and visitors/customers;</p> <p>ii) Proposed means of reducing parking demands, such as;</p> <ul style="list-style-type: none"> <li>• Managing the number of motor vehicle trips to and from the activity by encouraging higher vehicle occupancies</li> <li>• Sharing parking spaces between complementary uses and spreading peak loads</li> <li>• Encouraging more use of public transport, walking and cycling</li> </ul> <p>iii) Proposed means of monitoring outcomes.</p>	<p>SCr.31.5</p> <p>Refer to Appendix 10.</p> <p>Parking is provided collectively in the Stoke Centre, therefore provision of parking by individual sites is not mandatory. However, if parking is provided it must meet the normal standards for layout and design.</p> <p>Note that vehicle crossings are restricted across the inside of Strawbridge Square - Rule SCr.32 (access). The Stoke Centre is defined in Chapter 2 Meaning of Words.</p>
<p>SCr.32.4</p> <p>a) refer to Appendix 11.</p> <p>b) the extent to which alternative methods of access for goods may be available, such a providing a goods loading zone adjacent to the site or restricting the times of delivery or dispatch of goods.</p> <p>c) the effects on traffic and pedestrian movement and safety.</p>	<p>SCr.32.5</p> <p>Refer to Appendix 11.</p> <p>Vehicle crossings are not provided as of right on the inside of Strawbridge Square, in order to promote a better and safer pedestrian environment. A crossing in these situations may be granted by resource consent, having regard to the impacts on pedestrian traffic, and the needs of the activity concerned.</p> <p>Small unstaffed network utility buildings (see Chapter 2 Meaning of Words) are exempt from this requirement as access is rarely required and therefore greater formation standards are not justified.</p>
<p>SCr.33.4</p>	<p>SCr.33.5</p> <p>Pt Sec 60 Subdn Sth Dist Blk VII Waimea comprises the former "Mr Beans" fruit and vegetable stall, and the land adjoining it. The land was rezoned partly Residential and part Suburban Commercial as a result of submissions to the Proposed Plan, and which was then referred to the Environment Court. The NZ Transport Agency, the administering authority for Main Road, Stoke and the Council agreed to the rezoning if all traffic to and from the land was channelled through a single access point onto Main Road, Stoke. Because of the high traffic volumes and speeds on Main Road, Stoke, the new access road is required to be designed to appropriate engineering standards to minimise traffic conflicts on Main Road, Stoke. This is to ensure the safety of all road users including traffic entering and exiting the rezoned land.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>SCr.34 Signs</b>	SCr.34.1 Any sign must be constructed in accordance with Appendix 20 (signs and outdoor advertising).	SCr.34.2 not applicable	SCr.34.3 See Appendix 20.
<b>SCr.35 Light spill</b>	SCr.35.1 Artificial lighting is permitted if: a) the spill of light onto any other site within the Zone does not exceed 30 lux (horizontal and vertical) measured at the boundary of the other site, and b) the spill of light onto any site in the Residential Zone does not exceed 3 lux (horizontal and vertical), measured at the boundary of the other site, and c) the lighting does not create any light on roads which may distract traffic or interfere with any traffic aids or signals or d) the light is a street light, navigation light or traffic signal.	SCr.35.2 not applicable	SCr.35.3 Activities that contravene a permitted condition are discretionary.
<b>SCr.36 Noise</b>	SCr.36.1 a) Noise levels measured at, or as close as practicable to, the boundary of any site must not exceed: <b>Day Time (7am to 10pm)</b> L 10: 65 dBA <b>Other Times</b> L10: 45 dBA Lmax: 75 dBA b) All measurements and assessment in accordance with NZS6801:1991 and NZS6802:1991.	SCr.36.2 not applicable	SCr.36.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
SCr.34.4 a) the Assessment Criteria in Appendix 20 apply.	SCr.34.5 See Appendix 20.
SCr.35.4 a) effects on adjacent and adjoining uses. b) the extent to which additional light may adversely affect occupation of residential properties. c) the effect on traffic safety. d) the positive effects of improved pedestrian safety and security. e) the type of light, including its strength, and hours of operation.	SCr.35.5 The rule is to prevent unreasonable levels of light spilling onto neighbouring properties. Different levels are specified for light received on sites within the Zone, compared to sites within the Residential Zone. This recognises the greater sensitivity of areas containing dwellings.
SCr.36.4 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. b) the nature and location of nearby activities and the effects they may experience, particularly the night time effects on residential units within the Zone, and neighbouring zones. c) whether the noise is likely to detract from the general environmental quality being proposed for the Zone, or the amenity of the Residential Zone. d) the effectiveness of, and in particular the certainty provided by, any conditions or controls that might be imposed on the activity.	SCr.36.5 The rule is to prevent unreasonable levels of noise affecting neighbouring properties. Different levels are specified for noise received in the Suburban Commercial Zone, compared to a residential area. This recognises the greater sensitivity of areas containing dwellings and generally lower ambient levels. Noise has a major influence on the amenity of an area. For this reason any proposal for noise in excess of the permitted standard will be assessed as a discretionary activity where it affects a Residential Zone. NZS 6801:1991 is New Zealand Standard (Measurement of Sound). NZS 6802:1991 is New Zealand Standard (Assessment of Environmental Sound).

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>SCr.37</b> <b>Noise</b> At residential boundary</p>	<p>SCr.37.1</p> <p>a) Noise levels measured at, or within, the boundary of any site in the Residential Zone must not exceed:</p> <p>Day Time L 10: 55 dBA Other Times 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 NZS6801:1991 and NZS6802:1991.</p> <p>c) Parts (a) and (b) of the rule do not apply to building and demolition activities, which, when assessed at, or within, any site within the Residential Zone, must comply with the provisions of NZS6803: P:1984 "The Measurement and Assessment of Noise from Construction, Maintenance and Demolition".</p>	<p>SCr.37.2 not applicable</p>	<p>SCr.37.3 Activities that contravene a permitted condition are discretionary.</p>
<p><b>SCr.38</b> <b>Vibration</b></p>	<p>SCr.38.1 No vibration created on a site may be discernible at any other site.</p>	<p>SCr.38.2 not applicable</p>	<p>SCr.38.3 Activities that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
SCr.37.4 See SCr.36.4 (noise)	SCr.37.5 See SCr.36.5 (noise) Note that rules INr.39 (airport noise) and INr.40 (port noise) in the Industrial Zone regulate the emission of noise from the airport and the port.
SCr.38.4 a) the length of time, and the type of vibration, and the likely disturbance that may cause. b) the nature and location of nearby activities and the effects they may experience. c) whether the vibration is likely to detract from the general environmental quality being proposed for the Zone, or the amenity of the Residential Zone.	SCr.38.5 Like noise, vibration can have a major impact on people's enjoyment of their property. This is particularly so for residential properties. For this reason any departure from the permitted standard has been deemed a non-complying activity.

Item	Permitted	Controlled	Discretionary/Non-complying
<b>SCr.39</b> <b>Closing times - services to the public</b>	SCr.39.1 a) Any activity located within 50 m of a Residential Zone boundary, which is open to the public, or is a place of public assembly, may be open to the public only during the following hours: Sunday to Thursday inclusive: 7am - 11pm Friday, Saturday, Christmas Eve and New Year's Eve: 7am - 1am the following day, and b) Any activity located more than 50 m from the Residential Zone boundary, which involves the sale of liquor for consumption on the premises, may be open for the sale of liquor only during the following hours: Daily: 7am - 3am the following day, and c) Any activity located anywhere in the zone, which involves the sale of liquor for consumption off the premises may be open for the sale of liquor only during the following hours: Daily: 7am - 11pm.	SCr.39.2 not applicable	SCr.39.3 Activities that contravene a permitted condition are discretionary.
<b>SCr.40</b> <b>Hazardous substances</b> - use and storage	SCr.40.1 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).	SCr.40.2 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.	SCr.40.3 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>SCr.41</b> <b>Radioactive material</b>	SCr.41.1 The use or storage of radioactive material is permitted if: a) the material is used for clocks, watches, or other instruments containing luminous material, smoke detectors, or ionisation and electron capture detectors for use in gas chromatography or b) the amount does not exceed 0.1 terabecquerel.	SCr.41.2 not applicable	SCr.41.3 Activities that contravene a permitted condition are discretionary, if a) the amount does not exceed 1 terabecquerel.

Assessment Criteria	Explanation
<p>SCr.39.4</p> <ul style="list-style-type: none"> <li>a) the nature and scale of the activity in relation to nearby residential activity, having regard to the nature of the existing and permitted future uses on nearby sites.</li> <li>b) the effect on the existing and likely foreseeable amenity of nearby residential areas, particularly in relation to noise and traffic generation.</li> <li>c) the ability to remedy or mitigate any adverse effects of the activity by the layout or design of the site or buildings, or by the provision of landscaping or similar measures.</li> <li>d) the topography of the site and the neighbouring areas.</li> <li>e) the adequacy of car parking on the site, and its location in relation to the neighbouring residential activities.</li> <li>f) the effectiveness, and in particular the certainty, provided by any conditions or controls that might be imposed on the activity.</li> <li>g) whether the activity is temporary, and the frequency of such events (where applicable).</li> </ul>	<p>SCr.39.5</p> <p>Activities which are close to residential areas and which are open to the public late at night, have the potential to create adverse effects which conflict with the residential nature of the neighbouring areas. Particular problems are traffic arriving and leaving the premises, noise from patrons, and sometimes music. Therefore restrictions have been placed on the hours of opening of such activities.</p> <p>Away from the boundary with residentially-zoned land, there are no restrictions on hours of opening, except for activities which involve the sale of alcohol. This recognises the adverse environmental effects which often accompany licensed premises and the patrons using them. There are set hours for off-licence premises throughout the zone. The hours for licensed premises were developed after extensive public consultation under the Sale of Liquor Act and only apply to the sale of liquor aspects of activities.</p>
<p>SCr.40.4</p> <p>Assessment Criteria in Appendix 21.</p>	<p>SCr.40.5</p> <p>See Appendix 21.</p>
<p>SCr.41.4</p> <ul style="list-style-type: none"> <li>a) the type of radioactive source proposed and its relative activity.</li> <li>b) compliance with the relevant National Radiation Laboratory code of practice.</li> <li>c) the methods of storage and disposal proposed, particularly in relation to natural hazards which may affect the site.</li> <li>d) transportation routes, particularly through residential areas, and methods.</li> </ul>	<p>SCr.41.5</p> <p>The permitted standard provides for such things containing minor amounts of radioactive materials such as smoke detectors, and luminous watches and clocks. The discretionary activity category would provide for facilities such as new medical laboratories or dentists.</p> <p>The prohibited category excludes large scale facilities such as irradiation plants and nuclear power plants.</p> <p>Activities involving radioactive substances are controlled by the Radiation Protection Act 1965 and the Radiation Protection Regulations 1982. The rules seek to impose additional control only on the higher potential emission activities to enable wider community consultation.</p> <p>Note: activities are prohibited if emissions are in excess of 1000 terabecquerels of radioactivity (see preamble to Rule Table).</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>SCr.42</b> <b>Aerials</b>	SCr.42.1 Aerials are permitted if: a) any dish antenna does not exceed a diameter of 3m, and b) any dish antenna is not visible from any public place when located on the site of any Group A or B Heritage Building (listed in Appendix 1), and c) aerials attached to any building do not exceed the height of the building by more than 7m, and d) aerials that are not attached to a building do not exceed 18m in height, and the aerial complies with the daylight over provisions in Appendix 15 (daylight admission – residential) with respect to any boundary with land zoned Residential, and e) the supporting mast does not exceed 450mm diameter.	SCr.42.2 not applicable	SCr.42.3 <b>Restricted Discretionary Activity</b> Activities that contravene a permitted condition are a restricted discretionary activity if the activity is being carried out by a network utility operator.  <b>Discretion restricted to:</b> i) visual effects (including cumulative effects), and ii) practical alternatives, and iii) design and appearance of the structure (including its height and bulk) and method of mounting, and iv) siting of the structure, and v) landscaping or other treatment, and vi) the shading effects of the structure, and vii) effects on heritage values.  <b>Discretionary Activity</b> Activities that contravene a permitted condition and are not a restricted discretionary activity are discretionary.

Assessment Criteria	Explanation
<p>SCr.42.4</p> <ul style="list-style-type: none"> <li>a) the visual impacts of the structure on the streetscape and the general public.</li> <li>b) any shading posed by the structure.</li> <li>c) how prominent the site is, taking account of any significant public or private views or any significant landscapes.</li> <li>d) the extent to which any heritage or cultural values of the site or adjoining sites might be compromised by the structure.</li> <li>e) the height and bulk of the structure.</li> <li>f) the extent to which design, colour scheme or screening (eg. locating it below the parapet) might mitigate the adverse effects of the structure.</li> <li>g) the cumulative effects of additional aerials and structures, taking account of the impacts of existing aerials on the site and on adjacent sites.</li> </ul>	<p>SCr.42.5</p> <p>The height controls are generous and there should be little reason to breach these standards.</p> <p>Dish antennas tend to be bulkier than traditional aerials, and potentially more visually intrusive. Hence special controls relate to their location on heritage buildings to ensure they do not affect the public enjoyment of these buildings.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>SCr.43</b> <b>Radiofrequency exposure levels</b>	<p>SCr.43.1</p> <p>Subject to the exclusions at the end of this rule, activities which produce radiofrequency fields are permitted activities if:</p> <ul style="list-style-type: none"> <li>i) Radiofrequency exposures measured at any point where any person may reasonably and lawfully gain access (excepting those employed or engaged on the maintenance and operation of the radio communication or telecommunication facility), do not exceed the maximum non-occupational exposure level in New Zealand Standard NZS 2772.1:1999 Radiofrequency Fields: Part 1 – Maximum Exposure Levels 3kHz-300GHz (“the New Zealand Standard”), and</li> <li>ii) Prior to establishing any facility that produces radio frequency fields at any site, the Planning and Consents Division of the Council are advised of the location and nature of the proposed facility, and</li> <li>iii) Where radiofrequency exposure levels will exceed 25% of the maximum non-occupational exposure limit set in the New Zealand Standard, then, within three months of radio frequency emissions commencing or increasing, a report from the National Radiation Laboratory (or another appropriately qualified person/organisation) certifying compliance with the New Zealand Standard NZS 2772.1:1999 Radio Frequency Fields; Part 1 – Maximum Exposure Levels 3kHz-300GHz, based on measurements at the site in accordance with New Zealand Standard NZS 6609.2:1990 Radiofrequency Radiation: Part 2: Principles and Methods of Measurement 300kHz to 100GHz, will be lodged with the Planning and Consents Division of the Council.</li> </ul> <p><u>Exclusion</u></p> <p>Conditions (ii), and (iii) of this rule shall not apply to domestic transmitting equipment, including, but not limited to, cellular and cordless phones, microwave ovens, CB radios, garage door openers, security systems, licensed amateur radio installations, and radio-controlled toys.</p>	<p>SCr.43.2</p> <p>not applicable</p>	<p>SCr.43.3</p> <p>Activities that contravene permitted condition (a) (i) are non-complying.</p> <p>Activities that contravene any other permitted condition are discretionary.</p>
<b>SCr.44</b> <b>Network utility</b> - above ground and underground utilities	<p>SCr.44.1</p> <ul style="list-style-type: none"> <li>a) Any underground network utility is permitted except: <ul style="list-style-type: none"> <li>i) any high pressure gas line exceeding a gauge pressure of 2000 kilopascals, and</li> </ul> </li> <li>b) Any above ground network utility is not permitted except: <ul style="list-style-type: none"> <li>i) maintenance and operation of existing utilities, or</li> <li>ii) network utility buildings and substations, or</li> <li>iii) small above ground parts of an underground utility (eg. Junction boxes), or</li> <li>iv) as explicitly provided for elsewhere in this rule table.</li> </ul> </li> </ul>	<p>SCr.44.2</p> <p>not applicable</p>	<p>SCr.44.3</p> <p>Activities that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p>SCr.43.4</p> <ul style="list-style-type: none"> <li>a) the potential effects of any increase of radiofrequency exposures on the health of persons near the facility.</li> <li>b) the nature of any activities near the proposed site, having regard to their susceptibility to any exposures.</li> <li>c) the location of the site, and any potential for shielding from exposures.</li> <li>d) any cumulative effects, particularly with regard to exposure to electromagnetic radiation from existing facilities in the area.</li> </ul>	<p>SCr.43.5</p> <p>Certain utilities and other activities emit electromagnetic radiation. These activities are perceived to be a health concern to some people living near them.</p> <p>In developing the rules on radiofrequency exposures, Council has based its approach on that recommended in the "National Guidelines for Managing the Effects of Radiofrequency Transmitters" produced by the Ministry of Health and the Ministry for the Environment in December 2000. The key findings of the guidelines was that there are no established health effects from exposure to radiofrequency fields as long as they comply with the New Zealand Standard NZS 2772.1:1999 Radiofrequency Fields: Part 1 – Maximum Exposure Levels 3kHz-300GHz.</p> <p>The Council is to be notified of location and nature of any proposed facility. Should this predictive report anticipate and should exposure levels be greater than 25% of the New Zealand Standard level, monitoring to determine the actual exposure levels from the transmitting installation will be required.</p> <p>The rule contains an exception for domestic radiofrequency transmitting equipment. This is to ensure that these domestic transmitting devices can be used without the rules applying to their radiofrequency emissions.</p> <p>Radiofrequency emissions that exceed the exposure levels set within the New Zealand Standard are to be considered as non-complying activities.</p>
<p>SCr.44.4</p> <ul style="list-style-type: none"> <li>a) any hazard presented by the utility.</li> <li>b) the environmental setting of the structure, having regard to the general locality, topography, geographical features and adjacent land uses.</li> <li>c) the visual impacts of the structure on residential or recreational use of land in the vicinity, and on significant ridge lines and view planes from public places, including roads.</li> <li>d) the scale, bulk and height of the facility.</li> <li>e) screening or landscaping of the utility and any modifications to its colour and design to reduce the visual effect of the utility on the surrounding environment.</li> <li>f) any constraints on placing the utility underground.</li> </ul>	<p>SCr.44.5</p> <p>Provision is made for lower pressure gas lines as permitted activities, but high pressure lines which present a higher risk need to be assessed as discretionary activities.</p> <p>The electricity and telephone network is an important part of the city's infrastructure. They, and similar facilities, are permitted if located under ground. However, overhead lines have the potential to detract from the streetscape, and have to be dealt with as discretionary activities. Maintenance and operation of existing utilities is permitted in accordance with the definition of "maintenance" in Chapter 2 Meaning of Words.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>SCr.45</b> <b>Structures on the road reserve</b>	SCr.45.1 Structures on the road reserve are permitted if: a) they are part of the road infrastructure (eg. bridges, culverts, street lighting, traffic signals) or relate to the safe use of the road or walkway, or b) structures (including equipment shelters and bus shelters) do not exceed 6m <sup>2</sup> floor area and 3.5m high.	SCr.45.2 not applicable	SCr.45.3 Activities that contravene a permitted condition are discretionary.
<b>SCr.46</b> <b>Network utility - roads</b>	SCr.46.1 The construction of any new road is permitted if: a) the road is not a State Highway, Arterial Road or Principal Road as defined on the Planning Maps, and b) the minimum standards (as defined in Section 1.1.1 General) in Section 4 of the NCC Land Development Manual 2010 are complied with.	SCr.46.2 not applicable	SCr.46.3 Activities that contravene a permitted condition are discretionary.
<b>SCr.47</b> <b>Building on low lying sites</b>	SCr.47.1 Building is permitted if: a) the ground level (excluding waterbodies) is 15.35m NCC Datum or above; or ground level is raised and compacted to at least those levels, and i) in accordance with NZS 4431:1989 (Code of practice for earthfill for residential development), and ii) such that stormwater runoff from the site is not directed onto other sites, or into any river or stream, and that natural water flows from other sites are not obstructed, and iii) the finished ground level is not less than 400mm above the design hydraulic grade level of the storm water system serving the site, and b) the minimum finished floor level of the building is: i) concrete floor: 15.50m ii) timber floor: 15.65m	SCr.47.2 not applicable	SCr.47.3 Buildings that contravene a permitted condition are restricted discretionary activities.  Discretion is restricted to measures required for the avoidance or mitigation of inundation hazards on the subject and surrounding properties.

Assessment Criteria	Explanation
<p>SCr.45.4</p> <ul style="list-style-type: none"> <li>a) the size and scale of the structures.</li> <li>b) any visual impacts, taking account of the character of the area.</li> <li>c) safety considerations including any effects on line of sight for motorists and other road users, having regard to the usage of the road.</li> </ul>	<p>SCr.45.5</p> <p>This rule allows for the usual basic infrastructure in the road reserve at a scale that is generally accepted by the public. This infrastructure includes street lights and other traffic equipment, as well as electricity distribution boxes and telephone booths.</p> <p>The rule is not restricted to network utility operators to regulate bus shelters and street vendors.</p> <p>The Council (and the NZ Transport Agency in the case of State Highways) has an additional control as the owner of the land, in respect of who goes there and under what circumstances.</p> <p>Telecommunications and electricity operators have certain rights to put works on roads (under the Telecommunications Act 1987, section 15, and Electricity Act 1992, section 24). The Council will be guided when it prescribes conditions under these Acts, by the matters contemplated in these rules.</p>
<p>SCr.46.4</p> <ul style="list-style-type: none"> <li>a) the matters in the NCC Development Manual 2010.</li> <li>b) the noise and air emissions from the road, taking account of the nature of nearby activities.</li> <li>c) any implications for traffic and pedestrian safety, both positive and adverse.</li> <li>d) any proposals to mitigate the adverse effects of the road, particularly by screening for noise and visual impacts.</li> <li>e) any impacts on communities eg. whether the road would divide a neighbourhood.</li> <li>f) any opportunities to provide views and vistas from the road.</li> </ul>	<p>SCr.46.5</p> <p>New roads and realignments and upgrading work on existing roads are generally dealt with by way of designations in the Plan. The designation procedure provides an opportunity for the public or affected persons to have a say on the proposals and for the environmental effects to be scrutinised. Where new roads have not been dealt with by designation, this rule provides the opportunity for public input via the resource consent process if the road is to be a major traffic carrier, or the usual design standards are not being followed.</p>
<p>SCr.47.4</p> <ul style="list-style-type: none"> <li>a) the ground level required to avoid the effects of anticipated flooding.</li> <li>b) the type of inundation likely to be experienced, whether it be stormwater ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding.</li> <li>c) the effects on neighbouring properties, especially with respect to stormwater runoff.</li> <li>d) the matters in section 4 of the NCC Land Development Manual 2010.</li> </ul>	<p>SCr.47.5</p> <p>The minimum ground levels set are based on the best estimates from the Ministry for the Environment for likely sea level rise caused by global climate change. This takes account of predicted spring tides and expected tidal surges, and their consequent effects on stormwater ponding.</p> <p>Sites below the minimum levels stated for permitted activities will be assessed individually to ensure that ground or floor heights are sufficient to protect the building from inundation.</p> <p>See Rule SCr.48 (earthworks) where a site is to be filled.</p> <p>This low lying site rule does not apply within the Inundation Overlay.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>SCr.48</b> <b>Earthworks</b></p> <p>[Note that this is a regional and a district rule]</p>	<p>SCr.48.1</p> <p>Earthworks are a permitted activity if:</p> <ul style="list-style-type: none"> <li>a) the maximum height or depth of excavation or filling does not exceed 1.2m, or</li> <li>b) the earthworks are for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the earthworks are no more than required to permit the activity, or</li> <li>c) the excavation or fill: <ul style="list-style-type: none"> <li>i) is retained immediately by a structure authorised by a building consent, and</li> <li>ii) the maximum height or depth of the fill does not exceed 3m, and</li> <li>iii) the depth of any excavation adjacent to a property boundary does not exceed the distance from that boundary measured on a horizontal plane, and</li> </ul> </li> <li>d) the earthworks do not take place within 10m of the banks of any river identified in Appendix 6 (riparian and coastal margin overlays), or within 20m of the Coastal Marine Area, except for the purpose of: <ul style="list-style-type: none"> <li>i) maintaining a state highway and other roads, or</li> <li>ii) forming or constructing a fire break, fence line, survey line, or</li> <li>iii) installing a utility service line across a river, or</li> <li>iv) is for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the earthworks are no more than required to permit the activity; and</li> </ul> </li> <li>e) no soil is positioned where it may dam or divert any river or stream or adversely effect instream habitats, and</li> <li>f) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance: <ul style="list-style-type: none"> <li>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</li> <li>ii) vegetated, paved, metalled or built over, and</li> </ul> </li> <li>g) after reasonable mixing there is no conspicuous change in the colour or visual clarity in any water body or coastal water as a result of undertaking the activity, and</li> <li>h) all formation surfaces with an inward cross fall are drained by a water table and cut-offs or culverts are formed or installed so as to prevent erosion of the formed surfaces, and</li> <li>i) trenches formed for utility service lines are back filled, compacted and revegetated as soon as practicable, and</li> <li>j) material used for fill is cleanfill material, and</li> <li>k) soil is managed on the site during the construction period and after, such that there are no adverse effects on adjoining properties or any waterbodies.</li> </ul>	<p>SCr.48.2</p> <p>Earthworks that contravene a permitted condition are controlled if:</p> <ul style="list-style-type: none"> <li>a) the maximum height or depth of filling or excavation does not exceed 4m, and</li> <li>b) the site is not in the Land Management Overlay, and</li> <li>c) earthworks do not take place within 10m of the banks of any river shown in the Riparian Overlay on the Planning Maps and contained in Appendix 6; or within 20 m of the Coastal Marine Area, and</li> <li>d) no soil is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</li> <li>e) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance, or the time specified in the sedimentation and erosion control plan for the site: <ul style="list-style-type: none"> <li>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</li> <li>ii) vegetated, paved, metalled or built over, and</li> </ul> </li> <li>f) all formation surfaces with an inward cross fall are drained by a water table, and cut-offs or culverts are formed or installed so as to prevent erosion of the formed surfaces, and</li> <li>g) material used for fill is cleanfill material.</li> </ul> <p>Control reserved over:</p> <ul style="list-style-type: none"> <li>i) loss of topsoil or movement of soil down slope, and</li> <li>ii) damage to structures or adjoining properties, and</li> <li>iii) soil and vegetation entering rivers or coastal water, and</li> <li>iv) damage to instream and coastal habitats, and</li> <li>v) adverse effects on catchment stream flow, including stormwater, and</li> <li>vi) river bank and coastal erosion, and</li> <li>vii) duration of exposure of bare soil to wind and rainfall, and</li> <li>viii) water quality, including suspended sediment load and increased stream bed load, and</li> <li>ix) the method and timing of the activity, and</li> <li>x) the area to be disturbed at any one time, and</li> <li>xi) the provision of structures to control soil erosion or sedimentation, and</li> <li>xii) the timing and techniques used for revegetation, and</li> <li>xiii) the depth, height and volume of cut and fill and the finished ground level, and</li> <li>xiv) the quality of fill material and compaction methods, and</li> <li>xv) visual effects, and</li> <li>xvi) control of noise, and</li> <li>xvii) control of dust, and</li> <li>xviii) traffic and access issues.</li> </ul>	<p>SCr.48.3</p> <p>Earthworks that contravene a controlled standard other than g) are restricted discretionary activities. Where g) is contravened the activity is a discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>i) loss of topsoil or movement of soil down slope, and</li> <li>ii) the potential for slope failure, and</li> <li>iii) damage to structures or adjoining properties, and</li> <li>iv) soil and vegetation entering rivers and coastal water, and</li> <li>v) damage to instream and coastal habitats, and</li> <li>vi) adverse effects on catchment stream flow, and</li> <li>vii) bank and coastal erosion, and</li> <li>viii) duration of bare soil to wind and rainfall, and</li> <li>ix) water quality, including suspended sediment load and increased stream bed load, and</li> <li>x) the method and timing of the activity, and</li> <li>xi) the area to be cleared at any one time, and</li> <li>xii) the provision of structures to control soil erosion or sedimentation, and</li> <li>xiii) the timing and techniques used for revegetation, and</li> <li>xiv) the long term management of the land cleared, and</li> <li>xv) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated, and</li> <li>xvi) visual effects, and</li> <li>xvii) the impacts on privacy and on the admission of daylight and sunlight to neighbouring sites, and</li> <li>xviii) in the case of earthworks within the Landscape Overlays, compliance with the objectives and performance guidelines in Appendix 6 (Guide for Subdivision in Landscape Overlays), and</li> <li>xix) Appendix 4 and Table 5.1 in Appendix 5, and</li> <li>xx) the matters in Appendix 9 (Landscape Components and Views), and</li> <li>xxi) the effects of the earthworks in relation to primary &amp; secondary flows (Water Plan) and</li> <li>xxii) control of noise, and</li> <li>xxiii) control of dust, and</li> <li>xxiv) traffic and access issues.</li> </ul>

Assessment Criteria	Explanation
<p>SCr.48.4</p> <p>In considering applications for controlled and discretionary activities, Council will exercise control over the matters listed in SCr.48.2, and restrict its discretion to the matters listed in SCr.48.3.</p>	<p>SCr.48.5</p> <p>This rule generally follows the pattern of the NCC Land Disturbance Regional Plan notified in 1993. That Plan will cease to have effect when this Plan becomes operative. The Land Management Overlay covers the land in Land Management Zone C in the Regional Plan, that is, land that has higher risks of erosion and sedimentation.</p> <p>Earthworks on flatter land are less likely to cause adverse soil erosion and sedimentation effects, except where the activity is close to a water body, and are therefore generally permitted. On steeper land, minor activities such as roads and utilities are permitted, but other activities are more closely regulated.</p> <p>Earthworks in the Land Management Overlay, apart from the minor work mentioned, may have more serious effects, and require assessment to ensure adverse soil erosion and sedimentation effects are avoided or minimised.</p> <p>Earthworks adjacent to rivers and the Coastal Marine Area have, because of their location, a high potential to cause soil erosion (river bank and coastal erosion), or sedimentation effects. Most rivers are included in the Riparian Overlay shown on the Planning Maps.</p> <p>Fill can be used to improve sites for use and in particular to mitigate effects of natural hazards and servicing constraints.</p> <p>Clean fill is required because fill that contains contaminants can have adverse effects on the environment, while excessive amounts of vegetation can cause settling when it decomposes. Fill height and quality are controlled to ensure sufficient information to determine ground height in any particular area is available and considered on a case by case basis. However, where the height of the cut or fill exceeds 4m a discretionary activity resource consent is required. This is because such earthworks can have significant visual impacts. Also, in urban areas, significant filling of a site relative to a neighbour can affect privacy, and access to daylight and sunlight.</p> <p>Some confusion may arise as to whether an activity constitutes earthworks, landfill, or a combination of the two. The essential distinction is that while earthworks may involve some degree of landfill, it is not the primary purpose of the activity, whereas with landfill activities the primary purpose is the disposal of solid waste.</p> <p>Note: Section 14 of the Resource Management Act prohibits any activity that dams or diverts water unless a resource consent is granted. This applies to earthworks that might dam or divert water (eg a spring), even if they are permitted or controlled activities under this rule.</p> <p>Note that Earthworks are regulated in other rules, particularly in Overlays, which may impose additional regulation on particular activities.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p>SCr.48A Landfill</p> <p>[Note: This rule is a regional and a district rule]</p>	<p>SCr.48A.1 Landfills are not a permitted activity</p>	<p>SCr.48A.2 Not applicable</p>	<p>SCr.48A.3</p> <p>Landfill activities are restricted discretionary activities if:</p> <ul style="list-style-type: none"> <li>a) the maximum height of the landfill does not exceed 2m, and its total volume is less than 2,000m<sup>3</sup>, and</li> <li>b) the landfill accepts only cleanfill material.</li> </ul> <p>Discretion is restricted to those matters listed in SCr.48.3 (earthworks), plus:</p> <ul style="list-style-type: none"> <li>i) visual and landscaping effects, and</li> <li>ii) leachate and runoff, and</li> <li>iii) fill brought on site, and</li> <li>iv) depth, height, volume of fill and finished ground level, and</li> <li>v) fill quality/compaction methods, and</li> <li>vi) effect on soil fertility/versatility, and</li> <li>vii) consequential stormwater characteristics such as ponding, and</li> <li>viii) cumulative effects of landfill activities.</li> </ul> <p><b>Activities that contravene a restricted discretionary condition are discretionary activities.</b></p>

Assessment Criteria	Explanation
<p><b>SCr.48A.4</b></p> <p>In considering applications for landfills, Council will restrict its discretion to the matters identified in SCr.48A.3 provided that the application does not contravene a restricted discretionary condition.</p>	<p><b>SCr.48A.5</b></p> <p>Landfill development and operation are restricted discretionary activities. While landfills generally involve earthworks and modify the shape of the land, their primary purpose is the disposal of solid waste. The concentration of solid waste, often containing contaminants, within landfill sites, increases the potential for adverse effects on the environment beyond that associated with normal earthworks. Additional adverse effects may include generation of leachate, discharge of gas, geotechnical issues such as poor bearing strength and settlement, and contamination of the land itself making it unsuitable for other uses.</p> <p>Some landfills operate as cleanfill sites, accepting only material that does not undergo any physical, chemical or biological transformations likely to cause adverse environmental effects, or health effects, once it is placed in the ground. Cleanfill operations are clearly preferable to activities accepting hazardous or potential hazardous materials, and are more likely to be granted resource consent.</p> <p>Discharges to water and air from material within landfill sites also require separate regional resource consents.</p>

**Rules relating to Overlays and Areas on the Planning Maps**

<p><b>SCr.49 Leisure area</b> Buildings on seaward side of Wakefield Quay</p>	<p>SCr.49.1 On the seaward side of Wakefield Quay, alteration to any building is permitted, if: a) the work is on the interior of a building, or b) the work is redecoration, restoration or insignificant alteration of any existing fabric or detailing, and c) it is carried out with materials similar to, or having the same appearance to those originally used, and d) the work is not erection of a new building.</p>	<p>SCr.49.2 not applicable</p>	<p>SCr.49.3 On the seaward side of Wakefield Quay, erection of any new building, or alteration of any existing building which contravenes a permitted condition, is discretionary.</p>
<p><b>SCr.50 Leisure area</b> Landward side of Wakefield Quay</p>	<p>SCr.50.1 On the landward side of Wakefield Quay, alteration to any building is permitted, if: a) the work is redecoration, restoration or insignificant alteration of any existing fabric or detailing, and b) it is carried out with materials similar to, or having the same appearance to those originally used, or c) the work is on the interior of a building, and d) the work is not erection of a new building.</p>	<p>SCr.50.2 On the landward side of Wakefield Quay, erection of any new building, or alteration of any existing building which contravenes a permitted condition, is controlled if: a) the building (except for any aerial) does not penetrate a recession plane: (i) constructed from the seaward edge of the road reserve (at the same relative level as the crown of the carriageway), and inclined at an angle of 30° towards the sea cliffs; or (ii) in the case of the land held in Pt DP 1492, Pt Sec 34 City of Nelson, Lot 5 DP 2274, &amp; Lot 1 DP 9634, constructed from 10m vertically above the road boundary of the site, and inclined into the site at an angle of 50°; or b) in the case of an existing building which exceeds (a), the height of the building remains unaltered. Control reserved over: i) design and appearance of the building, and ii) landscaping, and iii) location of vehicle accesses. Resource consent applications will be considered without notification or obtaining written approval of affected persons, under section 94 of the Act.</p>	<p>SCr.50.3 Activities that contravene a controlled standard are discretionary.</p>

Assessment Criteria	Explanation
<p>SCr.49.4</p> <ul style="list-style-type: none"> <li>a) the effects on the views of the Haven, Boulder Bank and beyond, from Wakefield Quay and vantage points within the Leisure Area.</li> <li>b) the appearance of any building viewed from the Coastal Marine Area, and Wakefield Quay.</li> <li>c) the extent to which views from private property or other sites are affected.</li> <li>d) the extent to which the activity enhances or otherwise affects public access and use of the sea and waterfront.</li> <li>e) the extent to which the activity integrates with other activities in the area.</li> <li>f) effects on the safe and efficient operation of Wakefield Quay.</li> <li>g) the ability to provide adequate parking, and safe access and egress from the site.</li> <li>h) provision for safe pedestrian areas and movement.</li> <li>i) the extent to which the activity affects or enhances the historic and natural elements of the area, including the old sea wall and the Stony Beach.</li> </ul>	<p>SCr.49.5</p> <p>Buildings on the seaward side of Wakefield Quay need to be carefully assessed in terms of their appearance, impacts on views, and effects on public access, and use of the neighbouring Coastal Marine Area.</p>
<p>SCr.50.4</p> <ul style="list-style-type: none"> <li>a) the appearance of any building viewed from the Coastal Marine Area, and Wakefield Quay.</li> <li>b) the extent to which views from private property or other sites are affected.</li> <li>c) the extent to which the activity integrates with other activities in the area.</li> <li>d) effects on the safe and efficient operation of Wakefield Quay.</li> <li>e) the ability to provide safe access and egress from the site.</li> <li>f) provision for safe pedestrian areas and movement.</li> </ul>	<p>SCr.50.5</p> <p>The recession plane is to protect views to the Haven from properties situated above the Leisure Area.</p> <p>The appearance of buildings is controlled to ensure a high standard of design, recognising the sensitivity of the coastal location, and of enhancement of the seaward side of the area.</p> <p>Note: Any building must comply with the height limit for the Leisure Area set out in Rule SCr.22 (maximum building height), as well as all other relevant rules.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>SCr.51 Coastal Environment Overlay</b>	SCr.51.1 Note: no special rules apply to this overlay. The overlay is to advise that the natural character of the coastal environment is of significance.	SCr.51.2 not applicable	SCr.51.3 not applicable
<b>SCr.52 Land Management Overlay</b> Vegetation clearance	SCr.52.1 In the Land Management Overlay, vegetation clearance is not a permitted activity.	SCr.52.2 not applicable	SCr.52.3 Activities that contravene a permitted condition are discretionary.
<b>SCr.53 Riparian Overlay Activities on land identified with riparian values</b>	SCr.53.1 On land adjoining a Riparian Overlay listed in Table 6.2 of Appendix 6 (riparian or coastal areas with priority values), the following are not permitted within the distance set out in the esplanade requirements column: a) erection or extension of any structure (excluding a fence), or b) adverse effect on indigenous vegetation, or c) disturbance to river banks.	SCr.53.2 On land within the Riparian Overlay listed in Table 6.2 of Appendix 6 extension of a utility service line or structure is controlled. Control reserved over: i) damage to indigenous vegetation, and ii) disturbance to riverbanks, and iii) remedial measures.	SCr.53.3 Activities that contravene a permitted condition are discretionary.
<b>SCr.54 Flood Path Overlays</b>	SCr.54.1 In any Flood Path Overlay, the following are not permitted activities: a) erection or extension of any building or structure, except: i) underground network utility lines, and ii) above ground network utility lines where these are attached to an existing structure no lower than the existing profile of that structure (eg. The underside of a bridge superstructure), or b) earthworks (except where these are associated with the establishment, operation and maintenance of underground network utility lines where the profile of the land is not permanently altered).	SCr.54.2 not applicable	SCr.54.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>SCr.51.4</p> <p>a) in the case of discretionary applications, consideration will be given to the nature of the activity and its effect on the natural character of the coastal environment.</p>	<p>SCr.51.5</p> <p>This rule ensures that the natural character of the coastal environment is not compromised by activities in this area.</p>
<p>SCr.52.4</p> <p>a) loss of topsoil or movement of soil down slope.</p> <p>b) the potential for slope failure.</p> <p>c) damage to structures or adjoining properties.</p> <p>d) the method and timing of the activity.</p> <p>e) the area to be cleared at any one time.</p> <p>f) the provision of structures to control soil erosion or sedimentation.</p> <p>g) the timing and techniques used for revegetation.</p> <p>h) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated.</p> <p>i) visual effects.</p>	<p>SCr.52.5</p> <p>This rule generally follows the pattern of the Land Disturbance Regional Plan notified in 1993. That Plan will cease to have effect when this Plan becomes operative. The Land Management Overlay covers the land in Land Management Zone C in the Regional Land Disturbance Plan, that is, land that has higher risks of erosion and sedimentation. In this Zone, the overlay areas are the old sea cliffs behind Haven Road and Wakefield Quay.</p> <p>Earthworks in the Land Management Overlay are dealt with under Rule SCr.48 (earthworks).</p>
<p>SCr.53.4</p> <p>a) the values for esplanade purposes stated in Appendix 6, Table 6.2, including any additional information regarding the values of the reserve or strip sought for the purposes outlined in section 229 of the Act.</p> <p>b) the nature of the proposed activity, its likely effects on the values for esplanade purposes, and methods of avoiding, remedying or mitigating the adverse effect.</p> <p>c) any circumstances making the future setting aside of a esplanade reserve or esplanade strip inappropriate including the nature of existing development, security needs, public safety, minor boundary adjustment.</p> <p>d) whether a lesser distance than specified might adequately protect the esplanade values.</p> <p>e) any existing protection of the area including existing esplanade reserves or strips or protective covenants.</p>	<p>SCr.53.5</p> <p>This rule ensures that activities within areas identified for possible acquisition of esplanade reserves or strips do not compromise their riparian values, or value for future acquisition.</p> <p>In the case of Riparian Overlays in Table 6.2 of Appendix 6, esplanade reserves or strips will be acquired whenever subdivision occurs, or may be required as a condition of a resource consent eg. when there is a change of land use activity on the site. The width of the desired esplanade reserve or strip is set out in Appendix 6, Table 6.2.</p>
<p>SCr.54.4</p> <p>a) any effects of the development on floodpaths.</p> <p>b) any likelihood of flooding being aggravated on adjacent sites, or of additional water being directed onto adjacent sites.</p> <p>c) the ground level or floor level height required to give protection from a 1 in 50 year return period event.</p> <p>d) the nature of any activity proposed, particularly if lower standards are sought and whether the activity will involve the use and storage of hazardous substances or some other sensitive use.</p>	<p>SCr.54.5</p> <p>All buildings and any above ground structures and any earthworks (other than temporary earthworks for laying underground utilities) in flood paths have been made discretionary activities so the degree of risk to life and property can be evaluated in each case.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>SCr.55</b> <b>Inundation Overlays</b> Low lying ground susceptible to localised stormwater ponding or tidal inundation</p>	<p>SCr.55.1 In any Inundation Overlay, with the exception of network utilities and structures (which are permitted), the following are not permitted activities:</p> <p>a) erection of any building or extension of the ground floor of any building by more than 20% (the restrictions in this clause do not apply where the ground level of the building site has been filled according to a resource consent granted since the date of notification of this plan, and all floor levels are not less than 150mm above the approved ground level), or</p> <p>b) earthworks (except where these are associated with the establishment, operation and maintenance of underground network utility lines where the profile of the land is not permanently altered).</p>	<p>SCr.55.2 In any Inundation Overlay, erection of any building or extension of the ground floor of any building by more than 20% or earthworks are controlled.</p> <p>Control reserved over:</p> <p>i) finished ground and floor levels, and</p> <p>ii) the nature of fill, its compaction and placement, and</p> <p>iii) the design of the building, and</p> <p>iv) stormwater management.</p>	<p>SCr.55.3 Activities that contravene a permitted condition or a controlled standard are discretionary.</p>
<p><b>SCr.56</b> <b>Heritage Buildings, Places and Objects</b> Alterations to Group A and B items</p>	<p>SCr.56.1 Alteration to any Group A or B building, place or object listed in Appendix 1 is permitted, if:</p> <p>a)</p> <p>i) the work is redecoration, restoration or insignificant alteration of any existing fabric or detailing, and</p> <p>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</p> <p>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).</p>	<p>SCr.56.2 not applicable</p>	<p>SCr.56.3</p> <p>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.</p> <p>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 (non-notified).</p> <p>Discretion restricted to:</p> <p>i) design and appearance.</p> <p>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</p>

Assessment Criteria	Explanation
<p>SCr.55.4</p> <ul style="list-style-type: none"> <li>a) the ground level required to avoid the effects of anticipated flooding.</li> <li>b) the type of inundation likely to be experienced, whether it be stormwater ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding.</li> <li>c) the effects on neighbouring properties, especially with respect to stormwater runoff.</li> <li>d) the provision of an adequate secondary flow path for surface flooding.</li> <li>e) the possibility of an overloaded public storm water system overflowing onto private property.</li> </ul>	<p>SCr.55.5</p> <p>The Inundation Overlays do not show flood paths but areas which may be subject to localised ponding from stormwater etc during heavy rain events and/or high tides particularly if affected by sea level rise. The primary risk is to property, hence lesser controls apply than to flood paths. The activity is controlled so that floor levels and fill heights can be determined relative to the degree of risk and to co-ordinate filling to provide necessary fall for stormwater disposal and to avoid ponding.</p> <p>Extensions which increase the ground floor by not more than 20% are provided for as a permitted activity to avoid the need to obtain resource consents for minor alterations.</p>
<p>SCr.56.4</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. The degree of compliance with the Design Guide for the Russell St Heritage Precinct where relevant.</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, if not in sympathy with the heritage building or object, 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>SCr.56.5</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. See separate rules for Heritage Precincts.</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>SCr.57</b> <b>Heritage Buildings, Places and Objects</b> New Buildings on the site of a Heritage Item</p>	<p>SCr.57.1 Erection of a new building on the site of a Group A or Group B heritage item is not a permitted activity.</p>	<p>SCr.57.2 Erection of a new building on the site of a Group A or Group B heritage item is controlled. Control reserved over: i) design and appearance in relation to existing heritage item ii) distance of new building from, and location and relationship to existing heritage item</p>	<p>SCr.57.3 not applicable</p>
<p><b>SCr.58</b> <b>Heritage Buildings, Places and Objects</b> Demolition or removal of Group A and B items</p>	<p>SCr.58.1 Whole or partial demolition or removal of any Group A or Group B heritage building, place or object listed in Appendix 1 is not a permitted activity.</p>	<p>SCr.58.2 not applicable</p>	<p>SCr.58.3 Group 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><b>SCr.59</b> <b>Heritage Buildings, Places and Objects</b> Demolition or removal of Group C items</p>	<p>SCr.59.1 Whole or partial demolition or removal of any Group C heritage building, place or object listed in Appendix 1 is permitted if: 2 months written notice is given to the Council prior to the work being done.</p>	<p>SCr.59.2 not applicable</p>	<p>SCr.59.3 Activities that contravene the permitted conditions are discretionary.</p>

Assessment Criteria	Explanation
<p>SCr.57.4</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>SCr.57.5</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>SCr.58.4</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 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), and 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. (The degree of compliance with the Design Guide for the Russell Street Heritage Precinct where relevant).</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, and quality of heritage features in the vicinity and the city as a whole.</li> </ul>	<p>SCr.58.5</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 relocation to a site further away may have a greater adverse effect.</p>
<p>SCr.59.4</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>SCr.59.5</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>SCr.60</b>  <b>Heritage Precincts</b>  Alterations to any building (including listed Heritage Buildings)</p>	<p>SCr.60.1  Alteration to any part of a building, visible from a road or public space within or adjoining a heritage precinct, is permitted, if:</p> <ul style="list-style-type: none"> <li>a) the work is redecoration, restoration or insignificant alteration of any existing fabric or detailing, and</li> <li>b) 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.</li> </ul>	<p>SCr.60.2  not applicable</p>	<p>SCr.60.3  Alteration to any part of a building is a restricted discretionary activity, if:</p> <ul style="list-style-type: none"> <li>a) it is visible from a road or public space within or adjoining a heritage precinct, and</li> <li>b) the alteration contravenes the permitted conditions in this rule, and</li> <li>c) It complies with all other Suburban Commercial rules except rules SCr.22 (maximum building height) and SCr.31 (parking and loading).</li> </ul> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>i) the design and external appearance of the building (including garages), and</li> <li>ii) building height, and</li> <li>iii) degree of coverage of the front yard, and</li> <li>iv) minimum site area required per residential unit, and</li> <li>v) the amount and location of parking and garaging.</li> </ul> <p>Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.</p>

Assessment Criteria	Explanation
<p>SCr.60.4</p> <p>a) particular regard will be had to compliance with the Design Guide for the Russell St Heritage Precinct where relevant.</p> <p>b) In addition regard will be had to:</p> <p>i) any effects (positive and adverse) on the heritage values of the entire heritage precinct.</p> <p>ii) any cumulative or precedent effects on the heritage values of the precinct.</p>	<p>SCr.60.5</p> <p>The heritage precincts recognise the whole is often greater than the sum of the parts. That is, that a collection of heritage buildings in context, has a greater impact to the observer and the resident, and has greater heritage value, than the same number of buildings scattered throughout the City.</p> <p>Unsympathetic alteration to even a single heritage building can have major impacts on the entire precinct. The controls therefore focus on ensuring that any significant alterations to buildings are in keeping with the heritage values of the precinct.</p> <p>The design controls include existing non-listed buildings within the heritage precinct. The purpose of this is to promote a gradual improvement in the compatibility of these buildings with the heritage buildings, where this is practicable.</p> <p>The design criteria to achieve development sympathetic to each precinct are spelt out in the design guideline for that precinct (see section AD10.2 – documents related to this plan). The guidelines sit outside the Plan, but are given effect as assessment criteria in considering consent applications. These consents are restricted discretionary activities, in order to provide flexibility to control matters such as building height, and site area which can vary between precincts, and where the normal rules may not be appropriate.</p> <p>See also Ap20r.4 in relation to signs on heritage buildings and trees.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>SCr.61</b> <b>Heritage Precincts</b> Erection of new buildings</p>	<p>SCr.61.1 Erection of new buildings is not a permitted activity.</p>	<p>SCr.61.2 not applicable</p>	<p>SCr.61.3 Erection of any new building is a restricted discretionary activity provided it complies with all other Suburban Commercial rules except rules SCr.22 (maximum building height) and SCr.31 (parking and loading). Discretion restricted to: i) the design and external appearance of the parts of the building (including garages) visible from a road or public space within or adjoining a heritage precinct, and ii) building height, and iii) degree of coverage of the front yard, and iv) minimum site area required per residential unit, and v) the amount and location of parking and garaging. Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.</p>
<p><b>SCr.62</b> <b>Heritage Precincts</b> Removal or demolition of listed Heritage Buildings</p>	<p>SCr.62.1 Whole or partial demolition or removal of any building is permitted, if: a) the building is not a Group A or B Heritage Building listed in Appendix 1, and b) for any Group C Heritage Building listed in Appendix 1, 2 months written notice is given to the Council prior to the work being done.</p>	<p>SCr.62.2 not applicable</p>	<p>SCr.62.3 Activities that contravene the permitted conditions: a) Group A or B buildings - Rule SCr.58 (demolition or removal of Group A and B items) applies. b) Group C - Rule SCr.59 (demolition or removal of Group C buildings) applies.</p>

Assessment Criteria	Explanation
<p>SCr.61.4</p> <ul style="list-style-type: none"> <li>a) particular regard will be had to compliance with the design guide for the particular residential precinct.</li> <li>b) any effects (positive and adverse) on the heritage values of the entire heritage precinct.</li> <li>c) any cumulative effects on the heritage values of the precinct or any effects which may establish a precedence within the precinct.</li> </ul>	<p>SCr.61.5</p> <p>The rules aim to get a gradual enhancement in the heritage precinct by ensuring that if any building is replaced the design and appearance of the building is compatible with the values of the precinct. This does not mean that new buildings have to be replicas of heritage buildings, but rather that they have design features which fit with the character of the precinct. As with the previous rule, the aim is to get a gradual enhancement of the precinct.</p> <p>Note: Subdivision in a Heritage Precinct is a discretionary activity - See Rule SCr.72 (heritage precincts - subdivision).</p>
<p>SCr.62.4</p> <ul style="list-style-type: none"> <li>a) the Assessment Criteria for Rules SCr.58 (demolition or removal of Group A and B items) and Rule SCr.59 (demolition or removal of Group C items) apply as appropriate.</li> <li>b) in addition, particular regard will be had to: <ul style="list-style-type: none"> <li>i) compliance with the design guide for the particular residential precinct.</li> <li>ii) any effects (positive and negative) on the heritage values of the entire heritage precinct</li> <li>iii) any cumulative or precedent effects on the heritage values of the precinct.</li> </ul> </li> </ul>	<p>SCr.62.5</p> <p>As noted earlier, the buildings in a heritage precinct have a particular collective value. The loss of even a single building can have major impacts on the entire precinct - rather like a missing tooth from a smile. The controls therefore focus on retaining Group A and B listed heritage buildings.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>SCr.63</b>  <b>Heritage Trees</b>  Trimming of a Heritage Tree identified in Appendix 2</p>	<p>SCr.63.1  Trimming of a Heritage Tree is permitted if:</p> <p>a)</p> <ul style="list-style-type: none"> <li>i) it is crown cleaning, being the removal of dead, dying, diseased, crowded, weakly attached, low-vigour branches and watersprouts from a tree crown, or</li> <li>ii) it is canopy lifting, being the balanced removal of lower branches of a tree on road reserve, and</li> </ul> <p>b) the work is done in accordance with accepted arboricultural practice.</p>	<p>SCr.63.2  not applicable</p>	<p>SCr.63.3  Activities that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p>SCr.63.4 - SCr.67.4</p> <ul style="list-style-type: none"> <li>a) the condition of the tree, including any significant potential hazard to people or property.</li> <li>b) the extent to which the tree or trees contribute to the amenity of the neighbourhood.</li> <li>c) whether the work can be done without adversely affecting the health of the tree, or compromising the appearance and setting of the tree, including the visibility of the tree from a road or public place.</li> <li>d) whether the tree is currently causing, or is likely to cause significant damage to buildings, services or property.</li> <li>e) the extent to which the tree would seriously restrict the development potential of the site.</li> <li>f) any hardship or significant nuisance the tree causes to any person</li> <li>g) any substitute or compensating tree planting or landscaping proposed.</li> <li>h) when the activity is within the root protection zone of a Heritage or Landscape Tree, how the tree trunk and roots are to be protected while works proceed (eg, erection of a physical barrier).</li> <li>i) in the case of a tree in the road reserve, in addition to the above: <ul style="list-style-type: none"> <li>i) whether the tree places an unreasonable restriction on the development or widening of a road, or is a hazard to traffic.</li> <li>ii) whether alternatives to removing or damaging the tree have been adequately explored.</li> </ul> </li> <li>j) in the case of a tree in an esplanade reserve or strip, for which the purpose of the reserve or strip includes hazard mitigation, in addition to the above: <ul style="list-style-type: none"> <li>i) whether the tree places an unreasonable restriction on the development of river control works, or impedes the flow of the river.</li> <li>ii) whether alternatives to removing or damaging the tree have been adequately explored.</li> </ul> </li> </ul>	<p>SCr.63.5</p> <p>Very limited trimming of Heritage Trees is allowed without a resource consent.</p> <p>Tighter controls are placed on Heritage Trees recognising that they are of greater significance to the community than the Landscape Trees.</p> <p>Trimming that is for the benefit of the landowner or neighbours (due to shading, debris or other effects) is required to go through the resource consent process.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>SCr.64</b> <b>Landscape Trees</b> Trimming of a Landscape Tree identified in Appendix 2</p>	<p>SCr.64.1 Trimming of a Landscape Tree is permitted if:</p> <ul style="list-style-type: none"> <li>a) it is crown thinning (as defined in Chapter 2), and</li> <li>b) the work is done in accordance with accepted arboricultural practice.</li> </ul>	<p>SCr.64.2 Activities that contravene a permitted condition are controlled. Control reserved over:</p> <ul style="list-style-type: none"> <li>i) amount, proximity to tree trunk, timing and manner in which the trimming is carried out.</li> </ul> <p>Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.</p>	<p>SCr.64.3 not applicable</p>
<p><b>SCr.65</b> <b>Heritage and Landscape Trees</b> Activities within the root protection zone of a Heritage or Landscape Tree identified in Appendix 2</p>	<p>SCr.65.1 Activities within the root protection zone (defined in Chapter 2 Meanings of Words) of a Landscape Tree or a Heritage Tree identified in Appendix 2 are permitted if:</p> <ul style="list-style-type: none"> <li>a) parking or storage of materials, vehicles, or machinery is on an existing sealed, formed surface, and</li> <li>b) it does not involve compaction, sealing, removal or addition of soil, and</li> <li>c) there is no discharge of a toxic substance, and</li> <li>d) there is no excavation or construction of structures, and</li> <li>e) except where the tree is on Road Reserve, where activities are permitted if: <ul style="list-style-type: none"> <li>i) excavation is no deeper than 200mm and no less than 2m from the tree trunk, and</li> <li>ii) sealing is within the existing formed carriageway or footpath.</li> </ul> </li> </ul>	<p>SCr.65.2 Activities within the root protection zone of Landscape or Heritage Trees on road reserve that contravene a permitted condition are controlled. Control is reserved over:</p> <ul style="list-style-type: none"> <li>i) location, proximity to tree trunk, timing and manner in which the activity is carried out, and</li> <li>ii) remedial measures.</li> </ul> <p>Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.</p>	<p>SCr.65.3 Activities within the root protection zone of Landscape or Heritage Trees (not on road reserve) that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
	<p>SCr.64.5</p> <p>Crown thinning is permitted for Landscape Trees.</p> <p>The controls on Landscape Trees recognises that these are of less significance to the community than the Heritage Trees, but still important.</p> <p>Increased light and air maintain and stimulate interior foliage, which in turn improves branch taper and strength. Thinning reduces the wind-sail effect of the crown and the weight of limbs.</p> <p>Thinning the crown can emphasise the structural beauty of trunk and branches as well as improve the growth of plants beneath the tree by increasing light penetration.</p> <p>Trees and branches thinned as per the definition will have stress evenly distributed throughout the tree and along the branches.</p>
	<p>SCr.65.5</p> <p>Activities in the area of the roots or trunk can damage or kill the tree. Resource consents are required for these activities so that the potential impacts can be assessed. Where the area beneath the tree is already sealed the impact is likely to be less significant.</p> <p>See also Ap20r.4 in relation to signs on heritage buildings and trees.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>SCr.66</b> <b>Heritage and Landscape Trees</b> Removing or destroying a Heritage or Landscape Tree identified in Appendix 2</p>	<p>SCr.66.1 Removing or destroying a Heritage or Landscape Tree is not a permitted activity.</p>	<p>SCr.66.2 not applicable</p>	<p>SCr.66.3 Landscape Trees removing or destroying a Landscape Tree is a discretionary activity. Heritage Trees removing or destroying a Heritage Tree is a non-complying activity.</p>
<p><b>SCr.67</b> <b>Local Trees</b> Removing a Local Tree identified in Appendix 2</p>	<p>SCr.67.1 Removing a Local Tree is permitted if: a) written notice is given to Council at least 1 week prior to work being done.</p>	<p>SCr.67.2 not applicable</p>	<p>SCr.67.3 Activities that contravene a permitted condition are discretionary.</p>
<p><b>SCr.68</b> <b>Archaeological sites</b></p>	<p>SCr.68.1 On any site containing an Archaeological site listed in Appendix 3 (archaeological sites) and identified on the Planning Maps, erection or extension of any building or other structure, any soil disturbance, or any earthworks is permitted if: a) written advice that the proposed activity will not adversely affect the values of the archaeological site is obtained from: i) in the case of a Maori archaeological site, the relevant iwi, or ii) in the case of other sites, a suitably qualified and experienced archaeologist.</p>	<p>SCr.68.2 not applicable</p>	<p>SCr.68.3 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 qualified and experienced in archaeological survey).</p>

Assessment Criteria	Explanation
	<p>SCr.66.5</p> <p>Heritage Trees are trees for which retention is considered essential. Landscape Trees are trees for which retention is considered important.</p> <p>Tighter controls are placed on Heritage Trees recognising that they are of greater significance to the community than the Landscape Trees.</p> <p>(note: section 330 of the Act provides for emergency works, such as the removal of trees threatening life or property, but in strictly defined circumstance and by certain persons or agencies. Consent for such works can be applied for retrospectively (section 330A)). Some latitude is provided for the removal of trees in the road reserve if it can be shown it places an unreasonable restriction on the roading network, recognising that the primary purpose of the road reserve is transportation.</p> <hr/> <p>SCr.67.5</p> <p>Local Trees are of noteworthy interest, and are not as significant as either Heritage or Landscape Trees. Retention and protection is encouraged. A week's notice prior to removal of a Local Tree allows the Council the opportunity to negotiate with the owner if it desires. Written notice also allows the Council to update its list of Local Trees.</p>
<p>SCr.68.4</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>SCr.68.5</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 where written advice is not available that the site will be unaffected. This allows examination of the extent of the site, and how the proposed activity could affect the values associated with 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 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>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>SCr.69</b> <b>Airport Effects Control Overlay</b> <b>Acoustic insulation of buildings</b>	SCr.69.1 Within the Airport Effects Control Overlay, construction, or substantial alteration of a residential unit, or any building used for sleeping accommodation, is permitted if: a) either, the bedrooms (and living areas in the case of a residential unit), where they are new or substantially altered, incorporate acoustic insulation in accordance with Appendix 19 (acoustic insulation requirements), or b) the building consent application is accompanied by a certificate from a suitably qualified and experienced acoustic engineer to demonstrate that the building design (with the windows and doors shut ) will reduce noise levels to at least 45 dBA inside the new or altered bedrooms (and living areas in the case of a residential unit).	SCr.69.2 not applicable	SCr.69.3 Activities that contravene a permitted condition are non-complying.
<b>SCr.69A</b> <b>Port Effects Control Overlay</b> <b>Acoustic insulation of buildings</b>	SCr.69A.1 Within the Port Effects Control Overlay, construction, or alteration of a building is permitted if: a) the building is acoustically insulated to reduce noise levels to no greater than 45 dBA $L_{dn}$ inside the new or altered habitable space and has either ventilating windows open or minimum ventilation requirements as set down in Appendix 19 (acoustic insulation requirements), and b) prior to the commencement of any construction or site works a certificate is obtained from a suitably qualified acoustic engineer to demonstrate that the building design complies with paragraph a) above, and c) the acoustic engineer provides an acoustic certificate that the finished construction./alteration complies with paragraph a) above.	SCr.69A.2 not applicable	SCr.69A.3 Activities that contravene a permitted condition are non-complying.
<b>SCr.69B</b> <b>Marsden Valley (Schedule Site – Sch. I).</b>	SCr.69B.1 Schedule Sch. I (Residential Zone) applies.	SCr.69B.2 Schedule Sch. I (Residential Zone) applies.	SCr.69B.3 Schedule Sch. I (Residential Zone) applies.
<b>SCr.70</b> <b>Nayland Road Commercial Area</b> (Scheduled Site – Sch.L)	SCr.70.1 Activities are permitted if: a) they comply with Schedule Sch.L	SCr.70.2 Schedule Sch.L applies	SCr.70.3 Schedule Sch.L applies

Assessment Criteria	Explanation
SCr.69.4 a) the location of the site in relation to the noise contour, and the main source of the noise. b) the number of people likely to be exposed to the noise, the type of noise, and the duration of exposure. c) the nature of the activity, and its susceptibility to noise. d) the effectiveness of, and in particular the certainty provided by, any conditions or controls that might be imposed on the activity. e) the potential cumulative effects of an increased exposure to noise.	SCr.69.5 The rule is based on the predicted exposure of the site area within the overlay to noise levels from the airport, on a long term basis. The rule provides for mitigation of potential adverse effects by the insulation of parts of buildings that are most likely to be sensitive to noise. The acoustic insulation standards in Appendix 19 provide one way of meeting the permitted condition. Alternative methods of meeting the standard can be used, if certified by a suitably qualified acoustic engineer.
SCr.69A.4 not applicable	SCr.69A.5 The rule is based on the predicted exposure of the site area within the overlay to noise levels from the Port Industrial Area. The rule provides for mitigation of potential adverse effects by the insulation of parts of buildings that are most likely to be sensitive to noise. In order to ensure that the standard is met, certification of a suitably qualified and experienced acoustic engineer is considered appropriate.
SCr.69B.4 Schedule Sch. I (Residential Zone) applies.	SCr.69B.5 Schedule Sch. I applies. Schedule I follows after the Residential Zone rule table (Chapter 7).
SCr.70.4 See Schedule Sch.L.	SCr.70.5 See Schedule Sch.L which follows this rule table.

**subdivision rules**

**Rules regarding subdivision (including within overlays)**

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>SCr.71</b> <b>Subdivision - general</b></p> <p>(except for subdivision located in the Heritage Overlay or Heritage Precinct)</p>	<p>SCr.71.1 Not a permitted activity</p>	<p>SCr.71.2</p> <p>Any subdivision not located in the Heritage Overlay or Heritage Precinct is controlled, if:</p> <ul style="list-style-type: none"> <li>a) it complies in all aspects with the relevant standards in Appendices 10 to 12.</li> <li>b) it complies with the minimum standards as defined in Section 1.1.1 General in the NCC Land Development Manual 2010, and</li> <li>c) esplanade reserves or strips as indicated in the Riparian Overlay, of the dimensions set out in Appendix 6, Table 6.2, are created and vested in the Council, and</li> <li>d) the minimum finished ground level for any land allotment (excluding water bodies) is 15.35m NCC Datum, except in the Inundation Overlay, and</li> <li>e) the minimum finished ground level is greater than the crown level of the road to which the piped stormwater from the allotment is drained, and</li> <li>f) every allotment is of a regular shape that will maximise the range and efficiency of potential uses of the land, and</li> <li>g) any existing buildings comply with the conditions for permitted activities, or a resource consent, and</li> <li>h) in respect of Marsden Valley Schedule I, compliance with Schedule I rules requiring subdivision layout and design to generally accord with Schedule I, Figure 1 Structure Plan, located in Chapter 7 Residential Zone.</li> </ul> <p>Control reserved over:</p> <ul style="list-style-type: none"> <li>i) the matters contained in the NCC Land Development Manual 2010, and</li> <li>ii) the effects of natural and other hazards, and</li> <li>iii) design and layout of the subdivision, and</li> <li>iv) protection of natural features, landscapes, heritage items and trees and Maori values, and</li> <li>v) riparian management, and</li> <li>vi) public access, and</li> <li>vii) adverse effects likely to arise from the subdivision, associated development or subsequent use of the land, and</li> <li>viii) development of the subdivision and sites having regard to: <ul style="list-style-type: none"> <li>• appropriate vehicle access, and</li> <li>• the intensity of buildings to be erected on each lot and the siting of such buildings, and</li> <li>• provision of services, and</li> </ul> </li> <li>ix) stormwater management, and</li> <li>x) the effects of vegetation clearance, land disturbance and earthworks, including on visual amenity, soil erosion and sedimentation, and</li> <li>xi) financial contributions in accordance with Chapter 6, and</li> <li>xii) the future of land subdivided for the purposes of public utilities and no longer required for the purpose, and</li> <li>xiii) in the Inundation Overlay, in addition to the matters listed above, control is reserved over: <ul style="list-style-type: none"> <li>• finished ground level, and</li> <li>• the nature of infill, its compaction and placement.</li> </ul> </li> <li>xiv) in Sch.I Marsden Valley area the matters contained in Schedule I and Schedule I, Figure 1.</li> </ul>	<p>SCr.71.3</p> <p>Any subdivision not located in the Heritage Overlay or Heritage Precinct that contravenes a controlled standard is discretionary if it is for the purposes of a network utility. Any other subdivision that contravenes a controlled standard is discretionary if:</p> <ul style="list-style-type: none"> <li>a) it complies with the minimum standards as defined in Section 1.1.1 General relating to stormwater and sewerage in Sections 5 &amp; 6 of the NCC Land Development Manual 2010.</li> </ul>

## suburban commercial zone

Assessment Criteria	Explanation
<p>SCr.71.4</p> <ul style="list-style-type: none"> <li>a) the matters in the NCC Land Development Manual 2010.</li> <li>b) the extent of compliance with any plan provisions relating to streams, drains leading to streams, and any other waterbodies on the land to be subdivided, and</li> <li>c) the extent of compliance with Appendices 10 to 12, and</li> <li>d) effects on traffic, road network, access, parking, stormwater management, water supply, sewage reticulation, and power and telecommunication services.</li> <li>e) the extent to which the land is subject to natural hazards, or included in inundation, floodpaths, fault areas and slope risk overlays, and whether any risks can be remedied or mitigated.</li> <li>f) the pattern of subdivision and how it relates to the desired environmental outcomes, amenity values for the locality, and efficient use of infrastructure.</li> <li>g) the actual and legal protection of significant natural features or heritage items, and means to avoid or mitigate significant changes to the landscape or amenity values of the area.</li> <li>h) the extent to which the proposal has regard to Maori values, particularly any traditional, cultural, or spiritual aspect relating to the land.</li> <li>i) any consultation, including with tangata whenua as appropriate, and the outcome of that consultation.</li> <li>j) avoidance, remedy or mitigation of adverse effects of the subdivision, including temporary effects of construction.</li> <li>k) financial contributions (see Chapter 6).</li> <li>l) the development potential of other adjacent land.</li> <li>m) the ground level required to avoid the effects of flooding.</li> <li>n) the type of inundation likely to be experienced, whether it be stormwater ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding.</li> <li>o) effects on neighbouring properties, especially stormwater runoff.</li> <li>p) provision of adequate flow paths for surface flooding.</li> <li>q) the possibility of an overloaded public storm water system overflowing onto private property.</li> <li>r) effects of allotment size and shape, including on amenities of the neighbourhood and on the potential efficiency and range of uses of the land.</li> <li>s) the values for esplanade purposes outlined in Table 6.1 or 6.2, Appendix 6 (riparian and coastal margin overlays), including any additional information regarding the values of the reserve or strip sought for the purposes outlined in section 229 of the Act.</li> <li>t) any circumstances which make the taking of the esplanade reserve or strip (or the width stated in Appendix 6, Table 6.2) inappropriate, including (but not limited to) the nature of existing development, reasons of security, public safety, minor boundary adjustment.</li> <li>u) an existing protection of the area including any existing esplanade reserves or strips or any protective covenants.</li> <li>v) alternative ways in which the esplanade values identified in the area can be provided for including (but not limited to ) the use of esplanade strips and protective covenants).</li> <li>w) the assessment matters in Table DO6.1.1 regarding the type of protection appropriate in given circumstances.</li> </ul>	<p>SCr.71.5</p> <p>Specific rules apply to subdivision activities proposed within the Heritage Overlay or Heritage Precinct (see Rule SCr.72 and SCr73).</p> <p>Subdivision is a controlled activity so that conditions can be imposed on the development to ensure a satisfactory standard of amenity, the minimisation of adverse effects and that the site can be adequately serviced.</p> <p>There is no minimum size for allotments, leaving this to the market to determine. Subdividers should note that the proposed allotment should be capable of accommodating a building or an activity which complies with the rules in this Zone.</p> <p>The controls also enable consideration to be had to the development potential of nearby land, so that the level of servicing provided is appropriate to the likely future demand in the area. This allows consideration of future roading patterns, and demands on sewers and other services, to avoid the need for costly and disruptive upgrading later.</p> <p>The Act states the preservation of the natural character of the river and coastal margins to be matters of national importance. This includes public access along these, and protection of areas of significant indigenous flora and the habitats of indigenous fauna, contained within them. It provides a number of mechanisms to achieve this protection including the taking of esplanade reserves and strips.</p> <p>The river and coastal margins on the Planning Maps and in Appendix 6, Table 6.2 (riparian or coastal areas with priority values), have been identified as containing riparian values in accord with section 229 of the Act. In some cases riparian protection already exists, or special circumstances exist, which make the taking of esplanade reserves or strips unnecessary. In other cases a lesser width, or an alternative way of achieving riparian protection may be more appropriate. In these situations, a discretionary consent application is needed, in order to depart from the standards set out for a normal subdivision.</p> <p>Where a subdivision is discretionary, and the allotment adjoins any river or the coastal margin, then an esplanade reserve or strip may be required as a condition of the subdivision consent, having regard to the values identified in Appendix 6, Table 6.1 (riparian and coastal margins with identified riparian values).</p> <p>The minimum ground levels set are based on the best estimates from the Ministry for the Environment for likely sea level rise caused by global climate change. This takes account of predicted spring tides and expected tidal surges, and their consequent effects on stormwater ponding.</p> <p>Sites below the minimum levels stated for controlled activities will be assessed individually to ensure that ground or floor heights are sufficient to protect the site from inundation.</p> <p>See Rule SCr.48 (earthworks) where a site is being filled.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>SCr.72</b> <b>Heritage Precincts</b> Subdivision	SCr.72.1 Subdivision is not a permitted activity.	SCr.72.2 not applicable	SCr.72.3 Subdivision in any Heritage Precinct is discretionary.
<b>SCr.73</b> <b>Heritage Overlays</b> Subdivision (excluding Heritage Precincts)	SCr.73.1 Subdivision is not a permitted activity.	SCr.73.2 not applicable	SCr.73.3 Subdivision of any allotment shown on the Planning Maps to contain a Heritage Overlay (excluding a Heritage Precinct) is discretionary.

Assessment Criteria	Explanation
<p>SCr.72.4</p> <p>a) the application will be assessed for compatibility with the Design Guide for that precinct (see section AD10.2 – documents related to this Plan).</p> <p>b) The Assessment Criteria for rule SCr.71.4 (subdivision - general).</p>	<p>SCr.72.5</p> <p>Subdivision in the Heritage Precinct provides specific heritage related assessment matters in addition to those that would be applied to a subdivision consent application under SCr71 General. For subdivision in the Heritage Precinct, subdivision consent is only required under SCr72, unless any other overlays also apply to the site.</p> <p>Changes in the subdivision pattern and lot size can affect the heritage values of a precinct. Small lots and close settlement are characteristic of heritage precincts.</p>
<p>SCr.73.4</p> <p>a) the extent to which trade-offs might be appropriate to ensure the values of the listed item are protected, providing that these have minor environmental effects, or are not contrary to the Objectives and Policies of this Plan, and any effects are on the public rather than the private environment (ie. people's private property rights).</p> <p>eg. allowing averaging of the minimum site requirements, or an overall reduction in the size of some sites, to ensure sufficient land was retained around a heritage building or protected tree.</p> <p>eg. allow flexibility in the shape factor requirements to ensure a heritage item or tree was not compromised, while allowing reasonable use of the land concerned.</p> <p>eg. protecting the item in common or public reserve in lieu of reserve contributions.</p> <p>b) the extent to which subdivision of the land is likely to adversely affect the values for which the item was listed and whether conditions on the use of the site are needed to avoid, remedy or mitigate this.</p> <p>c) The Assessment Criteria for rule SCr.71 (subdivision - general).</p>	<p>SCr.73.5</p> <p>Subdivision in the Heritage Overlay provides specific heritage related assessment matters in addition to those that would be applied to a subdivision consent application under SCr.71 General. For subdivision in the Heritage Overlay, subdivision consent is only required under SCr.73, unless any other overlays also apply to the site.</p> <p>Making subdivision a discretionary activity where a heritage item, or a protected tree, is located on the section, provides more flexibility in the options that can be explored. It provides more scope to meet the owner's needs to use the site, and the needs of the wider community to preserve the item in question. If a controlled activity procedure were used, these options would be much more limited by the minimum site and other requirements set out in those rules.</p> <p>The aim in making subdivision in such cases discretionary is to find "win-win" situations where this is possible and reasonable, not to penalise the owner of the site.</p>

**freshwater rules**

Refer Appendix AP28.9 for freshwater rules.

# Schedule Suburban Commercial Zone

## Sch.I Marsden Valley

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For provisions relating to Schedule I see Chapter 7, Residential Zone.

# Schedule Suburban Commercial Zone

## Sch.L Nayland Road Commercial Area

### L.1 Application of the Schedule

This schedule applies to the sites shown as Sch.L on Planning Map 27, 227-231 (Pt 3 DP 2073) and 239 Nayland Road (Lot 1 DP 15105). This schedule relates to rule SCr.70.

### L.2 Permitted activities

Any activity on the scheduled site is a permitted activity, if:

- a) It excludes any activity in rule SCr.20.1 (restricted activities), and
- b) It excludes:
  - i) the sale of liquor, or the sale or housing of animals, and
  - ii) the sale of coal, wood or petroleum products, except as a minor ancillary activity to another retail activity (such as a dairy), and
  - iii) any industrial activity (defined in Chapter 2 Meaning of Words) including any service station or commercial garage, but excluding the repair of domestic electrical appliances, and
- c) It complies with the following conditions:

<b>Maximum building height</b>	7.5m
<b>Residential zone boundaries</b>	<ol style="list-style-type: none"><li>a) landscaping, a fence or wall, or a combination must be provided along the length of the boundary with the residential zone to a height of at least 1.8m, and</li><li>b) where landscaping is provided, it must have an average depth of 1.5m along the boundary, and</li><li>c) On No 227-231 Nayland Road, any building must be set back a minimum of 3m from the boundary with the residential zone (except this does not apply to the first 10m of the boundary with Nayland Primary School, measured from the road boundary).</li></ol>
<b>Hours of operation</b>	7am to 11pm
<b>Other rules</b>	The permitted conditions in the rules in the Suburban Commercial Rule Table must also be complied with, except Maximum building height; Landscaping; Setback from residential zone boundary; Parking and loading (except parking must be complied with for any residential unit, and any loading provided voluntarily must comply with the standards in Appendix 9); Access (except complying access must be provided for any residential unit); Closing times - services to public. All of the freshwater rules must also be complied with.

### L.3 Controlled activities

Any activity is a controlled activity for that item or items:

- a) where any rule in the Suburban Commercial Rule Table to be complied with in L.2 states that the activity is controlled, and
- b) all other permitted conditions in L.2 are complied with.

#### **L.4 Discretionary activities**

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Activities that contravene a permitted condition or a controlled standard in this schedule are discretionary activities.

#### **L.5 Assessment criteria**

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- a) any adverse effects of reduced set back, particularly on any adjoining residential sites
- b) the ability to mitigate any adverse effects by landscaping or screening
- c) any adverse effects on adjoining sites in terms of dominance by buildings and loss of privacy
- d) in the case of a reduced setback, the ability to better utilise the site and provide better environmental quality elsewhere on the site
- e) the nature of the activity to occur on the site and its likely effects on the residential neighbours, or the school, or on the appearance from the road
- f) the nature and timing of noise and its likely effects
- g) the hours of operation of the activity
- h) the type and volume of any materials to be stored on the site, and any other means of screening
- i) the scale of the activity, taking account in particular of cumulative effects on the adjacent residential and school sites
- j) any risk posed to people and property by intensification or alteration of the activity.

In addition, where the activity contravenes one of the Residential Rules listed above under Permitted Activities or Controlled Activities, the assessment criteria for that rule will apply as appropriate.

#### **L.6 Explanation**

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The scheduled site was zoned Commercial C.1 in the previous District Plan. That zone essentially provided for neighbourhood shops and services such as hairdressers and post offices. These are activities with relatively minor adverse effects, as is appropriate given the proximity to the school, and to residential sites (this is particularly so for the commercial site at No. 239 Nayland Road). A Suburban Commercial zone in this Resource Management Plan was considered inappropriate. This is because of the wide range of activities that Suburban Commercial zoning allows as of right. Some of these activities could have significant adverse effects on the adjoining school and residential sites. For this reason, a Suburban Commercial Zoning with a schedule has been adopted. The schedule allows a much broader range of activities than the former C1 zoning, but excludes industrial and other activities with potential effects that could impact adversely on the school and residential neighbours.

Buildings are required to be set back from the residential zone boundary on 227-231 Nayland Road to protect the amenity and outlook of the neighbouring sites. This does not apply to 239 Nayland Road as this commercial site is physically part of the comprehensive building development on Honey-tye Way. Nor does it apply to the front of 227-231 Nayland Road where it borders Nayland Primary School. This is to allow a reasonable width of development across the road frontage of the site.

As these are 'strip' shops, on site parking and loading is not a requirement.

# 10

# industrial

<b>INd</b>	<b>Description</b>
INd.1	<p>Nelson has previously been well catered for in terms of industrial land. The land resource has however, been scattered over six main areas, due to the nature of the city and the way it has grown. Industrial land is now becoming scarce due to high rates of growth and a lack of suitable alternative areas.</p>
INd.2	<p>The six main areas differ in character and form. This has occurred as a result of location, the varying resources available, and the needs of different industries which have located within them. Because these areas are geographically separate and have different character, environmental needs, and constraints, separate approaches have been adopted, although most of the objectives and policies remain the same.</p>
INd.3	<p>The Port Industrial Area is predominantly located on land reclaimed from Nelson Haven, and comprises all industrial land on the seaward side of Haven Road and Wakefield Quay. The primary purpose of this area was originally for loading and unloading of ships. Over time, activities associated with port activities and non-port related activities have also developed; such as seafood processing plants, transport depots, storage facilities, boat builders, general port servicing activities, and a marina for fishing boats and recreational craft. One sector of the reclamation has been largely devoted to bulk storage of fuels. There are also a number of industrial activities located in this area which have no direct relationship to the Port.</p> <p>The environment in the Port Industrial Area will, by its function, have a high component of heavy industry. The environment, however, needs to recognise the close proximity of the Residential Zone, outcomes being sought in the Leisure Area of the adjoining Suburban Commercial Zone, and the recreational users of the Haven, including the specific outcomes being sought for the Marina (see Sch.M attached at the end of the chapter). Chapter 5 contains specific objectives and policies for the Port Industrial Area. In addition the proximity of residential activity close to the Port Industrial Area creates potential for reverse sensitivity effects, and accordingly some restrictions are placed on development within the adjacent areas to minimise and mitigate the adverse effects on those areas of noise exposure.</p>
INd.4	<p>The Vanguard Street/St Vincent Street industrial area adjoins the western edge of the Inner City Zone and has traditionally performed a predominantly service and light manufacturing role. This area is located on the floor of the valley flanked on either side by residential development, with a row of residential-zoned housing along North Esk Street to the south. Sites in this area tend to be smaller, partly as a consequence of its earlier residential nature, and contain smaller scale activities often with a strong element of servicing. The area still contains a number of dwellings, and tends to act as a “starter business” area where new activities locate until growth in activity forces them to find a larger site.</p> <p>The location of the Vanguard Street/St Vincent Street industrial area makes the area unsuitable for heavy or noxious industry, and requires a relatively high standard of amenity, certainly where it borders more sensitive zones. The main constraints on the area are the close proximity of the Residential Zone, and the relatively confined nature of the valley floor which can make neighbouring areas susceptible to emissions and noise.</p>

- INd.5** The Tahunanui industrial area is the largest industrial area in the city, and consequently has attracted large scale operations such as timber yards, contractors' depots, and processing plants. This area is also surrounded on three sides by residential development. Some of the area remains to be filled to a satisfactory ground level or needs to be serviced before it can be used for industrial purposes, or both.
- The Tahunanui industrial area is the most able to accommodate heavier industries because of the buffering effect of the larger size of the area and the larger size of individual sites within it. There are some constraints around the perimeter because of the location of the Residential Zone.
- INd.6** The airport adjoins the Tahunanui industrial area. It includes land designated for aerodrome purposes. The area contains a unique range of airport related activities, including the runway, terminal, support services (such as hangars and maintenance areas), the flying school and rental car operations. Chapter 5 contains additional objectives and policies for the airport.
- The airport also adjoins the Coastal Marine Area, areas valued for recreation, and is close to residential areas. This places some constraints on the nature, and particularly the effects, of activities which may occur in this area.
- INd.7** To the south of the city, and located between Main Road Stoke and the Waimea Inlet, the Nayland Road South portion of the Industrial Zone contains several major food-related industries, including apple processing, apple packing, and fruit cool stores. This area adjoins residentially zoned land at the southern end of Stoke, and is bounded by the Stoke bypass on its seaward side.
- The area is envisaged as a location for 'clean' industries, which will not conflict with the requirements of regionally important food processing industries. Industries which give rise to significant emissions of dust, particulates or noxious contaminants would generally be unsuited for this industrial area.
- INd.8** The Saxtons Industrial area lies between the Nayland Road South Industrial area and the city boundary with Tasman District Council. This area has historically been occupied by a freezing works. A significant part of the land is now no longer owned or utilised by the freezing works industry. Allied or similar industries occupy some parts of the ex-freezing works facilities, or new purpose-built structures have been constructed in their place. It is anticipated that this area will be utilised, in part, by heavy engineering-type industries. Lighter industrial activities are establishing towards the northern end of the ex-freezing works property and a new internal road system has been developed.
- INd.9** The Plan should always be considered as a whole.

## **objective**

### **IN1 efficient use of resources**

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*The efficient use of natural and physical resources within the Industrial Zone.*

#### **Reasons**

**IN1.i** Land suitable for industrial activity is in short supply within Nelson in the medium term. While there is an adequate supply of land for the life of this plan provided that the resource is carefully managed, it is likely that at present rates of growth the supply will be exhausted within the following planning period. There are no large areas remaining within existing urban boundaries that can be zoned to cater for industrial needs without encountering severe constraints. Nelson City is a small area geographically, and has little remaining undeveloped flat land or land of suitable topography for industrial activity. It is critical therefore that what industrial land is left be used efficiently.

**IN1.ii** Within this plan there has been a significant area of land made available for specialist industrial use at Nayland Road South. There has also been an overall contraction of the supply of general industrial land as a number of former "spot" industrial zones have been rezoned to commercial. This is in recognition that, firstly, spot industrial zones are not appropriate particularly within residential zones, and that the continuation of these zones is contrary to the philosophy expressed in this Plan.

Secondly, it recognises that the activities that were located within these areas are largely commercial in nature in any case, and as such are better served by a commercial zoning.

**policy**  
**IN1.1 limit non-industrial activities**

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*Non-industrial activities should not locate within the Industrial Zone except where they are consistent with policies IN1.2 to IN1.4.*

**Explanation and Reasons**

**IN1.1.i** Because the industrial land supply within the city is very limited, it is considered paramount that activities which are provided for and able to be accommodated elsewhere, and which do not have the range of actual and potential effects on the local environment which industrial activities have, are restricted within the zone.

**IN1.1.ii** The existing industrial areas have a community investment in them in terms of infrastructure such as the road network and provision of services. It is in the interest of sustainability of these resources that industrial land remains available for industrial activity.

**Methods**

**IN1.1.iii** Establish an Industrial Zone.

**IN1.1.iv** Rules regulating establishment of non-industrial activities.

**policy**  
**IN1.2 retail activities**

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*Retail activities should not locate in the Industrial Zone unless*

- a) they directly serve industrial activity or workers employed in industrial areas, or*
- b) are ancillary to the industrial use of the site, or*
- c) they are of a scale and nature incompatible with commercial zones, or*
- d) they are located within the site defined in Schedule N.*

**Explanation and Reasons**

**IN1.2.i** Retail activities in particular have tended to drift into industrial areas under the guise of warehousing or servicing. Many of the areas previously favoured for this style of activity have now been provided for with a commercial zoning i.e. the Inner Fringe area. Specific provision has also been made for such large format retailing in Tahunanui in Schedule N. This policy recognises that there are retail and other large format activities which either have a particular need for an industrial location, are simply not suited to zones where the pattern of development may be more intense or vulnerable to adverse effects that some types of retail activity may generate, or simply cannot be accommodated within commercial zones on the basis of land supply and demand and market growth. Which area of the industrial zone such retail activities may locate in is a matter taken into account. A retail operation at Tahunanui may have no impact at all on other outcomes sought by the plan, however, the same activity in the Vanguard St area may. This is due to the relationship between Vanguard Street and the city centre, and in particular the rules and policies that provide for large-scale retail activities generating high levels of patronage to occur adjoining the ring-road.

**IN1.2.ii** See also objectives and policies of Inner City and Suburban Commercial Zones.

**Method**

**IN1.2.iii** Rules regulating and specifically providing for (Schedule N) retail activities in the Industrial Zone.

## **policy**

### **IN1.3 non-industrial activities in the Port Industrial Area**

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*Non-industrial activities should not locate in the Port Industrial Area unless they have a direct relationship with the coastal environment, the marina, or the port.*

#### **Explanation and Reasons**

**IN1.3.i** Marine-related activities which are not industrial activities have a need to locate in the Port Industrial Area. These include activities which service the Port, such as customs offices, those which directly service the marina or users of the marina, or activities which have a direct relationship with the coast i.e. sea-scouts. Other activities may also be appropriate, provided they do not contravene other outcomes sought by the Plan in terms of the appropriate location of non-industrial activities. The approach has been to allow these activities by consent, rather than creating either a special zone for marine-related activities, or a commercial zoning which would permit more than is necessary and conflict with the efficiency of use objective particularly in relation to the reclamation.

#### **Methods**

- IN1.3.ii** Rules establishing greater flexibility for marine-related activities which wish to locate adjacent to the marina.
- IN1.3.iii** Rules regulating establishment of non marine-related activities.

## **policy**

### **IN1.4 non-industrial activities in the airport area**

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*Non-industrial activities should not locate in the Airport industrial area unless they have a direct relationship with the airport.*

#### **Explanation and Reasons**

**IN1.4.i** The Airport industrial area is the land in the Industrial Zone to the west of Trent Drive. There are air-related activities which are not necessarily industrial activities, but are directly related to the airport, and cannot be sensibly located elsewhere. These may be activities such as the aeroclub, and other compatible recreational and educational facilities. The approach has been to allow these activities by way of exception, rather than creating either a special zone for the airport or a commercial zoning which would permit more than is necessary and conflict with the efficiency of use objective.

#### **Methods**

- IN1.4.ii** Rules regulating establishment of non-airport-related industries.
- IN1.4.iii** Assessment criteria for resource consents.

## **objective**

### **IN2 amenity of industrial and adjoining areas**

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*Maintenance and enhancement of the amenity of the Industrial Zone and adjoining zones.*

#### **Reasons**

**IN2.i** All areas have some amenity requirements to enable activities to work successfully within them. Industrial areas have amenity requirements in terms of environmental quality: for water, sewerage, air, and appearance. The maintenance of an appropriate environment, and enhancement of that environment where it is below an acceptable standard, is critical to the success of the zone and the activities which locate within it.

## **policy**

### **IN2.1 maintenance of amenity, Nayland Road South**

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*Activities that may have an adverse environmental effect in terms of air quality and amenity on the resource processing industries should not locate in the Nayland Road South Industrial area.*

#### **Explanation and Reasons**

**IN2.1.i** Nayland Road South presently contains industry that is important for the regional economy, and is highly sensitive to other industrial activities. Maintenance of the present high quality environment is vital for these activities. Dust and other particulate contamination, and other air discharges have the potential to downgrade this environment.

**IN2.1.ii** The location of these industries in this area is historical. At the time that these industries located here, they were surrounded by mainly orcharding activity which posed little threat to their operations. Over time residential zones have expanded towards this area, and other changes in the area and to rural activities have meant that continued rural use of this buffer area is no longer viable. This area has therefore been rezoned to cater for a range of compatible activities adjoining this specialist area.

**IN2.1.iii** Note that these provisions are intended to be interim until such time as Council notifies its air quality provisions.

#### **Method**

**IN2.1.iv** Rules limiting the activities that may occur within the Nayland Road South industrial area.

## **policy**

### **IN2.2 nuisances**

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*Activities should not produce, beyond the boundaries of the site and in particular on any zone boundary, unreasonable levels of adverse effects such as noise, dust, and other discharges to air, shading, and glare, which detract (or have the potential to detract) from adjacent activities and the surrounding environment unless the adverse effects are able to be reasonably mitigated.*

#### **Explanation and Reasons**

**IN2.2.i** While higher levels of effects are to be expected in an industrial zone than would be acceptable in other environments, there should not be unreasonable levels of effects which limit the ability of adjacent activities to operate eg. activities which rely on reasonable air quality. Nor should activities adversely affect the health and safety of people employed in the area.

**IN2.2.ii** Adverse effects such as shading of adjacent properties, visual effects of outdoor storage of materials and equipment, and noise can seriously degrade the environment of adjacent properties which may be zoned for other activities. This policy primarily seeks to ensure that where activities establish on the edges of the Industrial Zone, care is taken to ensure that these effects do not occur or are minimised and/or mitigated.

**IN2.2.iii** It also seeks to ensure that activities do not establish in areas where conflicts are particularly likely due to environmental factors. An example is the Vanguard - St Vincent Street area where residential activity occurs in close proximity to industrial activity in an environment where air circulation is limited by topography. Activities which discharge contaminants into the air should be avoided, or will be required to exercise particularly high standards to ensure that public safety is not endangered.

**IN2.2.iv** Within the Nayland Road South industrial area, there are a number of existing dwellings. In this area, the policy seeks to provide protection for those living within this industrial environment, as well as for those that adjoin the area.

## **Methods**

- N2.2.v** Rules limiting the adverse effects of activities within the Vanguard Street/St Vincent Street industrial area.
- IN2.2.vi** Performance standards controlling production of noise and other emissions, dust, glare.
- IN2.2.vii** Rules controlling screening, and heights of buildings, and emanation of noise at boundaries of zones.
- IN2.2.viii** Limitation on use of hazardous substances in the Vanguard Street/St Vincent Street area.
- IN2.2.ix** Setbacks of industrial activities and landscaping requirements where industrial activities occur on zone boundaries.
- IN2.2.x** Rules requiring provision of setbacks and/or a landscaped bund along the residential/industrial interface in the Nayland Road South area.
- IN2.2.xi** A Port Noise Mitigation Plan and rules requiring mitigation for noise affected properties adjacent to the Port Industrial Area.
- IN2.2.xii** Rules requiring acoustic insulation for habitable spaces in buildings within and adjacent to the Port Industrial Area.
- IN2.2.xiii** A Port Noise Management Plan to include methods to reduce noise emissions.

## **policy**

### **IN2.3 traffic routes**

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*Industrial activities should not create adverse traffic effects in adjacent zones.*

#### **Explanation and Reasons**

**IN2.3.i** Many industrial activities tend to attract large volumes of traffic to the site, or volumes of heavy traffic which may be incompatible with adjacent routes. This policy seeks to ensure that access to industrial areas remains along routes which have been developed to cope with this type of activity, rather than through other zones, in particular residential and some commercial zones.

#### **Method**

**IN2.3.ii** Establish and maintain road hierarchies.

## **policy**

### **IN2.4 limit incompatible activities**

---

*Activities which require higher standards of amenity than complying industrial activities should not locate within the Industrial Zone, other than in special circumstances.*

#### **Explanation and Reasons**

**IN2.4.i** There are a number of activities which are attracted to industrial areas because of matters such as a requirement for a large site, central location, cheaper land, and generally good infrastructure. Examples are some types of large scale retailing, building supply, garden and patio supply and other forms of trade suppliers, service activities, office accommodation and even residential living. An Industrial Zone may not contain a suitable environment for these activities, resulting in public health and safety issues, and complaints. As these activities are provided for elsewhere with a more suitable environment, it is in the interests of the City that these activities are discouraged from locating in industrial areas, other than where provided for in a managed way e.g. the provision for large format retailing within Schedule N in Tahunanui. See also objective IN1 and policy IN1.1 regarding efficiency of use of industrial land.

**IN2.4.ii** It is also not in the interests of the city as a whole for activities such as retailing, other than of a trade or large format type, to locate out of zone, particularly when assessed against the objectives for the Inner City Zone.

#### **Methods**

- IN2.4.iii Rules regulating establishment of non-industrial activities in the Industrial Zone.
- IN2.4.iv Establishment of an Inner City Zone and a Suburban Commercial Zone which cater for non-industrial and commercial activities.
- IN2.4.v Council works and activities, such as paving and planting, that make the City Centre area more attractive for retailing and similar activities.
- IN2.4.vi Rules in the Inner Fringe Zone, Suburban Commercial Zone, and Schedule N.

#### **policy**

### **IN2.5 streetscape**

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*Activities should present a pleasant appearance to the road or other public space.*

#### **Explanation and Reasons**

IN2.5.i Many of the industrial areas have important through-routes traversing the zone to areas beyond, and form part of the city road network. It is important that these areas present a pleasant appearance to both users within and traversing the area, to maintain environmental standards for Nelson.

IN2.5.ii A pleasant appearance can be maintained through attractive landscaping, and maintenance of that landscaping, through good design of buildings, and the location of offices and public services adjacent to the street. Signs and other advertising devices are important to identify premises. However, too many signs in a particular area may detract from any amenity that the area possesses.

IN2.5.iii Particular areas such as Bolt Road and Quarantine and Parkers Roads act as a gateway to the city to visitors arriving or departing via the airport. Retention and enhancement of an attractive entrance way is therefore very important for the city.

#### **Methods**

- IN2.5.iv Council tree planting and landscaping in the road reserve.
- IN2.5.v Council initiatives where it develops land eg. as with the Pascoe Street industrial park.
- IN2.5.vi Rule requiring set back of buildings and landscaping along the frontage with major roads, including the access road to the airport.
- IN2.5.vii Rules regulating the size and number of signs.

#### **policy**

### **IN2.6 servicing constraints**

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*Development should occur in areas that are serviced. Areas that are not serviced can be developed provided adverse effects are avoided, remedied or mitigated.*

#### **Explanation and Reasons**

IN2.6.i Areas that have servicing constraints may be able to be developed where the developer can provide the services or meet the full costs of servicing, thereby mitigating against the effects of development. Servicing constraints must be addressed before development can proceed.

IN2.6.ii The Tahunanui industrial area includes a large portion of land which is not adequately serviced. It is not in the interests of the zone for parts of the area to be developed on a piecemeal basis by activities which do not require servicing. Rather, the area requires a comprehensive development plan including matters such as filling to bring ground levels to a height where servicing can take place, or some other mechanism employed. See also objective IN1 (efficient use of resources) and Chapter 5.

IN2.6.iii There are also significant constraints on water availability and sewerage in the Vanguard/St Vincent Street, Tahunanui, Nayland Road South and Airport industrial areas. In the Vanguard/St Vincent Street, Tahunanui, and Airport areas this is due to the existing lines being close to capacity, and in the Nayland Road South area due to the size of the supply lines servicing the area. No new activities with a high demand for water can presently be accommodated in these areas unless these lines are upgraded.

**Methods**

- IN2.6.iv Trade waste bylaws.
- IN2.6.v Limitation on development in service-limited areas.

**policy**  
**IN2.7 activities on the coast**

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*Industrial activities located on the coast should present an attractive appearance, and avoid, as far as practicable, adverse effects on the coastal environment.*

**Explanation and Reasons**

IN2.7.i Industrial developments near the coast can have a significant effect on the amenity of an area. Industrial buildings tend to be large and often utilitarian in appearance. This policy seeks to ensure that where industrial sites are visible from the water, they present an attractive appearance in terms of site and building layout and landscaping where this is practicable in terms of the operational use of the site.

**Method**

- IN2.7.ii Rules requiring that all applications for buildings in these areas obtain a resource consent for a controlled activity in terms of site appearance.

**INe environmental results anticipated and performance indicators**

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INe.i The following results are expected to be achieved by the foregoing objectives, policies and methods. The means of monitoring whether this Plan achieves the necessary outcomes are also detailed below.

Anticipated Environmental Result	Indicators	Data Source
INe.1 Creation of a more clearly defined industrial sector	INe.1.1 Changes in numbers of non-industrial activities located in industrial zones	Business surveys  Compliance monitoring of consents
INe.2 Slowing of growth of non-industrial development within industrial zones	INe.2.1 Changes in availability of industrial land	As above Repeat vacant land surveys (5 yearly)
INe.3 Adverse effects of use and development in the industrial zones which are controlled to acceptable levels of environmental quality	INe.3.1 a) Changes in ambient noise levels and other environmental effects at selected locations b) Complaints received about adverse effects	Data collected at selected sites  Council’s Complaints Register

# rules industrial zone

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# **INr rules**

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

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

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

Note also that the Industrial Zone extends over part of the Coastal Marine Area to include wharves, berthage areas, and areas for the manoeuvring of vessels within the Port Operational Area. Within this area the provisions of both Chapter 10 (Industrial Zone) and Chapter 13 (Coastal Marine Area) apply. Where there is any conflict, the Coastal Marine Area provisions shall take precedence.

## **INr.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.

## **INr.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 this Zone, permitted activities also include all land uses that are not specifically mentioned 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 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

## **INr.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 INr.8 below regarding further matters of control.)

## **INr.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 INr.8 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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**INr.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. 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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**INr.7 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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**INr.8 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:

- INr.8.a** Financial contributions in the form of money, land, works or services, or a combination of these. (See Chapter 6), and
- INr.8.b** Bonds or covenants or both, to ensure performance or compliance with any conditions imposed, and
- INr.8.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
- INr.8.d** The duration of a resource consent, under section 123 of the Act, and
- INr.8.e** Lapsing of a resource consent, under section 125 of the Act, and
- INr.8.f** Change and cancellation of a consent, under sections 126 and 127 of the Act, and
- INr.8.g** Notice that some or all conditions may be reviewed at some time in the future, under section 128 of the Act, and
- INr.8.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.

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**INr.9 Regional rules, and regional and district rules**

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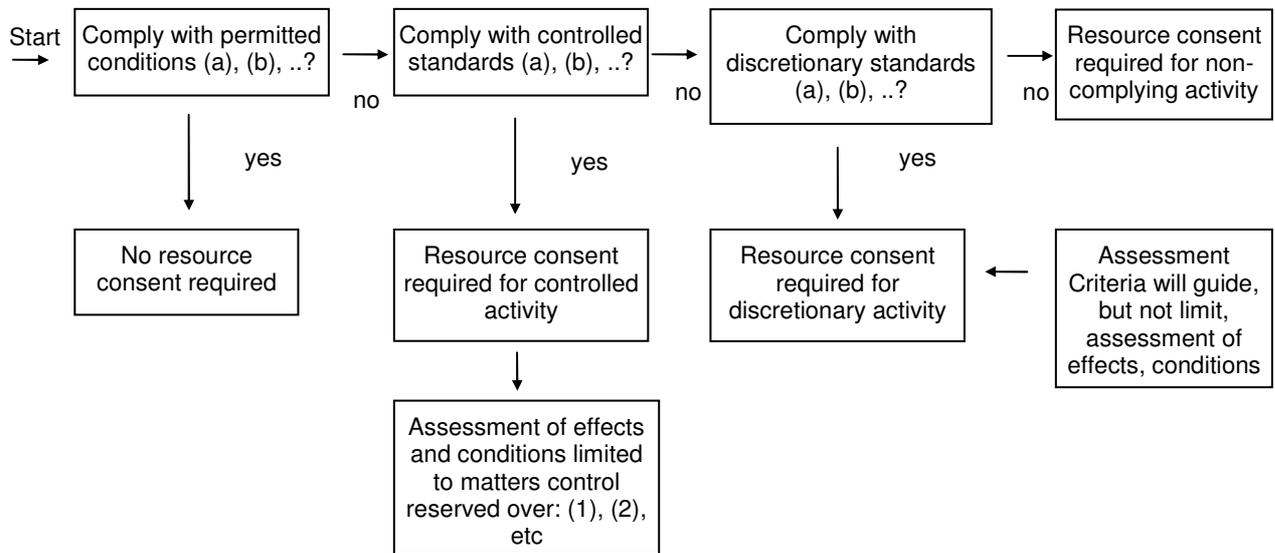
In the Rule Tables, a number of rules are indicated as being Regional rules, or Regional and District Rules. These are rules that derive in total or in part from the regional functions of the Council. Regional rules have a different impact on matters such as designations (which must comply with regional 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.

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.



**INr.10.1** Note that there are some rules, generally relating to post-development conditions, which do not trigger the activity into requiring a resource consent. Where relevant, this is indicated in the explanation to those rules.

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INr.20	Residential units
INr.21	Retail activities
INr.22	Office facilities
INr.23	Port Industrial Area exceptions
INr.24	Airport area exceptions
INr.25	Airport - Aircraft engine testing
INr.26	Nayland Road South restrictions
INr.27	Buildings and structures - height
INr.28	Set back a) from State Highway, arterial, principal or collector roads b) Trent Drive (access to airport terminal)
INr.29	Set back - from Residential Zone boundaries
INr.30	Setback - Nayland Road South industrial area
INr.32	Building over or alongside drains and water mains
INr.33	Signs
INr.34	Outdoor storage
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INr.37	Noise
INr.38	Noise - At residential boundary
INr.39	Airport noise - Aircraft noise management
INr.40	Port Industrial Area noise management
INr.41	Light Spill
INr.42	Closing times - Services to the public
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INr.45	Production of hazardous substances
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INr.61	Heritage Buildings, Places and Objects - Alterations to Group A and B Items
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INr.64	Heritage Buildings, Places and Objects – Demolition or removal of Group C items
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INr.67	Heritage and Landscape Trees - Activities within the root protection zone of a Heritage or Landscape Tree identified in Appendix 2
INr.68	Heritage and Landscape Trees - Removing or destroying a Heritage or Landscape Tree identified in Appendix 2
INr.69	Local Trees - Removing a Local Tree identified in Appendix 2
INr.70	Marina - (Scheduled site - Sch.M)
INr.71	Airport Effects Control Overlay - Acoustic Insulation of Buildings
INr.71A	Port Effects Control Overlay - Acoustic Insulation of Buildings
INr.72	Airport Effects Advisory Overlay
<b>Subdivision rules - Industrial Zone</b>	
INr.73	Subdivision - General
<b>Rules relating to Overlays on Planning Maps</b>	
INr.74	Services Overlay - Subdivision
INr.75	Heritage Overlays – Subdivision
<b>Freshwater Rules</b>	
	(Refer Appendix AP28.9 for freshwater rules)



## rule table

Item	Permitted	Controlled	Discretionary/Non-complying
<b>INr.20</b> <b>Residential units</b>	INr.20.1 Construction of a new residential unit is permitted if: a) it is ancillary to a permitted industrial activity on the site, and b) where it is within the Airport or Port Effects Control Overlay, the building complies with the relevant rule INr.71 (Airport Effects Control Overlay – acoustic insulation of buildings) or INr.71A (Port Effects Control Overlay – acoustic insulation of buildings), and c) the residential unit is provided with an outdoor living court: i) minimum area: 1 bedroom 25m <sup>2</sup> , or 2 or more bedrooms 40m <sup>2</sup> , and ii) minimum dimension 4m, and iii) units without a room on the ground floor may instead provide a balcony (minimum area of 12m <sup>2</sup> , minimum dimension of 2.4m), and iv) the outdoor living court is readily accessible from a living area of the unit.	INr.20.2 not applicable	INr.20.3 Activities which contravene a permitted condition are discretionary, except where condition INr.20.1b is contravened, where the activity is non-complying.
<b>INr.21</b> <b>Retail activities</b>	INr.21.1 Retailing activities are permitted if they: a) involve the sale of food, groceries and related consumables and the area for retail activity and display does not exceed 100m <sup>2</sup> , or b) involve the sale of motor fuels and vehicle accessories and ancillary goods, provided the area for ancillary retail activity (including a) above) does not exceed 100m <sup>2</sup> , or c) sell goods produced or processed on the site, and which is ancillary to the industrial use of the site, or d) require the outside storage of large bulky items such as building materials, heavy equipment and vehicle sales, or wood and concrete products, landscape supplies, or plants and gardening materials.	INr.21.2 not applicable	INr.21.3 Activities which contravene a permitted condition are discretionary.
<b>INr.22</b> <b>Office facilities</b>	INr.22.1 Office facilities are permitted if: they are ancillary to the industrial use of the site.	INr.22.2 not applicable	INr.22.3 Activities which contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>INr.20.4</p> <ul style="list-style-type: none"> <li>a) any potential cumulative effects on the stock of industrial land of allowing activities to locate within the Zone.</li> <li>b) the need to locate a residential activity in this Zone.</li> <li>c) the amenities available to the occupants of the area such as access to open space.</li> <li>d) the nature of any adjoining activities and their potential to create adverse impacts on anyone living in the area.</li> <li>e) for units within the areas in INr.20.1 (b) the ability to avoid or mitigate the effects of noise on the residential activity.</li> </ul>	<p>INr.20.5</p> <p>The rule restricts the establishment of residential units in the Industrial Zone in order to protect the scarce industrial land resource, and ensure its full utilisation for industrial purposes. The rule allows for essential residential living within the Industrial Zone, for example, where a caretaker may be required for security or monitoring reasons.</p> <p>Where units are proposed within the areas identified as having high noise levels within or near to the Port Industrial Area and airport, there is a particular need to address the effects of noise.</p> <p>Acoustic insulation is required for residential units within the Airport and Port Effects Control Overlays to reduce the effects of airport and port noise on residential units.</p>
<p>INr.21.4</p> <ul style="list-style-type: none"> <li>a) any potential cumulative effects on the stock of industrial land of allowing activities to locate within the Zone.</li> <li>b) any potential cumulative effects on the commercial zones of allowing such activities to locate out of zone.</li> <li>c) any special needs and effects which mean that the activity does not fit within the commercial zone.</li> <li>d) the scale and nature of the activity.</li> </ul>	<p>INr.21.5</p> <p>The intention of these rules is to limit as far as possible the intrusion of non-industrial activities into land set aside for industrial activity other than those activities which must by their scale and nature be located in an industrial area.</p>
<p>INr.22.4</p> <ul style="list-style-type: none"> <li>a) any potential cumulative effects on the stock of industrial land of allowing activities to locate within the Zone.</li> <li>b) the relationship of the service to industrial activities.</li> <li>c) mitigation of any permitted effects of adjacent industry.</li> </ul>	<p>INr.22.5</p> <p>These rules permit ancillary office facilities. The intention is to limit as far as possible the intrusion of non-industrial activities into land set aside for industrial activity, to protect the scarce industrial land resource, and to achieve its full utilisation for industrial purposes.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>INr.23</b> <b>Port Industrial Area exceptions</b>	INr.23.1 Office, recreational, and other facilities (excluding commercial accommodation) within the Port Industrial Area are permitted if: such activities relate directly to, or serve activities in the port area and coastal marine area.	INr.23.2 not applicable	INr.23.3 Activities which contravene a permitted condition are discretionary.
<b>INr.24</b> <b>Airport area exceptions</b>	INr.24.1 Commercial or recreational facilities within the Airport industrial area are permitted if: such activities relate directly to or serve airport activities.	INr.24.2 not applicable	INr.24.3 Activities which contravene a permitted condition are discretionary.
<b>INr.25</b> <b>Airport Aircraft engine testing</b>	INr.25.1 a) no person shall start or run an aircraft propulsion engine for the purposes of aircraft engine testing unless carried out in compliance with the following maximum noise levels at or within the boundary of any residentially zoned site: Monday to Sunday 6am to 10pm: 55 dBA Leq(8 hours) All other times: 45 dBA Leq (8 hours) All days 10pm to 6am: 75 dBA Lmax, and b) between 6am and 10pm aircraft engine testing shall as far as practical be carried out within an effective noise enclosure. From 10pm to 6am aircraft engine testing shall be carried out within an effective noise enclosure, and c) in some emergency situations it may be necessary to conduct essential unscheduled maintenance and engine testing that cannot comply with the above noise limits. No more than 12 of these tests can be conducted in any calendar year. The time, duration, and other essential details shall be recorded and reported as soon as practical to the Nelson Airport Noise Environment Advisory Committee.	INr.25.2 not applicable	INr.25.3 Activities that contravene a permitted condition are non-complying.

Assessment Criteria	Explanation
<p data-bbox="172 143 245 165">INr.23.4</p> <ul style="list-style-type: none"> <li data-bbox="172 170 837 219">a) any actual or potential cumulative effects of allowing such activities to locate in the Port Industrial Area and such effects on other zones.</li> <li data-bbox="172 224 837 248">b) the scale of the activity in relation to the industrial area it will serve.</li> <li data-bbox="172 253 837 302">c) the relationship of the proposed activity to the coastal marine area and to activities in the coastal marine area.</li> <li data-bbox="172 306 837 356">d) the efficiency and sustainability of use of Port infrastructure and resources.</li> </ul>	<p data-bbox="853 143 927 165">INr.23.5</p> <p data-bbox="853 170 1445 315">Rule provides exception for activities which rely on the special characteristics of the Port Industrial Area which may not otherwise be permitted in the area, but which relate directly to or serve activities in the port area and coastal marine area. For the avoidance of doubt, activities that are permitted by other rules in this table eg. network utilities, are not constrained by rule INr.23.1.</p> <p data-bbox="853 320 1445 495">The intention of the rule is to ensure that any office, recreational and other facilities within the area relate directly to or serve activities in the port area and coastal marine area. This ensures that there is limited scope for the intrusion of non-port related activities into the Port Industrial Area without the need for resource consent, protects scarce industrial and reclaimed land, minimises the need to reclaim more, and maximises the use of land for port related activities.</p>
<p data-bbox="172 530 245 553">INr.24.4</p> <ul style="list-style-type: none"> <li data-bbox="172 557 837 582">a) the effects on the Coastal Marine Area.</li> <li data-bbox="172 586 837 611">b) the relationship of the activity to the airport.</li> <li data-bbox="172 616 837 665">c) the efficiency and sustainability of use of airport infrastructure and resources.</li> <li data-bbox="172 669 837 719">d) any actual or potential cumulative effects of allowing such activities to locate in the Zone.</li> </ul>	<p data-bbox="853 530 927 553">INr.24.5</p> <p data-bbox="853 557 1445 680">Rule provides exception for activities which rely on the special characteristics of the area and Zone which may not otherwise be permitted in the area. For the avoidance of doubt, activities that are permitted by other rules in this table e.g. network utilities, are not constrained by rule INr.24.1.</p>
<p data-bbox="172 730 245 752">INr.25.4</p> <ul style="list-style-type: none"> <li data-bbox="172 757 837 806">a) the length of time, and the level by which, the noise standards will be exceeded, and the likely disturbance that may cause.</li> <li data-bbox="172 810 837 860">b) the nature and location of nearby activities and the effects they may experience.</li> <li data-bbox="172 864 837 913">c) the topography of the site, and the neighbouring areas, and any influence this might have on noise transmission.</li> <li data-bbox="172 918 837 943">d) any opportunities to mitigate the noise.</li> <li data-bbox="172 947 837 996">e) the effectiveness of, and in particular the certainty provided by, any conditions or controls that might be imposed on the activity.</li> </ul>	<p data-bbox="853 730 927 752">INr.25.5</p> <p data-bbox="853 757 1445 806">Engine run ups or testing can give rise to noise levels in the order of 80-95dBA which can create sleep disturbance.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>INr.26</b> <b>Nayland Road South Restrictions</b>	INr.26.1 Industrial activities in the Nayland Road South industrial area are permitted if they: a) involve the handling, storage, processing or packaging of fruit or vegetable products, or b) involve activities which are incidental to, or directly complement the above food processing industries.	INr.26.2 Activities involving the sale of landscape supplies, plants or gardening materials on Lots 1 and 2 DP 18299 are controlled. Control reserved over: a) location of goods having the potential to generate dust and other airborne contaminants b) methods used to mitigate the effects of airborne contaminants	INr.26.3 Activities that contravene a permitted condition or a controlled standard are discretionary.
<b>INr.27</b> <b>Buildings and structures - height</b>	INr.27.1 Buildings and structures are permitted if: a) maximum height is: i) 12m, or ii) 15m in the Nayland Road South industrial area, or to the south of Saxton Road West and bounded by Whakatu Drive and Main Road Stoke. b) buildings (except for any aerial) do not penetrate a recession plane starting at 2.5m vertically above the road boundary, increasing at an angle of 45° inclined into the site, where the road is a State Highway, arterial, principal or collector road, and c) buildings do not penetrate a recession plane in accordance with Appendix 15 (daylight admission – residential) where the site adjoins the Residential Zone, and for sites in the Nayland Road South industrial area, any other zone. Where the site adjoins the 5 metre strip (being part of Lot 34 DP349352 and Lot 34 DP362586) the site boundary shall be deemed to be the eastern boundary of the said strip for the purposes of measuring daylight angles.  (see Chapter 2 Meanings of Words for definition of 'Height' [including chimneys] and 'Height measurement').	INr.27.2 not applicable	INr.27.3 Activities which contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>INr.26.4</p> <p>a) any actual or potential effects on the regionally significant food processing industries that have established within the zone</p> <p>b) the scale and nature of the activity proposed</p>	<p>INr.26.5</p> <p>The purpose of this rule is to protect the Nayland Road South food processing industries from the actual or potential effects associated with other potentially incompatible industrial activities.</p> <p>The rule provides greater certainty for existing activities on Lots 1 and 2 DP18299, to which Rule INr.21 does not apply. Control is reserved over certain matters to ensure that effects of dust and other airborne contaminants on food processing industries in the zone are minimised.</p> <p>This rule has been adopted as an interim measure until the Council releases its Air Quality provisions of the Nelson Resource Management Plan. It is intended that the measure of protection required by these industries, and provided by more effects based controls, will be considered in depth during that later planning process.</p>
<p>INr.27.4</p> <p>a) any actual or potential adverse impacts on existing or permitted activities on any adjoining property, and the road as a result of shading.</p> <p>b) the scale of the proposed structure in relation to the surrounding environment.</p> <p>c) any cumulative effects on the surrounding environment.</p>	<p>INr.27.5</p> <p>The rule provides for a large building up to the equivalent of a 4 storey building which allows most large warehouses and buildings designed to accommodate substantial machinery. In the Nayland Road South industrial area, buildings are permitted to a greater height than in the remainder of the zone recognising the size of structures such as bulk cool stores.</p> <p>The conditions protect daylight admission to major through roads and to residentially zoned sites, to ensure that at least a minimum amount of daylight is received. In the Nayland Road South industrial area, it is important to also protect daylight admission to adjoining rural zones because many of the structures are very bulky.</p> <p>Buildings over the height limits in INr27.1, or buildings averaging over those height limits on sloping ground, are discretionary.</p> <p>Note: Where a road widening designation is shown on the Planning Maps and defined in Appendix 24 (designations), this is considered the road boundary.</p> <p>The road hierarchy is defined on Planning Map A2.1.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>INr.28</b>  <b>Set back</b>  a) from State Highway, arterial, principal or collector roads  b) Trent Drive (access to airport terminal)</p>	<p>INr.28.1  On the road frontage with the State Highway, or with any arterial, principal or collector road, or with Trent Drive (access to the airport terminal):  a) buildings must be set back a minimum of 2m from the road frontage, and  b) a landscape strip of an average depth of not less than 1.5m must be established and maintained across the front of the site, and  c) in the case of Trent Drive, the front of the site is considered to be the road frontage in front of a building (excluding the terminal), including any leased area surrounding the building.  Conditions a, b and c shall not apply to network utility facilities that are no more than 15m<sup>2</sup> in area and no more than 3.5m in height.</p>	<p>INr.28.2  Buildings which contravene a condition for permitted activities are controlled, if:  a) not more than 25% of the area within 2m of the road frontage is occupied by buildings.  Control reserved over:  i) open space, design, appearance and landscaping.  Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.</p>	<p>INr.28.3  Activities which contravene a controlled standard are discretionary.</p>
<p><b>INr.29</b>  <b>Set back</b>  from Residential Zone boundaries</p>	<p>INr.29.1  a) Buildings (excluding Telecommunication and Radiocommunication facilities), storage yards, vehicle parking areas and vehicle accesses must be set back a minimum of 3m from a Residential Zone boundary, and  b) Provision must be made for landscaping, fences, walls or for a combination, to at least 1.8m in height along the length of the zone boundary, and  c) Where landscaping is provided it must have an average depth of 1.5m along the boundary.</p>	<p>IN29.2  not applicable</p>	<p>IN29.3  Activities which contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p data-bbox="172 141 244 163">INr.28.4</p> <ul style="list-style-type: none"> <li data-bbox="172 170 595 192">a) the appearance of the building from the street.</li> <li data-bbox="172 199 568 221">b) any impacts on the street such as shading.</li> <li data-bbox="172 228 600 250">c) the nature and location of buildings in the area.</li> <li data-bbox="172 257 732 280">d) mitigation measures proposed such as additional landscaping.</li> <li data-bbox="172 286 735 331">e) the nature of any mitigation measures proposed in the place of landscaping.</li> <li data-bbox="172 338 762 360">f) alternative locations of landscaping and its visibility from the street.</li> </ul>	<p data-bbox="853 141 925 163">INr.28.5</p> <p data-bbox="853 170 1442 293">The rule seeks to ensure that major routes are not overly dominated by buildings and that sufficient space is left for landscaping of the site. Provision is made for the landscaping to be arranged as best suits the site providing it adjoins the frontage. This gives flexibility in design, and allows space for large trees to be established.</p> <p data-bbox="853 300 1442 367">Small network utility buildings are permitted to be located within these setbacks because they are considered to have no more than minor visual effects in an industrial environment.</p> <p data-bbox="853 405 1430 472">Note: Where a road widening designation is shown on the Planning Maps and defined in Appendix 24 (designations), this is considered the road boundary.</p> <p data-bbox="853 479 1305 501">The road hierarchy is defined on Planning Map A2.1.</p>
<p data-bbox="172 716 244 739">INr.29.4</p> <ul style="list-style-type: none"> <li data-bbox="172 745 815 813">a) the nature of the activity proposed and its actual and potential effects on any existing or permitted activities (including permitted location of activities) in the Residential Zone.</li> <li data-bbox="172 819 512 842">b) any proposed mitigation measures.</li> </ul>	<p data-bbox="853 716 925 739">INr.29.5</p> <p data-bbox="853 745 1430 835">This rule seeks to ensure activities which may disturb permitted or actual activities in the Residential Zone are kept a sufficient distance from boundaries to enable screening to be achieved through landscaping.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>INr.30</b> <b>Setback</b> Nayland Road South Industrial Area	INr.30.1 a) no part of any industrial activity shall locate within 100m of the northern boundary with the residential zone, except where a buffer strip of not less than 20m in width has been set aside which contains a landscaped bund of not less than 3m in height, and b) no part of any industrial activity on the southern side of Saxton Road West shall locate within 5m of the road boundary. A minimum of 5m landscaping strip shall be established and maintained within the setback, and c) no part of any industrial activity shall locate within 50m of the boundary of the railway reserve as designated in Appendix 24, except where along the length and parallel to the railway reserve i) a 5m wide landscaping strip is established and maintained, and ii) a 3m high acoustic fence with no gaps is erected and maintained on the industrial side of the landscaping strip. The fence is to be constructed in accordance with the specifications in Appendix 27 and is to be continuous with any acoustic fences on adjoining properties, and d) no buildings, accessory structures, storage yards, parking areas or accessways shall be located within any setback or strip as described in a) or c) above, and e) the buffer strip required by a) above may, subject to appropriate encumbrances registered on the land titles, be on either side of the industrial/residential boundary, or may include land on both sides, and f) the landscaping required by a) and c) above shall be established and maintained using trees that grow in excess of 3m in height. This landscaping shall visually screen the industrial activities from other adjacent properties.	INr.30.2 not applicable	INr.30.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p data-bbox="172 141 244 163">INr.30.4</p> <ul style="list-style-type: none"> <li data-bbox="172 170 831 219">a) the actual or potential effects of the proposed industrial activity on residential or rural amenities, such as noise or aesthetics.</li> <li data-bbox="172 226 831 275">b) alternative methods proposed to ensure the amenity values of adjacent sites are protected.</li> <li data-bbox="172 282 831 304">c) any cumulative effects on the surrounding environment.</li> </ul>	<p data-bbox="853 141 925 163">INr.30.5</p> <p data-bbox="853 170 1441 365">This rule is designed to ensure setbacks, buffer strips and bunds are provided. The purpose of these tools is to mitigate the adverse effects from industrial activities on the amenity values of adjacent properties. The rule also requires that the landscaped bund exist before new industrial activities establish within 100m of this boundary. The purpose of the landscaped bund is to ensure the Nayland Road South industrial area can coexist immediately alongside a residential zone.</p> <p data-bbox="853 398 1441 521">The 5m landscaping strip referred to in Rule INr.30.1c)ii) does not apply in respect of the entire southern frontage to Saxton Road West, but only to that part of the frontage that lies directly opposite the residential properties identified. For the balance of this frontage Rule INr.28 (set back) applies.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>INr.32</b> <b>Building over or alongside drains and water mains</b>	INr.32.1 a) Structures: i) must be located no closer than 1m measured horizontally from the near side of any public water main or common private or public sewer or stormwater drain, where the required pipe or drain is less than or equal to 300mm in diameter or width, and ii) must be located no closer than 1.5m measured horizontally from the near side of any public water main, or common private or public sewer or stormwater drain, where the required pipe or drain is greater than 300mm in diameter or width, and iii) may overhang the line of the pipe or drain, provided the structure is cantilevered or is an eave and the height to the underside of the structure above ground level is not less than 1.8m, and iv) which are located within 3m, measured horizontally, from the near side of the pipe or drain must have the base of the foundations deeper than a line drawn at 30° from the horizontal from the invert (bottom) of the pipe or drain (see figure), and b) As an alternative to (a), structures may be located over common private or public wastewater or stormwater drains, if they comply with "Acceptable Techniques for Building over Drains and Pipelines" Table 3-4 in section 3 of the NCC Land Development Manual.	INr.32.2 not applicable	INr.32.3 Restricted Discretionary Activity Activities that contravene a permitted standard are a restricted discretionary activity. Discretion restricted to: i) the design and location of the structure, and ii) access to pipework or drain for maintenance, and iii) the nature and location of the pipework or drain. Resource consent applications for restricted discretionary activities will be considered without notification, or service of notice.

Assessment Criteria	Explanation
<p data-bbox="172 143 245 165">INr.32.4</p> <ul style="list-style-type: none"> <li data-bbox="172 170 775 219">a) the nature of the structure and whether access to the pipe or drain can be maintained.</li> <li data-bbox="172 224 775 273">b) any measures taken to ensure that replacement of the pipe or drain can be undertaken.</li> <li data-bbox="172 277 775 327">c) the nature of the pipe or drain, taking into account materials of construction and any bends or joints.</li> </ul>	<p data-bbox="810 143 884 165">INr.32.5</p> <p data-bbox="810 170 1436 268">Limiting access to pipes and drains means that repair and maintenance may be very costly and may even result in pipes or drains having to be relocated. This rule seeks to preserve access to all pipes or drains where off site facilities are likely to be affected.</p> <p data-bbox="810 273 1444 344">Table 3-4, section 3 of the NCC Land Development Manual 2010 provides techniques which allow the construction of structures over drains in some limited circumstances.</p> <p data-bbox="810 349 1094 371">Diagram referred to in INr.32.1a):</p> <div data-bbox="849 501 1426 878" style="text-align: center;"> </div>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>INr.33 Signs</b>	INr.33.1 Any sign must be designed and constructed in accordance with Appendix 20 (signs and outdoor advertising).	INr.33.2 not applicable	INr.33.3 See Appendix 20.
<b>INr.34 Outdoor storage</b>	INr.34.1 Outdoor storage of goods or materials must either: a) be screened from public view, or b) be maintained in a neat and tidy condition.	INr.34.2 not applicable	INr.34.3 Activities which contravene a permitted condition (excluding condition b) are discretionary.
<b>INr.35 Parking and loading</b>	INr.35.1 Parking, loading, manoeuvring, queuing, and set down areas must be provided and maintained on each site in accordance with the standards set out in Appendix 10 (standards and terms for parking and loading).	INr.35.2 Parking for Short Term Living Accommodation units (excluding any loading zones for coaches and parking for managers units) and which complies in all other respects with the relevant standards in Appendix 10, is a controlled activity if: a) a minimum of 0.8 spaces per unit is provided, except where the unit can accommodate more than 6 guests, in which case a minimum of 1.5 spaces must be provided per unit.  Control is reserved over: i) number of vehicle parks, and ii) type and size of vehicle parks; and iii) location of vehicle parking; and iv) manoeuvring to and from vehicle parking.	INr.35.3 Activities that contravene a permitted condition or controlled standard are discretionary, except that an application to reduce the parking requirements in Appendix 10 is a restricted discretionary activity if: a) for short term living accommodation a minimum of 0.6 spaces per unit is provided, except where the unit can accommodate more than 6 guests, in which case a minimum of 1 space must be provided per unit, or b) for other activities: i) the proposed reduction in parking spaces is not more than 10% of the number required in Appendix 10, and ii) where the reduction in parking spaces exceeds 5 spaces, the application is accompanied by a Travel Management Plan that addresses the matters in Assessment Criterion INr.35.4. Discretion restricted to: i) number of parking spaces (and any loading spaces) provided, and ii) the surfacing of the area, and iii) the location, dimensions and layout of parking, loading, manoeuvring and queuing areas, and iv) conditions relating to any parking off-site or any other methods or arrangements that are to be put in place to facilitate the reduction in parking.  Resource consent applications for restricted discretionary activities under this rule will be considered without notification and without service of notice.
<b>INr.36 Access</b>	INr.36.1 Vehicle access must be provided and maintained for each site (except for small unstaffed network utility buildings) in accordance with the standards set out in Appendix 11 and sections 4.3.7d1) to 7), 4.3.7e) to i), 4.3.7d), 4.3.8.2a) to c), 4.3.8.5a), 4.3.12.7a) to c), 4.3.15d), 4.3.15.1a) to f), 4.3.15.2b) to d), 4.3.15.3b) to c), 4.3.15.3a) and Tables 4-6, 4-7, and 4-164 and Figures 4-M, 4-N, 4-O and 4-P of the NCC Land Development Manual 2010.  Where vehicle access is not required under this rule but is voluntarily provided, all such access must be provided in accordance with Appendix 11.	INr.36.2 not applicable	INr.36.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
INr.33.4 The Assessment Criteria in Appendix 20 will apply.	INr.33.5 See Appendix 20.
INr.34.4 a) the visual impacts of the goods or materials. b) the nature of the surrounding area. c) the amount of traffic using any adjoining road, including whether it is a gateway route into the city.	INr.34.5 Outdoor storage of goods or materials in areas visible to the public can create visual pollution if not carried out in a reasonably orderly manner and with consideration for the appearance of the area as a whole. It is not intended that non-compliance with INr.34. (b) will result in requiring a resource consent because a judgement is involved in condition (b). Condition (b) is to be used for enforcement purposes, i.e. When the condition is not complied with, enforcement of the condition may be actioned.
INr.35.4 a) refer to Appendix 10. b) where a Travel Management Plan is required under the restricted discretionary rule it shall include the following, taking into account the reduction in parking spaces being sought: i) The nature and scale of the activity and associated parking demands from employees and visitors/customers; ii) Proposed means of reducing parking demands, such as; <ul style="list-style-type: none"> <li>• Managing the number of motor vehicle trips to and from the activity by encouraging higher vehicle occupancies</li> <li>• Sharing parking spaces between complementary uses and spreading peak loads</li> <li>• Encouraging more use of public transport, walking and cycling</li> </ul> iii) Proposed means of monitoring outcomes.	INr.35.5 Refer to Appendix 10.
INr.36.4 Refer to Appendix 11.	INr.36.5 Refer to Appendix 11.

Item	Permitted	Controlled	Discretionary/Non-complying
<b>INr.37</b> <b>Noise (General)</b>	INr.37.1 Noise levels measured at, or as close as practicable to, the boundary of any site must not exceed: a) <b>Day Time</b> L 10: 65 dBA b) <b>Other Times</b> L10: 55 dBA Lmax: 75 dBA (Day Time means 7am to 10pm Monday to Friday, and 9am to 10pm Saturdays, Sundays and Public Holidays.) All measurements and assessment in accordance with NZS6801:1991 and NZS6802:1991. This rule does not apply to aircraft noise, noise generated within the Port Operational Area or off-site traffic noise.	INr.37.2 not applicable	INr.37.3 Activities that contravene a permitted condition are discretionary.
<b>INr.38</b> <b>Noise</b> At or within residential boundary, and boundary of the former railway reserve (Nayland Road South Industrial Area)	INr.38.1 Noise levels measured at, or within the boundary of, any site in the Residential Zone, or at or beyond the southeastern boundary of the former railway reserve adjacent to the Nayland Road South Industrial Area, must not exceed: a) <b>Day Time</b> L 10: 55 dBA b) <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. All measurements and assessment in accordance with NZS6801:1991 and NZS6802:1991. c) Parts a) and b) of this rule do not apply to building and demolition activities, which, when assessed at, or within, any site within the Residential Zone, must comply with the provisions of NZS6803P: 1984 "The Measurement and Assessment of Noise from Construction, Maintenance and Demolition". This rule does not apply to: (i) noise generated by the Airport and received within the Airport Effects Control Overlay; (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 $L_{eq(15\text{min})}$ 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 $L_{eq(15\text{min}, 8.30\text{am}-3.30\text{pm})}$ inside from noise from the Port Operational Area with ventilating windows open. Where windows must be closed to achieve 40 dBA $L_{eq(15\text{min}, 8.30\text{am}-3.30\text{pm})}$ an alternative ventilation system shall be provided.	INr.38.2 not applicable	INr.38.3 Activities which contravene a permitted condition are non-complying.

Assessment Criteria	Explanation
<p data-bbox="172 143 245 165">INr.37.4</p> <ul style="list-style-type: none"> <li data-bbox="172 170 823 219">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.</li> <li data-bbox="172 224 775 273">b) the nature and location of nearby activities and the effects they may experience.</li> <li data-bbox="172 277 823 327">c) the topography of the site, and the neighbouring areas, and any influence this might have on noise transmission.</li> <li data-bbox="172 331 740 353">d) the effects on residential activities, particularly night time effects.</li> <li data-bbox="172 358 823 452">e) any opportunities to mitigate the noise eg. by the design of buildings, site layout, use of setbacks, timing of operations, positioning of quieter activities such as offices, modification of equipment or vehicles, earth mounds.</li> <li data-bbox="172 456 766 506">f) the effectiveness of, and in particular the certainty provided by, any conditions or controls that might be imposed on the activity</li> </ul>	<p data-bbox="853 143 927 165">INr.37.5</p> <p data-bbox="853 170 1439 264">The rule provides measurable certainty as to what noise levels might be anticipated or may be emitted in the Zone. Residential standards are applied at the boundary of the Zone to ensure that cross-boundary effects do not occur.</p> <p data-bbox="853 300 1439 322">NZS 6801:1991 is New Zealand Standard (Measurement of Sound).</p> <p data-bbox="853 327 1356 376">NZS 6802:1991 is New Zealand Standard (Assessment of Environmental Sound).</p> <p data-bbox="853 380 1439 430">This rule is subject to two references to the Environment Court (RMA 069/99 &amp; RMA 087/99), consequently this rule is not operative.</p>
<p data-bbox="172 575 245 598">INr.38.4</p> <p data-bbox="172 602 261 624">As above.</p>	<p data-bbox="853 575 927 598">INr.38.5</p> <p data-bbox="853 602 943 624">As above.</p> <p data-bbox="853 629 1439 799">This rule also requires that noise generated within the Nayland Road South Industrial Area not exceed residential standards when measured at or beyond the boundary between the former railway reserve and the adjoining properties to the south east. This is to protect the amenities of both the former railway reserve and the properties, particularly the residences, between it and Main Road Stoke.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>INr.39</b> <b>Airport noise</b> Aircraft noise management	INr.39.1 a) Noise from aircraft at Nelson Airport must be managed so that the rolling three month average 24 hour night-weighted sound exposure does not exceed Ldn 65 dBA (109 Pasques) at or beyond the Airnoise Boundary as shown on the Planning Maps, and b) The daily Ldn must be measured in accordance with NZS 6805:1992 Airport Noise and Land Use Planning, and c) Between the hours of 12 midnight and 6am a single event noise limit (SEL) from aircraft of SEL 95 dBA must not be exceeded beyond the Airnoise Boundary in any residential zone except that a maximum of 24 movements (12 landings and 12 takeoffs) in any 12 month period are permitted if they have the written approval of the Nelson Airport Noise Environment Advisory Committee, and d) Noise from all aircraft in c) including any exemptions from the SEL limit, must be measured in accordance with a) and b) and the night weighting shall apply. e) This rule does not apply to: i) emergency landings or flights required to rescue persons from life-threatening situations or to transport patients, human organs or medical personnel in medical emergency, or ii) aircraft using the airport due to unforeseen circumstances as an essential alternative to landing at a scheduled airport, or iii) flights required to meet the needs of a national or civil defence emergency declared under the Civil Defence Act 1983, or iv) flights certified by the Minister of Defence as necessary for reasons of national security, in accordance with section 4 of the Act.	INr.39.2 not applicable	INr.39.3 Activities that contravene a permitted condition are non-complying.

Assessment Criteria	Explanation
<p data-bbox="172 145 247 168">INr.39.4</p> <ul style="list-style-type: none"> <li data-bbox="172 174 821 224">a) the nature of the flights likely to generate the excess noise eg. occasional noisy flights, or more frequent but quieter flights.</li> <li data-bbox="172 230 470 253">b) the time of the proposed flights.</li> <li data-bbox="172 259 614 282">c) whether the proposed exceedance is short term.</li> <li data-bbox="172 288 758 338">d) whether the proposed exceedance would comply if the Ldn were averaged over a longer term (eg. 12 months).</li> <li data-bbox="172 344 837 394">e) the areas affected by the additional noise, and the sensitivity to noise of the activities in these areas.</li> </ul>	<p data-bbox="853 145 928 168">INr.39.5</p> <p data-bbox="853 174 1445 324">The Airport Effects Overlays approximate likely noise levels based on the Airport Authority's growth projections to the year 2020. On one hand they indicate where growth in airport noise will occur and to what levels. On the other hand, through this rule, they regulate the maximum noise levels that aircraft operations at Nelson Airport can generate.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>INr.40</b> <b>Port Industrial Area noise management</b>	INr.40.1 Activities in the Port Industrial Area which emit noise shall be permitted if: a) The Port Operator has produced within 6 months of notification on Variation 07/01, and at all times thereafter operates in accordance with, a Port Noise Management Plan which includes, but is not limited to, the matters set out in Appendix 29.A; and b) The Port Operator has produced within 6 months of notification of Variation 07/01, a Port Noise Mitigation Plan, and thereafter implements and complies with the Mitigation Plan for the purchase or acoustic treatment of noise-affected properties which includes but is not limited to the matters set out in Appendix 29.B; and c) The Port Operator has within 6 months of notification of Variation 07/01, established, and thereafter maintains and participates in, a Port Noise Liaison Committee which operates in accordance with the requirements set out in Appendix 29.C. Any provisions in Variation 07/01 contested by Port Nelson Ltd shall not be required to be implemented until 3 months after Variation 07/01 becomes operative.	INr.40.2 not applicable	INr.40.3 Activities that contravene a permitted condition are non-complying.
<b>INr.41</b> <b>Light Spill</b>	INr.41.1 Artificial lighting is permitted if: a) the spill of light onto any other site within the Zone does not exceed 50 lux (horizontal and vertical) measured at the boundary of the other site, and b) the spill of light onto any site in the Residential Zone does not exceed 3 lux (horizontal and vertical), measured at the boundary of the other site, or at the boundary between the two zones, whichever is further from the light source, and c) the lighting does not create any light on roads which may distract traffic or interfere with any traffic aids or signals, or d) the light is a street/navigation light or traffic signal.	INr.41.2 not applicable	INr.41.3 Activities which contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
INr.40.4 not applicable	INr.40.5 Port noise management can be undertaken through a range of methods. This rule provides for noise to be managed primarily through the use of management/mitigation plans, and community liaison. The reason for this approach, which derives from Environment Court Decision C150/2003 for Port Chalmers, is to ensure that port noise is minimised and mitigation of the effects of port noise is provided to noise affected properties while enabling the Port Industrial Area and the Port Operational Area within it to continue to remain operational. The approach requires the Port Operator to provide or contribute towards acoustic insulation (and in a few cases offer house purchase) depending on the level of noise received as determined by the port noise contours. Monitoring of noise levels on a regular basis is an important aspect of this approach and will be required.  Note that activities located within the Port Industrial Area but not located within the Port Operational Area must also comply with INr.37 and INr.38.
INr.41.4 a) effects on adjacent and adjoining uses. b) the extent to which additional light may adversely affect occupation of residential properties. c) the effect on traffic safety. d) the positive effects of improved pedestrian safety and security. e) the type of light, including its strength, and hours of operation.	INr.41.5 The rule is to prevent unreasonable levels of light spilling onto neighbouring properties. Different levels are specified for light received on sites within the Zone, compared to sites within the Residential Zone. This recognises the greater sensitivity of areas containing dwellings. In the Nayland Road South Industrial Area the Industrial Zone extends partly into some residential allotments, hence the different measurement point in INr.41.1(b)

Item	Permitted	Controlled	Discretionary/Non-complying
<b>INr.42</b> <b>Closing times - services to the public</b>	INr.42.1 a) Any activity located within 50m of a Residential Zone Boundary, which is open to the public, or is a place of public assembly, may be open to the public only during the following hours: <b>Sunday to Thursday inclusive:</b> 7am - 11pm <b>Friday, Saturday, Christmas Eve and New Year's Eve:</b> 7am - 1am the following day, and b) Any activity located more than 50 m from the Residential Zone boundary, which involves the sale of liquor for consumption on the premises, may be open for the sale of liquor only during the following hours: Daily: 7am - 3am the following day, and c) Any activity located anywhere in the zone, which involves the sale of liquor for consumption off the premises may be open for the sale of liquor only during the following hours: Daily: 7am - 11pm.	INr.42.2 not applicable	IN.42.3 Activities that contravene a permitted condition are discretionary.
<b>INr.43</b> <b>Disposal of trade waste to sewer</b>	INr.43.1 Disposal of liquid trade waste to a public sewer is permitted if: a) not more than 0.54 litres per second per hectare of site area is discharged to the sewer, and b) financial contributions for new connections are made in terms of Chapter 6, or c) the discharge is permitted by way of a legal contract with the Nelson Regional Sewerage Business Unit, or its successor.	INr.43.2 not applicable	INr.43.3 Disposal of liquid trade waste to a public sewer in a manner which does not meet the permitted condition is a restricted discretionary activity. Discretion restricted to: i) The nature and duration of the discharge; ii) The quantity of the discharge; iii) The period of the discharge; iv) The means by which adverse effects will be mitigated; v) The provisions in place for dealing with emergency discharges.
<b>INr.44</b> <b>Hazardous substances</b> <b>Use and storage</b>	INr.44.1 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).	INr.44.2 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.	INr.44.3 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.

Assessment Criteria	Explanation
<p data-bbox="172 141 244 163">INr.42.4</p> <ul style="list-style-type: none"> <li data-bbox="172 170 829 241">a) the nature and scale of the activity in relation to nearby residential activity, having regard to the nature of the existing and permitted future uses on nearby sites.</li> <li data-bbox="172 248 829 297">b) the effect on the existing and likely foreseeable amenity of nearby residential areas, particularly in relation to noise and traffic generation.</li> <li data-bbox="172 304 829 376">c) the ability to remedy or mitigate any adverse effects of the activity by the layout or design of the site or buildings, or by the provision of landscaping or similar measures.</li> <li data-bbox="172 383 829 405">d) the topography of the site and the neighbouring areas.</li> <li data-bbox="172 412 829 461">e) the adequacy of car parking on the site, and its location in relation to the neighbouring residential activities.</li> <li data-bbox="172 468 829 517">f) the effectiveness, and in particular the certainty, provided by any conditions or controls that might be imposed on the activity.</li> <li data-bbox="172 524 829 573">g) whether the activity is temporary, and the frequency of such events (where applicable).</li> </ul>	<p data-bbox="853 141 925 163">INr.42.5</p> <p data-bbox="853 170 1436 315">Activities which are close to residential areas and which are open to the public late at night, have the potential to create adverse effects which conflict with the residential nature of the neighbouring areas. Particular problems are traffic arriving and leaving the premises, noise from patrons, and sometimes music. Therefore restrictions have been placed on the hours of opening of such activities.</p> <p data-bbox="853 322 1436 517">Away from the boundary with residentially-zoned land, there are no restrictions on hours of opening, except for activities which involve the sale of alcohol. This recognises the adverse environmental effects which often accompany licensed premises and the patrons using them. There are set hours for off-licence premises throughout the zone. The hours for licensed premises were developed after extensive public consultation under the Sale of Liquor Act and only apply to the sale of liquor aspects of activities.</p>
<p data-bbox="172 1028 244 1050">INr.43.4</p> <ul style="list-style-type: none"> <li data-bbox="172 1057 403 1079">a) the nature of the waste.</li> <li data-bbox="172 1086 659 1108">b) the characteristics of the soil and drainage in the area.</li> <li data-bbox="172 1115 818 1164">c) the risk of the waste directly or indirectly contaminating any natural water, or the Coastal Marine Area.</li> <li data-bbox="172 1171 651 1193">d) any likely impacts on area of cultural or natural value.</li> <li data-bbox="172 1200 802 1249">e) the extent to which the applicant has considered alternative options for disposal.</li> </ul>	<p data-bbox="853 1028 925 1050">INr.43.5</p> <p data-bbox="853 1057 1436 1274">The rule makes those activities that contravene the permitted standards restricted discretionary. The limitation placed on the disposal of trade waste cannot be expanded as the current sewerage system is not designed to cope with significantly more trade waste arising from further industrial connections. For this reason, new industry which disposes waste to a public sewer may be required to provide upgrading contributions, or those developers may be able to exceed their allocation if they purchase additional entitlements, either by way of additional land or by agreement with other users.</p> <p data-bbox="853 1281 1420 1330">Chapter 6 provides for financial contributions towards infrastructure costs.</p> <p data-bbox="853 1337 1436 1408">Those discharges which are the subject of a contract with the Nelson Regional Sewerage Business Authority (or its successors) are exempt from the rule, as they are controlled by other mechanisms.</p> <p data-bbox="853 1415 1401 1438">Note: Such disposal is subject to Council's Trade Waste Bylaws.</p> <p data-bbox="853 1444 1401 1494">Note: Specific provision has been made at the Port for certain qualities of effluent to be discharged through the fisheries outfall.</p>
<p data-bbox="172 1744 244 1767">INr.44.4</p> <p data-bbox="172 1774 483 1796">Assessment Criteria in Appendix 21.</p>	<p data-bbox="853 1744 925 1767">INr.44.5</p> <p data-bbox="853 1774 1010 1796">See Appendix 21.</p>

<b>Item</b>	<b>Permitted</b>	<b>Controlled</b>	<b>Discretionary/Non-complying</b>
<b>INr.45 Production of hazardous substances</b>	<p>INr.45.1 The production of hazardous substances for use or sale, or as a by-product, potential by-product, or waste product of a process, is permitted if:</p> <ul style="list-style-type: none"> <li>a) it complies with Rule INr.44 (hazardous Substances - use and storage), and</li> <li>b) it can be disposed of safely in accordance with good environmental practice, and without damaging ecosystems.</li> </ul>	<p>INr.45.2 not applicable</p>	<p>INr.45.3 Activities that contravene a permitted condition are a non-complying activity.</p>
<b>INr.46 Radioactive material</b>	<p>INr.46.1 The use or storage of radioactive material is permitted if:</p> <ul style="list-style-type: none"> <li>a) the amount is below 1 terabecquerel of radioactivity.</li> </ul>	<p>INr.46.2 not applicable</p>	<p>INr.46.3 Activities which contravene the permitted condition are:</p> <ul style="list-style-type: none"> <li>a) discretionary if emissions are less than 10 terabecquerels of radioactivity.</li> <li>b) non-complying within the Coastal Environment Overlay.</li> </ul>
<b>INr.47 Aerials</b>	<p>INr.47.1 Aerials are permitted if:</p> <ul style="list-style-type: none"> <li>a) aerials attached to buildings do not exceed the height of the building by more than 7m, and</li> <li>b) aerials that are not attached to a building do not exceed 25m in height, and</li> <li>c) any dish antenna is not visible from any public place when located on the site of any Group A or B Heritage Building (listed in Appendix 1), and</li> <li>d) the supporting mast does not exceed 1m in diameter.</li> </ul>	<p>INr.47.2 not applicable</p>	<p>INr.47.3 Restricted Discretionary Activity Activities that contravene a permitted condition are a restricted discretionary activity if the activity is being carried out by a network utility operator. Discretion restricted to:</p> <ul style="list-style-type: none"> <li>i) visual effects (including cumulative effects), and</li> <li>ii) practical alternatives, and</li> <li>iii) design and appearance of the structure (including its height and bulk) and method of mounting, and</li> <li>iv) siting of the structure, and</li> <li>v) landscaping or other treatment, and</li> <li>vi) the shading effects of the structure, and</li> <li>vii) effects on heritage values.</li> </ul> <p>Discretionary Activity Activities that contravene a permitted condition and are not a restricted discretionary activity are discretionary.</p>

Assessment Criteria	Explanation
<p>INr.45.4</p> <ul style="list-style-type: none"> <li>a) the quantity of product to be produced.</li> <li>b) whether safe disposal methods may be available in the near future, and whether there are safe methods of storing the substance in the mean time.</li> <li>c) the effects on the intrinsic values of ecosystems.</li> </ul>	<p>INr.45.5</p> <p>The rule excludes the possibility that substances may be produced as a result of processes which will create disposal problems in the future.</p>
<p>INr.46.4</p> <ul style="list-style-type: none"> <li>a) the type of radioactive source proposed and its relative activity.</li> <li>b) compliance with the relevant National Radiation Laboratory code of practice.</li> <li>c) the methods of storage and disposal proposed, particularly in relation to natural hazards which may affect the site.</li> <li>d) transportation routes, particularly through residential areas, and methods.</li> </ul>	<p>INr.46.5</p> <p>The discretionary activity category provides for larger facilities such as new medical laboratories.</p> <p>The prohibited category excludes large scale facilities such as irradiation plants and nuclear power plants.</p> <p>Activities involving radioactive substances are controlled by the Radiation Protection Act 1965 and the Radiation Protection Regulations 1982. In the Industrial Zone, the rules impose additional control only on the higher potential emission activities, to enable wider community consultation.</p> <p>Note: activities are prohibited if emissions are in excess of 1000 terabecquerels of radioactivity (see preamble to Rule Table).</p>
<p>INr.47.4</p> <ul style="list-style-type: none"> <li>a) the nature of the industrial area, and its proximity to a Residential Zone, or to the Coastal Marine Area.</li> <li>b) how prominent the site is, taking account of any significant public or private views or any significant landscapes.</li> <li>c) the visual impacts of the structure on the streetscape and the general public.</li> <li>d) any shading posed by the structure.</li> <li>e) the extent to which any heritage or cultural values of the site or adjoining sites might be compromised by the structure.</li> <li>f) the height and bulk of the structure.</li> <li>g) the extent to which design, colour scheme or screening might mitigate the adverse effects of the structure.</li> <li>h) the cumulative effects of additional aerials and structures, taking account of the impacts of existing aerials on the site and on adjacent sites.</li> </ul>	<p>INr.47.5</p> <p>Industrial areas tend to be quite utilitarian and the permitted standards for aerials reflect this. However, some areas have a higher sensitivity, because of their proximity to residential and other areas. These factors have to be taken account of in any application for a discretionary or restricted discretionary activity.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>INr.48</b> <b>Radiofrequency exposure levels</b>	<p>INr.48.1</p> <p>Subject to the exclusions at the end of this rule, activities which produce radiofrequency fields are permitted activities if:</p> <ul style="list-style-type: none"> <li>i) Radiofrequency exposures measured at any point where any person may reasonably and lawfully gain access (excepting those employed or engaged on the maintenance and operation of the radio communication or telecommunication facility), do not exceed the maximum non-occupational exposure level in New Zealand Standard NZS 2772.1:1999 Radiofrequency Fields: Part 1 – Maximum Exposure Levels 3kHz-300GHz (“the New Zealand Standard”), and</li> <li>ii) Prior to establishing any facility that produces radio frequency fields at any site, the Planning and Consents Division of the Council are advised of the location and nature of the proposed facility, and</li> <li>iii) Where radiofrequency exposure levels will exceed 25% of the maximum non-occupational exposure limit set in the New Zealand Standard, then, within three months of radio frequency emissions commencing or increasing, a report from the National Radiation Laboratory (or another appropriately qualified person/organisation) certifying compliance with the New Zealand Standard NZS 2772.1:1999 Radio Frequency Fields; Part 1 – Maximum Exposure Levels 3kHz-300GHz, based on measurements at the site in accordance with New Zealand Standard NZS 6609.2:1990 Radiofrequency Radiation: Part 2: Principles and Methods of Measurement 300kHz to 100GHz, will be lodged with the Planning and Consents Division of the Council.</li> </ul> <p><u>Exclusion</u></p> <p>Conditions (ii), and (iii) of this rule shall not apply to domestic transmitting equipment, including, but not limited to, cellular and cordless phones, microwave ovens, CB radios, garage door openers, security systems, licensed amateur radio installations, and radio-controlled toys.</p>	<p>INr.48.2</p> <p>not applicable</p>	<p>INr.48.3</p> <p>Activities that contravene permitted condition (a) (i) are non-complying.</p> <p>Activities that contravene any other permitted condition are discretionary.</p>
<b>INr.49</b> <b>Network utility</b> Above ground and underground utilities	<p>INr.49.1</p> <ul style="list-style-type: none"> <li>a) Any underground network utility is permitted except:               <ul style="list-style-type: none"> <li>i) any high pressure gas line exceeding a gauge pressure of 2000 kilopascals, and</li> </ul> </li> <li>b) Any above ground network utility is not permitted except:               <ul style="list-style-type: none"> <li>i) maintenance and operation of existing utilities, or</li> <li>ii) network utility buildings and substations, or</li> <li>iii) small above ground parts of an underground utility (eg. Junction boxes), or</li> <li>iv) as explicitly provided for elsewhere in this rule table.</li> </ul> </li> </ul>	<p>INr.49.2</p> <p>not applicable</p>	<p>INr.49.3</p> <p>Activities that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p data-bbox="172 141 244 163">INr.48.4</p> <ul style="list-style-type: none"> <li data-bbox="172 170 817 219">a) the potential effects of any increase of radiofrequency exposures on the health of persons near the facility.</li> <li data-bbox="172 226 817 275">b) the nature of any activities near the proposed site, having regard to their susceptibility to any exposures.</li> <li data-bbox="172 282 817 304">c) the location of the site, and any potential for shielding from exposures.</li> <li data-bbox="172 311 817 360">d) any cumulative effects, particularly with regard to exposure to electromagnetic radiation from existing facilities in the area.</li> </ul>	<p data-bbox="853 141 925 163">INr.48.5</p> <p data-bbox="853 170 1437 241">Certain utilities and other activities emit electromagnetic radiation. These activities are perceived to be a health concern to some people living near them.</p> <p data-bbox="853 275 1437 495">In developing the rules on radiofrequency exposures, Council has based its approach on that recommended in the "National Guidelines for Managing the Effects of Radiofrequency Transmitters" produced by the Ministry of Health and the Ministry for the Environment in December 2000. The key findings of the guidelines was that there are no established health effects from exposure to radiofrequency fields as long as they comply with the New Zealand Standard NZS 2772.1:1999 Radiofrequency Fields: Part 1 – Maximum Exposure Levels 3kHz-300GHz.</p> <p data-bbox="853 528 1437 651">The Council is to be notified of location and nature of any proposed facility. Should this predictive report anticipate and should exposure levels be greater than 25% of the New Zealand Standard level, monitoring to determine the actual exposure levels from the transmitting installation will be required.</p> <p data-bbox="853 685 1437 786">The rule contains an exception for domestic radiofrequency transmitting equipment. This is to ensure that these domestic transmitting devices can be used without the rules applying to their radiofrequency emissions.</p> <p data-bbox="853 819 1437 891">Radiofrequency emissions that exceed the exposure levels set within the New Zealand Standard are to be considered as non-complying activities.</p>
<p data-bbox="172 1070 244 1093">INr.49.4</p> <ul style="list-style-type: none"> <li data-bbox="172 1099 507 1122">a) any hazard presented by the utility.</li> <li data-bbox="172 1128 817 1178">b) the environmental setting of the structure, having regard to the general locality, topography, geographical features and adjacent land uses.</li> <li data-bbox="172 1184 817 1256">c) the visual impacts of the structure on residential or recreational use of land in the vicinity, and on significant ridge lines and view planes from public places, including roads.</li> <li data-bbox="172 1263 539 1285">d) the scale, bulk and height of the facility.</li> <li data-bbox="172 1292 817 1364">e) screening or landscaping of the utility and any modifications to its colour and design to reduce the visual effect of the utility on the surrounding environment.</li> <li data-bbox="172 1370 635 1393">f) any constraints on placing the utility underground.</li> </ul>	<p data-bbox="853 1070 925 1093">INr.49.5</p> <p data-bbox="853 1099 1437 1171">Provision is made for lower pressure gas lines as permitted activities, but high pressure lines which present a higher risk need to be assessed as discretionary activities.</p> <p data-bbox="853 1178 1437 1346">The electricity and telephone network is an important part of the city's infrastructure. They, and similar facilities, are permitted if located under ground. However, overhead lines have the potential to detract from the residential streetscape, and have to be dealt with as discretionary activities. Maintenance and operation of existing utilities is permitted in accordance with the definition of "maintenance" in Chapter 2.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>INr.50</b> <b>Minor Upgrading of Electricity Transmission Lines and Support Structures</b>	INr.50.1 Minor upgrading of electricity transmission lines and support structures is a permitted activity if: a) the line or support structure is existing, and b) the line has a capacity of greater than or equal to 66kV.	INr.50.2 not applicable.	INr.50.3 Activities that contravene a permitted condition are discretionary.
<b>INr.51</b> <b>Structures on the road reserve</b>	INr.51.1 Structures on the road reserve are permitted if: a) they are part of the road infrastructure (eg. bridges, culverts, street lighting, traffic signals) or relate to the safe use of the road or walkway, or b) structures (including equipment shelters and bus shelters) do not exceed 6m <sup>2</sup> floor area and 3.5m high.	INr.51.2 not applicable	INr.51.3 Activities that contravene a permitted condition are discretionary.
<b>INr.52</b> <b>Network utility Roads</b>	INr.52.1 The construction of any new road is permitted if: a) the road is not a State Highway, Arterial Road or Principal Road as defined on the Planning Maps, and b) the minimum standards (as defined in Section 1.1.1 General) in Section 4 of the NCC Land Development Manual 2010 are complied with.	INr.52.2 not applicable	INr.52.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>INr.50.4</p> <ul style="list-style-type: none"> <li>a) the impact any proposed lines and support structures will have on the character of the area.</li> <li>b) any alternatives considered or proposed.</li> <li>c) the purpose of the facility and the local community it will serve.</li> <li>d) any mitigation measures proposed.</li> <li>e) the protection of areas of significant conservation value identified in accordance with the criteria contained in DO5.1.1.</li> </ul>	<p>INr.50.5</p> <p>“Minor Upgrading” (in accordance with the definition in Chapter 2) is permitted in relation to larger electricity infrastructure only. These utilities are primarily located on the outskirts of the city and involve the higher voltage lines which are generally located on the larger structures like lattice towers. These existing structures are generally visually prominent wherever they are located, However, it is considered that minor upgrading to the extent provided for in the definition, can occur without further noticeable effect.</p> <p>Note that the definition of “minor upgrading” is set out in Chapter 2 – Meaning of Words.</p>
<p>INr.51.4</p> <ul style="list-style-type: none"> <li>a) the size and scale of the structures.</li> <li>b) any visual impacts, taking account of the character of the area.</li> <li>c) safety considerations including any effects on line of sight for motorists and other road users, having regard to the usage of the road.</li> </ul>	<p>INr.51.5</p> <p>This rule allows for the usual basic infrastructure in the road reserve at a scale that is generally accepted by the public. This infrastructure includes street lights and other traffic equipment, as well as electricity distribution boxes and telephone booths.</p> <p>The rule is not restricted to network utility operators, to regulate bus shelters and street vendors.</p> <p>The Council (and the NZ Transport Agency in the case of State Highways) has an additional control as the owner of the land, in respect of who goes there and under what circumstances.</p> <p>Telecommunications and electricity operators have certain rights to put works on roads (under the Telecommunications Act 1987, section 15, and Electricity Act 1992, section 24). The Council will be guided when it prescribes conditions under these Acts, by the matters contemplated in these rules.</p>
<p>INr.52.4</p> <ul style="list-style-type: none"> <li>a) the matters in section 4 of the NCC Land Development Manual 2010.</li> <li>b) the noise and air emissions from the road, taking account of the nature of nearby activities.</li> <li>c) any implications for traffic and pedestrian safety, both positive and adverse.</li> <li>d) any proposals to mitigate the adverse effects of the road, particularly by screening for noise and visual impacts.</li> <li>e) any impacts on communities, eg. whether the road would divide a neighbourhood.</li> <li>f) any opportunities to provide views and vistas from the road.</li> </ul>	<p>INr.52.5</p> <p>New roads and realignments and upgrading work on existing roads are generally dealt with by way of designations in the Plan. The designation procedure provides an opportunity for the public or affected persons to have a say on the proposals and for the environmental effects to be scrutinised. Where new roads have not been dealt with by designation, this rule provides the opportunity for public input via the resource consent process if the road is to be a major traffic carrier, or the usual design standards are not being followed.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>INr.53</b> <b>Building on low lying sites</b></p>	<p>INr.53.1 Building is permitted if:</p> <ul style="list-style-type: none"> <li>a) the ground level (excluding water bodies) is 15.35m NCC Datum or above; or ground level is raised and compacted to at least those levels: <ul style="list-style-type: none"> <li>i) in accordance with NZS 4431:1989 (Code of Practice for Earthfill for Residential Development), and</li> <li>ii) such that stormwater runoff from the site is not directed onto other sites or into any river or stream, and natural water flows from other sites are not obstructed, and</li> <li>iii) the finished ground level is not less than 400mm above the design hydraulic grade level of the storm water system serving the site, and</li> </ul> </li> <li>b) the minimum finished floor level of the building is: <ul style="list-style-type: none"> <li>i) concrete floor: 15.50m</li> <li>ii) timber floor: 15.65m</li> </ul> </li> </ul> <p>This rule does not apply to ground levels below 15.35m NCC Datum within the Port Operational Area where the appropriate level for a building must be determined by a registered engineer.</p> <p>This rule does not apply to bunded hazardous substance storage areas where the bunding and stormwater system provides inundation protection for that area to a level at or above that specified in this rule.</p>	<p>INr.53.2 not applicable</p>	<p>INr.53.3 Buildings that contravene a permitted condition are restricted discretionary activities.</p> <p>Discretion is restricted to measures required for the avoidance or mitigation of inundation hazards on the subject and surrounding properties.</p>

Assessment Criteria	Explanation
<p>INr.53.4</p> <ul style="list-style-type: none"> <li>a) the ground level required to avoid the effects of anticipated flooding.</li> <li>b) the type of inundation likely to be experienced, whether it be stormwater ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding.</li> <li>c) the effects on neighbouring properties, especially with respect to stormwater runoff.</li> <li>d) section 5.6.5b) and Table 5-6 and 5-7 in section 5 of the NCC Land Development Manual.</li> </ul>	<p>INr.53.5</p> <p>The minimum ground levels set are based on the best estimates from the Ministry for the Environment for likely sea level rise caused by global climate change. This takes account of predicted spring tides and expected tidal surges, and their consequent effects on stormwater ponding.</p> <p>Sites below the minimum levels stated for permitted activities will be assessed individually to ensure that ground or floor heights are sufficient to protect the building from inundation.</p> <p>See Rule INr.54 (earthworks) where a site is to be filled.</p> <p>Within the Port Operational area a number of transit storage sheds for in transit goods exist. The sheds have no floors and may be below ground levels specified as permitted activities. Given the nature, use and location of these sheds the potential for adverse effects is low and it is unnecessary to require as stringent a standard as for other industrial buildings.</p> <p>Buildings within low lying parts of the Port Operational Area are provided for as permitted activities, subject to certification of floor levels by a registered engineer.</p> <p>Permitted activity status will not remove requirements to obtain building consents under the provisions of the Building Act and in particular the requirements of Section 36 related to the issue of building permits on sites subject to inundation.</p> <p>Issues of building permits on low lying sites within the Port Operational area may be subject to notation being placed on property titles recording that the building permits have been issued under Section 36(2) of the Building Act and that the site is subject to inundation.</p> <p>This low lying site rule does not apply to within an Inundation Overlay - see INr.60 (inundation overlays)</p> <p>NOTE: for explanation of Port Industrial Area, see Meaning of Words Chapter 2.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>INr.54 Earthworks</b></p> <p>[note – this rule is a regional and a district rule]</p>	<p>INr.54.1</p> <p>Earthworks are a permitted activity if:</p> <ul style="list-style-type: none"> <li>a) the maximum height or depth of excavation or filling does not exceed 1.2m, or</li> <li>b) the earthworks are for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the earthworks are no more than required to permit the activity, or</li> <li>c) the excavation or fill: <ul style="list-style-type: none"> <li>i) is retained immediately by a structure authorised by a building consent, and</li> <li>ii) the maximum height or depth of the fill or excavation does not exceed 3m, and</li> <li>iii) the depth of any excavation adjacent to a property boundary does not exceed the distance from that boundary measured on a horizontal plane; and</li> </ul> </li> <li>d) the earthworks do not take place within 10m of the banks of any river identified in Appendix 6 (riparian and coastal margin overlays), or within 20m of the Coastal Marine Area, except within the Port Operational Area for the purpose of <ul style="list-style-type: none"> <li>i) maintaining a State Highway and other roads, forming or constructing a fire break, fence line, survey line or</li> <li>ii) installing a utility service line across a river, or</li> <li>iii) is for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the earthworks are no more than required to permit the activity; and</li> </ul> </li> <li>e) no soil is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</li> <li>f) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance: <ul style="list-style-type: none"> <li>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</li> <li>ii) vegetated, paved, metalled or built over, and</li> </ul> </li> <li>g) after reasonable mixing there is no conspicuous change in the colour or visual clarity in any water body or coastal water as a result of undertaking the activity, and</li> <li>h) all formation surfaces with an inward cross fall are drained by a water table and cut-offs or culverts are formed or installed so as to prevent erosion of the formed surfaces, and</li> <li>i) trenches formed for utility service lines are back filled, compacted and revegetated as soon as practicable, and</li> <li>j) material used for fill is cleanfill material, and</li> <li>k) soil is managed on the site during the construction period and after, such that there are no adverse effects on adjoining properties or any waterbodies.</li> </ul>	<p>INr.54.2</p> <p>Earthworks that contravene a permitted condition are controlled if:</p> <ul style="list-style-type: none"> <li>a) the maximum height or depth of filling or excavation does not exceed 4m, and</li> <li>b) the site is not in the Land Management Overlay, and</li> <li>c) earthworks do not take place within 10m of the banks of any river identified in Appendix 6 or within 20m of the Coastal Marine Area except within the Port Operational Area, and</li> <li>d) no soil is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</li> <li>e) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance, or the time specified in the sedimentation and erosion control plan for the site: <ul style="list-style-type: none"> <li>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</li> <li>ii) vegetated, paved, metalled or built over, and</li> </ul> </li> <li>f) all formation surfaces with an inward cross fall are drained by a water table, and cut-offs or culverts are formed or installed so as to prevent erosion of the formed surfaces, and</li> <li>g) material used for fill is cleanfill material.</li> </ul> <p>Control reserved over:</p> <ul style="list-style-type: none"> <li>i) loss of topsoil or movement of soil down slope, and</li> <li>ii) damage to structures or adjoining properties, and</li> <li>iii) soil and vegetation entering rivers or coastal water, and</li> <li>iv) damage to instream and coastal habitats, and</li> <li>v) adverse effects on catchment stream flow, including stormwater, and</li> <li>vi) river bank and coastal erosion, and</li> <li>vii) duration of exposure of bare soil to wind and rainfall, and</li> <li>viii) water quality, including suspended sediment load and increased stream bed load, and</li> <li>ix) the method and timing of the activity, and</li> <li>x) the area to be disturbed at any one time, and</li> <li>xi) the provision of structures to control soil erosion or sedimentation, and</li> <li>xii) the timing and techniques used for revegetation, and</li> <li>xiii) the depth, height and volume of cut and fill and the finished ground level, and</li> <li>xiv) the quality of fill material and compaction methods, and</li> <li>xv) visual effects, and</li> <li>xvi) control of noise, and</li> <li>xvii) control of dust, and</li> <li>xviii) traffic and access issues.</li> </ul>	<p>INr.54.3</p> <p>Earthworks that contravene a controlled standard other than g) are restricted discretionary activities. Where g) is contravened the activity is a discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>i) loss of topsoil or movement of soil down slope, and</li> <li>ii) the potential for slope failure, and</li> <li>iii) damage to structures or adjoining properties, and</li> <li>iv) soil and vegetation entering rivers and coastal water, and</li> <li>v) damage to instream and coastal habitats, and</li> <li>vi) adverse effects on catchment stream flow, and</li> <li>vii) bank and coastal erosion, and</li> <li>viii) duration of bare soil to wind and rainfall, and</li> <li>ix) water quality, including suspended sediment load and increased stream bed load, and</li> <li>x) the method and timing of the activity, and</li> <li>xi) the area to be cleared at any one time, and</li> <li>xii) the provision of structures to control soil erosion or sedimentation, and</li> <li>xiii) the timing and techniques used for revegetation, and</li> <li>xiv) the long term management of the land cleared, and</li> <li>xv) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated, and</li> <li>xvi) visual effects, and</li> <li>xvii) the impact on privacy and on the admission of daylight and sunlight to neighbouring sites, and</li> <li>xviii) in the case of earthworks within the Landscape Overlays, compliance with the objectives and performance guidelines in Appendix 7 (Guide for Subdivision and Structures in the Landscape Overlay), and</li> <li>xix) Appendix 4 (marine ASCV overlay) and Table 6.1 in Appendix 6 (riparian and coastal margin overlays), and</li> <li>xx) Appendix 9 (landscape components and views), and</li> <li>xxi) control of noise, and</li> <li>xxii) control of dust, and</li> <li>xxiii) traffic and access issues.</li> </ul>

Assessment Criteria	Explanation
<p data-bbox="172 185 245 208">INr.54.4</p> <p data-bbox="172 215 831 286">In considering applications for controlled and discretionary activities, Council will exercise control over the matters listed in INr.54.2, and restrict its discretion to the matters listed in INr.54.3</p>	<p data-bbox="853 185 927 208">INr.54.5</p> <p data-bbox="853 215 1441 336">This rule generally follows the pattern of the NCC Land Disturbance Regional Plan notified in 1993. That Plan will cease to have effect when this Plan becomes operative. The Land Management Overlay covers the land in Land Management Zone C in the Regional Plan, that is, land that has higher risks of erosion and sedimentation.</p> <p data-bbox="853 342 1441 463">Earthworks on flatter land are less likely to cause adverse soil erosion and sedimentation effects, except where the activity is close to a water body, and are therefore generally permitted. On steeper land, minor activities such as roads and utilities are permitted, but other activities are more closely regulated.</p> <p data-bbox="853 470 1441 566">Earthworks in the Land Management Overlay, apart from the minor work mentioned, may have more serious effects, and require assessment to ensure adverse soil erosion and sedimentation effects are avoided or minimised.</p> <p data-bbox="853 573 1441 692">Earthworks adjacent to rivers and the Coastal Marine Area have, because of their location, a high potential to cause soil erosion (river bank and coastal erosion), or sedimentation effects. Most rivers are included in the Category I or II Riparian Overlay shown on the Planning Maps.</p> <p data-bbox="853 698 1441 745">Fill can be used to improve sites for use and in particular to mitigate effects of natural hazards and servicing constraints.</p> <p data-bbox="853 752 1441 918">Clean fill is required because fill that contains contaminants can have adverse effects on the environment, while excessive amounts of vegetation can cause settling when it decomposes. Fill height and quality are controlled to ensure sufficient information to determine ground height in any particular area is available and considered on a case by case basis. However, where the height of the cut or fill exceeds 4m a discretionary activity resource consent is required.</p> <p data-bbox="853 925 1441 994">This is because such earthworks can have significant visual impacts. Also, in urban areas significant filling of a site relative to a neighbour can affect privacy, and access to daylight and sunlight.</p> <p data-bbox="853 1001 1441 1122">Some confusion may arise as to whether an activity constitutes earthworks, landfill, or a combination of the two. The essential distinction is that while earthworks may involve some degree of landfill, it is not the primary purpose of the activity, whereas with landfill activities the primary purpose is the disposal of solid waste.</p> <p data-bbox="853 1128 1441 1249">Note: Section 14 of the Resource Management Act prohibits any activity that dams or diverts water unless a resource consent is granted. This applies to earthworks that might dam or divert water (eg a spring), even if they are permitted or controlled activities under this rule.</p> <p data-bbox="853 1256 1441 1326">Note that Earthworks are regulated in other rules, particularly in Overlays, which may impose additional regulation on particular activities.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>INr.54A</b> <b>Landfill</b> [Note: This rule is a regional and a district rule]	INr.54A.1 Landfills are not a permitted activity	INr.54A.2 Not applicable	INr.54A.3 Landfill activities are restricted discretionary activities if: <ol style="list-style-type: none"> <li>a) the maximum height of the landfill does not exceed 2m, and its total volume is less than 2,000m<sup>3</sup>, and</li> <li>b) the landfill accepts only cleanfill material.</li> </ol> Discretion is restricted to those matters listed in INr.54.3 plus: <ol style="list-style-type: none"> <li>i) visual and landscaping effects, and</li> <li>ii) leachate and runoff, and</li> <li>iii) fill brought on site, and</li> <li>iv) depth, height, volume of fill and finished ground level, and</li> <li>v) fill quality/compaction methods, and</li> <li>vi) effect on soil fertility/versatility, and</li> <li>vii) consequential stormwater characteristics such as ponding, and</li> <li>viii) cumulative effects of landfill activities.</li> </ol> Activities that contravene a restricted discretionary condition are discretionary activities.

**Rules relating to Overlays on Planning Maps**

<b>INr.55</b> <b>Service Overlay</b> <b>Building</b>	INr.55.1 Erection or extension of any building in the Services Overlay is permitted if: <ol style="list-style-type: none"> <li>a) it is not located in the path of any future road :               <ol style="list-style-type: none"> <li>(i) shown as an Indicative Road on any Structure Plan in the Plan, or</li> <li>(ii) shown as Proposed Road on the Rooding Hierarchy Maps A2.1 and A2.2 in Volume 4 of the Plan, or</li> <li>(iii) shown as Proposed Road on any Planning Maps in Volume 4 of the Plan.</li> </ol> </li> <li>b) Existing Council water, stormwater and wastewater connections are available to the site and have capacity to serve the building and associated development, and</li> <li>c) The building and associated development is connected through piped gravity outfalls to the Council wastewater and stormwater system, and supplied with water through a gravity system from a Council water supply.</li> </ol>	INr.55.2 not applicable	INr.55.3 Erection or extension of buildings that contravene a permitted condition and propose to connect to public reticulated services are restricted discretionary.  Discretion is restricted to: <ol style="list-style-type: none"> <li>i) ensuring adequate capacity and availability exists in the Council water supply, stormwater and wastewater drain to cope with the demands of development of the site(s), and</li> <li>ii) ensuring all connections to Council services (excluding roading) are to gravity systems, and</li> <li>iii) in the absence of i) or ii) above, the ability of private infrastructure to ensure ongoing effectiveness, including the maintenance and monitoring of such systems, and</li> <li>iv) the location of building or development to ensure it does not impede the route or construction of any future road or utility services.</li> </ol> Resource consent for restricted discretionary activities will be considered without notification.  Discretionary Activity Activities that propose to connect to on site services are discretionary.
<b>INr.56</b> <b>Coastal Environment Overlay</b> Activities near the coast	INr.56.1 With the exception of the Port industrial area, within 20m of the boundary with the Coastal Marine Area the following are not permitted activities: <ol style="list-style-type: none"> <li>a) erection or extension of any building, or</li> <li>b) storage of goods.</li> </ol> unless the activity is associated with maintenance of an existing network utility.	INr.56.2 On land located within the Coastal Environment Overlay, within 20m of mean high water springs, extension of an existing structure or utility service line or structure is controlled. Control reserved over: <ol style="list-style-type: none"> <li>i) appearance of the proposed structure and/or works, and</li> <li>ii) effects on public access, and</li> <li>iii) discharge of contaminants, and</li> <li>iv) remedial measures.</li> </ol>	INr.56.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>INr.54A.4</p> <p>In considering applications for landfills, Council will restrict its discretion to the matters identified in INr.54A.3 provided that the application does not contravene a restricted discretionary condition</p>	<p>INr.54A.5</p> <p>Landfill development and operation are restricted discretionary activities. While landfills generally involve earthworks and modify the shape of the land, their primary purpose is the disposal of solid waste. The concentration of solid waste, often containing contaminants, within landfill sites, increases the potential for adverse effects on the environment beyond that associated with normal earthworks. Additional adverse effects may include generation of leachate, discharge of gas, geotechnical issues such as poor bearing strength and settlement, and contamination of the land itself making it unsuitable for other uses.</p> <p>Some landfills operate as cleanfill sites, accepting only material that does not undergo any physical, chemical, or biological transformations likely to cause adverse environmental effects, or health effects, once it is placed in the ground. Cleanfill operations are clearly preferable to activities accepting hazardous or potentially hazardous materials, and are more likely to be granted resource consent.</p> <p>Discharges to water and air from material within landfill sites also require separate regional resource consents.</p>
<p>INr.55.4</p> <p>a) the development standards and design guidelines contained in the NCC Land Development Manual 2010.</p> <p>b) that the location of the building or development does not impede the route and construction of any future road or utility services required to service the site or surrounding sites with potential for residential development.</p> <p>c) whether road access and reticulated services are able to be provided to the site and any surrounding site with potential for residential development from any other practical route.</p> <p>d) whether the building or development can provide for on site servicing for the building or development in accordance with FWr.12, FWr.14, FWr.25 and FWr.29.</p> <p>e) the strategic planning programme for servicing sites within the district.</p>	<p>INr.55.5</p> <p>The Services Overlay is the area shown on the Planning Maps where the existing stormwater drainage or wastewater system is not available (for example, because of the relative levels) or has insufficient capacity to accept more discharges or new connections.</p> <p>Under its Long Term Plan, the Council has a programme for progressive upgrading of the stormwater in the Services Overlay. Until that upgrading takes place, building will be discretionary.</p> <p>If a developer proposes a short term access, drainage or water supply method that is not consistent with the Long Term Plan, the effects of this on the environment and the Long Term Plan (especially any compromising effect on the overall development of the City systems) will be assessed when a resource consent application is considered.</p> <p>Gravity fed systems are preferred because these have lower maintenance costs and are more reliable.</p> <p>The Services Overlay is also used to ensure that practical road access and the extension of services from one property to another which has potential for residential development is maintained. New buildings or extensions will not be permitted in locations where this hinders or prevents the only practical route for a future road or reticulated services to serve the site and adjoining site with potential for residential development.</p> <p>Use of on site servicing within the Industrial Zone Services Overlay is discouraged, and the application would be considered as a discretionary activity.</p> <p>Note: The capacity of the stormwater drain or wastewater network means the capacity of the length of the drain from the site to, and including, its outfall to a water body, coastal water or treatment facility.</p>
<p>INr.56.4</p> <p>a) the visibility of the site from the coast.</p> <p>b) the accessibility of the public to the locality.</p> <p>c) the nature of the activity and its likely visual impacts on the coast.</p> <p>d) any mitigation measures proposed such as landscaping, fencing or in terms of building design.</p> <p>e) the effects of activities on values unidentified in Appendices (marine ASCV overlay) 4 and 6 (riparian and coastal margin overlays).</p>	<p>INr.56.5</p> <p>The rule provides a level of control to ensure that developments adjoining the coast are undertaken in a sensitive manner which will not detract from the appearance of the area from the coast.</p> <p>The Port industrial area is excluded from the rule because of the nature of the structures and activities that occur there.</p> <p>See also Rule INr.54 (earthworks).</p> <p>The rule only regulates certain activities within 20m of the coast. In some parts of the zone the Coastal Environment Overlay will extend beyond this. In these situations the Overlay acts as an additional assessment matter in the consideration of any resource consent application.</p> <p>Note that "Maintenance" is defined in Chapter 2 – Meaning of Words.</p>

<b>Item</b>	<b>Permitted</b>	<b>Controlled</b>	<b>Discretionary/Non-complying</b>
<b>INr.57</b> <b>Coastal Environment Overlays</b> Minor Upgrading of Electricity Transmission Lines and Support Structures	INr.57.1 Minor upgrading of electricity transmission lines and support structures is a Permitted Activity in the Coastal Environment Overlays if: a) the line or support structure is existing, and b) the line has a capacity of greater than or equal to 66kV.	INr.57.2 not applicable.	INr.57.3 Activities that contravene a permitted condition are discretionary.
<b>INr.58</b> <b>Riparian Overlay</b> Activities on land identified with riparian values	INr.58.1 On land adjoining a Riparian Overlay listed in Table 6.2 Appendix 6 (riparian or coastal areas with priority values), the following are not permitted within the distance set out in the Esplanade Requirements column: a) erection or extension of any structure (excluding a fence), or b) adverse effect on indigenous vegetation, or c) disturbance to river banks .	INr.58.2 On land located within a riparian overlay listed within Table 6.2 of Appendix 6 extension of a utility service line or structure is controlled. Control reserved over i) protection of indigenous vegetation, and ii) mitigation measures related to contaminants, and iii) disturbance of riverbanks, and iv) maintenance of access, and v) remedial measures.	INr.58.3 Activities that contravene a permitted condition are discretionary.
<b>INr.59</b> <b>Flood Path Overlays</b>	INr.59.1 In any Flood Path Overlay, or any flood path specified in the Flood Path Table at the back of the Planning Maps, the following are not permitted activities: a) erection or extension of any building or structure, except: i) underground network utility lines, and ii) above ground network utility lines where these are attached to an existing structure no lower than the existing profile of that structure (eg. The underside of a bridge superstructure), or b) earthworks (except where these are associated with the establishment, operation and maintenance of underground network utility lines where the profile of the land is not permanently altered).	INr.59.2 not applicable	INr.59.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p data-bbox="172 141 244 163">INr.57.4</p> <ul style="list-style-type: none"> <li data-bbox="172 170 507 192">a) the visibility of the site from the coast.</li> <li data-bbox="172 199 555 221">b) the accessibility of the public to the locality.</li> <li data-bbox="172 228 742 250">c) the nature of the activity and its likely visual impacts on the coast.</li> <li data-bbox="172 257 831 302">d) any mitigation measures proposed such as landscaping, fencing or in terms of building design.</li> <li data-bbox="172 309 767 331">e) the effects of activities on values unidentified in Appendices 4 and 5.</li> </ul>	<p data-bbox="853 141 925 163">INr.57.5</p> <p data-bbox="853 170 1437 365">"Minor Upgrading" (in accordance with the definition in Chapter 2) is permitted in relation to larger electricity infrastructure only. These utilities are primarily located on the outskirts of the city and involve the higher voltage lines which are generally located on the larger structures like lattice towers. These existing structures are generally visually prominent wherever they are located, However, it is considered that minor upgrading to the extent provided for in the definition, can occur without further noticeable effect.</p> <p data-bbox="853 371 1437 416">Note that the definition of "minor upgrading" is set out in Chapter 2 – Meaning of Words.</p>
<p data-bbox="172 432 244 454">INr.58.4</p> <ul style="list-style-type: none"> <li data-bbox="172 461 831 551">a) the values for esplanade purposes stated in Appendix 6, Table 6.2 (riparian or coastal areas with priority values), including any additional information regarding the values of the reserve or strip sought for the purposes outlined in section 229 of the Act.</li> <li data-bbox="172 557 807 647">b) the nature of the proposed activity, its likely effects on the values for esplanade purposes, and methods of avoiding, remedying or mitigating the adverse effect.</li> <li data-bbox="172 654 807 721">c) any circumstances making the future setting aside of an esplanade reserve or esplanade strip inappropriate including the nature of existing development, security needs, public safety, minor boundary adjustment.</li> <li data-bbox="172 728 791 772">d) whether a lesser distance than specified might adequately protect the esplanade values.</li> <li data-bbox="172 779 831 824">e) any existing protection of the area including existing esplanade reserves or strips or protective covenants.</li> </ul>	<p data-bbox="853 432 925 454">INr.58.5</p> <p data-bbox="853 461 1437 528">This rule ensures that activities within areas identified for possible acquisition of esplanade reserves or strips do not compromise their riparian values, or value for future acquisition.</p> <p data-bbox="853 535 1437 692">In the case of Riparian Overlays in Table 6.2 of Appendix 6, esplanade reserves or strips will be acquired whenever subdivision occurs, or may be required as a condition of a resource consent eg. when there is a change of land use activity on the site. The width of the desired esplanade reserve or strip is set out in Appendix 6, Table 6.2.</p>
<p data-bbox="172 857 244 880">INr.59.4</p> <ul style="list-style-type: none"> <li data-bbox="172 887 603 909">a) any effects of the development on floodpaths.</li> <li data-bbox="172 916 770 960">b) any likelihood of flooding being aggravated on adjacent sites, or of additional water being directed onto adjacent sites.</li> <li data-bbox="172 967 831 1012">c) the ground level or floor level height required to give protection from a 1 in 50 year return period event.</li> <li data-bbox="172 1019 791 1086">d) the nature of any activity proposed, particularly if lower standards are sought and whether the activity will involve the use and storage of hazardous substances or some other sensitive use.</li> </ul>	<p data-bbox="853 857 925 880">INr.59.5</p> <p data-bbox="853 887 1437 976">All buildings and any above ground structures, and any earthworks (other than temporary earthworks for laying underground utilities) in flood paths have been made discretionary activities so the degree of risk to life and property can be evaluated in each case.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>INr.60</b> <b>Inundation Overlays</b> Low lying ground susceptible to localised stormwater ponding or tidal inundation	INr.60.1 In any Inundation Overlay, with the exception of network utilities and structures (which are permitted), the following are not permitted activities: a) erection of any building or extension of the ground floor area by more than 20% (the restrictions in this clause do not apply where ground level on the building site has been filled according to a resource consent granted since the notification of this Plan, and all floor levels are not less than 150mm above the approved ground level), or b) earthworks (except those associated with installation or maintenance of an underground network utility where the profile of the land is not permanently altered).	INr.60.2 In any Inundation Overlay, erection of any building or extension of the ground floor area by more than 20%, or earthworks are controlled. Control reserved over: i) finished ground and floor levels, and ii) the nature of fill, its compaction and placement, and iii) the design of the building, and iv) stormwater management.	INr.60.3 Activities that contravene a permitted condition or a controlled standard are discretionary.
<b>INr.61</b> <b>Heritage Buildings, Places and Objects</b> Alterations to Group A and B items	INr.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).	INr.61.2 not applicable	INr.61.3 Group A Alteration to any Group A building, place or object listed in Appendix 1 which does not comply with a condition for a permitted activity is discretionary. Group B Alteration to any Group B building, place or object listed in Appendix 1 which does not comply with a condition 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.
<b>INr.62</b> <b>Heritage Buildings, Places and Objects</b> New Buildings on the site of a Heritage Item	INr.62.1 Erection of a new building on the site of a Group A or Group B heritage item is not a permitted activity.	INr.62.2 Erection of a new building on the site of a Group A or Group B heritage item is controlled. Control reserved over: i) design and appearance in relation to existing heritage item, and ii) distance of new building from, and location and relationship to existing heritage item	INr.62.3 not applicable

Assessment Criteria	Explanation
<p data-bbox="172 141 244 163">INr.60.4</p> <ul style="list-style-type: none"> <li data-bbox="172 170 778 192">a) the ground level required to avoid the effects of anticipated flooding.</li> <li data-bbox="172 199 820 271">b) the type of inundation likely to be experienced, whether it be stormwater ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding.</li> <li data-bbox="172 277 751 322">c) the effects on neighbouring properties, especially with respect to stormwater runoff.</li> <li data-bbox="172 329 799 351">d) the provision of an adequate secondary flow path for surface flooding.</li> <li data-bbox="172 358 804 403">e) the possibility of an overloaded public storm water system overflowing onto private property.</li> </ul>	<p data-bbox="853 141 925 163">INr.60.5</p> <p data-bbox="853 170 1439 365">The Inundation Overlays do not show flood paths but areas which may be subject to localised ponding from stormwater etc during heavy rain events and/ or high tides particularly if affected by sea level rise. The primary risk is to property, hence lesser controls apply than to flood paths. The activity is controlled so that floor levels and fill heights can be determined relative to the degree of risk and to co-ordinate filling to provide necessary fall for stormwater disposal and to avoid ponding.</p> <p data-bbox="853 398 1439 465">Extensions which increase the ground floor area by not more than 20 percent are provided for as a permitted activity to avoid the need to obtain a resource consent for minor alterations.</p>
<p data-bbox="172 627 244 649">INr.61.4</p> <ul style="list-style-type: none"> <li data-bbox="172 656 820 701">a) the historic, cultural or architectural significance of the item, having regard to the site on which the item is located.</li> <li data-bbox="172 707 831 779">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 data-bbox="172 786 831 880">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 data-bbox="172 887 820 981">d) the degree to which the addition or alteration is compatible with the heritage building, place or object, and whether the alteration or addition, if not in sympathy with the heritage building or object, is clearly distinguishable from the original as new work.</li> <li data-bbox="172 987 820 1032">e) the ability of the applicant to develop or use the site without the alteration, and the economic effects of this.</li> <li data-bbox="172 1039 831 1084">f) whether the heritage value of the building, place or object has altered since the item was listed in the Plan.</li> <li data-bbox="172 1090 783 1135">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 data-bbox="853 627 925 649">INr.61.5</p> <p data-bbox="853 656 1372 701">The rules provide three levels of protection depending on the categorisation of the heritage building, place or object.</p> <p data-bbox="853 707 1439 801">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 data-bbox="853 835 1390 880">Note: Buildings must comply with the general rules on bulk and location.</p> <p data-bbox="853 913 1430 936">See also Ap20r.4 in relation to signs on heritage buildings and trees.</p>
<p data-bbox="172 1187 244 1209">INr.62.4</p> <ul style="list-style-type: none"> <li data-bbox="172 1216 831 1261">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 data-bbox="172 1267 775 1312">b) the degree to which the new building is compatible with the heritage building or object, including size, scale and materials used.</li> <li data-bbox="172 1319 820 1364">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 data-bbox="853 1187 925 1209">INr.62.5</p> <p data-bbox="853 1216 1439 1350">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>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>INr.63</b>  <b>Heritage Buildings, Places and Objects</b>  Demolition or removal of Group A and B items</p>	<p>INr.63.1  Whole or partial demolition or removal of any Group A or Group B heritage building, place or object listed in Appendix 1 is not a permitted activity.</p>	<p>INr.63.2  not applicable</p>	<p>INr.63.3  Group B  Whole or partial demolition or removal of any Group B heritage building, place or object listed in Appendix 1 is discretionary.</p> <p>Group A  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><b>INr.64</b>  <b>Heritage Buildings, Places and Objects</b>  Demolition or removal of Group C items</p>	<p>INr.64.1  Whole or partial demolition or removal of any Group C heritage building, place or object listed in Appendix 1 is permitted if:  a) 2 months written notice is given to the Council prior to the work being done.</p>	<p>INr.64.2  not applicable</p>	<p>INr.64.3  Activities that contravene a permitted condition are discretionary.</p>
<p><b>INr.65</b>  <b>Heritage Trees</b>  Trimming of a Heritage Tree identified in Appendix 2</p>	<p>INr.65.1  Trimming of a Heritage Tree is permitted if:  a)  i) it is crown cleaning, being the removal of dead, dying, diseased, crowded, weakly attached, low-vigour branches and watersprouts from a tree crown, or  ii) it is canopy lifting, being the balanced removal of lower branches of a tree on road reserve, and  b) the work is done in accordance with accepted arboricultural practice.</p>	<p>INr.65.2  not applicable</p>	<p>INr.65.3  Activities that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p>INr.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), and 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.</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, and quality of heritage features in the vicinity and the city as a whole.</li> </ul>	<p>INr.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 relocation to a site further away will have a greater adverse effect.</p>
<p>INr.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>INr.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>
<p>INr.65.4 - INr.69.4</p> <p>Assessment Criteria – See following page</p>	<p>INr.65.5</p> <p>Very limited trimming of Heritage Trees is allowed without a resource consent.</p> <p>Tighter controls are placed on Heritage Trees recognising that they are of greater significance to the community than the Landscape Trees.</p> <p>Trimming that is for the benefit of the landowner or neighbours (due to shading, debris or other effects) is required to go through the resource consent process.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>INr.66</b>  <b>Landscape Trees</b>  Trimming of a Landscape Tree identified in Appendix 2</p>	<p>INr.66.1  Trimming of a Landscape Tree is permitted if:</p> <ol style="list-style-type: none"> <li>a) it is crown thinning (as defined in Chapter 2), and</li> <li>b) the work is done in accordance with accepted arboricultural practice.</li> </ol>	<p>INr.66.2  Activities that contravene a permitted condition are controlled.  Control reserved over:</p> <ol style="list-style-type: none"> <li>i) amount, timing and manner in which the trimming is carried out.</li> </ol> <p>Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.</p>	<p>INr.66.3  not applicable</p>
<p><b>INr.67</b>  <b>Heritage and Landscape Trees</b>  Activities within the root protection zone of a Heritage or Landscape Tree identified in Appendix 2</p>	<p>INr.67.1  Activities within the root protection zone (defined in Chapter 2 Meanings of Words) of a Landscape Tree or a Heritage Tree identified in Appendix 2 are permitted if:</p> <ol style="list-style-type: none"> <li>a) parking or storage of materials, vehicles, or machinery is on an existing sealed, formed surface, and</li> <li>b) it does not involve compaction, sealing, removal or addition of soil, and</li> <li>c) there is no discharge of a toxic substance, and</li> <li>d) there is no excavation or construction of structures.</li> </ol> <p>except where the tree is on Road Reserve, where activities are permitted if:</p> <ol style="list-style-type: none"> <li>i) excavation is no deeper than 200mm and no less than 2m from the tree trunk, and</li> <li>ii) sealing is within the existing formed carriageway or footpath.</li> </ol>	<p>INr.67.2  Activities within the root protection zone of a Heritage or Landscape Tree that contravene a permitted condition are controlled if:</p> <ol style="list-style-type: none"> <li>a) the tree and the activity are located within the road reserve.</li> </ol> <p>Control reserved over:</p> <ol style="list-style-type: none"> <li>i) location, proximity to tree trunk, timing and manner in which the activity is carried out, and</li> <li>ii) remedial measures.</li> </ol> <p>Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.</p>	<p>INr.67.3  Activities within the root protection zone of Landscape or Heritage Trees (not on Road Reserve) that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p>INr.65.4 – INr.69.4</p> <ul style="list-style-type: none"> <li>a) the condition of the tree, including any significant potential hazard to people or property.</li> <li>b) the extent to which the tree or trees contribute to the amenity of the neighbourhood.</li> <li>c) whether the work can be done without adversely affecting the health of the tree, or compromising the appearance and setting of the tree, including the visibility of the tree from a road or public place.</li> <li>d) whether the tree is currently causing, or is likely to cause significant damage to buildings, services or property.</li> <li>e) the extent to which the tree would seriously restrict the development potential of the site.</li> <li>f) any hardship or significant nuisance the tree causes to any person.</li> <li>g) any substitute or compensating tree planting or landscaping proposed.</li> <li>h) in the case of a tree in the road reserve, in addition to the above: <ul style="list-style-type: none"> <li>i) whether the tree places an unreasonable restriction on the development or widening of a road, or is a hazard to traffic.</li> <li>ii) whether alternatives to removing or damaging the tree have been adequately explored.</li> </ul> </li> <li>i) in the case of a tree in an esplanade reserve or strip, for which the purpose of the reserve or strip includes hazard mitigation, in addition to the above: <ul style="list-style-type: none"> <li>i) whether the tree places an unreasonable restriction on the development of river control works, or impedes the flow of the river</li> <li>ii) whether alternatives to removing or damaging the tree have been adequately explored.</li> </ul> </li> <li>j) when the activity is within the root protection zone of a Heritage or Landscape Tree, how the tree trunk and roots are to be protected while works proceed (eg, erection of a physical barrier).</li> </ul>	<p>INr.66.5</p> <p>Normal trimming is permitted for Landscape Trees.</p> <p>The controls on Landscape Trees recognises that these are of less significance to the community than the Heritage Trees, but still important.</p> <p>Increased light and air maintain and stimulate interior foliage, which in turn improves branch taper and strength. Thinning reduces the wind-sail effect of the crown and the weight of limbs.</p> <p>Thinning the crown can emphasise the structural beauty of trunk and branches as well as improve the growth of plants beneath the tree by increasing light penetration.</p> <p>Trees and branches thinned as per the definition will have stress evenly distributed throughout the tree and along the branches.</p> <hr/> <p>INr.67.5</p> <p>Activities in the area of the roots or trunk can damage or kill the tree. Resource consents are required for these activities so that the potential impacts can be assessed. Where the area beneath the tree is already sealed the impact is likely to be less significant.</p> <p>See also Ap20r.4 in relation to signs on heritage buildings and trees.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>INr.68</b> <b>Heritage and Landscape Trees</b> Removing or destroying a Heritage or Landscape Tree identified in Appendix 2	INr.68.1 Removing or destroying a Heritage or Landscape Tree is not a permitted activity.	INr.68.2 not applicable	INr.68.3 Landscape Trees Removing or destroying a Landscape Tree is a discretionary activity.  Heritage Trees Removing or destroying a Heritage Tree is a non-complying activity.
<b>INr.69</b> <b>Local Trees</b> Removing a Local Tree identified in Appendix 2	INr.69.1 Removing a Local Tree is permitted if: a) written notice is given to Council at least 1 week prior to work being done.	INr.69.2 not applicable	INr.69.3 Activities that contravene a permitted condition are discretionary.
<b>INr.70</b> <b>Marina</b> (Scheduled site - Sch.M)	INr.70.1 Activities are permitted if: a) they comply with Schedule Sch.M.	INr.70.2 Schedule Sch.M applies.	INr.70.3 Schedule Sch.M applies.
<b>INr.71</b> <b>Airport Effects Control Overlay</b> Acoustic insulation of buildings	INr.71.1 Within the Airport Effects Control Overlay construction, or substantial alteration of a building is permitted if: a) either, the bedrooms and living areas, where they are new or substantially altered, incorporate acoustic insulation in accordance with Appendix 19 (acoustic insulation requirements), or b) the building consent application is accompanied by a certificate from a suitably qualified and experienced acoustic engineer to demonstrate that the building design will reduce noise levels to at least 45 dBA inside the new or altered bedrooms and living areas (with the windows and doors shut).	INr.71.2 not applicable	INr.71.3 Activities that contravene a permitted condition are non-complying.
<b>INr.71A</b> <b>Port Effects Control Overlay</b> Acoustic insulation of buildings	INr.71A.1 Within the Port Effects Control Overlay, construction, or alteration of a building is permitted if: a) the building is acoustically insulated to reduce noise levels to no greater than 45 dBA $L_{dn}$ inside any new or altered habitable space and has either ventilating windows open or minimum ventilation requirements as set down in Appendix 19 (acoustic insulation requirements), and b) prior to the commencement of any construction or site works a certificate is obtained from a suitably qualified and experienced acoustic engineer to demonstrate that the building design complies with paragraph a) above, and c) the acoustic engineer provides certification that the finished construction/alteration complies with paragraph a) above.	INr.71A.2 not applicable	INr.71A.3 Activities that contravene a permitted condition are non-complying.
<b>INr.72</b> <b>Airport Effects Advisory Overlay</b>	INr.72.1 Note: no special rules apply to this overlay which defines the area between the Ldn 55 and 60 noise contours. The overlay is to advise that the area will be subject to the effects of airport noise.	INr.72.2 not applicable	INr.72.3 not applicable

Assessment Criteria	Explanation
INr.65.4 - INr.69.4 Refer to Assessment Criteria on preceding page	INr.68.5 Heritage Trees are trees for which retention is considered essential. Landscape Trees are trees for which retention is considered important. Tighter controls are placed on Heritage Trees recognising that they are of greater significance to the community than the Landscape Trees. (note: section 330 of the Act provides for emergency works, such as the removal of trees threatening life or property, but in strictly defined circumstance and by certain persons or agencies. Consent for such works can be applied for retrospectively (section 330A)). Some latitude is provided for the removal of trees in the road reserve if it can be shown that it places an unreasonable restriction on the roading network, recognising that the primary purpose of the road reserve is transportation. INr.69.5 Local Trees are of noteworthy interest, and are not as significant as either Heritage or Landscape Trees. Retention and protection is encouraged. A week's notice prior to removal of a Local Tree allows the Council the opportunity to negotiate with the owner if it desires. Written notice also allows the Council to update its list of Local Trees.
INr.70.4 See Schedule Sch.M.	INr.70.5 See Schedule Sch.M. The schedules for this Zone follow after the Rule Table.
INr.71.4 a) the location of the site in relation to the noise contour, and the main source of the noise. b) the number of people likely to be exposed to the noise, the type of noise, and the duration of exposure. c) the nature of the activity, and its susceptibility to noise. d) the effectiveness of, and in particular the certainty provided by, any conditions or controls that might be imposed on the activity. e) the potential cumulative effects of an increased exposure to noise.	INr.71.5 The rule is based on the predicted exposure of the site area within the overlay to noise levels from the airport, on a long term basis. The rule provides for mitigation of potential adverse effects by the insulation of parts of buildings that are most likely to be sensitive to noise. The acoustic insulation standards in Appendix 19 provide one way of meeting the permitted condition. Alternative methods of meeting the standard can be used, if certified by a suitably qualified acoustic engineer.
INr.71A.4 not applicable	INr.71A.5 The rule is based on the predicted exposure of the site area within the overlay to noise levels from the Port Industrial Area. The rule provides for mitigation of potential adverse effects by the insulation of parts of buildings that are most likely to be sensitive to noise. In order to ensure that the standard is met, certification of a suitably qualified and experienced acoustic engineer is considered appropriate.
INr.72.4 In the case of discretionary applications, consideration will be given to the nature of the activity and its likely sensitivity to the effects of airport noise.	INr.72.5 The land between the Ldn 55-60 dBA (10.9 to 34.6 Pasques) noise contours is unlikely to be exposed to airport noise to a great degree. However, it is likely to be subject to some noise nuisance and some recreational activities may be affected. This may help people decide the type of activities they establish in the area, or whether they choose to incorporate acoustic insulation when they are building.

## subdivision rules

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>INr.73</b>  <b>Subdivision – general</b>   <b>(except for subdivision in the Services or Heritage Overlays)</b></p>	<p>INr.73.1            Subdivision is not a permitted activity</p>	<p>INr.73.2            Any subdivision not located in the Services or Heritage Overlays is controlled, if:</p> <ul style="list-style-type: none"> <li>a) it complies in all respects with all the relevant standards in Appendices 10 to 12, and</li> <li>b) it complies with the minimum standards as defined in Section 1.1.1 General in the NCC Land Development Manual 2010, and</li> <li>c) esplanade reserves or strips as indicated in the Riparian Overlay of the dimensions set out in Appendix 6, Table 6.2, are created and vested in the Council, and</li> <li>d) the minimum finished ground level for any land allotment (excluding water bodies) is 15.35m NCC Datum, except in the Inundation Overlay, and</li> <li>e) the minimum finished ground level is greater than the crown level of the road to which the piped stormwater from the allotment is drained, except in the Inundation Overlay, and</li> <li>f) every allotment is of a regular shape that will maximise the range and efficiency of potential uses of the land, and</li> <li>g) any existing buildings comply with the conditions for permitted activities, or a resource consent, and</li> <li>h) at the time of subdivision of any property adjoining the Nayland Road South industrial/residential zone boundary, a buffer strip of at least 20m in width is set aside, and a landscaped bund at least 3m high constructed within it, along the section of the industrial/residential zone boundary concerned. Each section of earth bund shall be joined with any existing sections of the bund so as to form a continuous barrier. The buffer strip may, subject to encumbrances registered on the land titles, be on either side of the industrial/residential zone boundary, or may include land on both sides.</li> </ul> <p>Control reserved over:</p> <ul style="list-style-type: none"> <li>i) the matters contained in the NCC Land Development Manual 2010, and</li> <li>ii) the effects of natural and other hazards, and</li> <li>iii) design and layout of the subdivision, and</li> <li>iv) protection of natural features, landscapes, heritage items and trees and Maori values, and</li> <li>v) riparian management, and</li> <li>vi) public access, and</li> <li>vii) adverse effects likely to arise from the subdivision, associated development or subsequent use of the land, and</li> <li>viii) development of the subdivision and sites having regard to:               <ul style="list-style-type: none"> <li>• appropriate vehicle access, and</li> <li>• the intensity of buildings to be erected on each lot and the siting of such buildings, and</li> <li>• provision of services, and</li> </ul> </li> <li>ix) stormwater management, and</li> <li>x) the effects of vegetation clearance, land disturbance and earthworks, including on visual amenity, soil erosion and sedimentation, and</li> <li>xi) financial contributions in accordance with Chapter 6, and</li> <li>xii) the future of land subdivided for the purposes of public utilities and no longer required for the purpose, and</li> <li>xiii) in the Inundation Overlay, in addition to the matters listed above, control is reserved over:               <ul style="list-style-type: none"> <li>• finished ground level, and</li> <li>• the nature of infill, its compaction and placement.</li> </ul> </li> </ul>	<p>INr.73.3            Any subdivision not located in the Services or Heritage Overlays that contravenes a controlled standard is discretionary if it is for the purposes of a network utility. Any other subdivision that contravenes a controlled standard is discretionary if:</p> <ul style="list-style-type: none"> <li>a) it complies in all respects with all the minimum standards as defined in Section 1.1.1 General relating to stormwater and sewerage in Sections 5 &amp; 6 of the NCC Land Development Manual 2010.</li> </ul>

## industrial zone

Assessment Criteria	Explanation
<p>INr.73.4</p> <ul style="list-style-type: none"> <li>a) the matters in the NCC Land Development Manual 2010.</li> <li>b) the extent of compliance with Appendices 10 to 12.</li> <li>c) the extent of compliance with plan provisions relating to streams, drains leading to streams, and any other waterbodies on the land to be subdivided.</li> <li>d) effects on traffic, road network, access, parking, stormwater management, water supply, sewage reticulation, and power and telecommunication services.</li> <li>e) the extent to which the land is subject to natural hazards, or included in inundation, floodpaths, fault areas and slope risk overlays, and whether any risks can be remedied or mitigated.</li> <li>f) the pattern of subdivision and how it relates to the desired environmental outcomes, amenity values for the locality, and efficient use of infrastructure.</li> <li>g) the actual and legal protection of significant natural features or heritage items, and means to avoid or mitigate significant changes to the landscape or amenity values of the area.</li> <li>h) the extent to which the proposal has regard to Maori values, particularly any traditional, cultural, or spiritual aspect relating to the land.</li> <li>i) any consultation, including with tangata whenua as appropriate, and the outcome of that consultation.</li> <li>j) avoidance, remedy or mitigation of adverse effects of the subdivision, including temporary effects of construction.</li> <li>k) financial contributions (see Chapter 6).</li> <li>l) the development potential of other adjacent land.</li> <li>m) the ground level required to avoid the effects of flooding.</li> <li>n) the type of inundation likely to be experienced, whether it be stormwater ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding.</li> <li>o) effects on neighbouring properties, especially stormwater runoff.</li> <li>p) provision of adequate flow paths for surface flooding.</li> <li>q) the possibility of an overloaded public storm water system overflowing onto private property.</li> <li>r) effects of allotment size and shape, including on amenities of neighbourhood and on the potential efficiency and range of uses of the land.</li> <li>s) the values for esplanade purposes outlined in Table 6.1 or 6.2, Appendix 6, including any additional information regarding the values of the reserve or strip sought for the purposes outlined in section 229 of the Act.</li> <li>t) any circumstances which make the taking of the esplanade reserve or strip (or the width stated in Appendix 6, Table 6.2) inappropriate, including (but not limited to) the nature of existing development, reasons of security, public safety, minor boundary adjustment.</li> <li>u) any existing protection of the area including any existing esplanade reserves or strips or any protective covenants.</li> <li>v) alternative ways in which the esplanade values identified in the area can be provided for including (but not limited to) the use of esplanade strips and protective covenants.</li> <li>w) the assessment matters in Table DO6.1.1 regarding the type of protection appropriate in given circumstances.</li> <li>x) In the Nayland Road South industrial area, the extent to which industrial activities could affect the amenity of adjoining residential sites.</li> <li>y) The density of planting, mature height and species of plant proposed in any required landscaping.</li> </ul>	<p>INr.73.5</p> <p>Specific rules apply to subdivision activities proposed within the Services and Heritage Overlays (see Rule INr.74 and INr.75).</p> <p>Subdivision is a controlled activity so that conditions can be imposed on the development to ensure a satisfactory standard of amenity, the minimisation of adverse effects and that the site can be adequately serviced.</p> <p>There is no minimum size for allotments, leaving this to the market to determine. Subdividers should note that the proposed allotment should be capable of accommodating a building or an activity which complies with the rules in this Zone.</p> <p>The controls also enable consideration to be had to the development potential of nearby land, so that the level of servicing provided is appropriate to the likely future demand in the area. This allows consideration of future roading patterns, and demands on sewers and other services, to avoid the need for costly and disruptive upgrading later.</p> <p>The Act states the preservation of the natural character of the river and coastal margins to be matters of national importance. This includes public access along these, and protection of areas of significant indigenous flora and the habitats of indigenous fauna, contained within them. It provides a number of mechanisms to achieve this protection including the taking of esplanade reserves and strips.</p> <p>The river and coastal margins on the Planning Maps and in Appendix 6, Table 6.2, have been identified as containing riparian values in accord with section 229 of the Act. In some cases riparian protection already exists, or special circumstances exist, which make the taking of esplanade reserves or strips unnecessary. In other cases a lesser width, or an alternative way of achieving riparian protection may be more appropriate. In these situations, a discretionary consent application is needed, in order to depart from the standards set out for a normal subdivision.</p> <p>Where a subdivision is discretionary, and the allotment adjoins any river or the coastal margin, then an esplanade reserve or strip may be required as a condition of the subdivision consent, having regard to the values identified in Appendix 6, Table 6.1.</p> <p>The minimum ground levels set are based on the best estimates from the Ministry for the Environment for likely sea level rise caused by global climate change. This takes account of predicted spring tides and expected tidal surges, and their consequent effects on stormwater ponding.</p> <p>Sites below the minimum levels stated for controlled activities will be assessed individually to ensure that ground or floor heights are sufficient to protect the site from inundation.</p> <p>See Rule INr.54 (earthworks) where a site is being filled.</p> <p>In the Nayland South industrial area, a special rule has been imposed to ensure a landscaped bund is constructed when subdivision occurs on land adjoining the residential zone. A similar subdivision rule has been imposed on the residential zone. The purpose of the landscaped bund is to ensure the Nayland Road South industrial area can coexist alongside a residential zone.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>INr.74</b>  <b>Services Overlay</b>                      Subdivision</p>	<p>INr.74.1                      Subdivision is not a permitted activity.</p>	<p>INr.74.2                      not applicable</p>	<p>INr.74.3                      Subdivision in the Services Overlay, is discretionary, if:</p> <ul style="list-style-type: none"> <li>a) every allotment (other than an access lot) complies with the minimum standards as defined in Section 1.1.1 General relating to stormwater and sewerage in sections 5 &amp; 6 of the NCC Land Development Manual 2010, and</li> <li>b) every allotment (other than an access lot) is connected through gravity fed pipes to the Council water supply system.</li> </ul>
<p><b>INr.75</b>  <b>Heritage Overlays</b>                      Subdivision</p>	<p>INr.75.1                      Subdivision is not a permitted activity.</p>	<p>INr.75.2                      not applicable</p>	<p>INr.75.3                      Subdivision of any allotment shown on the Planning Maps to contain a Heritage Overlay is discretionary.</p>
<p><b>INr.75A</b>  <b>Activities in Schedule N</b></p>	<p>INr.75A.1                      Schedule N applies</p>	<p>INr.75A.2                      Schedule N applies</p>	<p>INr.75A.3                      Schedule N applies</p>

Assessment Criteria	Explanation
<p>INr.74.4</p> <ul style="list-style-type: none"> <li>a) the assessment matters in Rule INr.73.4 (subdivision: general).</li> <li>b) the extent to which servicing has regard to the development potential of other land in the vicinity, including the development of an integrated system of roading, stormwater, sewerage, water and other servicing reticulation. In some areas special regard has to be had to the roading pattern, to avoid precluding future development of adjacent areas. In other areas there are particular servicing constraints which need special attention.</li> <li>c) the cost effectiveness of the servicing system, with particular regard to ongoing operation and maintenance costs.</li> <li>d) the extent to which fill is needed to ensure adequate fall for stormwater and sewer drainage, and any effects on adjacent land or waterways.</li> <li>e) financial contributions in accordance with Chapter 6.</li> <li>f) the need for linkages from allotments to Council services, including expansion of capacity or extension of mains.</li> <li>g) the cumulative effects of such subdivisions.</li> </ul>	<p>INr.74.5</p> <p>Subdivision in the Services Overlay provides specific services related assessment matters in addition to those that would be applied to a subdivision consent application under INr.73 General. For subdivision in the Services Overlay, subdivision consent is only required under INr.74, unless any other overlays also apply to the site.</p> <p>Subdivision in the Services Overlay is a discretionary activity rather than a controlled activity. This provides more flexibility in the range and type of conditions that can be imposed, recognising particular sites and circumstances. It also allows the option of declining a subdivision if the site or the development is unsuitable.</p> <p>The areas defined on the Planning Maps include areas where the provision of services to subdivisions is not straightforward. There may be constraints on the capacity of existing systems, or the area may need filling in order to get the necessary fall for stormwater or sewer drainage. Special regard also has to be had to the roading pattern, to avoid precluding future development of other areas, as well as ensuring that the capacity of services has regard to the development potential of neighbouring land.</p> <p>In other cases, the area may be above the contour to which the Council can supply water, where the landowner would have to provide their own supply. Such situations are a non-complying activity. The Council wishes to avoid a proliferation of small individual systems, and will be looking for proposals that integrate with other developments, and have the ability to serve a wider area. Since the Council often ends up maintaining these systems, ongoing operating and maintenance costs are important.</p> <p>There are also areas where services can be supplied, but where additional conditions may apply eg. an additional financial contribution towards the cost of a special water supply, or special conditions regarding the point where the public supply may be accessed.</p> <p>The Council's Engineering Section holds copies of maps which define the servicing constraints in more detail.</p>
<p>INr.75.4</p> <ul style="list-style-type: none"> <li>a) the extent to which trade-offs might be appropriate to ensure the values of the listed item are protected, providing that these have minor environmental effects, or are not contrary to the Objectives and Policies of this Plan, and any effects are on the public rather than the private environment (ie. people's private property rights). <ul style="list-style-type: none"> <li>eg. allowing averaging of the minimum site requirements, or an overall reduction in the size of some sites, to ensure sufficient land was retained around a heritage building or protected tree.</li> <li>eg. allow flexibility in the shape factor requirements to ensure a heritage item or tree was not compromised, while allowing reasonable use of the land concerned.</li> <li>eg. protecting the item in common or public reserve in lieu of reserve contributions.</li> </ul> </li> <li>b) the extent to which subdivision of the land is likely to adversely affect the values for which the item was listed and whether conditions on the use of the site are needed to avoid, remedy or mitigate this.</li> <li>c) the assessment matters in Rule INr.73.4 (subdivision: General).</li> </ul>	<p>INr.75.5</p> <p>Subdivision in the Heritage Overlay provides specific heritage related assessment matters in addition to those that would be applied to a subdivision consent application under INr.73 General. For subdivision in the Heritage Overlay, subdivision consent is only required under ICr.83, unless any other overlays also apply to the site.</p> <p>Making subdivision a discretionary activity where a heritage item, or a protected tree, is located on the section, provides more flexibility in the options that can be explored. It provides more scope to meet the owner's needs to use the site, and the needs of the wider community to preserve the item in question. If a controlled activity procedure were used, these options would be much more limited by the minimum site and other requirements set out in those rules.</p> <p>The aim in making subdivision in such cases discretionary is to find "win-win" situations where this is possible and reasonable, not to penalise the owner of the site.</p>
<p>INr.75A.4 See Schedule N</p>	<p>INr.75A.5 See Schedule N</p>

## **freshwater rules**

Refer Appendix AP28.9 for freshwater rules.

## **Schedule Industrial (Port Area)**

### **Sch.M Marina - Port Nelson**

#### **M.1 Application of the schedule**

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This schedule applies to the site shown as Sch.M on Planning Maps 6, 10 and 52, being the Marina at Port Nelson. It comprises most of the Akersten Street reclamation, the sea edge on the Vickerman Street side, and the Coastal Marine Area in between, including the Dixon Basin and the boating marina. This schedule is referred to in rule INr.70.

#### **M.2 Permitted activities**

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Only the following activities are permitted within the scheduled site:

- a) storage, building and repair of boats not exceeding 30m in length.
  - b) sale of boats and marine accessories.
  - c) recreational facilities and clubrooms related to the marina.
  - d) restaurants and outlets for the sale of food (including liquor licensed facilities).
  - e) construction and maintenance of network utilities.
  - f) erection, alteration, and maintenance of buildings and structures as part of these activities, including shower rooms, toilets, service buildings, and fuel storage and refuelling facilities.
  - g) temporary structures erected for the purposes of Military Training activities by the NZ Defence Forces.
- if:
- i) they comply with the permitted conditions in the Rule Table, and
  - ii) any emissions from abrasive blasting or spray painting are contained within the site, and that any contaminants or wash down water are not discharged directly to the Coastal Marine Area.

#### **M.3 Discretionary activities**

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Any activity that contravenes a permitted condition above is discretionary.

#### **M.4 Assessment criteria**

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- a) the effects on the operation of the marina.
- b) the effects on the amenity of the scheduled site.
- c) the extent to which other activities are affected, either positively or adversely.
- d) whether the proposed activity has a functional need to be in the scheduled site, or whether it is provided for adequately in some other area.
- e) whether the proposed activity might benefit from a marina location, and if these benefits are available to be shared by the wider community.
- f) any benefits the activity may bring to the scheduled site.
- g) the size of the proposed activity and the implications for the availability of space in the scheduled site.
- h) any visual impacts including views from and across the marina.

#### **M.5 Explanation**

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The scheduled site (the marina) is primarily for recreational purposes, and therefore an appropriately high level of amenity is expected. Various activities that have effects consistent with this amenity are specified as permitted activities - the launching, berthing and storage of boats and associated recreational activities, such as boating clubrooms and picnic areas which help people enjoy the area. Provision is made for activities which are marina-related such as boat repair and retailing of marine accessories to facilitate this. However, such activities should be of a scale and nature that is compatible with the recreational focus of the scheduled area. Premises selling food are allowed, to cater for people working in the area and others. Restaurants and premises licensed under the Sale of Liquor Act are considered appropriate. They can overlook the marina and provide opportunities for the wider public to enjoy the area.

Other activities wanting to set up in the area have to apply for a resource consent. This allows each case to be judged on its merits (having regard to the above assessment criteria). Some activities may enhance the area. Others may be inappropriate and should be declined. Key factors are effects on amenity, and the restricted availability of space.

## Schedule Industrial Zone

### Sch.N Quarantine Road Large Format Retail

#### N.1 Application of the schedule

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This schedule applies to the site shown as Schedule N on Planning Maps 22 and 23, being the former Honda Site in Tahunanui (the Site). The Site is also identified on the plan provided with this Schedule.

This Schedule is referred to in Rule INr.75A.

#### N.2 Permitted activities

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The extent to which the Industrial Zone Rule Table applies to this Site is explained in N.3(5) below.

#### N.3 Controlled activities

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An activity on the site is controlled if:

- 1) the total gross floor area of all activities on the Site (excluding yard display space and parking) does not exceed 30,000m<sup>2</sup>; and
- 2) it is:
  - a) a *trade related activity* (see definition provided); or
  - b) a *retail activity* (see definition provided) occupying premises of no less than 500m<sup>2</sup> in gross floor area; or
  - c) a restaurant, takeaway food outlet or retail services provided that the total gross floor area devoted to such activities does not exceed the lesser of 1,200m<sup>2</sup> or 4% of the gross floor area that exists on the Site at any time; or
  - d) car parking; and
- 3) It is not a *supermarket* (see definition provided); and
- 4) With the exception of the activities referred to in clause 2(c) and 2(d) above, each activity is located in a separate building or premises. A building or premises in which an activity is undertaken may not be co-occupied by any other business under any lease, sublease, licence, concession or otherwise, unless the co-occupants individually satisfy clause 2 of this rule; and
- 5) The activities provided for under N.3 shall comply with the permitted activity rules for the Industrial Zone, with the exception of INr.21 and INr.22.

For the purposes of this schedule, any reference in INr.22.1 “Office facilities” to “industrial use” is regarded as being a reference to a controlled activity under this schedule.

INr.21 does not apply to land within Schedule N.

Control is reserved over:

- (i) the layout of the central parking area;
- (ii) the provision of appropriate landscape planting within the parking area (including large trees planted at 15m centres), and in locations that help mitigate the impacts of large unmodulated facades;
- (iii) the provision of safe pedestrian access and links within the parking area;
- (iv) the provision for adequate lighting within the parking area;
- (v) the colour of the external walls that face the boundary of the site;
- (vi) the modulation of externally facing walls;
- (vii) the ongoing provision of sufficient vehicular and pedestrian access to the Site from Pascoe Street and from the Site to Pascoe Street;

(viii) the maintenance of open space, and appropriate landscaping (including large specimen trees), on all of the land identified as “open space” on the plan provided within this Schedule. (The purpose of this criterion is to exclude buildings. It is however anticipated that appropriate signage be located within the open space area).

**Definitions relevant to this Schedule:**

***Large Format Retailing:***

Means those activities provided for in N.3.2(b)

***Trade Related Activity:***

Means an activity that is engaged in the supply, by sale or hire, of goods or services in any one or more of the following areas or categories: automotive, marine, building, farming, agricultural, garden, patio, catering, industrial and safety products, office furniture and equipment.

***Retail Activity:***

Any land, building or part of building on or in which goods are displayed, sold, or offered for sale or hire direct to the public.

***Supermarket:***

Means an individual retail outlet with a gross floor area of not less than 500m<sup>2</sup> (or an equivalent area, including related back of house unloading, storage, preparation, staff and equipment space, within a larger store) and selling a comprehensive range of;

- a) fresh meat and produce; and
- b) of chilled, frozen, packaged, canned and bottled foods and beverages; and
- c) of general housekeeping and personal goods, including (but not limited to) cooking, cleaning and washing products; kitchenwares; toilet paper, diapers, and other paper tissue products; magazines and newspapers; greeting cards and stationary; cigarettes and related product; barbeque and heating fuels; batteries, flashlights and light bulbs; films; pharmaceutical, health and personal hygiene products and other toiletries.

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**N.4 Discretionary activities**

Activities that contravene N3.5 are discretionary activities. The relevant assessment criteria are provided in the Rule Table for the Industrial Zone.

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**N.5 Non-Complying activities**

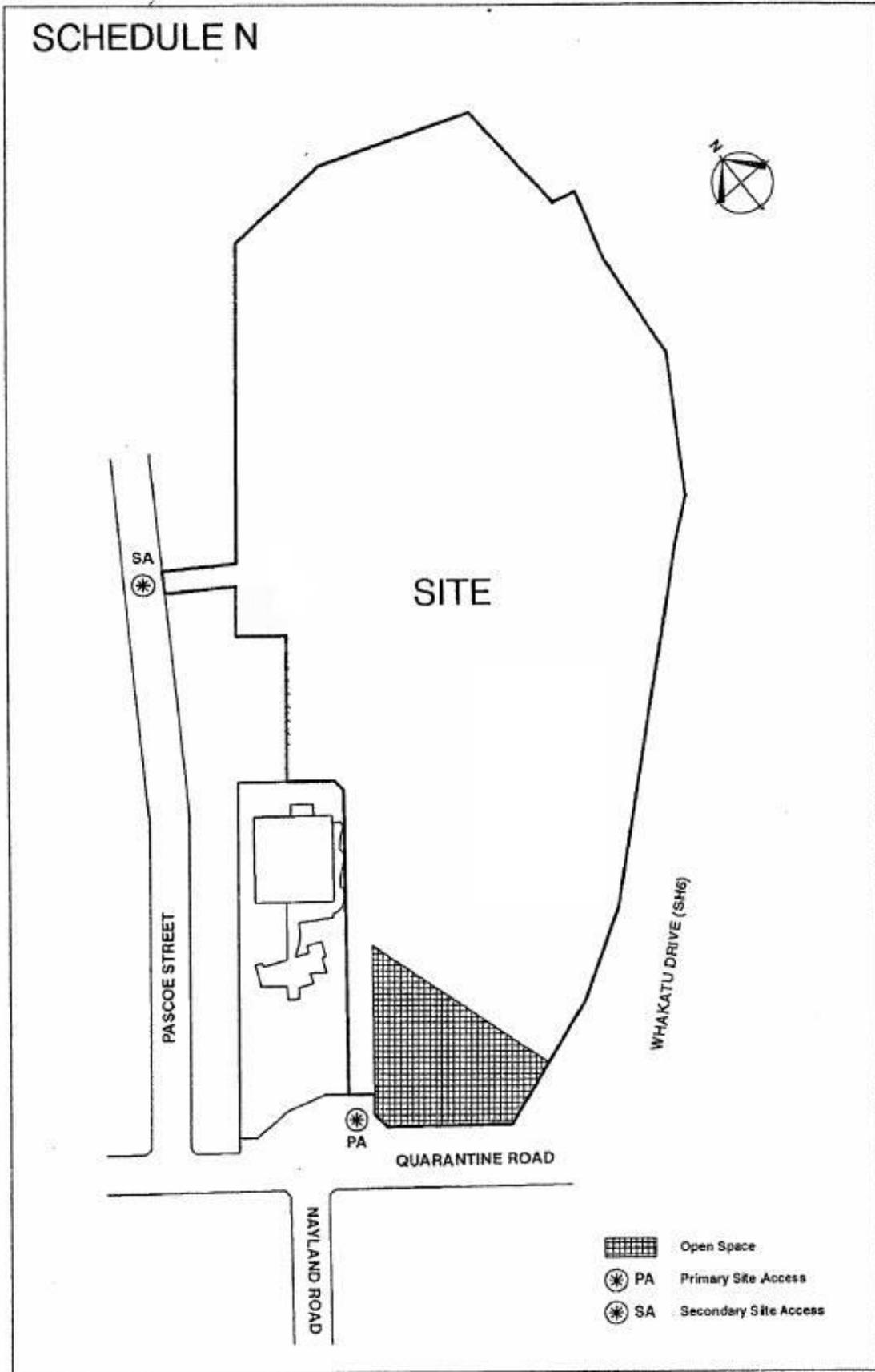
Activities that contravene N3.1, or N3.2, or N3.3, or N3.4 are non-complying activities.

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**N.6 Explanation**

This schedule provides for limited large format retailing on a defined site. It recognises that only limited opportunities exist in the City Centre and the City Fringe for trade-related and large format retailing and that the stores that may establish on this site are of a type that may affect the amenity of the City Centre and City Fringe if they were located there. This schedule seeks therefore to make provision for the increasing demand for such stores in such a way as will not adversely affect the sustainability of the Inner City Zone and other commercially zoned centres. It seeks to achieve this by limiting retail opportunities on the site to stores that are clearly trade-related and otherwise to stores that trade as single entities with a strict minimum floor area of 500m<sup>2</sup>.

# SCHEDULE N



# open space and recreation zone

<b>OSd</b>	<b>Description</b>
OSd.1	This Zone contains areas of open space which are of high value to the community primarily for open space and active recreation activities. The areas are generally scattered throughout the urban area of the city, although they may occur in rural areas as well.
OSd.2	Most of the land in this Zone is Council owned reserve, but not all is vested as reserve land. The Zone also includes some areas of Crown land (such as Albion Square) and privately-owned land (such as the golf course at Tahunanui) with substantial public benefit.
OSd.3	The intention of this chapter is to provide a basis for rules for each parcel of land or grouping of like parcels of land through the use of schedules. These schedules are usually derived from management plans, or through existing uses of the land, where consistent with the general philosophy of this Plan and adjacent zones.
OSd.4	The schedules contain descriptions of the land, the land's primary purpose, and a set of rules which control effects of activities on the land.
OSd.5	Land within this Zone which is vested as reserve, together with activities on that land, is already controlled in most cases through management plans made under the Reserves Act. It is not the intention of this Plan to replicate or duplicate those controls, but rather to recognise those plans. Where appropriate, much of the management control of activities will be left to approved management plans, with other procedures used where possible to control any adverse effects which may arise. Rules to this effect appear in the schedules.
OSd.6	Environmental concerns will be addressed in terms of the actual and potential effects that activities in this Zone have on the environment of adjoining zones, rather than relying on a set of amenity controls within this Zone. This method relates the effects directly to the adjoining environment, rather than constructing a network of potentially artificial environments unrelated to their surrounding environments.
OSd.7	See the objectives and policies relating to zones in Chapter 5. The Plan should always be considered as a whole.

## objective

### OS1 present uses

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*Maintaining the social well-being and health of the community by recognising and enhancing opportunities for use of open space and recreation land.*

#### Reasons

OS1.i Nelson is fortunate in having a network of local parks, reserves and recreation grounds which serve a variety of purposes. Many are used actively, such as sports fields and open space areas, and others provide amenity to the general city, such as scenic backdrop reserves (eg. the Grampians, Botanical Hill). It is important for the health and well-being of the community that these opportunities remain.

#### policy

##### OS1.1 recognise amenity provided

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*The amenity provided by open space and recreation areas should be recognised and protected.*

#### Explanation and Reasons

OS1.1.i Open space and reserves provide general amenity to the city and its environs and a special level of amenity to the local area where they exist. This special amenity may be in the form of views (as other properties overlook or face into reserves or recreation grounds), access to facilities within these areas, and general amenity through large trees, open space and landscaping.

#### Methods

- OS1.1.ii This matter should be considered when assessing any resource consent.
- OS1.1.iii Regulate adverse effects of activities through schedules relating to the various types of open space land.

#### policy

##### OS1.2 enable identified uses

---

*Present uses of open space and recreation land should continue where there is benefit to the community, and where any adverse effects of those uses are minimised.*

#### Explanation and Reasons

OS1.2.i Present opportunities within reserves and open space are a consequence of planning and community involvement to provide for the needs of the District's permanent and visitor populations. Much of this work has been implemented through management plans for various reserves throughout the District. These have provided a framework for their management, use and development. There is however, a need to ensure that recreation uses or structures do not adversely impact on adjacent land uses.

#### Methods

- OS1.2.ii Regulate adverse effects of activities through schedules relating to the various types of open space land.

## **policy**

### **OS1.3 neighbouring zones**

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*Activities on open space and recreation zoned land should be compatible with the amenity values of surrounding zones.*

#### **Explanation and Reasons**

OS1.3.i Activities occurring on open space and recreation land have the potential to adversely affect surrounding areas if due care is not taken. Activities such as organised events and sport can have effects on local car parking, traffic, and noise particularly where events continue into the evening. Because this Zone does not have amenity requirements and other environmental considerations, it is important that the amenity of surrounding zones is considered and respected at all times.

#### **Method**

OS1.3.ii This matter should be considered when assessing any resource consent.

## **objective**

### **OS2 future uses**

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*Retain the opportunity to provide for changing community needs and aspirations.*

#### **Reasons**

OS2.i Communities and the needs of communities change or evolve over time. This is influenced by availability of time for leisure, the style of leisure activities sought and changing age profiles. This objective sets out to enable consideration of appropriate alternative uses of open space and recreation land in the future.

## **policy**

### **OS2.1 future circumstances**

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*The use of land in this Zone should be reviewed on a regular basis to ensure that changing community needs are being met.*

#### **Explanation and Reasons**

OS2.1.i Future uses of land in this Zone should be considered when either the present use becomes inappropriate, or when a different use is deemed to serve the community to greater benefit.

#### **Methods**

OS2.1.ii This matter should be considered when assessing any resource consent or Plan Change.

## **policy**

### **OS2.2 plan change**

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*Any change from open space or recreation use of land will be considered by way of a Plan Change.*

#### **Explanation and Reasons**

OS2.2.i Open space and recreation land needs a high level of protection to ensure that new or changed uses do not remove the viability of an area without full consideration of the benefits and costs of change. The Plan Change process enables full consideration of all options before any substantive change may occur. This will require having regard not only to the local community and surrounds, but to the needs of the community as a whole.

**OS2.2.ii** A Plan Change may be initiated privately or by the Council, and requires that a full assessment of effects and analysis of the options be carried out. The process involves opportunity for the public to be involved through the submission process.

**OS2.2.iii** A Plan Change application seeks a shift in policy within the Plan itself. It is anticipated that Plan Changes in this Zone will be more minor, and seek to change the zoning from the present zone to another existing zone. The process does not follow the requirements of section 104 and 105 as per a resource consent application, rather the proponents will have to follow the procedures laid out in the First Schedule of the Resource Management Act 1991.

## **OSe environmental results anticipated and performance indicators**

**OSe.i** The following results are expected to be achieved by the above objectives, policies and methods. The means of monitoring whether the plan achieves the necessary changes are also detailed below:

<b>Anticipated Environmental Result</b>	<b>Indicators</b>	<b>Data Source</b>
<b>OSe.1</b> A variety of pleasant and quality recreation areas throughout the city which are well used and provide a focus for a wide range of activities	<b>OSe.1.1</b> Users' views about suitability of public reserves in terms of factors such as daylight, facilities, and safety Significant changes in the number of users of particular parks and the zone in general	User surveys User surveys
<b>OSe.2</b> A multi-functional zone with vitality and diversity, able to provide for local and transient populations	<b>OSe.2.1</b> Number of users at each park Ratio of parks per population and the spread of their location throughout the city	Pedestrian counts, ticket sales Census
<b>OSe.3</b> Adverse effects of use and development in the Open Space and Recreation Zone which are controlled to acceptable levels of environmental quality	<b>OSe.3.1</b> Complaints received about adverse effects Changes in ambient noise levels and other environmental effects at selected locations	Council's complaints register Data collected at selected sites
<b>OSe.4</b> Maintenance of present levels of open space and recreational facilities	<b>OSe.4.1</b> Change in land cover, use, and areas of bare ground Number and type of resource consents	5 yearly aerial photography run across the District Monitoring of resource consents issued
<b>OSe.5</b> Maintenance of the green appearance of Nelson	<b>OSe.5.1</b> Complaints received about development in the Open Space and Recreation Zone Change in density of built structures on reserves in the Open Space and Recreation Zone	Council's complaints register Monitoring of building consents issued

## OSs Open space and recreation zone schedule

### OSs.1 Horticultural parks

Map Reference	Name	Legal Description
HP1	Anzac Park	Section 1125 Nelson SO 8456, Section 1104A City of Nelson SO 112
HP2	Isel Park	Lot 3 DP 7254
HP3	Church Hill	Part Section 1179 Nelson DP 1112, Road Reserve
HP4	Fairfield Park	Section D City of Nelson SO 112
HP5	Broadgreen Rose Gardens	Lot 2 DP 2965, Part Lot 1 DP 2784, Part Section 50 DP 4585, Lot 46 DP 5508, Lot 39 DP 5508, Lot 42 DP 5508, Lot 41 DP 5508, Lot 43 DP 5508, Lot 44 DP 5508, Lot 45 DP 5508, Lot 1 DP 8376, Lot 19 DP 6193
HP6	Melrose Gardens	Part Section 1091 Nelson A767, Part Section 1093 City of Nelson SO 112, Part Section 1091 Nelson SO 112
HP8	Miyazu Japanese Gardens	Part Lot 3 DP 3202, Part Section 112 Suburban North SO 12694, Part Lot 1 DP 6968
HP7	Queens Gardens	Part Section H Nelson SO 112, Section M of H Nelson SO 112, Lot 1 DP 10091, Part Section 202 Nelson DP 5209, Part Section 202 Nelson SO 112, Part Section 204 Nelson DP 3778, Lot 5 DP 5070

#### OSs.1.i Permitted Activities

The following activities, and facilities and buildings associated with them, are permitted activities in the Horticultural Parks covered by this schedule:

- a) Service buildings
- b) Aerials
- c) Informal recreation activities
- d) Play equipment
- e) Any activity listed in any management plan approved for the land under the Reserves Act
- f) Conferences, conventions and meetings at Broadgreen, Isel, and Melrose historic houses
- g) Festivals, displays, bazaars, fairs, galas, exhibitions, ceremonies and outdoor performances
- h) Sales of refreshments and souvenirs
- i) At Isel Park, an on-site caretaker
- j) Church buildings on the Church Hill site
- k) Temporary structures for the purposes of military training

Subject to compliance with the Open Space and Recreation Zone Rule Table.

Any activity that is not a permitted activity in the schedule is a non-complying activity. Any permitted activity that does not meet the permitted conditions of the rule table is discretionary.

Map Reference	Name	Legal Description
SF1	Andrews Farm	Part Section 1 Brook and Maitai SO 1836, Part Section 1 Brook and Maitai SO 1210, Section 1173 Nelson SO 11570, Lot 12 DP 10777
SF2	Botanics Sports Ground	Section 1219 Nelson SO 9331, Lot 1 DP 7425
SF3	Greenmeadows Sports Field	Part Section 50 DP 4585, Lot 46 DP 5508
SF4	Marsden Recreation Ground	Lot 3 DP 10426, Part Section 57 Suburban South SO 1210, part Section 57 Suburban South A945
SF5	Neale and Guppy Parks	Lot 2 DP 7447, Lot 1 DP 7447, Part Section 2, 3, 7 & 8 Block H Wakatu SO 112 SO 10871, Part Section 3, 7 & 8 Block H Wakatu SO 112 SO 9340, Part Section 9 Block H Wakatu SO 112 SO 9430, Part Lot 2 DP 4261, Part Section 1, 2 Block H Wakatu SO 112 SO 10871, Lot 4 DP 4261, Part Lot 1 DP 11014, Part Lot 1 DP 6968
SF6	Tahunanui Sports Field	Lot 1 DP 7075, Lot 6 DP 7075
SF7	Victory Square	Section 1131 City of Nelson SO 112
SF8	Waahi Taakaro Golf Course	Lot 1 DP 10588, Legal Road
SF9	Tahunanui Golf Course	Part Section 85 Suburban South-0, Lot 2 DP 17638, Lot 1 DP 4838, Part Section 111 Suburban South SO 9526
SF10	Nayland Pool	Nayland Park Complex Rec Reserve DP1770
SF11	Riverside Pool	Part lots 10 and 11 DP272
SF12	Maitai Cricket Ground	Part of Lot 5 DP10782, Lot 1 DP17416

#### OSs2.i Permitted Activities

The following activities, and facilities and buildings associated with them, are permitted activities in the Sports Fields covered by this schedule:

- a) Service buildings
- b) Aerials
- c) Informal recreation activities
- d) Play equipment
- e) Any activity listed in any management plan approved for the land under the Reserves Act
- f) Organised playing of sports and recreation activities
- g) Festivals, displays, bazaars, fairs, galas, exhibitions, ceremonies and outdoor performance
- h) Sales of programmes, refreshments and souvenirs
- i) Temporary structures for the purposes of military training

Subject to compliance with the Open Space and Recreation Zone Rule Table.

Any activity that is not a permitted activity in the schedule is a non-complying activity. Any permitted activity that does not meet the permitted conditions of the rule table is discretionary.

Map Reference	Name	Legal Description
CR1	Botanical Hill	<i>Part Lot 1 DP 8194, Section 1219 Nelson SO 9931, Lot 1 DP 12660 Section 367A Nelson A296, Section 367 MR Nelson DP 1425, Part Lot 69 DP 2806, Part Section 370 Nelson SO112</i>
CR2	Branford Park	<i>Part Lot 1 DP 8194</i>
CR3	Grampians	<i>Part Section 7 Suburban South SO 1210, Lot 2 DP 5365, Lot 1 DP 5365, Lot 1 DP 13393, Wakatu SO 111, Section 21 Block D Wakatu DP 1637, Section 20 Block D Wakatu DP 1637, Section 19 Block D Wakatu DP 1637, Section 18 Block D Wakatu DP 1637, Lot 1 DP 16668, Part Section 1079B Nelson SO 112, Part Section 1229 Nelson SO 10549, Section 12 Block D Wakatu SO 112, Section 11 Block D Wakatu SO 112, Section 194A Nelson SO 112, Section 4 Block D Wakatu SO 112, Sec30 Block D Wakatu SO 1210, Section 31 Block D Wakatu SO 1210</i>
CR4	Haulashore Island	<i>Lot 1 DP 14762, All DP 1398 and Sections 1100, 1097, 1098 City of Nelson</i>
CR5	Oyster Island	<i>Part DP 599</i>
CR6	Sir Stanley Whitehead Park	<i>Lot 1 DP 17014, Lot 1 DP 7425</i>
CR7	Tahunanui Beach Reserve	<i>Lot 1 DP 7075, Lot 7 DP 7075, Part Section 85 Suburban South-O, Lot 4 DP 7075</i>
CR8	Corder Park	<i>Part Section 12 Suburban North A503, Part Section 11 Suburban North A503, Part Section 11 Suburban North A511, Part Section 11A Suburban North A511, Part Section 11A Suburban North SO 10632, Lot 1 DP 6100</i>
CR9	Wakapuaka Sand Flats	<i>Lot 1 DP 13614, Lot 1 DP 5602, Lot 1 DP 14320</i>
CR10	Marsden Valley Reserve	<i>Part Section 29 Suburban South DP 1054, Part Section XVII Suburban South DP 1054, Part Section 29 Suburban South SO 1210, Lot 5 DP 15422, Part Section VII Suburban South SO 1235</i>
CR11	Founders QEII etc	<i>Part Section 9 Block H Wakatu SO 13384, Part Section 112 Suburban North SO 12694, Part Lot 1 DP 6968, Lot 1 DP 10735, Lot 2 DP 10735, Lot 3 DP 10735, Part Lot DP 8500</i>
CR12	Wakefield Quay	<i>Lot 1 DP 17332, Lot 2 DP6513, Lot 1 DP 6513, Lot 3 DP3033, Lot 2 DP 3303, Lot 4 DP 17301, Lot 1 DP 3033,</i>
CR13	Airport Peninsula	<i>Lots 1 and 2 DP19886</i>
CR14	1903 Site Reserve	<i>Part Lot 2 DP 15732</i>
CR15	Maitai Cricket Ground surrounds/ Maitai Walkway	<i>Part of Lot 2 DP8194, Part of Lot 5 DP10782, Gaz 1919 p777 Sec 15 BIK IX Wakapuaka SD</i>
CR16	Monaco Airnoise Reserve	<i>Lots 1, 2, 3, 4 and 5 DP18320, Lots 1,2 3, 4, 5, 6, 7, 8, 9 and 10 DP18321</i>

### OSs.3.i Permitted Activities

The following activities, and facilities and buildings associated with them, are permitted activities in the City Reserves covered by this schedule:

- a) Service buildings (except on CR14 1903 Site Reserve)
- b) Aerials (except on CR14 1903 Site Reserve)
- c) Informal recreation activities
- d) Play equipment (except on CR14 1903 Site Reserve)
- e) Any activity listed in any management plan approved for the land under the Reserves Act
- f) Festivals, ceremonies and outdoor performances
- g) Commercial activities are permitted on CR12 Wakefield Quay, and on CR11 Founders Park (Note: activities within Founders Park that have been subject to resource consents must comply with any conditions imposed)
- h) For the area covered by the Airport designation, the conditions of the designation will apply
- h) Temporary structures for the purposes of military training
- i) Navigational aids on Lot 2 DP19886.

Subject to compliance with the Open Space and Recreation Zone Rule Table.

Any activity that is not a permitted activity in the schedule is a non-complying activity. Any permitted activity that does not meet the permitted conditions of the rule table is discretionary.

## OSs.4 Regional Reserves

Map Reference	Name	Legal Description
RR1	Rutherford Park	<i>Part Section 1126 Nelson SO 1131, Part Section 1178 Nelson SO 2207, Part Section 1167 SO 2207, Part Lot 3 DP 11014, Part Section 148MR Nelson SO 7620, Part Section 148MR Nelson DP 1473, Section 1168 Nelson SO 7187, Part Section 1178 Nelson SO 7733, Part Road, Part Maitai River</i>
RR2	Saxton Field	<i>Part Section 76 Waimea East DP 3154, Part Section 76 Waimea West SO 1210 SO 9878, Part Section 75 Waimea East SO 1210 SO 9878, Part Section 75 Waimea East DP 3154, Lot 2 DP 3926</i>
RR3	Trafalgar Park	<i>Part Section 239A Nelson SO 9463, Part Section 239A Nelson SO 112 So 6667, Section 242A Nelson A274, Section 10 Block H Wakatu A274, Section 1162 Nelson SO 6796, Part Section 11 &amp; 12 Block H Wakatu A274, Part Lot 3 DP 11014 Maitai Bowling Club: Part H 11, Part H 12, H13, H14 SO 4906</i>

### OSs4.i Permitted Activities

The following activities, and facilities and buildings associated with them, are permitted activities in the Regional Reserves covered by this schedule:

- a) Service buildings
- b) Aerials
- c) Informal recreation activities
- d) Play equipment
- e) Performance
- f) Civil Defence
- g) Living quarters for a resident custodian
- h) Regional, national and international sporting and other events and tournaments

- i) Festivals, displays, bazaars, fairs, galas, exhibitions, ceremonies and outdoor sales of programmes, refreshments and souvenirs
- j) Conferences and conventions
- k) Any activity listed in any management plan approved for the land under the Reserves Act
- l) Temporary structures for the purposes of military training

Subject to compliance with the Open Space and Recreation Zone Rule Table.

Any activity that is not a permitted activity in the schedule is a non-complying activity. Any permitted activity that does not meet the permitted conditions of the rule table is discretionary.

## OSs.5

### Neighbourhood Parks

Map Reference	Name	Legal Description
NP1	Abraham Heights Reserve	Lot 87 DP 9669, lot 90 DP 9583
NP2	Aldinga Reserve	Lot 48 DP 16211, lot 16 DP 16328, lot 75 DP 14559, lot 24 DP 13748, lot 91 DP 15047, lot 39 DP 14024
NP3	Ballard Drive Reserve	Lot 6 DP 17792
NP4	Bayview Road Reserve (North)	Lot 40 DP 8723
NP5	Beatson Road Reserve	Lot 22 DP 2049
NP6	Betsy Eyre Park	Sec 1272 City of Nelson SO 12461
NP7	Bishopdale Reserve	Lot 2 DP 9329, lot 3 DP 11570, lot 2 DP 15613
NP8	Bishops Park	Lot 62 DP 3786
NP9	Bisley Reserve	Lot 11 DP 1413
NP10	Blackwood Street Reserve (East)	Lots 18 and 19 DP 9332
NP11	Blackwood Street Reserve (West)	Lot 12 DP 13786 (part)
NP12	Bledisloe Avenue Reserve (North)	Lot 2 DP 7646, Pt lot 22 DP 4057
NP13	Bledisloe Avenue Reserve (South)	Pt lot 8 DP 3704, lot 4 DP 6186
NP14	Bolt Road Reserve	Lot 12 DP 14442
NP15	Branford Park	Pt lot 1 DP 8194 (part of)
NP16	Brook Street Playground	Sec 1272 SO 12461
NP17	Burrell Park	Pt lot 1 DP 6156, Pt lot 2 DP 979
NP18	Cawthron Crescent Reserve	Lot 48 DP 6335
NP19	Centennial Park	Lot 5 DP 3010, Pt lot 1 DP 3691, Pt lot 8 DP 3010
NP20	Corder Park	Pt sec 11B A511, Pt sec 11A A511, Pt sec 11 A511, Pt sec 11 A503, Pt sec 12 Pt sec 11A SO 10632, lot 1 DP 6100
NP21	Devon Street Reserve	Lot 4 DP 9765
NP22	Emano Street Reserve (West)	Pt sec 33 Blk E Wakatu District SO112
NP23	Enner Glynn Kindergarten Reserve	Lot 17 DP 17744

Map Reference	Name	Legal Description
NP24	Enner Glynn Reserve	<i>Lot 49 DP 13107</i>
NP25	Erin Street Reserve	<i>Road reserve</i>
NP26	Foster Reserve	<i>Lot 1 DP 7749</i>
NP27	Fountain Place Reserve	<i>Road reserve</i>
NP28	Grove Street Kindergarten and Playground	<i>(part of) Lot 2 DP 2359</i>
NP29	Guppy Park Carpark Reserve	<i>Pt sec 3 Bk H Wakatu District SO112 SO 10871, Pt sec 2 Bk H Wakatu District SO 112 SO 10871, (part of) lot 1 DP 7447</i>
NP30	Hanby Park	<i>Lot 1 DP 18106, road reserve</i>
NP31	Harford Court Reserve	<i>Lot 11 DP 16440, part road reserve</i>
NP32	Hira Store Reserve	<i>Sec 108 Suburban North District SO 2103</i>
NP33	Keats Crescent/Shelley Crescent Central Reserve	<i>Lots 19 and 20 DP 7178, lots 3 and 4 DP 7106</i>
NP34	Kowhai Avenue/Stafford Avenue Reserve	<i>Lot 8 DP 2382, lot 28 DP 3415</i>
NP35	Maire Street Reserve	<i>Lot 10 DP 1783</i>
NP36	Manson Avenue Reserve	<i>Pt lot 10 DP 5220</i>
NP37	Marybank Reserve	<i>Lot 6 DP 5737, lot 38 DP 6490</i>
NP38	Miyazu Park	<i>Pt sec 9 Bk H Wakatu District SO 13384, Sec 39 Bk IX Wakapuaka Survey District SO 13384, Pt lot 2 DP 6099, Sec 41 Bk IX Wakapuaka Survey District SO 13384, Lot 1 DP 6099, Road reserve</i>
NP39	Monaco Reserve	<i>Lot 32 DP 1288</i>
NP40	Moncrieff Reserve	<i>Lot 12 DP 17474</i>
NP41	Montrose Drive Reserve	<i>Lot 3 DP 9940</i>
NP42	Murphy Street Reserve (Lower)	<i>Lot 54 DP 4341, lot 55 DP 4341</i>
NP43	Murphy Street Reserve (Upper)	<i>Pt sec 35 Bk E Wakatu District DP 4099</i>
NP44	Neale Avenue Reserve (Downstream)	<i>Lot 36 DP 5608</i>
NP45	Ngaio Street Reserve	<i>Lot 58 DP 3315</i>
NP46	Ngapua Reserve	<i>Lot 43 DP 9961</i>
NP47	Nikau Street Reserve	<i>Lot 4 DP 4819</i>
NP48	Orchard Stream Gardens	<i>Lot 1 DP 16994</i>
NP49	Paddy's Knob	<i>Lot 26 DP 2064</i>
NP50	Paru Paru Road Reserve	<i>Sec 1169 City of Nelson SO 2308</i>
NP51	Peace Grove	
NP52	Pepper Tree Park	<i>Lot 14 DP 17751</i>

Map Reference	Name	Legal Description
NP53	Pioneer Park	<i>Lot 10 DP108, Lot 11 DP 108, Lot 12 DP 108, Lot 8 DP 97, Pt Sec 78 City of Nelson A 221, Lot 2 DP 846, Pt Sec 73 City of Nelson DP 689.</i>
NP54	Pipers Park Observatory	<i>Lot 2 DP 5769, Road reserve</i>
NP55	Poplar Reserve	<i>Lot 4 LT 18225</i>
NP56	Princes Drive Lookout	<i>Lot 26 DP 14687</i>
NP57	QEII Landfill Mounds	<i>Pt lot 1 DP 6968</i>
NP58	Ranui Reserve	<i>Lot 27 DP 2930, lot 7 DP 3129, Lot 18 DP 3496, Lot 8 DP 4062</i>
NP59	Russell Street Playground	<i>Lots 1 - 3 DP 1764</i>
NP60	Sequoia Reserve	<i>Lot 16 DP 12084</i>
NP61	Songer Street/The Ridgeway Corner Wilderness Reserve	<i>Lot 1 DP 6529, Lot 4 DP 806, Road reserve</i>
NP62	Station Reserve	<i>Lot 17 DP 4603, (part of) Suburban South District SO 11507</i>
NP63	Te-Ata Place Reserve	<i>Lot 42 DP 996</i>
NP64	Tosswill Reserve	<i>Pt sec 11 Suburban South District DP 1186, Lot 2 DP 3125, Lot 3 DP 3125, Lot 4 DP 3125, Pt lot 2 DP 2314, Pt lot 1 DP 3125</i>
NP65	Tresillian Avenue Reserve	<i>Lot 43 - 45 DP 8969</i>
NP66	Vosper Reserve	<i>Lot 8 DP 14078</i>
NP67	Waimea Road Kindergarten Reserve	<i>Lot 9 DP 4321</i>
NP68	Wakapuaka Hall Playground	<i>(part of) Lot 1 DP 9159</i>
NP69	Wards Playground	<i>Lot 2A 229, Lot 3A 229</i>
NP70	Waterhouse Street Reserve	<i>Lot 1 DP 10314, Lot 33 DP 13828</i>
NP71	Wellington Street Playground	<i>Lot 3 DP 7326</i>
NP72	Wellington Street Walkway and Reserve	<i>Road reserve</i>
NP73	Werneth Reserve	<i>Lot 14 DP 11754, Lot 7 DP 13656</i>
NP74	Wigzell Park	<i>Pt sec 908 City of Nelson A 158, Road reserve</i>
NP75	Wolfe Street Reserve	<i>Lot 4 DP 16928</i>
NP76	Basin Reserve	<i>Road reserve</i>
NP77	Douglas Reserve	<i>Lot 11 DP 10170, Lot 12 DP 10170, Road Reserve</i>
NP78	Queens Road Reserve	<i>Sec 1212 City of Nelson SO 9715</i>

Map reference	Name	Legal Description
NP79*	Future Reserve	<i>Lots 1 to 35 DP 353023: Private Plan Change 05/03 or Lots 36 &amp; 38 DP 353023, CT 233530: Private Plan Change 05/04. Final legal description pending subject to future subdivision.</i>
NP80*	Future Reserve	<i>Lots 1 to 35 DP 353023: Private Plan Change 05/03 or Lots 36 &amp; 38 DP 353023, CT 233530: Private Plan Change 05/04. Final legal description pending subject to future subdivision.</i>

\* Refer to Rural zone, Schedule E Structure Plan

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### *OSs.5.i Permitted Activities*

The following activities, and facilities and buildings associated with them, are permitted activities in the Neighbourhood Parks covered by this schedule:

- a) playgrounds
- b) service buildings
- c) informal recreation
- d) galas, festivals, ceremonies and outdoor performances
- e) temporary structures for the purposes of military training

Provided that any structure (including a fence) does not exceed a height of 3m (for playground equipment), or 4.5 m for service buildings.

Subject to compliance with the Open Space and Recreation Zone Rule Table.

Any activity that is not a permitted activity in the schedule is a non-complying activity. Any permitted activity that does not meet the permitted conditions of the rule table is discretionary.

## **OSs.6 Cemeteries**

Map Reference	Name	Legal Description
CM1	Hallowell	<i>Part Section B City of Nelson SO 4180</i>
CM2	Hira	<i>Part Section 28 SO 1174, Part Section 9 Block VI Wakapuaka SO 6924, Part Section Suburban North SO 1174 VI</i>
CM3	Marsden Cemetery	<i>Section 110 Suburban South, Lot 1 DP 18451 and Lot 6 DP 18204.</i>
CM4	Quakers Acre	<i>Lot 6 DP 1571</i>
CM5	Seaview Stoke Cemetery	<i>Lot 46 DP 9983, Sections 127, 128 &amp; 129 District of Suburban South SO 10649</i>
CM6	Wakapuaka Cemetery	<i>Part Lot 1 DP 655, Part Section 1 Suburban North SO 2995, Part Section 1 Suburban North SO 994 SO 9259, Road Segment</i>

### *OSs.6.i Permitted Activities*

The following activities, and facilities and buildings associated with them, are permitted activities in the Cemeteries covered by this schedule:

- a) Service buildings
- b) Aerials
- c) Informal recreation activities consistent with the dignity and peacefulness expected in a cemetery
- d) Any activity listed in any management plan approved for the land under the Reserves Act
- e) Events associated with funerals, cremations and burials and memorial services

Subject to compliance with the Open Space and Recreation Zone Rule Table.

Any activity that is not a permitted activity in the schedule is a non-complying activity. Any permitted activity that does not meet the permitted conditions of the rule table is discretionary.

**OSs.7****Camping Grounds**

Map Reference	Name	Legal Description
CG1	Brook Reservoir Motor Camp	Lot 2 DP 764, Lot 53 DP 210, Section 47 Brook and Maitai SO 12445, Part Section 41 Brook and Maitai SO 112, Part Section 9 Brook and Maitai DP2634, Lot 49 DP210, Part Section 9 Brook and Maitai SO 112, Part Lot 51 DP 210, Lot 1 DP 5496, Part Section 9 Brook and Maitai SO 1210
CG2	Tahunanui Motor Camp	Lots 2, 4 & 7 DP 7075
CG3	Maitai Motor Camp (Waahi Taakaro)	Part Section 6 Block I Maungatapu SD CT 43/66

**OSs.7.i Permitted Activities**

The following activities, and facilities and buildings associated with them, are permitted activities in the Camping Grounds covered by this schedule:

- a) Camping and short term living accommodation
- b) Conferences and conventions
- c) Service buildings
- d) Aerials
- e) Informal recreation activities
- f) Play equipment
- g) Hire of camping and sporting equipment
- h) Any activity listed in any management plan approved for the land under the Reserves Act
- i) Sales of refreshments, groceries and souvenirs
- j) Temporary structures for the purposes of military training

Subject to compliance with the Open Space and Recreation Zone Rule Table.

Any activity that is not a permitted activity in the schedule is a non-complying activity. Any permitted activity that does not meet the permitted conditions of the rule table is discretionary.

**OSs.8****Whakatu Marae**

Map Reference	Name	Legal Description
WM1	Whakatu Marae	Lot 1 DP 10675, Lot 1 DP 16244, Lot 1 DP 13462

The scheduled site is located in Atawhai Drive, between Founders Park and Miyazu Gardens, as shown on Planning Map 11.

**OSs.8.i General Rule**

For the purposes of this schedule, any reference to a boundary of a site in the Residential Zone rules is the boundary of the scheduled site.

**OSs.8.ii Permitted Activities**

Papakāinga development is permitted if:

- a) the development complies with the permitted conditions in the Open Space and Recreation Zone Rule Table, Residential Zone Rule Table, except the following rules: Non-Residential Activities; Home Occupations; and Decks, Terraces, Verandahs and Balconies, and

- b) the development does not include any of the following activities:
  - i) the boarding of dogs, cats or other animals
  - ii) the storage or sorting of any bottles, scrap or other waste materials
  - iii) fish, meat or animal by-product processing
  - iv) panel beating, vehicle wrecking, sheet metal work, spray painting, or boat, caravan or motor vehicle building

**OSs.8.iii Discretionary Activities**

Any activity that contravenes a condition for a permitted activity is discretionary.

**OSs.8.iv Assessment Criteria**

Any adverse effects on the amenity of neighbouring residential areas, and of Founders Park and Miyazu Gardens, particularly in terms of visual amenity and the noise environment.

In addition, where the activity contravenes one of the Residential Zone Rules listed above under Permitted Activities, the assessment criteria for that rule will apply.

**OSs.8.v Explanation**

In accordance with the principles of the Treaty of Waitangi and Part II of the Act, provision is made for a high degree of self management within the marae site. Controls relate to effects at the boundary to ensure any effects generated are contained to an acceptable level within the site. Activities with potentially high adverse effects, such as industrial-type processes, are not provided for as permitted activities. Applications can be considered on their merit as discretionary activities.

**OSs.9**

**Albion Square**

Map Reference	Name	Legal Description
AS1	Albion Square	Lot 1 DP 14740, Part Section 181 City of Nelson SO 112, Part Section 181 City of Nelson SO 112 SO6799, Section 201 City of Nelson, SO 1112 SO 1927, Section 203 City of Nelson SO 112, Part Section 179 City of Nelson SO 112, Part Section 200 City of Nelson SO 112, Part Section 202 City of Nelson SO 112

**OSs.9.i Permitted Activities**

The following activities and facilities and buildings associated with them, are permitted in Albion Square as covered by this schedule:

- a) service buildings
- b) commercial and office activities associated with the existing office buildings
- c) aerals
- d) informal recreation activities
- e) temporary structures for the purposes of military training

Subject to compliance with the Open Space and Recreation Zone Rule Table.

Any activity that is not a permitted activity in the schedule is a non-complying activity. Any permitted activity that does not meet the permitted conditions of the rule table is discretionary.

# **rules open space and recreation zone**

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## **OSr Rules**

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

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This section, the Schedules, and the Rule Tables that follow contain rules applicable in this zone. Different types of land in the Zone (eg. horticultural parks, sports fields) are listed in schedules and each group is subject to special rules, as well as common rules in the Rule Table.

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

### **OSr.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 activity exceeding 1000 terabecquerels.

### **OSr.3 Permitted activities**

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A permitted activity is one that is allowed without a resource consent if it is mentioned in the Schedules, and complies with the conditions specified in the “permitted” column of the Rule Table. In this Zone, land uses that are not specifically mentioned in the appropriate Schedule are non-complying activities.

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 not otherwise mentioned in the rules. The permitted activities subject to a condition for financial contributions are:

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

### **OSr.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 OSr.7 below regarding further matters of control.)

### **OSr.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 OSr.7 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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## **OSr.6 Non-complying activities**

A resource consent is required for a non-complying activity. (See Chapter 3 for a full 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. 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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## **OSr.7 Controlled activities and restricted discretionary activities**

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:

- OSr.7.a** Financial contributions in the form of money, land, works or services, or a combination of these. (See Chapter 6), and
- OSr.7.b** bonds or covenants or both, to ensure performance or compliance with any conditions imposed, and
- OSr.7.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
- OSr.7.d** the duration of a resource consent, under section 123 of the Act, and
- OSr.7.e** lapsing of a resource consent, under section 125 of the Act, and
- OSr.7.f** change and cancellation of a consent, under sections 126 and 127 of the Act, and
- OSr.7.g** notice that some or all conditions may be reviewed at some time in the future, under section 128 of the Act, and
- OSr.7.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.

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## **OSr.8 Regional rules, and regional and district rules**

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.

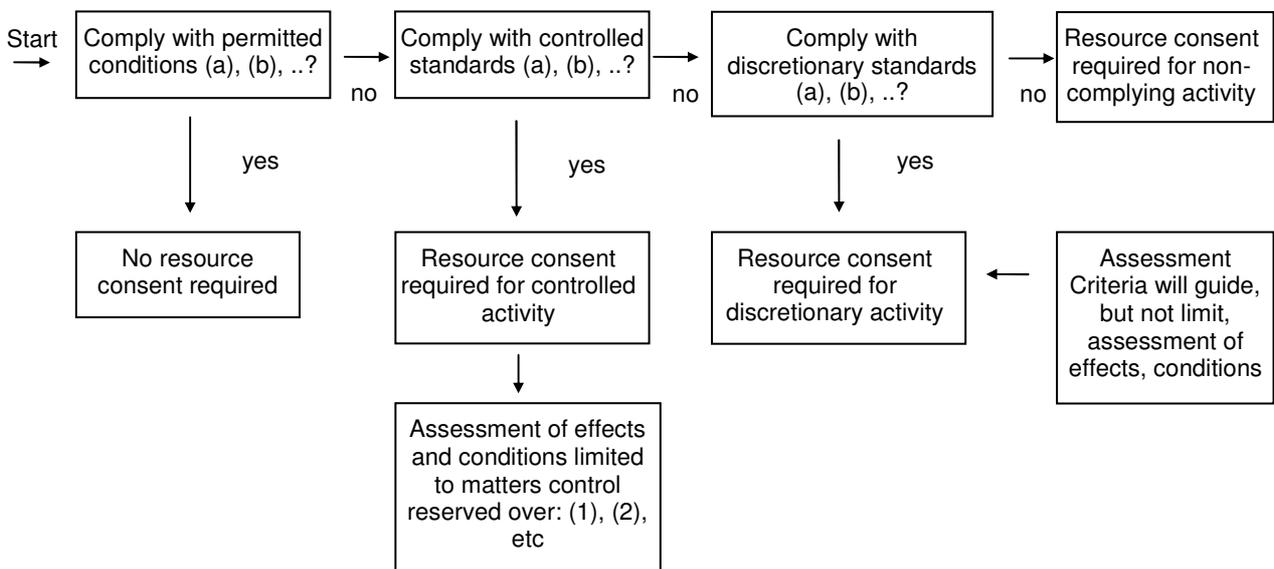
**OSr.9 Reading the rule table**

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



**OSr.9.1** 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.

## Contents of open space and recreation zone rule table

OSr.20	Permitted Activities
OSr.21	Construction of clubrooms, halls, places of assembly
OSr.22	Change of use of clubrooms, halls, places of assembly
OSr.23	Caretaker accommodation
OSr.24	Closing time - services to the public
OSr.25	Building on low lying sites
OSr.26	Height of buildings
OSr.27	Service buildings
OSr.28	Building over or alongside drains and water mains
OSr.29	Fences
OSr.30	Playgrounds
OSr.31	Sports equipment
OSr.32	Daylight admission
OSr.33	Activities near the coast
OSr.34	Parking and loading
OSr.35	Access
OSr.36	Signs
OSr.37	Noise
OSr.38	Light spill
OSr.39	Hazardous substances - use and storage
OSr.40	Aerials
OSr.41	Radiofrequency exposure levels
OSr.42	Network utility - buildings
OSr.43	Network utility - above ground and underground utilities
OSr.44	Minor upgrade of transmission lines and support structures
OSr.45	Structures on the road reserve
OSr.46	Network utility - roads
OSr.47	Vegetation clearance
OSr.48	Soil disturbance
OSr.49	Earthworks
OSr.49A	Landfill
<b>Rules Relating to Overlays on the Planning Maps</b>	
OSr.50	Landscape Overlay - Earthworks
OSr.51	Service Overlay - Building
OSr.52	View Shaft Overlay
OSr.53	Airport Effects Control Overlay and Port Effects Control Overlay
OSr.54	Airport Effects Advisory Overlay
OSr.55	Coastal Environment Overlay
OSr.56	Riparian Overlay - Activities on land identified with riparian values
OSr.57	Flood Path Overlays
OSr.58	Inundation Overlays - Low lying ground susceptible to localised stormwater ponding or tidal inundation
OSr.59	Land Management Overlay
OSr.60	Leisure Area - Buildings on seaward side of Wakefield Quay
OSr.61	Heritage Buildings, Places and Objects - Alterations to Group A and B items
OSr.62	Heritage Buildings, Places and Objects - New Buildings on the site of a heritage item
OSr.63	Heritage Buildings, Places and Objects - Demolition or Removal of Group A and B items
OSr.64	Heritage Buildings, Places and Objects - Demolition or removal of Group C items
OSr.65	Heritage Precincts - Alterations to any building (including listed Heritage Buildings and Objects)
OSr.66	Heritage Precincts - Erection of new buildings
OSr.67	Heritage Precincts - Removal or demolition of Listed Heritage Items
OSr.68	Heritage Trees - Trimming of a Heritage Tree identified in Appendix 2
OSr.69	Landscape Trees - Trimming of a Landscape Tree identified in Appendix 2
OSr.70	Heritage and Landscape Trees - Activities within the root protection zone of a Heritage or Landscape Tree identified in Appendix 2
OSr.71	Heritage and Landscape Trees - Removing or destroying a Heritage or Landscape Tree identified in Appendix 2
OSr.72	Local Trees - Removing a Local Tree identified in Appendix 2
OSr.73	Archaeological Sites
OSr.74	Subdivision
	<b>Freshwater rules</b>
	(Refer Appendix AP28.9 for freshwater rules)

## rule table

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>OSr.20</b> <b>Permitted Activities</b></p>	<p>OSr.20.1 Any activity that is permitted by the Open Space and Recreation schedules, and complies with all other permitted conditions of this rule table is a permitted activity.</p>	<p>OSr.20.2 not applicable</p>	<p>OSr.20.3 <b>Discretionary</b> Activities that are permitted by a schedule but contravene any permitted condition in this rule table are discretionary.</p> <p><b>Non-complying</b> Activities that are not permitted in an Open Space and Recreation schedule are non-complying.</p>
<p><b>OSr.21</b> <b>Construction of clubrooms, halls, places of assembly</b></p>	<p>OSr.21.1 Construction of clubrooms, halls and places of assembly, other than in accordance with an approved Management Plan, is not a permitted activity.</p>	<p>OSr.21.2 not applicable</p>	<p>OSr.21.3 <b>Discretionary</b> Activities that contravene a permitted condition are discretionary if:</p> <p>a) they are within the daylight angle as set out in Appendix 15.</p> <p><b>Non-complying</b> Activities that contravene the discretionary standard are non-complying.</p>
<p><b>OSr.22</b> <b>Change of use of clubrooms, halls, places of assembly</b></p>	<p>OSr.22.1 Change of use of clubrooms, halls and places of assembly, other than in accordance with an approved Management Plan, is not a permitted activity.</p>	<p>OSr.22.2 not applicable</p>	<p>OSr.22.3 <b>Discretionary</b> Buildings used for recreational, educational, social or cultural purposes or public or private meetings if:</p> <p>a) buildings or associated parking are at least 30 m from any adjoining site zoned for residential purposes.</p> <p><b>Non-complying</b> Activities that contravene the discretionary standard are non-complying.</p>

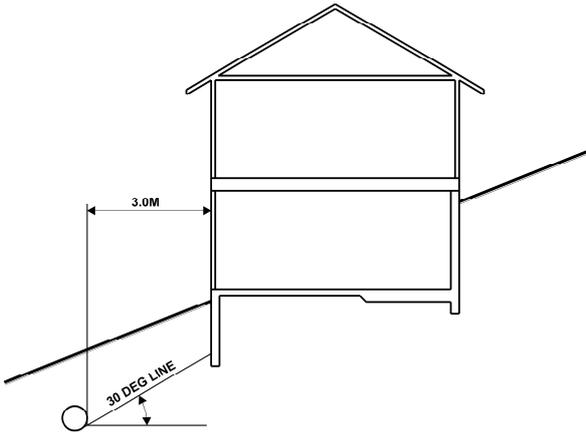
## open space and recreation zone

Assessment Criteria	Explanation
<p>OSr.20.4</p> <p>a) the extent of compliance with rules and assessment criteria in the Open Space and Recreation Zone schedules and this rule table.</p>	<p>OSr.20.5</p> <p>The Open Space and Recreation Zone is structured in a different way to other zones in the Plan. This rule makes it clear that there are two tests to pass for activities in the Open Space and Recreation Zone. First, the activity must be provided for in the schedules. If it is not provided for, it is a non-complying activity. Where the activity is provided for but does not meet the permitted activity conditions, it becomes discretionary.</p>
<p>OSr.21.4</p> <p>a) design and appearance of facilities.</p> <p>b) the use of landscaping and site treatment proposed with the application to soften the appearance of the development and reduce the effects upon neighbouring properties and the reserve itself.</p> <p>c) the reasons why siting in the Open Space and Recreation Zone is considered appropriate or necessary, and the extent to which alternative locations have been considered, including sites in other zones.</p> <p>d) any cumulative effects from the activity or increase in the scale or intensity of the activity, whether on its own or in combination with other activities in the area.</p> <p>e) the extent to which the activity might enhance the amenity of the area and the reserve itself.</p> <p>f) the extent to which the activity reduces the Open Space and Recreation land available to the public.</p>	<p>OSr.21.5</p> <p>Clubrooms and places of assembly can have significant impacts on the character of the Zone.</p> <p>Clubrooms and places of assembly built within the Zone are required to go through the resource consent process, so that each proposal can be assessed on its merits, because:</p> <ul style="list-style-type: none"> <li>i) of the importance of maintaining a high standard of amenity</li> <li>ii) of the difficulty in removing activities once established if they prove unacceptable in the reserve and neighbourhood</li> <li>iii) in some instances, the risks to life, or at least quality of life, of getting it wrong</li> </ul>
<p>OSr.22.4</p> <p>a) the extent to which existing amenities would be lessened, or whether effects such as noise, dust, glare, vibration, fumes, smoke, odours or other discharges or pollutants have an adverse effect on the neighbourhood. Particular consideration is given to maintaining a quiet night-time environment, and to minimising risk to health and safety.</p> <p>b) the extent to which vehicular traffic generated by a clubroom or place of assembly can be accommodated without a loss of safety or amenity, or without causing congestion.</p> <p>c) the proposed hours of operation of the activity and the extent to which that will cause a nuisance to residential occupiers, particularly during normal sleeping hours of 10pm to 7am.</p> <p>d) the reasons why siting in the Open Space and Recreation Zone is considered appropriate or necessary, and the extent to which alternative locations have been considered, including sites in other zones.</p> <p>e) any cumulative effects from the activity or increase in the scale or intensity of the activity, whether on its own or in combination with other activities in the area.</p> <p>f) the extent to which the activity might enhance the amenity of the area and the reserve itself.</p>	<p>OSr.22.5</p> <p>Clubrooms and places of assembly can have significant impacts on the character of the Zone.</p> <p>Clubrooms and places of assembly built within the zone are required to go through the resource consent process, so that each proposal can be assessed on its merits, because:</p> <ul style="list-style-type: none"> <li>i) of the importance of maintaining a high standard of amenity</li> <li>ii) of the difficulty in removing activities once established if they prove unacceptable in the reserve and neighbourhood</li> <li>iii) in some instances, the risks to life, or at least quality of life, of getting it wrong</li> </ul> <p>Criteria for deciding whether or not consent applications should be publicly notified are set out in Section AD8.5.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>OSr.23</b> <b>Caretaker accommodation</b>	OSr.23.1 Any residential unit for the purposes of the security or management of the site is permitted if: a) The unit meets the permitted activities in performance standards for the Residential Zone.	OSr.23.2 not applicable	OSr.23.3 Activities that contravene a permitted condition are discretionary.
<b>OSr.24</b> <b>Closing times - services to the public</b>	OSr.24.1 a) Any activity located within 50 m of a Residential Zone Boundary, which is open to the public, or is a place of public assembly, may be open to the public only during the following hours: Sunday to Thursday inclusive: 7am - 11pm Friday, Saturday, Christmas Eve and New Year's Eve: 7am - 1am the following day, and b) any activity located more than 50m from the Residential Zone boundary, which involves the sale of liquor for consumption on the premises, may be open for the sale of liquor only during the following hours: Daily: 7am - 3am the following day, and c) any activity located anywhere in the Zone, which involves the sale of liquor for consumption off the premises may be open for the sale of liquor only during the following hours: Daily: 7am - 11pm.	OSr.24.2 not applicable	OSr.24.3 Activities that contravene a permitted condition are discretionary.
<b>OSr.25</b> <b>Building on low lying sites</b>	OSr.25.1 Building is permitted if: a) the ground level (excluding waterbodies) is 15.35m NCC Datum or above; or ground level is raised and compacted to at least those levels: i) in accordance with NZS 4431:1989 (Code of Practice for Earthfill for Residential Development), and ii) such that stormwater runoff from the site is not directed onto other sites, and that natural water flows from other sites are not obstructed, and iii) the finished ground level is not less than 400mm above the design hydraulic grade level of the storm water system serving the site, and b) the minimum finished floor level of the building is: i) concrete floor: 15.50m ii) timber floor: 15.65m	OSr.25.2 not applicable	OSr.25.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>OSr.23.4</p> <ul style="list-style-type: none"> <li>a) the extent to which the residential building will affect the character and expected use of the reserve.</li> <li>b) the extent to which options for other possible uses of the reserve are restricted by a residential unit being present.</li> <li>c) the extent to which design and appearance of the new building reflects the character of the reserve including existing buildings on and adjoining the reserve.</li> <li>d) the use of landscaping and site treatment proposed with the application to soften the appearance of the development and reduce the effects upon neighbouring properties.</li> </ul>	<p>OSr.23.5</p> <p>Accommodation for a caretaker or manager may in some cases provide a level of security that may not be possible by other means. It should, however, be avoided where such accommodation would adversely affect the character or functions of the reserve.</p> <p>(Refer to adjoining zone rules including: daylight, parking, access, outdoor living space.)</p>
<p>OSr.24.4</p> <ul style="list-style-type: none"> <li>a) the nature and scale of the activity in relation to nearby residential activity, having regard to the nature of the existing and permitted future uses on nearby sites.</li> <li>b) the effect on the existing and likely foreseeable amenity of nearby residential areas, particularly in relation to noise and traffic generation.</li> <li>c) the ability to remedy or mitigate any adverse effects of the activity by the layout or design of the site or buildings, or by the provision of landscaping or similar measures.</li> <li>d) the topography of the site and the neighbouring areas.</li> <li>e) the adequacy of car parking on the site, and its location in relation to the neighbouring residential activities.</li> <li>f) the effectiveness, and in particular the certainty, provided by any conditions or controls that might be imposed on the activity.</li> <li>g) whether the activity is temporary, and the frequency of such events (where applicable).</li> </ul>	<p>OSr.24.5</p> <p>Activities which are close to residential areas and which are open to the public late at night, have the potential to create adverse effects which conflict with the residential nature of the neighbouring areas. Particular problems are traffic arriving and leaving the premises, noise from patrons, and sometimes music. Therefore restrictions have been placed on the hours of opening of such activities.</p> <p>Away from the boundary with residentially-zoned land, there are no restrictions on hours of opening, except for activities which involve the sale of alcohol. This recognises the adverse environmental effects which often accompany licensed premises and the patrons using them. There are set hours for off-licence premises throughout the zone. The hours for licensed premises were developed after extensive public consultation under the Sale of Liquor Act and only apply to sale of liquor aspects of activities.</p>
<p>OSr.25.4</p> <ul style="list-style-type: none"> <li>a) the ground level required to avoid the effects of anticipated flooding.</li> <li>b) the type of inundation likely to be experienced, whether it be stormwater ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding.</li> <li>c) the effects on neighbouring properties, especially with respect to stormwater runoff.</li> <li>d) section 5.6.5b) and Table 5-6 and 5-7 in section 5 of the NCC Land Development Manual 2010.</li> </ul>	<p>OSr.25.5</p> <p>The minimum ground levels set are based on the best estimates from the Ministry for the Environment for likely sea level rise caused by global climate change. This takes account of predicted spring tides and expected tidal surges, and their consequences on stormwater ponding. Monaco is exposed to wind driven tidal surge and wave set, hence an additional safety margin is required there.</p> <p>Sites below the minimum levels stated for permitted activities will be assessed individually to ensure that ground or floor heights are sufficient to protect the building from inundation.</p> <p>See Rule OSr.49 (earthworks) where a site is to be filled.</p> <p>This low lying site rule does not apply within the inundation overlay - see OSr.58 (inundation overlay)</p>

<b>Item</b>	<b>Permitted</b>	<b>Controlled</b>	<b>Discretionary/Non-complying</b>
<b>OSr.26 Height of buildings</b>	OSr.26.1 Buildings are permitted if: a) in Trafalgar Park, Rutherford Park and Saxton Field buildings do not exceed 18m in height, or b) in the rest of the Zone, they do not exceed 7.5m in height  (see Chapter 2 Meanings of Words for definition of 'Height' [including chimneys] and 'Height measurement').	OSr.26.2 not applicable	OSr.26.3 Activities that contravene a permitted condition are discretionary.
<b>OSr.27 Service buildings</b>	OSr.27.1 Service buildings to be used for changing rooms, ablutions, toilets or storage for sports or reserve maintenance equipment are permitted if: a) they do not exceed 50m <sup>2</sup> in area.	OSr.27.2 not applicable	OSr.27.3 Activities that contravene a permitted condition are discretionary.
<b>OSr.28 Building over or alongside drains and water mains</b>	OSr.28.1 a) Structures: i) must be located no closer than one metre measured horizontally from the near side of any public water main or common private or public sewer or stormwater drain, where the required pipe or drain is less than or equal to 300 mm in diameter or width, and ii) must be located no closer than 1.5m measured horizontally from the near side of any public water main, or common private or public sewer or stormwater drain, where the required pipe or drain is greater than 300mm in diameter or width, and iii) may overhang the line of the pipe or drain, provided the structure is cantilevered or is an eave and the height to the underside of the structure above ground level is not less than 1.8m, and iv) which are located within 3m, measuring horizontally, from the near side of the pipe or drain must have the base of the foundations deeper than a line drawn at 30 degrees from the horizontal from the invert (bottom) of the pipe or drain (see diagram), and b) as an alternative to (a), structures may be located over common private or public wastewater or stormwater drains, if they comply with "Acceptable Techniques for Building over Drains and Pipelines" Table 3-4 in section 3 of the NCC Land Development Manual.	OSr.28.2 not applicable	OSr.28.3 Restricted Discretionary Activity Activities that contravene a permitted standard are a restricted discretionary activity.  Discretion restricted to: i) the design and location of the structure, and ii) access to pipework or drain for maintenance, and iii) the nature and location of the pipework or drain.  Resource consent applications for restricted discretionary activities will be considered without notification or service of notice.

Assessment Criteria	Explanation
<p>OSr.26.4</p> <p>a) the relationship between the scale of any buildings, structures or car parking areas on the site and existing adjoining development. More substantial building development may be acceptable in situations where the topography of the site or existing vegetation will diminish the impact of new development.</p> <p>b) the extent to which design and appearance of the new building reflects the character of the reserve including existing buildings on and adjoining the reserve.</p>	<p>OSr.26.5</p> <p>As reserves are usually surrounded by a zone with reasonably homogenous characteristics it is important that buildings within reserves are in keeping with the scale of these buildings.</p> <p>Buildings over the height limits in OCr.26.1, or buildings averaging over those height limits on sloping ground, are discretionary.</p>
<p>OSr.27.4</p> <p>a) the use of landscaping and site treatment proposed with the application to soften the appearance of the development and reduce the effects upon neighbouring properties.</p>	<p>OSr.27.5</p> <p>Service buildings are an important facility on many of the city's reserves, especially sports grounds. However, restrictions on size and landscaping are important in helping to ensure minimum physical and visual intrusion into what is primarily open space.</p>
<p>OSr.28.4</p> <p>a) the nature of the structure and whether access to the pipe or drain can be maintained.</p> <p>b) any measures taken to ensure that replacement of the pipe or drain can be undertaken.</p> <p>c) the nature of the pipe or drain, taking into account materials of construction and any bends or joints.</p>	<p>OSr.28.5</p> <p>Limiting access to pipes and drains means that repair and maintenance may be very costly and may even result in pipes or drains having to be relocated. This rule seeks to preserve access to all pipes or drains where off site facilities are likely to be affected.</p> <p>Table 3-4, section 3 of the NCC Land Development Manual 2010 provides techniques which allow the construction of structures over drains in some limited circumstances.</p> <p><b>Diagram referred to in OSr.28.1a):</b></p> 

<b>Item</b>	<b>Permitted</b>	<b>Controlled</b>	<b>Discretionary/Non-complying</b>
<b>OSr.29 Fences</b>	OSr.29.1 Fences for the purpose of stopping balls (ie. around tennis courts, cricket pitches etc) must: a) not exceed 3m in height, and b) be constructed of wire mesh on a steel or wooden frame.  All other fences must meet the daylight and height restrictions of the adjoining zone.	OSr.29.2 not applicable	OSr.29.3 Activities that contravene a permitted condition are discretionary.
<b>OSr.30 Playgrounds</b>	OSr.30.1 Playground structures are permitted if: a) up to a height of 3m, and b) within the daylight restrictions set out in Appendix 15 (daylight admission – residential)	OSr.30.2 not applicable	OSr.30.3 Activities that contravene a permitted condition are discretionary.
<b>OSr.31 Sports equipment</b>	OSr.31.1 Goal posts and fitness equipment as required for formal and informal sporting activities are permitted if: a) fitness equipment is below the maximum height permitted in the adjoining zone (goal posts may be of any height).	OSr.31.2 not applicable	OSr.31.3 Activities that contravene a permitted condition are discretionary.
<b>OSr.32 Daylight admission</b>	OSr.32.1 Buildings (including fences) adjoining a residentially zoned site are permitted if: a) contained within a building envelope constructed by the daylight angles on the site boundaries as shown in Appendix 15 (daylight admission – residential)	OSr.32.2 not applicable	OSr.32.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>OSr.29.4</p> <ul style="list-style-type: none"> <li>a) any effects on the outlook of the adjoining property.</li> <li>b) in the case of a front fence, any impacts on the streetscape.</li> <li>c) the design and appearance of the fence.</li> <li>d) any positive effects on or off the site, including improved privacy, security, and appearance, or the ability to screen unsightly activities or objects.</li> </ul>	<p>OSr.29.5</p> <p>The maximum height provides a reasonable degree of privacy or security, without giving a fortress appearance, or reducing the outlook of neighbours to a significant degree.</p> <p>Fences over this height will require assessment by the resource consent process, and will be judged on the purpose they serve, whether they improve the appearance of the property or the streetscape, and any effects (both positive and adverse) they might have on neighbours.</p>
<p>OSr.30.4</p> <ul style="list-style-type: none"> <li>a) the compatibility of the structure with its surroundings and its appropriateness in the particular park, land, or reserve for which it is proposed.</li> <li>b) privacy for adjacent land use activities.</li> </ul>	<p>OSr.30.5</p> <p>Playgrounds may or may not be a permanent fixture in a park and may become obsolete as the age structure of the surrounding neighbourhood population changes.</p> <p>Daylight controls are imposed more as a means of ensuring a degree of privacy is retained by adjacent sites as well as ensuring that solid structures do not detract from sunlight amenity.</p> <p>Note: all proposed playgrounds must obtain a building consent. Playgrounds should also be designed to New Zealand standards for playground equipment NZS5828 Part 1, 2 and 3.</p>
<p>OSr.31.4</p> <ul style="list-style-type: none"> <li>a) the extent of additional shading, having regard to the size of the shadow cast and the period of time the area is affected.</li> <li>b) the nature of activities or area affected.</li> <li>c) the effects of any shading on the public enjoyment and amenity of streets and reserves.</li> <li>d) any positive effects including possible new activities able to be undertaken within the reserve.</li> <li>e) privacy effects on adjoining properties.</li> </ul>	<p>OSr.31.5</p> <p>Sports equipment is essential to many codes and accepted, even expected, in sports grounds. The slight nature of goal posts makes them unlikely to cause shading or obstruction of views, and they are often removed in the off-season.</p> <p>While they may exceed adjoining zone height restrictions, they are thus unlikely to cause adverse effects.</p> <p>Sports equipment such as fitness trails can be of a more substantial nature and is therefore subject to height and daylight restrictions.</p>
<p>OSr.32.4</p> <ul style="list-style-type: none"> <li>a) the extent of any additional shading, having regard to the size of the shadow cast and the period of time an area is affected.</li> <li>b) the nature of activities or area affected.</li> <li>c) the effects of any shading on the public enjoyment and amenity of streets and public places.</li> </ul>	<p>OSr.32.5</p> <p>The daylight controls are set to allow, except where prevented by topography or other natural features, at least 1.5 hours of direct sunlight to every site around midday in mid-winter, or alternatively 2.75 hours of direct sunlight during the periods before 11am and after 1.45pm at mid-winter.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>OSr.33</b> <b>Activities near rivers, wetlands, or coast</b>	OSr.33.1 Activities within 20m of mean high water springs are permitted if: a) they do not involve erection or extension of structures (excluding fences), and b) they do not impede the legal right of foot access along a waterbody where this exists.	OSr.33.2 Extension of a utility service line or structure is controlled. Control reserved over: i) damage to indigenous vegetation, and ii) disturbance of river banks, and iii) maintenance of access, and iv) remedial measures.	OSr.33.3 Activities that contravene a permitted condition are discretionary.
<b>OSr.34</b> <b>Parking and loading</b>	OSr.34.1 Parking, loading, manoeuvring, queuing, and set down areas must be provided and maintained on each site in accordance with the standards set out in Appendix 10.	OSr.34.2 Parking for Short Term Living Accommodation units (excluding any loading zones for coaches and parking for managers units) and which complies in all other respects with the relevant standards in Appendix 10, is a controlled activity if: a) a minimum of 0.8 spaces per unit is provided, except where the unit can accommodate more than 6 guests, in which case a minimum of 1.5 spaces must be provided per unit.  Control reserved over: i) number of vehicle parks, and ii) type and size of vehicle parks, and iii) location of vehicle parking, and iv) manoeuvring to and from vehicle parking.	OSr.34.3 Activities that contravene a permitted condition or controlled standard are discretionary, except that an application to reduce the parking requirements in Appendix 10 is a restricted discretionary activity if: a) for short term living accommodation a minimum of 0.6 spaces per unit is provided, except where the unit can accommodate more than 6 guests, in which case a minimum of 1 space must be provided per unit, or b) for other activities: i) the proposed reduction in parking spaces is not more than 10% of the number required in Appendix 10, and ii) where the reduction in parking spaces exceeds 5 spaces, the application is accompanied by a Travel Management Plan that addresses the matters in Assessment Criterion OSr.34.4.  Discretion restricted to: i) number of parking spaces (and any loading spaces) provided, and ii) the surfacing of the area, and iii) the location, dimensions and layout of parking, loading, manoeuvring and queuing areas, and iv) conditions relating to any parking off-site or any other methods or arrangements that are to be put in place to facilitate the reduction in parking.  Resource consent applications for restricted discretionary activities under this rule will be considered without notification and without service of notice.
<b>OSr.35</b> <b>Access</b>	OSr.35.1 Vehicle access must be provided and maintained for each site in accordance with the standards set out in Appendix 11 and sections 4.3.7d)1) to 7), 4.3.7e) to i), 4.3.7d), 4.3.8.2a) to c), 4.3.8.5a), 4.3.12.7a) to c), 4.3.15d), 4.3.15.1a) to f), 4.3.15.2b) to d), 4.3.15.3b) to c), 4.3.15.3a) and Tables 4-6, 4-7, and 4-164 and Figures 4-M, 4-N, 4-O and 4-P of the NCC Land Development Manual 2010	OSr.35.2 not applicable	OSr.35.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>OSr.33.4</p> <p>a) the appropriateness of undertaking the activity within this area.</p> <p>b) effects on water quality.</p> <p>c) effects on public access and recreation.</p> <p>d) effects on indigenous vegetation and the habitat of indigenous fauna.</p> <p>e) effects on sites of cultural significance.</p> <p>f) the justification for the establishment of esplanade reserves, strips or other protections for the margins.</p> <p>g) the values of coastal waters listed in Appendix 4 (marine ASCV overlay) and Appendix 6 (riparian and coastal margin overlays).</p>	<p>OSr.33.5</p> <p>Coastal margins are sensitive to modification, provide habitat for plant and animal communities, and are important for recreational, aesthetic, and cultural reasons.</p> <p>Activities in a Flood Path Overlay or Inundation Overlay are regulated by separate rules: OSr.56 (flood path overlays) and OSr.57 (inundation overlays). Activities in or adjoining a Riparian Overlay are regulated by Rule OSr.55 (riparian overlay).</p>
<p>OSr.34.4</p> <p>a) refer to Appendix 10.</p> <p>b) where a Travel Management Plan is required under the restricted discretionary rule it shall include the following, taking into account the reduction in parking spaces being sought:</p> <p>i) The nature and scale of the activity and associated parking demands from employees and visitors/customers;</p> <p>ii) Proposed means of reducing parking demands, such as;</p> <ul style="list-style-type: none"> <li>• Managing the number of motor vehicle trips to and from the activity by encouraging higher vehicle occupancies</li> <li>• Sharing parking spaces between complementary uses and spreading peak loads</li> <li>• Encouraging more use of public transport, walking and cycling</li> </ul> <p>iii) Proposed means of monitoring outcomes.</p>	<p>OSr.34.5</p> <p>Refer to Appendix 10.</p>
<p>OSr.35.4</p> <p>Refer to Appendix 11.</p>	<p>OSr.35.5</p> <p>Refer to Appendix 11.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>OSr.36 Signs</b>	OSr.36.1 Signs are permitted if: a) erected in accordance with the standards set out in Appendix 20 (signs and outdoor advertising).	OSr.36.2 not applicable	OSr.36.3 Activities that contravene a permitted condition are discretionary.
<b>OSr.37 Noise</b>	OSr.37.1 a) Noise levels measured at, or within the boundary of any site in the Residential Zone must not exceed: <b>Day Time</b> L 10: (55 dBA) <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.) b) All measurements and assessment in accordance with NZS6801:1991 and NZS6802:1991. c) Sound from events and spectators at Trafalgar Park, Rutherford Park, or Saxton Field shall be exempt from the application of the limits in (a) above, provided that i) the events do not occur outside the hours of 7am to 10pm, and ii) the sound does not involve electrically amplified music.	OSr.37.2 Noise from any event involving electric amplification of sound, other than any event that complies with OSr.37.1 (c), is a controlled activity. Control reserved over: i) noise levels, and ii) mitigation of noise, and iii) hours of the activity, and iv) monitoring of noise levels, and v) the frequency of events on a site.	OSr.37.3 Activities that contravene a permitted condition or a controlled standard are discretionary.
<b>OSr.38 Light spill</b>	OSr.38.1 Artificial lighting is permitted if: a) the spill of light onto any other site within the zone does not exceed 10 lux (horizontal and vertical) measured at the boundary of the other site, and b) the spill of light onto any site in the Residential Zone does not exceed 3 lux (horizontal and vertical), measured at the boundary of the other site, and c) the lighting does not create any light on roads which may distract traffic or interfere with any traffic aids or signals, or d) the light is a street light, navigation light or traffic signal.	OSr.38.2 not applicable	OSr.38.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>OSr.36.4</p> <ul style="list-style-type: none"> <li>a) the effect on the streetscape and character of the area.</li> <li>b) the extent to which the sign fits with, rather than dominates, the building.</li> <li>c) whether the sign is sympathetic to any heritage building, including the extent to which the sign is compatible with any residential design guide (where relevant).</li> <li>d) the extent to which the sign is likely to distract motorists.</li> </ul>	<p>OSr.36.5</p> <p>The rule recognises that signs serve a legitimate and useful purpose. However, oversized or excessive numbers of signs can detract from an area. For similar reasons flashing or externally lit signs are not provided for.</p> <p><b>Note:</b> There are special rules in Appendix 20 which relate to signs on heritage buildings and protected trees.</p>
<p>OSr.37.4</p> <ul style="list-style-type: none"> <li>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.</li> <li>b) the nature and location of nearby activities and the effects they may experience, particularly the night time effects on residentially zoned land.</li> <li>c) whether the noise is likely to detract from the general environmental quality being proposed for the adjoining zone.</li> <li>d) the effectiveness of, and in particular the certainty provided by, any conditions or controls that might be imposed on the activity.</li> <li>e) the degree of compliance with the 'Code of Practice – Noise Control for Events in Parks and Reserves', Planning and Consents Division, Nelson City Council.</li> </ul>	<p>OSr.37.5</p> <p>The rule is to prevent unreasonable levels of noise affecting neighbouring properties. What is reasonable needs to take account of the nature of the neighbourhood, the time of day or night, and whether it is a week day or weekend.</p> <p>What is reasonable may also relate to the duration or frequency of the event. Habitual noise may be more annoying than one off louder events. Temporary noise may also be tolerated more (within reason) than ongoing disturbance eg. noise associated with construction.</p> <p>Noise from public events in parks and reserves requires a more flexible method of control. The main source of complaint is amplified PA and sound systems, especially on parks where such activities are not expected, or when noise levels will be particularly high (eg a rock concert). On the three main regional reserves (Saxton Field, Trafalgar Park and Rutherford Park) where regular events are held, an exemption from the usual residential standards is provided during the day up to 10pm, provided amplified music is not involved. For events on other parks, where amplified sound is used (whether a PA system or amplified music), the activity is controlled and will be assessed against the Nelson City Council's Code of Practice for Noise Control for Events in Parks and Reserves. Thus a concert at Trafalgar Park (or the Botanic) would require a controlled activity consent, as would a rugby match which had amplified music associated with it.</p>
<p>OSr.38.4</p> <ul style="list-style-type: none"> <li>a) effects on adjacent and adjoining uses.</li> <li>b) the extent to which additional light may adversely affect occupation of residential properties.</li> <li>c) the effect on traffic safety.</li> <li>d) the positive effects of improved pedestrian safety and security.</li> <li>e) the type of light, including its strength, and hours of operation.</li> </ul>	<p>OSr.38.5</p> <p>The rule is to prevent unreasonable levels of light spilling onto neighbouring properties. Different levels are specified for light received on sites within the zone, compared to sites within the Residential Zone. This recognises the greater sensitivity of areas containing dwellings.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>OSr.39</b> <b>Hazardous substances - use and storage</b>	OSr.39.1 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).	OSr.39.2 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.	OSr.39.3 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>OSr.40</b> <b>Aerials</b>	OSr.40.1 Aerials are permitted if: <ul style="list-style-type: none"> <li>a) dish antennas do not exceed a diameter of 1 m, and</li> <li>b) any dish antenna is not visible from any public place when located on the site of any Group A or B Heritage Building (listed in Appendix 1), and</li> <li>c) aerials attached to a building do not exceed the height of the building by more than 7m, and</li> <li>d) aerials that are not attached to a building do not exceed 12m in height, and the aerial complies with the daylight over provisions in Appendix 15 (daylight admission – residential) with respect to any boundary with land zoned Residential, and</li> <li>e) the supporting mast does not exceed 450mm diameter.</li> </ul>	OSr.40.2 not applicable	OSr.40.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
OSr.39.4 Assessment Criteria in Appendix 21.	OSr.39.5 See Appendix 21.
OSr.40.4 a) the nature of the park or reserve and its sensitivity to the aerial. b) how prominent the site is, taking account of any significant public or private views or any significant landscapes. c) the visual impacts of the structure on the streetscape and the general public. d) any shading posed by the structure. e) the extent to which any heritage or cultural values of the site or adjoining sites might be compromised by the structure. f) the height and bulk of the structure. g) the extent to which design, colour scheme or screening might mitigate the adverse effects of the structure. h) the cumulative effects of additional aerals and structures, taking account of the impacts of existing aerals on the site and on adjacent sites.	OSr.40.5 Parks and reserves vary in character and use, and aerals are more appropriate on some than on others. The permitted standards reflect this and take a middle ground.

Item	Permitted	Controlled	Discretionary/Non-complying
<b>OSr.41</b> <b>Radiofrequency exposure levels</b>	<p>OSr.41.1</p> <p>Subject to the exclusions at the end of this rule, activities which produce radiofrequency fields are permitted activities if:</p> <ul style="list-style-type: none"> <li>i) Radiofrequency exposures measured at any point where any person may reasonably and lawfully gain access (excepting those employed or engaged on the maintenance and operation of the radio communication or telecommunication facility), do not exceed the maximum non-occupational exposure level in New Zealand Standard NZS 2772.1:1999 Radiofrequency Fields: Part 1 – Maximum Exposure Levels 3kHz-300GHz (“the New Zealand Standard”), and</li> <li>ii) Prior to establishing any facility that produces radio frequency fields at any site, the Planning and Consents Division of the Council are advised of the location and nature of the proposed facility, and</li> <li>iii) Where radiofrequency exposure levels will exceed 25% of the maximum non-occupational exposure limit set in the New Zealand Standard, then, within three months of radio frequency emissions commencing or increasing, a report from the National Radiation Laboratory (or another appropriately qualified person/organisation) certifying compliance with the New Zealand Standard NZS 2772.1:1999 Radio Frequency Fields; Part 1 – Maximum Exposure Levels 3kHz-300GHz, based on measurements at the site in accordance with New Zealand Standard NZS 6609.2:1990 Radiofrequency Radiation: Part 2: Principles and Methods of Measurement 300kHz to 100GHz, will be lodged with the Planning and Consents Division of the Council.</li> </ul> <p><b>Exclusion</b></p> <p>Conditions (ii), and (iii) of this rule shall not apply to domestic transmitting equipment, including, but not limited to, cellular and cordless phones, microwave ovens, CB radios, garage door openers, security systems, licensed amateur radio installations, and radio-controlled toys.</p>	<p>OSr.41.2</p> <p>not applicable</p>	<p>OSr.41.3</p> <p>Activities that contravene permitted condition (a) (i) are non-complying.</p> <p>Activities that contravene any other permitted condition are discretionary.</p>
<b>OSr.42</b> <b>Network utility - buildings</b>	<p>OSr.42.1</p> <p>Any network utility building is permitted if:</p> <ul style="list-style-type: none"> <li>a) the building is directly part of a network utility, and</li> <li>b) the building is not, or does not contain, a substation, and</li> <li>c) the building does not exceed: <ul style="list-style-type: none"> <li>i) 36m<sup>2</sup> ground floor area, and</li> <li>ii) 5m in height, and</li> </ul> </li> <li>d) the building complies with the relevant standards in this table.</li> </ul>	<p>OSr.42.2</p> <p>not applicable</p>	<p>OSr.42.3</p> <p>Activities that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p>OSr.41.4</p> <ul style="list-style-type: none"> <li>a) the potential effects of any increase of radiofrequency exposures on the health of persons near the facility.</li> <li>b) the nature of any activities near the proposed site, having regard to their susceptibility to any exposures.</li> <li>c) the location of the site, and any potential for shielding from exposures.</li> <li>d) any cumulative effects, particularly with regard to exposure to electromagnetic radiation from existing facilities in the area.</li> </ul>	<p>OSr.41.5</p> <p>Certain utilities and other activities emit electromagnetic radiation. These activities are perceived to be a health concern to some people living near them.</p> <p>In developing the rules on radiofrequency exposures, Council has based its approach on that recommended in the “National Guidelines for Managing the Effects of Radiofrequency Transmitters” produced by the Ministry of Health and the Ministry for the Environment in December 2000. The key findings of the guidelines was that there are no established health effects from exposure to radiofrequency fields as long as they comply with the New Zealand Standard NZS 2772.1:1999 Radiofrequency Fields: Part 1 – Maximum Exposure Levels 3kHz-300GHz.</p> <p>The Council is to be notified of location and nature of any proposed facility. Should this predictive report anticipate and should exposure levels be greater than 25 percent of the New Zealand Standard level, monitoring to determine the actual exposure levels from the transmitting installation will be required.</p> <p>The rule contains an exception for domestic radiofrequency transmitting equipment. This is to ensure that these domestic transmitting devices can be used without the rules applying to their radiofrequency emissions.</p> <p>Radiofrequency emissions that exceed the exposure levels set within the New Zealand Standard are to be considered as non-complying activities.</p>
<p>OSr.42.4</p> <ul style="list-style-type: none"> <li>a) the potential to avoid, remedy or mitigate any effects through landscaping, alternative locations and structures, earth mounding, colour schemes and design, or other measures.</li> <li>b) the extent to which the utility may compromise the amenity of residences in terms of lighting, noise, shading, air emissions, or vibration.</li> <li>c) any risk to health, safety or property posed by the structure or activity.</li> <li>d) how prominent the site is, taking account of any significant public or private views or any significant landscapes.</li> <li>e) the extent to which any heritage or cultural values of the site or adjoining sites might be compromised by the facility.</li> <li>f) whether there would be environmental benefits in co-location of the facility with other utilities.</li> <li>g) any cumulative effects, particularly with regard to visual impacts with respect to existing facilities in the area.</li> </ul>	<p>OSr.42.5</p> <p>Small scale utility buildings such as pump stations, transformer boxes and phone booths are an inconspicuous and inoffensive component of the utilities network and are provided for as of right. (Note: Rule OSr.43 applies where these are in the road reserve.)</p> <p>Structures larger than this (eg. reservoirs) and electricity substations which have the potential to compromise the residential environment are subject to the resource consent process. Consent could be declined or conditions placed on the facility to ensure residential amenity, and health and safety, are maintained.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>OSr.43</b> <b>Network utility - above ground and underground utilities</b>	OSr.43.1 a) Any underground network utility is permitted except: i) any high pressure gas line exceeding a gauge pressure of 2000 kilopascals, and b) Any above ground network utility is not permitted except: i) maintenance and operation of existing utilities, or ii) network utility buildings and substations, or iii) small above ground parts of an underground utility (e.g. junction boxes), or iv) as explicitly provided for elsewhere in this rule table.	OSr.43.2 not applicable	OSr.43.3 Activities that contravene a permitted condition are discretionary.
<b>OSr.44</b> <b>Minor Upgrading of Electricity Transmission Lines and Support Structures</b>	OSr.44.1 Minor upgrading of electricity transmission lines and support structures is a permitted activity if: a) the line or support structure is existing, and b) the line has a capacity of greater than or equal to 66kV.	OSr.44.2 not applicable	OSr.44.3 Activities that contravene a permitted condition are discretionary.
<b>OSr.45</b> <b>Structures on the road reserve</b>	OSr.45.1 Structures on the road reserve are permitted if: a) they are part of the road infrastructure (eg. bridges, culverts, street lighting, traffic signals) or relate to the safe use of the road or walkway, or b) structures (including equipment shelters and bus shelters) do not exceed 6m <sup>2</sup> floor area and 3.5m high.	OSr.45.2 not applicable	OSr.45.3 Activities that contravene a permitted condition are discretionary.
<b>OSr.46</b> <b>Network utility - roads</b>	OSr.46.1 The construction of any new road is permitted if: a) the road is not a State Highway, Arterial Road or Principal Road as defined on the Planning Maps, and b) the minimum standards (as defined in Section 1.1.1 General) in Section 4 of the NCC Land Development Manual 2010 are complied with.	OSr.46.2 not applicable	OSr.46.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>OSr.43.4</p> <ul style="list-style-type: none"> <li>a) any hazard presented by the utility.</li> <li>b) the environmental setting of the structure, having regard to the general locality, topography, geographical features and adjacent land uses.</li> <li>c) the visual impacts of the structure on residential or recreational use of land in the vicinity, and on significant ridge lines and view planes from public places, including roads.</li> <li>d) the scale, bulk and height of the facility.</li> <li>e) screening or landscaping of the utility and any modifications to its colour and design to reduce the visual effect of the utility on the surrounding environment.</li> <li>f) any constraints on placing the utility underground.</li> <li>g)</li> </ul>	<p>OSr.43.5</p> <p>Provision is made for lower pressure gas lines as permitted activities, but high pressure lines which present a higher risk need to be assessed as discretionary activities.</p> <p>The electricity and telephone network is an important part of the city's infrastructure. They, and similar facilities, are permitted if located under ground. However, overhead lines have the potential to detract from the residential streetscape, and have to be dealt with as discretionary activities. Maintenance and operation of existing utilities is permitted in accordance with the definition of "maintenance" in Chapter 2.</p>
<p>OSr.44.4</p> <ul style="list-style-type: none"> <li>a) the impact any proposed lines and support structures will have on the character of the area.</li> <li>b) any alternatives considered or proposed.</li> <li>c) the purpose of the facility and the local community it will serve.</li> <li>d) any mitigation measures proposed.</li> <li>e) the protection of areas of significant conservation value identified in accordance with the criteria contained in DO5.1.1.</li> </ul>	<p>OSr.44.5</p> <p>"Minor Upgrading" (in accordance with the definition in Chapter 2) is permitted in relation to larger electricity infrastructure only. These utilities are primarily located on the outskirts of the city and involve the higher voltage lines which are generally located on the larger structures like lattice towers. These existing structures are generally visually prominent wherever they are located, however it is considered that minor upgrading to the extent provided for in the definition, can occur without further noticeable effect.</p> <p>Note that the definition of "minor upgrading" is set out in Chapter 2 – Meaning of Words.</p>
<p>OSr.45.4</p> <ul style="list-style-type: none"> <li>a) the size and scale of the structures.</li> <li>b) any visual impacts, taking account of the character of the area.</li> <li>c) safety considerations including any effects on line of sight for motorists and other road users, having regard to the usage of the road.</li> </ul>	<p>OSr.45.5</p> <p>This rule allows for the usual basic infrastructure in the road reserve at a scale that is generally accepted by the public. This infrastructure includes street lights and other traffic equipment, as well as electricity distribution boxes and telephone booths.</p> <p>The rule is not restricted to network utility operators, to regulate bus shelters and street vendors.</p> <p>The Council (and the NZ Transport Agency in the case of State Highways) has an additional control as the owner of the land, in respect of who goes there and under what circumstances.</p> <p>Telecommunications and electricity operators have certain rights to put works on roads (under the Telecommunications Act 1987, section 15, and Electricity Act 1992, section 24). The Council will be guided when it prescribes conditions under those Acts, by the matters contemplated in these rules.</p>
<p>OSr.46.4</p> <ul style="list-style-type: none"> <li>a) the matters in section 4 of the NCC Land Development Manual 2010.</li> <li>b) the noise and air emissions from the road, taking account of the nature of nearby activities.</li> <li>c) any implications for traffic and pedestrian safety, both positive and adverse.</li> <li>d) any proposals to mitigate the adverse effects of the road, particularly by screening for noise and visual impacts.</li> <li>e) any impacts on communities eg. whether the road would divide a neighbourhood.</li> <li>f) any opportunities to provide views and vistas from the road.</li> </ul>	<p>OSr.46.5</p> <p>New roads and realignments and upgrading work on existing roads are generally dealt with by way of designations in the Plan. The designation procedure provides an opportunity for the public or affected persons to have a say on the proposals and for the environmental effects to be scrutinised. Where new roads have not been dealt with by designation, this rule provides the opportunity for public input via the resource consent process if the road is to be a major traffic carrier, or the usual design standards are not being followed.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>OSr.47</b> <b>Vegetation clearance</b> [Note this rule is a regional and district rule]</p> <p>Advisory Note: Notwithstanding any other rules in this plan, all plantation forestry activities regulated under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2018 must comply with those regulations. Where there is conflict or duplication between a rule in this plan and those regulations, the regulations prevail.</p>	<p>OSr.47.1 Vegetation clearance is a permitted activity if:</p> <p>a) it does not take place within 5m of the banks of any river identified in Appendix 6 (riparian and coastal margin overlays), except for the purpose of:</p> <ul style="list-style-type: none"> <li>i) forming or constructing a fire break, fence line, survey line, or</li> <li>ii) installing a utility service line across a river, or</li> <li>iii) maintenance of a State Highways, or</li> <li>iv) the installation and maintenance of utility service lines including the excavation of holes for supporting structures back-filled trenches, mole ploughing or thrusting, provided the clearance is no more than required to permit the activity, and</li> </ul> <p>b) it does not take place within 20m of the Coastal Marine Area, except for:</p> <ul style="list-style-type: none"> <li>i) maintenance of a State Highway, or</li> <li>ii) the installation and maintenance of utility service lines including the excavation of holes for supporting structures back-filled trenches, mole ploughing or thrusting, provided the clearance is no more than required to permit the activity; and</li> </ul> <p>c) no vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</p> <p>d) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance:</p> <ul style="list-style-type: none"> <li>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</li> <li>ii) vegetated, paved, metallated or built over, and</li> </ul> <p>e) after reasonable mixing there is no conspicuous change in the colour or visual clarity in any water body or coastal water as a result of undertaking the activity, and</p> <p>f) there is no clearance of indigenous forest, and</p> <p>g) there is no clearance of vegetation within a Biodiversity Corridor unless it is an exotic species, or a species with a pest designation in the current Tasman-Nelson Regional Pest Management Strategy, or is vegetation clearance required for:</p> <ul style="list-style-type: none"> <li>i) the maintenance of State Highways, or</li> <li>ii) the installation and maintenance of utility service lines which cross (more or less at right angles) a Biodiversity Corridor including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, provided the clearance is no more than required to permit the activity and vegetation is reinstated after the activity has been completed, or</li> <li>iii) the formation or maintenance of roads and private vehicle access ways which cross (more or less at right angles) a Biodiversity Corridor to land where there is no viable alternative access route available and provided the clearance is no more than required to permit the activity, or</li> <li>iv) the formation or maintenance of walkways or cycleways adjacent to, running along (subject to provisions of Sch I.2 c, Ch 7) or crossing (more or less at right angles) a Biodiversity Corridor and provided the clearance is no more than required to permit the activity.</li> </ul>	<p>OSr.47.2 Vegetation clearance within 5m of the banks of any river identified in Appendix 6 or within 20m of the Coastal Marine Area, is controlled if:</p> <ul style="list-style-type: none"> <li>a) the vegetation to be cleared is not indigenous forest, and</li> <li>b) no vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</li> <li>c) all bare soil areas are , as soon as practicable but no later than six months from the date of disturbance, or the time specified in the sedimentation and erosion control plan for the site:</li> </ul> <ul style="list-style-type: none"> <li>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</li> <li>ii) vegetated, paved, metallated or built over.</li> </ul> <p>Control reserved over:</p> <ul style="list-style-type: none"> <li>i) loss of topsoil, or movement of soil down slope, and</li> <li>ii) damage to structures or adjoining properties, and</li> <li>iii) soil and vegetation entering rivers, and</li> <li>iv) damage to instream habitats, and</li> <li>v) adverse effects on catchment stream flow, including stormwater, and</li> <li>vi) river bank erosion, and</li> <li>vii) duration of exposure of bare soil to wind and rainfall, and</li> <li>viii) catchment water quality, including suspended sediment load and increased stream bed load, and</li> <li>ix) the method and timing of the activity, and</li> <li>x) the area to be cleared at any one time, and</li> <li>xi) the provision of structures to control soil erosion or sedimentation, and</li> <li>xii) the timing and techniques used for revegetation.</li> </ul>	<p>OSr.47.3 Vegetation clearance that contravenes a controlled standard is a restricted discretionary activity. Discretion restricted to:</p> <ul style="list-style-type: none"> <li>i) loss of topsoil or movement of soil down slope, and</li> <li>ii) the potential for slope failure, and</li> <li>iii) damage to structures or adjoining properties, and</li> <li>iv) soil and vegetation entering rivers and coastal water, and</li> <li>v) damage to instream and coastal habitats, and</li> <li>vi) adverse effects of catchment stream flow, and</li> <li>vii) stream bank and coastal erosion, and</li> <li>viii) duration of bare soil to wind and rainfall, and</li> <li>ix) water quality, including suspended sediment load and increased stream bed load, and</li> <li>x) the method and timing of the activity, and</li> <li>xi) the area to be cleared at any one time, and</li> <li>xii) the provision of structures to control soil erosion or sedimentation, and</li> <li>xiii) the timing and techniques used for revegetation, and</li> <li>xiv) the long term management of the land cleared, and</li> <li>xv) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated, and</li> <li>xvi) the values set out in Appendix 6, Table 6.1 (riparian and coastal margins with identified riparian values) for any river, and</li> <li>xvii) the matters in Appendix 9 (landscape components and views), and</li> <li>xviii) the matters in Appendix 4 (marine ASCV overlay), and</li> <li>xix) effects on the values and function of any Biodiversity Corridor.</li> </ul>

Assessment Criteria	Explanation
<p>OSr.47.4</p> <p>In considering applications for controlled and discretionary activities, Council will exercise control over the matters listed in OSr.47.2, and restrict its discretion to the matters listed in OSr.47.3.</p>	<p>OSr.47.5</p> <p>This rule generally follows the pattern of the NCC Land Disturbance Regional Plan notified in 1993. That Plan will cease to have effect when this Plan becomes operative.</p> <p>Vegetation clearance adjacent to rivers and the coastal marine area have, because of their location, a high potential to cause soil erosion (river bank or coastal erosion), or sedimentation effects and are therefore controlled.</p> <p>Plantation Forest clearance near rivers and the coast is more tightly regulated under the National Environmental Standard for Plantation Forestry 1<sup>st</sup> May 2018, which came into effect after the date of notification of this Plan because it will have been planted in the knowledge that clearance near rivers would be regulated. Clearance of forest planted before that date are given controlled status to accommodate the expectations of owners at the time. Most rivers are included in the Riparian Overlay shown on the Planning Maps.</p> <p>Indigenous forest is specially protected to preserve intrinsic values of ecosystems, visual and other amenity values, as well as the relationship of Maori to their ancestral lands.</p> <p>Vegetation clearance in the Conservation Overlay is regulated by a separate rule.</p> <p>Native vegetation is specifically protected in Biodiversity Corridors to ensure their function as a corridor is not compromised through clearance.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>OSr.48 Soil disturbance</b></p> <p>[Note this rule is a regional and a district rule]</p> <p>Advisory Note: Rule OSr.48. does not apply to soil disturbance in relation to plantation forestry activities as these are regulated under regulations 22-35 of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2018.</p>	<p>OSr.48.1</p> <p>Soil disturbance is a permitted activity if:</p> <p>a) either: the predominant slope does not exceed 25° from horizontal; or the predominant slope exceeds 25° and the activity is one of the following:</p> <ul style="list-style-type: none"> <li>i) forming or maintaining a firebreak or the fairway beneath power transmission lines, or</li> <li>ii) maintaining a state highway, road, track or landing, or</li> <li>iii) is for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the disturbance is no more than required to permit the activity, and</li> </ul> <p>b) soil disturbance does not take place within 5m of the banks of any river identified in Appendix 6 or within 20m of the Coastal Marine Area, except for:</p> <ul style="list-style-type: none"> <li>i) the purpose of forming or constructing a fire break, fence line, survey line or installing a utility service line across a river, or</li> <li>ii) cultivation of land with a predominant slope not exceeding 6° from horizontal, provided cultivation is at least 2m from the banks of the river, or</li> <li>iii) the purpose of maintaining a state highway, or</li> <li>iv) is for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, or mole ploughing or thrusting, providing the disturbance is no more than required to permit the activity, and</li> </ul> <p>c) no soil or vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</p> <p>d) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance:</p> <ul style="list-style-type: none"> <li>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</li> <li>ii) vegetated, paved, metalled or built over, and</li> </ul> <p>e) after reasonable mixing there is no conspicuous change in the colour or visual clarity in any water body or coastal water as a result of undertaking the activity, and</p> <p>f) all formation surfaces with an inward cross fall are drained by a water table and cut offs or culverts are formed or installed so as to prevent erosion of the formed surfaces, and</p> <p>g) trenches formed for utility service lines are back filled, compacted and revegetated as soon as practicable, and</p> <p>h) soil is managed on the site during the construction period and after, such that there are no adverse effects on adjoining properties or any waterbodies.</p>	<p>OSr.48.2</p> <p>Soil disturbance that contravenes a condition for permitted activities is controlled if:</p> <ul style="list-style-type: none"> <li>a) the predominant slope does not exceed 35° from horizontal, and</li> <li>b) no soil or vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</li> <li>c) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance, or the time specified in the sedimentation and erosion control plan for the site: <ul style="list-style-type: none"> <li>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</li> <li>ii) vegetated, paved, metalled or built over, and</li> </ul> </li> <li>d) all formation surfaces with an inward cross fall shall be drained by a water table, and cut-offs or culverts shall be formed or installed so as to prevent erosion of the formed surfaces.</li> </ul> <p>Control reserved over:</p> <ul style="list-style-type: none"> <li>i) loss of topsoil or movement of soil down slope, and</li> <li>ii) damage to structures or adjoining properties, and</li> <li>iii) soil and vegetation entering rivers or coastal water, and</li> <li>iv) damage to instream and coastal habitats, and</li> <li>v) adverse effects on catchment stream flow, including stormwater, and</li> <li>vi) river bank and coastal erosion, and</li> <li>vii) duration of exposure of bare soil to wind and rainfall, and</li> <li>viii) water quality, including suspended sediment load and increased stream bed load, and</li> <li>ix) the method and timing of the activity, and</li> <li>x) the area to be disturbed at any one time, and</li> <li>xi) the provision of structures to control soil erosion or sedimentation, and</li> <li>xii) the timing and techniques used for revegetation.</li> </ul>	<p>OSr.48.3</p> <p>Soil disturbance that contravenes a controlled standard is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>i) loss of topsoil or movement of soil down slope, and</li> <li>ii) the potential for slope failure, and</li> <li>iii) damage to structures or adjoining properties, and</li> <li>iv) soil and vegetation entering rivers and coastal water, and</li> <li>v) damage to instream and coastal habitats, and</li> <li>vi) adverse effects on catchment stream flow, and</li> <li>vii) bank and coastal erosion, and</li> <li>viii) duration of bare soil to wind and rainfall, and</li> <li>ix) water quality, including suspended sediment load and increased stream bed load, and</li> <li>x) the method and timing of the activity, and</li> <li>xi) the area to be cleared at any one time, and</li> <li>xii) the provision of structures to control soil erosion or sedimentation, and</li> <li>xiii) the timing and techniques used for revegetation, and</li> <li>xiv) the long term management of the land cleared, and</li> <li>xv) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated, and</li> <li>xvi) the values set out in Appendix 6 Table 6.1 (riparian and coastal margins with identified riparian values) for any river, and</li> <li>xvii) the matters in Appendix 9 (landscape components and views), and</li> <li>xviii) the matters in Appendix 4 (marine ASCV overlay).</li> </ul>

Assessment Criteria	Explanation
<p>OSr.48.4</p> <p>In considering applications for controlled and discretionary activities, Council will exercise control over the matters listed in OSr.48.2 and restrict its discretion to the matters listed in OSr.48.3.</p>	<p>OSr.48.5</p> <p>This rule generally follows the pattern of the NCC Land Disturbance Regional Plan notified in 1993. That Plan will cease to have effect when this Plan becomes operative.</p> <p>Soil disturbance activities on flatter land are less likely to cause adverse soil erosion and sedimentation effects, except where the activity is close to a water body, and are therefore generally permitted. Land with a predominant slope not exceeding 6° represents the land in Land Management Zone A in the Regional Plan.</p> <p>On steeper land, minor activities such as maintenance of roads and establishment of utilities are permitted, but other activities are more closely regulated to ensure adverse soil erosion and sedimentation effects are avoided or minimised. Steeper land was mapped as Land Management Zones B and C in the Regional Plan, but are referred to by reference to degrees of slope in this Rule.</p> <p>Soil disturbance adjacent to rivers and the Coastal Marine Area have, because of their location, a high potential to cause soil erosion (river bank and coastal erosion), or sedimentation effects, and to adversely affect the values of marine aquatic habitats described in Appendix 4 (marine ASCV overlay). Most rivers are included in the Riparian Overlays in Appendix 6.</p> <p>Soil disturbance is regulated in other rules, particularly in overlays, which may impose additional regulation on particular activities.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>OSr.49 Earth-works</b></p> <p>[note – this rule is a regional and a district rule]</p> <p>Advisory Note: Rule OSr.49 does not apply to soil disturbance in relation to plantation forestry activities as these are regulated under regulations 22-35 of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2018.</p>	<p>OSr.49.1</p> <p>Earthworks are a permitted activity if:</p> <p>a) the maximum height or depth of excavation or filling does not exceed 1.2m, or</p> <p>b) the earthworks are for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the earthworks are no more than required to permit the activity, or</p> <p>c) the excavation or fill:</p> <p>i) is retained immediately by a structure authorised by a building consent, and</p> <p>ii) the maximum height or depth of the fill or excavation does not exceed 3m, and</p> <p>iii) the depth of any excavation adjacent to a property boundary does not exceed the distance from that boundary measured on a horizontal plane; and</p> <p>d) the earthworks do not take place within 10m of the banks of any river identified in Appendix 6, or within 20m of the Coastal Marine Area, except for the purpose of:</p> <p>i) maintaining a State highway and other roads, or</p> <p>ii) forming or constructing a fire break, fence line, survey line, or</p> <p>iii) installing a utility service line across a river, or</p> <p>iv) is for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the earthworks are no more than required to permit the activity, and</p> <p>e) no soil is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</p> <p>f) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance:</p> <p>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</p> <p>ii) vegetated, paved, metallised or built over, and</p> <p>g) after reasonable mixing there is no conspicuous change in the colour or visual clarity in any water body or coastal water as a result of undertaking the activity, and</p> <p>h) all formation surfaces with an inward cross fall are drained by a water table and cut-offs or culverts are formed or installed so as to prevent erosion of the formed surfaces, and</p> <p>i) trenches formed for utility service lines are back filled, compacted and revegetated as soon as practicable, and</p> <p>j) material used for fill is cleanfill material, and</p> <p>k) soil is managed on the site during the construction period and after, such that there are no adverse effects on adjoining properties or any waterbodies.</p>	<p>OSr.49.2</p> <p>Earthworks that contravene a permitted condition are controlled if:</p> <p>a) the maximum height or depth of filling or excavation does not exceed 4m, and</p> <p>b) the site is not in the Land Management Overlay, and</p> <p>c) earthworks do not take place within 10m of the banks of any river identified in Appendix 5 Maps or within 20m of the Coastal Marine Area, and</p> <p>d) no soil is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</p> <p>e) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance, or the time specified in the sedimentation and erosion control plan for the site:</p> <p>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</p> <p>ii) vegetated, paved, metallised or built over, and</p> <p>f) all formation surfaces with an inward cross fall are drained by a water table, and cut-offs or culverts are formed or installed so as to prevent erosion of the formed surfaces, and</p> <p>g) material used for fill is cleanfill material.</p> <p>Control reserved over:</p> <p>i) loss of topsoil or movement of soil down slope, and</p> <p>ii) damage to structures or adjoining properties, and</p> <p>iii) soil and vegetation entering rivers or coastal water, and</p> <p>iv) damage to instream and coastal habitats, and</p> <p>v) adverse effects on catchment stream flow, including stormwater, and</p> <p>vi) river bank and coastal erosion, and</p> <p>vii) duration of exposure of bare soil to wind and rainfall, and</p> <p>viii) water quality, including suspended sediment load and increased stream bed load, and</p> <p>ix) the method and timing of the activity, and</p> <p>x) the area to be disturbed at any one time, and</p> <p>xi) the provision of structures to control soil erosion or sedimentation, and</p> <p>xii) the timing and techniques used for revegetation, and</p> <p>xiii) the depth, height and volume of cut and fill and the finished ground level, and</p> <p>xiv) the quality of fill material and compaction methods, and</p> <p>xv) visual effects, and</p> <p>xvi) control of noise, and</p> <p>xvii) control of dust, and</p> <p>xviii) traffic and access issues.</p>	<p>OSr.49.3</p> <p>Earthworks that contravene a controlled standard other than g) are restricted discretionary activities. Where g) is contravened the activity is a discretionary activity.</p> <p>Discretion restricted to:</p> <p>i) loss of topsoil or movement of soil down slope, and</p> <p>ii) the potential for slope failure, and</p> <p>iii) damage to structures or adjoining properties, and</p> <p>iv) soil and vegetation entering rivers and coastal water, and</p> <p>v) damage to instream and coastal habitats, and</p> <p>vi) adverse effects on catchment stream flow, and</p> <p>vii) bank and coastal erosion, and</p> <p>viii) duration of bare soil to wind and rainfall, and</p> <p>ix) water quality, including suspended sediment load and increased stream bed load, and</p> <p>x) the method and timing of the activity, and</p> <p>xi) the area to be cleared at any one time, and</p> <p>xii) the provision of structures to control soil erosion or sedimentation, and</p> <p>xiii) the timing and techniques used for revegetation, and</p> <p>xiv) the long term management of the land cleared, and</p> <p>xv) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated, and</p> <p>xvi) visual effects, and</p> <p>xvii) the impacts on privacy and on the admission of daylight and sunlight to neighbouring sites, and</p> <p>xviii) in the case of earthworks within the Landscape Overlays, compliance with the objectives and performance guidelines in Appendix 6 (Guide for Subdivision in Landscape Overlays), and</p> <p>xix) Appendix 4 and Table 5.1 in Appendix 5, and</p> <p>xx) the matters in Appendix 8 (Landscape Components and Views), and</p> <p>xxi) control of noise, and</p> <p>xxii) control of dust, and</p> <p>xxiii) traffic and access issues.</p>

Assessment Criteria	Explanation
<p>OSr.49.4</p> <p>In considering applications for controlled and discretionary activities, Council will exercise control over the matters listed in OSr.49.2, and restrict its discretion to the matters listed in OSr.49.3.</p>	<p>OSr.49.5</p> <p>This rule generally follows the pattern of the NCC Land Disturbance Regional Plan notified in 1993. That Plan will cease to have effect when this Plan becomes operative. The Land Management Overlay covers the land in Land Management Zone C in the Regional Plan, that is, land that has higher risks of erosion and sedimentation.</p> <p>Earthworks on flatter land are less likely to cause adverse soil erosion and sedimentation effects, except where the activity is close to a water body, and are therefore generally permitted. On steeper land, minor activities such as roads and utilities are permitted, but other activities are more closely regulated.</p> <p>Earthworks in the Land Management Overlay, apart from the minor work mentioned, may have more serious effects, and require assessment to ensure adverse soil erosion and sedimentation effects are avoided or minimised.</p> <p>Earthworks adjacent to rivers and the Coastal Marine Area have, because of their location, a high potential to cause soil erosion (river bank and coastal erosion), or sedimentation effects. Most rivers are included in the Riparian Overlays in Appendix 6 (riparian and coastal margin overlays).</p> <p>Fill can be used to improve sites for use and in particular to mitigate effects of natural hazards and servicing constraints.</p> <p>Clean fill is required because fill that contains contaminants can have adverse effects on the environment, while excessive amounts of vegetation can cause settling when it decomposes. Fill height and quality are controlled to ensure sufficient information to determine ground height in any particular area is available and considered on a case by case basis. However, where the height of the cut or fill exceeds 4m a discretionary activity resource consent is required. This is because such earthworks can have significant visual impacts. Also, in urban areas, significant filling of a site, relative to a neighbour, can affect privacy, and access to daylight and sunlight.</p> <p>Some confusion may arise as to whether an activity constitutes earthworks, landfill, or a combination of the two. The essential distinction is that while earthworks may involve some degree of landfill, it is not the primary purpose of the activity, whereas with landfill activities the primary purpose is the disposal of solid waste.</p> <p>Note: Section 14 of the Resource Management Act prohibits any activity that dams or diverts water, unless a resource consent is granted. This applies to earthworks that might dam or divert water (eg a spring), even if they are permitted or controlled activities under this rule.</p> <p>Note that Earthworks are regulated in other rules, particularly in Overlays, which may impose additional regulation on particular activities.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>OSr.49A</b> <b>Landfill</b> [Note: This rule is a regional and district rule]</p>	<p>OSr.49A.1 Landfills are not a permitted activity</p>	<p>OSr.49A.2 Not applicable</p>	<p>OSr.49A.3 Landfill activities are restricted discretionary activities if:</p> <ul style="list-style-type: none"> <li>a) the maximum height of the landfill does not exceed 2m, and its total volume is less than 2,000m<sup>3</sup>, and</li> <li>b) the landfill accepts only cleanfill material.</li> </ul> <p>Discretion is restricted to those matters listed in OSr.49.3 (earthworks), plus:</p> <ul style="list-style-type: none"> <li>i) visual and landscaping effects, and</li> <li>ii) leachate and runoff, and</li> <li>iii) fill brought on site, and</li> <li>iv) depth, height, volume of fill and finished ground level, and</li> <li>v) fill quality/compaction methods, and</li> <li>vi) effect on soil fertility/versatility, and</li> <li>vii) consequential stormwater characteristics such as ponding, and</li> <li>viii) cumulative effects of landfill activities.</li> </ul> <p>Activities that contravene a restricted discretionary condition are discretionary activities.</p>
<b>Rules Relating to Overlays on the Planning Maps</b>			
<p><b>OSr.50</b> <b>Landscape Overlay - Earthworks</b> Advisory note: This rule continues to apply to plantation forestry activities permitted by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2018 because this rule deals with effects of plantation forestry activities that are different from those dealt with by the permitted activity conditions of the NESPF.</p>	<p>OSr.50.1 Earthworks are a permitted activity if:</p> <ul style="list-style-type: none"> <li>a) the maximum height or depth or width of excavation or filling does not exceed 1.2m, and</li> <li>b) the activity does not involve construction of any State Highway, road, track or landing, and</li> <li>c) in the case of underground network utilities, immediately after filling, the surface is shaped to conform with existing ground contours and is revegetated with grass or plant species appropriate to the site.</li> </ul>	<p>OSr.50.2 not applicable</p>	<p>OSr.50.3 Activities that contravene a permitted condition in the Landscape Overlay are discretionary.</p>
<p><b>OSr.51</b> <b>Services Overlay - Building</b></p>	<p>OSr.51.1 Erection or extension of a building in the Services Overlay is permitted if:</p> <ul style="list-style-type: none"> <li>a) it is not located in the path of any future road : <ul style="list-style-type: none"> <li>(i) shown as an Indicative Road on any Structure Plan in the Plan, or</li> <li>(ii) shown as Proposed Road on the Rooding Hierarchy Maps A2.1 and A2.2 in Volume 4 of the Plan, or</li> <li>(iii) shown as Proposed Road on any Planning Maps in Volume 4 of the</li> </ul> </li> <li>b) Existing Council water, stormwater and wastewater connections are available to the site and have capacity to serve the building and associated development, and</li> <li>c) The building and associated development is connected through piped gravity outfalls to the Council wastewater and stormwater system, and supplied with water through a gravity system from a Council water supply.</li> </ul>	<p>OSr.51.2 not applicable</p>	<p>OSr.51.3 Erection or extension of buildings that contravene a permitted condition and propose to connect to public reticulated services are restricted discretionary. Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>i) ensuring adequate capacity and availability exists in the Council water supply, stormwater and wastewater drain to cope with the demands of development of the site(s), and</li> <li>ii) ensuring all connections to Council services (excluding roading) are to gravity systems, and</li> <li>iii) in the absence of i) or ii) above, the ability of private infrastructure to ensure ongoing effectiveness, including the maintenance and monitoring of such systems, and</li> <li>iv) the location of building or development to ensure it does not impede the route or construction of any future road or utility services.</li> </ul> <p>Resource consent for restricted discretionary activities will be considered without notification. Discretionary Activity Activities that propose to connect to on site services are discretionary.</p>

Assessment Criteria	Explanation
<p>OSr.49A.4</p> <p>In considering applications for landfills, Council will restrict its discretion to the matters identified in OSr.49A.3 provided that the application does not contravene a restricted discretionary condition</p>	<p>OSr.49A.5</p> <p>Landfill development and operation are restricted discretionary activities. While landfills generally involve earthworks and modify the shape of the land, their primary purpose is the disposal of solid waste. The concentration of solid waste, often containing contaminants, within landfill sites, increases the potential for adverse effects on the environment beyond that associated with normal earthworks. Additional adverse effects may include generation of leachate, discharge of gas, geotechnical issues such as poor bearing strength and settlement, and contamination of the land itself making it unsuitable for other uses.</p> <p>Some landfills operate as cleanfill sites, accepting only material that does not undergo any physical, chemical, or biological transformations likely to cause adverse environmental effects, or health effects, once it is placed in the ground. Cleanfill operations are clearly preferable to activities accepting hazardous or potentially hazardous materials, and are more likely to be granted resource consent.</p> <p>Discharge to water and air from material within landfill sites also require separate regional resource consents.</p>
<p>OSr.50.4</p> <p>a) effects on visual amenity.</p> <p>b) the matters contained in Appendix 7 (guide for subdivision and structures in the landscape overlays).</p> <p>c) the matters contained in Appendix 9 (landscape components and views).</p> <p>d) methods to avoid, remedy or mitigate adverse effects.</p> <p>e) land stability, soil erosion and sedimentation effects.</p> <p>f) vegetation clearance and planting - extent, method and timing.</p>	<p>OSr.50.5</p> <p>The rule preserves the visual amenity of the overlays. Cut or fill of 1.2m is permitted as the adverse effects are considered to be acceptable, unless associated with construction of roads and tracks, which leave extensive linear scars on the landscape. Activities that do not comply with permitted conditions are discretionary. The Overlay is managed to preserve open character.</p> <p>Note that Earthworks, Soil Disturbance and Vegetation Clearance are regulated in other rules, which may impose additional regulation on particular activities.</p>
<p>OSr.51.4</p> <p>a) the development standards and design guidelines contained in the NCC Land Development Manual 2010.</p> <p>b) that the location of the building or development does not impede the route and construction of any future road or utility services required to service the site or surrounding sites with potential for residential development.</p> <p>c) whether road access and reticulated services are able to be provided to the site and any surrounding site with potential for residential development from any other practical route.</p> <p>d) whether the building or development can provide for on site servicing for the building or development in accordance with FWr.12 , FWr.14, FWr.25 and FWr.29.</p> <p>e) the strategic planning programme for servicing sites within the district.</p>	<p>OSr.51.5</p> <p>The Services Overlay is the area shown on the Planning Maps where the existing stormwater drainage or wastewater system is not available (for example, because of the relative levels) or has insufficient capacity to accept more discharges or new connections.</p> <p>Under its Long Term Plan, the Council has a programme for progressive upgrading of the stormwater in the Services Overlay. Until that upgrading takes place, building will be discretionary.</p> <p>If a developer proposes a short term access, drainage or water supply method that is not consistent with the Long Term Plan, the effects of this on the environment and the Long Term Plan (especially any compromising effect on the overall development of the City systems) will be assessed when a resource consent application is considered.</p> <p>Gravity fed systems are preferred because these have lower maintenance costs and are more reliable.</p> <p>The Services Overlay is also used to ensure that practical road access and the extension of services from one property to another which has potential for residential development is maintained. New buildings or extensions will not be permitted in locations where this hinders or prevents the only practical route for a future road or reticulated services to serve the site and adjoining site with potential for residential development.</p> <p>Use of on site servicing within the Industrial Zone Services Overlay is discouraged, and the application would be considered as a discretionary activity.</p> <p>Note: The capacity of the stormwater drain or wastewater network means the capacity of the length of the drain from the site to, and including, its outfall to a water body, coastal water or treatment facility.</p>

<b>Item</b>	<b>Permitted</b>	<b>Controlled</b>	<b>Discretionary/Non-complying</b>
<b>OSr.52 View Shaft Overlay</b>	OSr.52.1 Buildings or other structures are permitted if: a) no part (other than a chimney, mast, pole or aerial including any dish antenna up to 1m in diameter) penetrates the View Shaft Overlay as shown on the Planning Maps and defined in Appendix 8 (Church hill view shaft).	OSr.52.2 not applicable	OSr.52.3 Activities that contravene a permitted condition are discretionary.
<b>OSr.53 Airport Effects Control Overlay and Port Effects Control Overlay</b>	OSr.53.1 Note: no special rules apply to these overlays in the Open Space and Recreation Zone. The overlays are to advise that the area will be subject to the effects of airport or port noise. For an example of their application in other zones see Rules REr.65 (Airport Effects Control Overlay – acoustic insulation of buildings) and REr.65A (Port Effects Control Overlay – acoustic insulation of buildings).	OSr.53.2 not applicable	OSr.53.3 not applicable
<b>OSr.54 Airport Effects Advisory Overlay</b>	OSr.54.1 Note: no special rules apply to this overlay which defines the area between Ldn 55 and 60 (10.9 to 34.6 Pasques) noise contours. The overlay is to advise that the area will be subject to the effects of airport noise.	OSr.54.2 not applicable	OSr.54.3 not applicable
<b>OSr.55 Coastal Environment Overlay</b>	OSr.55.1 Note: no special rules apply to this overlay. The overlay is to advise that the natural character of the coastal environment is of significance.	OSr.55.2 not applicable	OSr.55.3 not applicable
<b>OSr.56 Riparian Overlay Activities on land identified with riparian values</b>	OSr.56.1 On land adjoining a Riparian Overlay identified in Table 6.2 of Appendix 6 (riparian or coastal areas with priority values) the following are not permitted within the distance set out in the Esplanade Requirements column: a) erection or extension of any structure (excluding a fence), or b) adverse effect on indigenous vegetation, or c) disturbance to river banks.	OSr.56.2 On land located within a Riparian Overlay identified in Table 6.2 of Appendix 6 extension of a utility service line or structure is controlled. Control reserved over: i) damage to indigenous vegetation, and ii) disturbance of river banks, and iii) maintenance of access, and iv) remedial measures.	OSr.56.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>OSr.52.4</p> <p>a) whether the building frames the view horizontally or vertically from the edges of the view shaft. This may be acceptable in some circumstances.</p> <p>b) the extent of intrusion into the view shaft, and the elements of the view affected.</p> <p>c) the extent to which the core of the view is impinged upon.</p> <p>d) whether the building removes existing intrusions or increases the quality of the view.</p>	<p>OSr.52.5</p> <p>The rule relates to views from the Church Steps looking north, towards the Haven. These views are important for visitors and residents alike, and provide an important link between the City Centre and the sea. Any proposed building or structure that would impinge on the defined viewshaft, will need to be assessed as a discretionary activity in terms of its potential impact on the view shaft.</p>
<p>OSr.53.4</p> <p>in the case of discretionary applications, consideration will be given to the nature of the activity and its likely sensitivity to the effects of airport noise.</p>	<p>OSr.53.5</p> <p>The land within the airport and port effects control overlays within the airport and port effects control overlays is likely to be exposed to airport or port noise. Some recreational activities may be affected by noise. This may help people decide the type of activities they establish in the area. If a resource consent is needed they may be required to incorporate acoustic insulation when they are building.</p>
<p>OSr.54.4</p> <p>in the case of discretionary applications, consideration will be given to the nature of the activity and its likely sensitivity to the effects of airport noise.</p>	<p>OSr.54.5</p> <p>The land between the Ldn 55-60 dBA (10.9 to 34.6 Pasques) noise contours is unlikely to be exposed to airport noise to a great degree. However, it is likely to be subject to some noise nuisance and some recreational activities may be affected. This may help people decide the type of activities they establish in the area, or whether they choose to incorporate acoustic insulation when they are building.</p>
<p>OSr.55.4</p> <p>in the case of discretionary applications, consideration will be given to the nature of the activity and its effect on the natural character of the coastal environment.</p>	<p>OSr.55.5</p> <p>This rule ensures that the natural character of the coastal environment is not compromised by activities in this area.</p>
<p>OSr.56.4</p> <p>a) the values for esplanade purposes stated in Appendix 6, Table 6.2, including any additional information regarding the values of the reserve or strip sought for the purposes outlined in section 229 of the Act.</p> <p>b) the nature of the proposed activity, its likely effects on the values for esplanade purposes, and methods of avoiding, remedying or mitigating the adverse effect.</p> <p>c) any circumstances making the future setting aside of an esplanade reserve or esplanade strip inappropriate including the nature of existing development, security needs, public safety, minor boundary adjustment.</p> <p>d) whether a lesser distance than specified might adequately protect the esplanade values.</p> <p>e) any existing protection of the area including existing esplanade reserves or strips or protective covenants.</p>	<p>OSr.56.5</p> <p>This rule ensures that activities within areas identified for possible acquisition of esplanade reserves or strips do not compromise their riparian values, or value for future acquisition.</p> <p>In the case of Riparian Overlays listed in Table 6.2 of Appendix 6, esplanade reserves or strips will be acquired whenever subdivision occurs, or may be required as a condition of a resource consent eg. when there is a change of land use activity on the site. The width of the desired esplanade reserve or strip is set out in Appendix 6, Table 6.2.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>OSr.57 Flood Path Overlays</b>	OSr.57.1 In any Flood Path Overlay or any flood path specified in the Flood Path Table at the back of the Planning Maps, the following are not permitted activities: a) erection or extension of any building, or structure, except: i) underground network utility lines, and ii) above ground network utility lines where these are attached to an existing structure no lower than the existing profile of that structure (eg. The underside of a bridge superstructure), or b) earthworks (except where these are associated with the establishment, operation and maintenance of underground network utility lines where the profile of the land is not permanently altered).	OSr.57.2 not applicable	OSr.57.3 Activities that contravene a permitted condition are discretionary.
<b>OSr.58 Inundation Overlays</b>  Low lying ground susceptible to localised stormwater ponding or tidal inundation	OSr.58.1 In any Inundation Overlay, with the exception of network utilities and structures (which are permitted), the following are not permitted activities: a) erection or extension of any building (except where the ground level of a building site has been filled in accordance with a resource consent granted since the date of notification of this plan, and all floor levels are not less than 150mm above the approved ground level, or b) earthworks (except those associated with installation or maintenance of an underground network utility where the profile of the land is not permanently altered).	OSr.58.2 In any Inundation Overlay, construction, reconstruction or alteration of any building or earthworks are controlled. Control reserved over: i) finished ground and floor levels, and ii) the nature of fill, its compaction and placement, and iii) the design of the building, and iv) stormwater management.	OSr.58.3 Activities that contravene a permitted condition or a controlled standard are discretionary.
<b>OSr.59 Land Management Overlay</b>	OSr.59.1 See rule OSr.49 (earthworks)	OSr.59.2	OSr.59.3
<b>OSr.60 Leisure area</b>  Buildings on seaward side of Wakefield Quay	OSr.60.1 On the seaward side of Wakefield Quay, alteration to any building is permitted, if: a) the work is on the interior of a building, or b) the work is redecoration, restoration or insignificant alteration of any existing fabric or detailing, and c) it is carried out with materials similar to, or having the same appearance to those originally used, and d) the work is not erection of a new building.	OSr.60.2 not applicable	OSr.60.3 On the seaward side of Wakefield Quay, erection of any new building, or alteration of any existing building which contravenes a permitted condition, is discretionary.

Assessment Criteria	Explanation
<p>OSr.57.4</p> <ul style="list-style-type: none"> <li>a) any effects of the development on floodpaths.</li> <li>b) any likelihood of flooding being aggravated on adjacent sites, or of additional water being directed onto adjacent sites.</li> <li>c) the ground level or floor level height required to give protection from a 1 in 50 year return period event.</li> <li>d) the nature of any activity proposed, particularly if lower standards are sought and whether the activity will involve the use and storage of hazardous substances or some other sensitive use.</li> </ul>	<p>OSr.57.5</p> <p>All buildings and any above ground structures and any earthworks (other than temporary earthworks for laying underground utilities) in flood paths have been made discretionary activities so the degree of risk to life and property can be evaluated in each case.</p>
<p>OSr.58.4</p> <ul style="list-style-type: none"> <li>a) the ground level required to avoid the effects of anticipated flooding.</li> <li>b) the type of inundation likely to be experienced, whether it be stormwater ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding.</li> <li>c) the effects on neighbouring properties, especially with respect to stormwater runoff.</li> <li>d) the provision of an adequate secondary flow path for surface flooding.</li> <li>e) the possibility of an overloaded public storm water system overflowing onto private property.</li> </ul>	<p>OSr.58.5</p> <p>The Inundation Overlays do not show flood paths but areas which may be subject to localised ponding from stormwater etc during heavy rain events and/or high tides particularly if affected by sea level rise. The primary risk is to property, hence lesser controls apply than to flood paths. The activity is controlled so that floor levels and fill heights can be determined relative to the degree of risk and to co-ordinate filling to provide necessary fall for stormwater disposal and to avoid ponding.</p>
<p>OSr.59.4</p>	<p>OSr.59.5</p>
<p>OSr.60.4</p> <ul style="list-style-type: none"> <li>a) the effects on the views of the Haven, Boulder Bank and beyond, from Wakefield Quay and vantage points within the Leisure Area.</li> <li>b) the appearance of any building viewed from the Coastal Marine Area, and Wakefield Quay.</li> <li>c) the extent to which views from private property or other sites are affected.</li> <li>d) the extent to which the activity enhances or otherwise affects public access and use of the sea and waterfront.</li> <li>e) the extent to which the activity integrates with other activities in the area.</li> <li>f) effects on the safe and efficient operation of Wakefield Quay.</li> <li>g) the ability to provide adequate parking, and safe access and egress from the site.</li> <li>h) provision for safe pedestrian areas and movement.</li> <li>i) the extent to which the activity affects or enhances the historic and natural elements of the area, including the old sea wall and the Stony Beach.</li> </ul>	<p>OSr.60.5</p> <p>Buildings on the seaward side of Wakefield Quay need to be carefully assessed in terms of their appearance, impacts on views, and effects on public access, and use of the neighbouring Coastal Marine Area.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>OSr.61</b>  <b>Heritage Buildings, Places and Objects</b>  Alterations to Group A and B items</p>	<p>OSr.61.1  Alteration to any Group A or B building, place or object listed in Appendix 1 is permitted, if:</p> <p>a)</p> <ul style="list-style-type: none"> <li>i) the work is redecoration, restoration or insignificant alteration of any existing fabric or detailing, and</li> <li>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</li> </ul> <p>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).</p>	<p>OSr.61.2  not applicable</p>	<p>OSr.61.3</p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>i) design and appearance.</li> </ul> <p>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.</p>
<p><b>OSr.62</b>  <b>Heritage Buildings, Places and Objects</b>  New Buildings on the site of a Heritage Item</p>	<p>OSr.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>OSr.62.2  Erection of a new building on the site of a Group A or Group B heritage item is controlled.</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>OSr.62.3  not applicable</p>

Assessment Criteria	Explanation
<p>OSr.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. For the City Centre area, the degree of compliance with the Nelson City Centre Design Guide.</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, if not in sympathy with the heritage building or object, 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 this 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>OSr.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. See separate rules for Heritage Precincts.</p> <p>See also Ap20r.4 in relation to signs on heritage buildings and trees.</p>
<p>OSr.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>OSr.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>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>OSr.63</b> <b>Heritage Buildings, Places and Objects</b> Demolition or Removal of Group A and B items</p>	<p>OSr.63.1 Demolition or removal of Group A and B heritage buildings, places, and objects is not a permitted activity.</p>	<p>OSr.63.2 not applicable</p>	<p>OSr.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><b>OSr.64</b> <b>Heritage Buildings, Places and Objects</b> Demolition or removal of Group C items</p>	<p>OSr.64.1 Whole or partial demolition or removal of any Group C heritage building, place or object listed in Appendix 1 is permitted if: a) 2 months written notice is given to the Council prior to the work being done.</p>	<p>OSr.64.2 not applicable</p>	<p>OSr.64.3 Activities that contravene a permitted condition are discretionary.</p>
<p><b>OSr.65</b> <b>Heritage Precincts</b> Alterations to any building (including listed Heritage Buildings and Objects)</p>	<p>OSr.65.1 Alteration to any part of a building, place or object, listed in Appendix 1 is permitted, if: 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).</p>	<p>OSr.65.2 not applicable</p>	<p>OSr.65.3 Alteration to any part of a building is a restricted discretionary activity, if: a) it is visible from a road or public space within or adjoining a heritage precinct, and b) the alteration contravenes a permitted condition in this rule. Discretion restricted to: i) the design and external appearance of the building. Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.</p>

Assessment Criteria	Explanation
<p>OSr.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), and 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 City Centre area, the degree of compliance with the Nelson City Centre Design Guide).</li> <li>h) whether the heritage value of the building, place or object has altered since the item was listed in this 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, and quality of heritage features in the vicinity and the city as a whole.</li> </ul>	<p>OSr.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 this 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 relocation to a site further away may have a greater adverse effect.</p>
<p>OSr.64.4</p> <p>Whether reducing the notification time would disadvantage any party, or would preclude effort to negotiate retention of the item.</p>	<p>OSr.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 <b>voluntary</b> protection of the heritage item. This might include purchase or some other arrangement to the satisfaction of the property owner.</p> <p>See also Ap20r.4 in relation to signs on heritage buildings and trees.</p>
<p>OSr.65.4</p> <ul style="list-style-type: none"> <li>a) any effects (positive and adverse) on the heritage values of the entire heritage precinct.</li> <li>b) any cumulative or precedent effects on the heritage values of the precinct.</li> <li>c) any adverse effects on the amenity of Albion Square, particularly in terms of visual amenity and the amount of public space available.</li> </ul>	<p>OSr.65.5</p> <p>The Heritage Precincts recognise the whole is often greater than the sum of the parts. That is, that a collection of heritage items in context, has a greater impact to the observer and the resident, and has greater heritage value, than the same number of items scattered throughout the City.</p> <p>Unsympathetic alteration to even a single heritage item can have major impacts on the entire precinct. The controls therefore focus on ensuring that any significant alterations to buildings are in keeping with the heritage values of the precinct.</p> <p>The design controls include existing non-listed buildings within the heritage precinct. The purpose of this is to promote a gradual improvement in the compatibility of these buildings with the heritage buildings, where this is practicable.</p> <p>These consents are restricted discretionary activities, in order to provide flexibility to control matters where the normal rules may not be appropriate.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>OSr.66</b> <b>Heritage Precincts</b> Erection of new buildings</p>	<p>OSr.66.1 Erection of new buildings is not a permitted activity within a heritage precinct.</p>	<p>OSr.66.2 not applicable</p>	<p>OSr.66.3 Erection of any new building is a restricted discretionary activity. Discretion restricted to: i) the design and external appearance of the parts of the building visible from a road or public space within or adjoining a heritage precinct. Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.</p>
<p><b>OSr.67</b> <b>Heritage Precincts</b> Removal or demolition of Listed Heritage Items</p>	<p>OSr.67.1 Whole or partial demolition or removal of any item is permitted, if: a) the building or object is not a Group A or B heritage item listed in Appendix 1, and b) for any Group C heritage item listed in Appendix 1, 2 months written notice is given to the Council prior to the work being done.</p>	<p>OSr.67.2 not applicable</p>	<p>OSr.67.3 Activities that contravene a permitted condition: a) Group A or B items - Rule OSr.63 (demolition or removal of Group A and B items) applies. b) Group C - Rule OSr.64 (demolition or removal of Group C items) applies.</p>
<p><b>OSr.68</b> <b>Heritage Trees</b> Trimming of a Heritage Tree identified in Appendix 2</p>	<p>OSr.68.1 Trimming of a Heritage Tree is permitted if: a) it is crown cleaning, being the removal of dead, dying, diseased, crowded, weakly attached, low-vigour branches and watersprouts from a tree crown, or b) it is canopy lifting, being the balanced removal of lower branches of a tree on road reserve, and c) the work is done in accordance with accepted arboricultural practice.</p>	<p>OSr.68.2 not applicable</p>	<p>OSr.68.3 Activities that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p>OSr.66.4</p> <p>a) any effects (positive and adverse) on the heritage values of the entire heritage precinct.</p> <p>b) any cumulative effects on the heritage values of the precinct or any effects which may establish a precedent within the precinct.</p> <p>c) any adverse effects on the amenity of Albion Square, particularly in terms of visual amenity and the amount of public space available.</p>	<p>OSr.66.5</p> <p>The rules aim to get a gradual enhancement in the heritage precincts by ensuring that if any building is replaced - be it a listed heritage or any other building - or a new site is developed - the design and appearance of the building is compatible with the values of the precinct. New buildings should have design features which fit with the character of the precinct. As with the previous rule, the aim is to get a gradual enhancement of the precinct.</p> <p>Note: Subdivision in a Heritage Precinct is a discretionary activity - See Rule OSr.74 (subdivision).</p>
<p>OSr.67.4</p> <p>The assessment criteria for Rules OSr.63 (demolition or removal of Group A or B items) and Rule OSr.64 (demolition or removal of Group C items) apply as appropriate.</p> <p>In addition, particular regard will be had to:</p> <p>a) any effects (positive and negative) on the heritage values of the entire heritage precinct.</p> <p>b) any cumulative or precedent effects on the heritage values of the precinct.</p>	<p>OSr.67.5</p> <p>Items in a Heritage Precinct have a particular collective value. The loss of even a single item can have major impacts on the entire precinct - rather like a missing tooth from a smile. The controls therefore focus on retaining Group A and B listed heritage items.</p> <p>No consent is required to demolish or remove any other building in a Heritage Precinct. Keeping Group C buildings is encouraged however. Removal of other non-listed buildings may enhance the precinct, particularly if any replacement building is more sympathetic to the streetscape. (See Rule OSr.66 (heritage precincts: erection of new buildings))</p>
<p>OSr.68.4 - OSr.72.4</p> <p>a) the condition of the tree, including any significant potential hazard to people or property.</p> <p>b) the extent to which the tree or trees contribute to the amenity of the neighbourhood.</p> <p>c) whether the work can be done without adversely affecting the health of the tree, or compromising the appearance and setting of the tree, including the visibility of the tree from a road or public place.</p> <p>d) whether the tree is currently causing, or is likely to cause, significant damage to buildings, services or property.</p> <p>e) the extent to which the tree would seriously restrict the development potential of the site.</p> <p>f) any hardship or significant nuisance the tree causes to any person.</p> <p>g) any substitute or compensating tree planting or landscaping proposed.</p> <p>h) In the case of a tree in the road reserve, in addition to the above:</p> <ol style="list-style-type: none"> <li>i) whether the tree places an unreasonable restriction on the development or widening of a road, or is a hazard to traffic.</li> <li>ii) whether alternatives to removing or damaging the tree have been adequately explored.</li> </ol> <p>i) When the activity is within the root protection zone of a Heritage or Landscape Tree, how the tree trunk and roots are to be protected while works proceed (eg erection of a physical barrier).</p> <p>j) in the case of a tree in an esplanade reserve or strip, for which the purpose of the reserve or strip includes hazard mitigation, in addition to the above:</p> <ol style="list-style-type: none"> <li>i) whether the tree places an unreasonable restriction on the development of river control works, or impedes the flow of the river.</li> <li>ii) whether alternatives to removing or damaging the tree have been adequately explored.</li> </ol>	<p>OSr.68.5</p> <p>Very limited trimming of Heritage Trees is allowed without a resource consent.</p> <p>Tighter controls are placed on Heritage Trees recognising that they are of greater significance to the community than the Landscape Trees.</p> <p>Trimming that is for the benefit of the landowner or neighbours (due to shading, debris or other effects) is required to go through the resource consent process.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>OSr.69</b> <b>Landscape Trees</b> Trimming of a Landscape Tree identified in Appendix 2</p>	<p>OSr.69.1 Trimming of a Landscape Tree is permitted if:</p> <ul style="list-style-type: none"> <li>a) it is crown thinning (as defined in Chapter 2), and</li> <li>b) the work is done in accordance with accepted arboricultural practice.</li> </ul>	<p>OSr.69.2 Activities that contravene the permitted conditions are controlled. Control reserved over:</p> <ul style="list-style-type: none"> <li>i) amount, timing and manner in which the trimming is carried out.</li> </ul> <p>Resource consent applications will be considered without notification or obtaining written approval of affected persons, under section 94 of the Act.</p>	<p>OSr.69.3 not applicable</p>
<p><b>OSr.70</b> <b>Heritage and Landscape Trees</b> Activities within the root protection zone of a Heritage or Landscape Tree identified in Appendix 2</p>	<p>OSr.70.1 Activities within the the root protection zone (defined in Chapter 2 Meanings of Words) of a Landscape Tree or a Heritage Tree identified in Appendix 2 are permitted if:</p> <ul style="list-style-type: none"> <li>a) parking or storage of materials, vehicles, or machinery is on an existing sealed, formed surface, and</li> <li>b) it does not involve compaction, sealing, removal or addition of soil, and</li> <li>c) there is no discharge of a toxic substance, and</li> <li>d) there is no excavation or construction of structures.</li> </ul> <p>except where the tree is on Road Reserve, where activities are permitted if:</p> <ul style="list-style-type: none"> <li>i) excavation is no deeper than 200mm and no less than 2m from the tree trunk, and</li> <li>ii) sealing is within the existing formed carriageway or footpath.</li> </ul>	<p>OSr.70.2 Activities within the root protection zone of a Heritage or Landscape Tree that contravene a permitted condition are controlled if:</p> <ul style="list-style-type: none"> <li>a) the tree and the activity are located within the road reserve.</li> </ul> <p>Control is reserved over:</p> <ul style="list-style-type: none"> <li>i) location, proximity to tree trunk, timing and manner in which the activity is carried out, and</li> <li>ii) remedial measures.</li> </ul> <p>Resource consent applications will be considered without notification or obtaining written approval of affected persons, under section 94 of the Act.</p>	<p>OSr.70.3 Activities within the root protection zone of Landscape or Heritage Trees (not on Road Reserve) that contravene a permitted condition are discretionary.</p>
<p><b>OSr.71</b> <b>Heritage and Landscape Trees</b> Removing or destroying a Heritage or Landscape Tree identified in Appendix 2</p>	<p>OSr.71.1 Removing or destroying a Heritage or Landscape Tree is not a permitted activity.</p>	<p>OSr.71.2 not applicable</p>	<p>OSr.71.3 <b>Landscape Trees</b> removing or destroying a Landscape Tree is a discretionary activity.</p> <p><b>Heritage Trees</b> removing or destroying a Heritage Tree is a non-complying activity.</p>

Assessment Criteria	Explanation
	<p data-bbox="831 226 922 248">OSr.69.5</p> <p data-bbox="831 255 1318 282">Normal trimming is permitted for Landscape Trees.</p> <p data-bbox="831 288 1422 365">The controls on Landscape Trees recognises that these are of less significance to the community than the Heritage Trees, but still important.</p> <p data-bbox="831 371 1414 468">Increased light and air maintain and stimulate interior foliage, which in turn improves branch taper and strength. Thinning reduces the wind-sail effect of the crown and the weight of limbs.</p> <p data-bbox="831 474 1398 551">Thinning the crown can emphasise the structural beauty of trunk and branches as well as improve the growth of plants beneath the tree by increasing light penetration.</p> <p data-bbox="831 557 1390 633">Trees and branches thinned as per the definition will have stress evenly distributed throughout the tree and along the branches.</p> <hr/> <p data-bbox="831 640 922 663">OSr.70.5</p> <p data-bbox="831 672 1414 797">Activities in the area of the roots or trunk can damage or kill the tree. Resource consents are required for these activities so that the potential impacts can be assessed. Where the area beneath the tree is already sealed the impact is likely to be less significant.</p> <p data-bbox="831 835 1422 884">See also Ap20r.4 in relation to signs on heritage buildings and trees.</p>
	<p data-bbox="831 1218 922 1240">OSr.71.5</p> <p data-bbox="831 1249 1398 1326">Heritage Trees are trees for which retention is considered essential. Landscape Trees are trees for which retention is considered important.</p> <p data-bbox="831 1332 1390 1408">Tighter controls are placed on Heritage Trees recognising that they are of greater significance to the community than the Landscape Trees.</p> <p data-bbox="831 1415 1414 1637">(Note: section 330 of the Act provides for emergency works, such as the removal of trees threatening life or property, but in strictly defined circumstances and by certain persons or agencies. Consent for such works can be applied for retrospectively (section 330A)). Some latitude is provided for the removal of trees in the road reserve if it can be shown it places an unreasonable restriction on the roading network, recognising that the primary purpose of the road reserve is transportation.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>OSr.72</b> <b>Local Trees</b> Removing a Local Tree identified in Appendix 2</p>	<p>OSr.72.1 Removing a Local Tree is permitted if:</p> <ul style="list-style-type: none"> <li>a) written notice is given to Council at least 1 week prior to work being done.</li> </ul>	<p>OSr.72.2 not applicable</p>	<p>OSr.72.3 Activities that contravene a permitted condition are discretionary.</p>
<p><b>OSr.73</b> <b>Archaeological sites</b></p> <p>Advisory note: This rule continues to apply to plantation forestry activities permitted by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2018 (NESPF) because this rule deals with effects of plantation forestry activities that are different from those dealt with by the permitted activity conditions of the NESPF.</p>	<p>OSr.73.1 The following are not permitted within 50m of any archaeological site listed in Appendix 3 (archaeological sites) and identified on the Planning Maps:</p> <ul style="list-style-type: none"> <li>a) erection or extension of any building or other structure, or</li> <li>b) soil disturbance, or</li> <li>c) earthworks.</li> </ul>	<p>OSr.73.2 not applicable</p>	<p>OSr.73.3 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>OSr.74</b> <b>Subdivision</b></p>	<p>OSr.74.1 Subdivision is not a permitted activity.</p>	<p>OSr.74.2 not applicable</p>	<p>OSr.74.3 Subdivision in this zone is discretionary.</p>

Assessment Criteria	Explanation
	<p>OSr.72.5</p> <p>Local Trees are of noteworthy interest, and are not as significant as either Heritage or Landscape Trees. Retention and protection is encouraged. A week's notice prior to removal of a Local Tree allows the Council the opportunity to negotiate with the owner if it desires. Written notice also allows the Council to update its list of Local Trees.</p>
<p>OSr.73.4</p> <p>a) the nature, form and extent of the proposed activity and its effects on the site.</p> <p>b) the impacts on the integrity or heritage value of the site.</p> <p>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.</p> <p>d) where the application relates to a Maori archaeological site, the response of the tangata whenua.</p> <p>e) if the site is to be modified, whether there is sufficient time and expertise to record the site.</p> <p>f) the ability to avoid, remedy or mitigate any adverse effects of the activity on the site.</p>	<p>OSr.73.5</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. 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 eg. a toilet block near a waahi tapu.</p> <p><b>Applicants are reminded that authority is needed from the Historic Places Trust before any archaeological site is destroyed, damaged or modified.</b> 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. <b>Under section 10 of the Historic Places Act 1993 it is an offence to damage an archaeological site without authority.</b> 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>OSr.74.4</p> <p>a) the purpose of the subdivision, and any relevant conditions that should relate to the allotments created.</p> <p>b) whether subdivision will have positive or adverse effects on the open space values of the Zone.</p> <p>c) any expectations a new allotment might create in terms of erection of buildings or reduction in open space.</p> <p>d) where the purpose or ownership of the land is proposed to change, whether esplanade reserves or strips in accordance with Appendix 6 (riparian and coastal margin overlays) should be set aside, or the values otherwise protected.</p> <p>e) any impacts on the values of any heritage item.</p> <p>f) the extent to which subdivision of the land is likely to adversely affect the heritage values for which a heritage item was listed.</p> <p>g) the effects on the management of any natural hazard.</p> <p>h) any servicing constraints.</p> <p>i) the extent to which subdivision is likely to adversely affect the values in the marine conservation areas identified in Appendix 4.</p>	<p>OSr.74.5</p> <p>Subdivision should not need to occur often in this Zone. If it is required, it is discretionary, so that all relevant aspects can be considered, and conditions imposed as required.</p>

## **freshwater rules**

Refer Appendix AP28.9 for freshwater rules.

## **Schedule Open Space and Recreation Zone**

### **Sch.I Marsden Valley**

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For provisions relating to Schedule I see Chapter 7, Residential Zone.

# 12

## rural

<b>RUd</b>	<b>Description</b>
RUd.1	The rural area administered by Nelson City Council represents an important resource. It contains much of the District's productive land resources, and hence is important to the local economy. It contains water supply dams, treatment facilities, pipe lines, sewers and oxidation ponds servicing the urban area. It is also of cultural significance to both tangata whenua and to the community as a whole, containing cultural sites, significant areas of indigenous flora and fauna, recreation areas, and rivers and streams which are important fisheries, habitats, and water sources. Most importantly, this zone forms the immediate and intermediate backdrop to the city in terms of the landscape. The landscape setting, together with the character of the zone defines Nelson and gives it a sense of place within the Council's administrative area.
RUd.2	The location of the zone is generally that area between the north-eastern edge of the urban area and the boundary with Marlborough District, plus the area behind and to the south of the urban area of the city to the boundary with Tasman District Council. It comprises largely the hilly area of the Council's administrative area, but includes those flats in the lower Wakapuaka, the Glen, and in the Whangamoia River area.
RUd.3	Residential development occurs at the Glen, at Cable Bay, and to a limited extent at Hira. Cable Bay and The Glen have a number of natural and physical constraints to further growth such as servicing, the requirements of the Act, and the New Zealand Coastal Policy Statement. The Glen is zoned Residential as it does have some opportunities for growth within existing boundaries and the constraints of servicing.
RUd.4	The Rural Zone is primarily serviced by the State Highway, which runs from the boundary with Marlborough District to the urban area. Other minor roads service the rural area directly from the urban area, or branch off the State Highway.
RUd.5	Little of the Rural Zone is serviced for water and sewage. The entire area is relatively well served with power and telecommunication links.
RUd.6	The Rural Zone can be defined as the area largely used for productive purposes, mainly for forestry and farming, excluding major conservation areas (mainly owned by the Council and the Department of Conservation). The zone includes a Small Holdings Area. The Small Holdings Area comprises mainly valley floors, along with the lower and mid slopes of a number of valleys including the Wakapuaka, and the Teal, Lud, and Marsden Valleys. Higher Density Small Holdings areas have been provided to the rear of the Residential Zone at Ngawhatu, Marsden and Enner Glynn Valleys, adjoining the Rural farmland on the southern boundary of the land at Ngawhatu and near the entry to Marsden Valley. This zoning recognises the limited productive potential of these areas due to their topography and small size, and in the case of the Higher Density Small Holdings area in upper Marsden Valley, the maintenance of the open character of this visible slope. The zoning also allows for clustering of housing to mitigate visual amenity effects, and/or enables a transition from Residential to Rural Zoning. The Small Holdings Area in Enner Glynn Valley will enable a level of development that is compatible with the rural amenity values of the valley, and does not impact on the important regional resources (the landfill site and quarry) in York Valley.
RUd.7	See also the objectives and policies relating to zones in Chapter 5. The Plan should always be considered as a whole.

**RUd.8**

**Future changes anticipated:**

As a consequence of the rapid uptake of the remaining residential land at the southern margin of the city, an increasing demand is anticipated for residential development is anticipated to the north of the city between the end of the existing residential area and Todds Valley. The demand for residential development to extend to higher contours through the northern residential area is also anticipated. Prior to extension of the residential zoning, issues such as water supply and sewer, property access, conflict with the State highway and natural hazards including slope stability will need to be addressed. Council anticipates that future proposals to extend the Residential Zone will be dealt with by way of privately promoted plan changes.

Hira is an area which has been identified as being a potential village, due to the location of community facilities there such as service activities, schooling, and a church. The issue of potential conflict with the State Highway would need to be addressed. While no village exists at the time this Plan was drafted, a village is anticipated. The expectation is that such a village will relate to its environment in form and style, and be unique, not simply being an extension of a suburb of Nelson. Again, the Council anticipates that future options will be dealt with by way of privately promoted plan changes.

**objective**

**RU1 protect resources and capacities**

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*Land used in a manner which will protect the life-supporting capacity, versatility and availability of land, soil, rock, aggregate, other natural resources, and ecosystems. Management must therefore be in a responsible manner which will sustain the potential of resources to meet the reasonably foreseeable needs of future generations.*

**Reasons**

**RU1.i** The soil and the land base of the rural area represent much of the natural resources of Nelson. It is of high importance that the ability of these resources to support life is not undermined, as such an outcome would limit both the health of natural systems and of economic land use systems. While Nelson does not have a large resource of high quality land, it nevertheless depends on the primary products derived from the use of that land, particularly animal and forest products. It is not therefore in the long term interests of the community, nor is it a sustainable use of the resource, to allow the land to be degraded or used in a manner which will limit the choices of future generations.

**policy**

**RU1.1 rehabilitation of land**

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*Where temporary activities disturb land, that land should be rehabilitated to a level of capability as close as practicable to what it was before the activity commenced.*

**Explanation and Reasons**

**RU1.1.i** Some activities will inevitably cause disruption of the land surface, such as mineral or aggregate extraction, or land filling. This policy seeks to ensure that where those activities occur, those carrying out the activity are required to rehabilitate the land, once the activity or parts of the activity has ceased, or in the case of a long term operation, that progressive rehabilitation is made. See also policies on landscape and amenity.

**Methods**

- RU1.1.ii** Rules requiring reinstatement of land, including revegetation.
- RU1.1.iii** Conditions on resource consents as required.

**policy**  
**RU1.2 range of activities**

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*A wide range of activities which are compatible with the objectives and policies and in particular policy RU1.1 should be allowed to occur.*

**Explanation and Reasons**

**RU1.2.i** Providing that activities do not conflict with the overall objectives and policies for the Zone, they will generally be permitted. This philosophy means that while there will be no lists of activities which will generally be provided for in the Zone, any activity which can be demonstrated not to have the adverse effects this Plan is seeking to avoid, can proceed.

**Method**

**RU1.2.ii** Structure this Plan to focus on effects and avoid the listing of activities.

**policy**  
**RU1.3 management of effects of connections on structure plans**

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*The provision for, and development of, road, walkway and cycleway linkages within Rural Zones where these have been identified on Structure Plans, at a time and in a manner that does not result in unreasonable reverse sensitivity effects with other land use activities.*

**Explanation and Reasons**

**RU1.3.i** Indicative roads and walkways/cycleways have been identified on Structure Plans where these have been determined to be important in achieving enhanced transportation and recreational outcomes, both within rural areas and/or between urban neighbourhoods. It is not the intention that these unreasonably impact on farming, rural industry or other legitimate rural land use practices. The Council will work closely with land owners and developers to ensure the timely setting aside of land and/or construction of such linkages. Conversely, it is anticipated that land owners will not undertake works, activities or place structures within these potential corridors of a nature, or in a manner, that will compromise the attainment of those future connections.

**Methods**

**RU1.3.ii** Exercise discretion when considering the timing of land to be set aside and/or constructed for road, walkway or cycleway purposes within those indicative alignments shown on a Structure Plan.

**RU1.3.iii** Rules to avoid subdivision layout, structures or activities that may compromise the achievement of those indicative road, walkway or cycleway connections shown on a Structure Plan.

**RU1.3.iv** For additional methods, refer Policy DO10.1.7.

**objective**

**RU2 rural character**

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*Maintenance or enhancement of an environment dominated by open space and natural features.*

**Reasons**

**RU2.i** The natural character on which the rural character is based relies on the maintenance of natural ecosystems such as riparian, riverine and estuarine systems, and on the remnants of original vegetation together with significantly regenerated areas. Should these be removed from the Nelson area, the rural area would lose much of its unique qualities which differentiate it from many other parts of the country. In addition to natural features, pastoral agriculture and forestry contribute to the rural character.

**RU2.ii** The rural environment can be separated into three distinct areas. These are as follows:

- a) The **main area of the Rural Zone**, being the steeper hill areas, away from the coast and generally separated from the urban environment. This area tends to form the secondary backdrop to the city, and has a low level of apparent modification to the landscape. It does however contain significant areas of exotic forest development, which will remain a dynamic environment as varying age classes of forest are harvested and replanted. It also contains smaller areas of pastoral farming, and areas of land in various states of reversion to exotic, and in the longer term, indigenous vegetation. The area contains a very low level of development in terms of structures, as properties tend to be large, with a high degree of separation between clusters of buildings.
- b) The **Small Holdings Area** is generally contained within valley floors or between urban development and the Rural Zone. The pattern of development is much greater in this area, with structures at more regular intervals, but still at a low level of density with significant areas of land in between. Small holdings are not rural residential areas, but are large enough to provide the opportunity for a range of rural activities. The character is predominantly rural rather than residential. Use of the land within this area is far more varied, with horticultural activities interspersed in between areas of grazing, and occasionally areas of indigenous vegetation particularly in the Lud and Teal Valleys. Part of the Nelson South area (land accessed off Champion Road and Hill St North) has been identified as a Rural - Higher Density Small Holding Area, because of its location adjacent to the Residential Zone, its small size and its role as a buffer to adjoining Rural Zone Land.

Parts of the Marsden and Enner Glynn Valley area have also been identified as a Rural Zone - Higher Density Small Holding Area, because of the limited productive potential of these areas due to their topography and small size, and in the case of upper Marsden Valley, the ability to cluster development to mitigate visual amenity effects in relation to the open rural character of the visible slopes. The Higher Density Small Holdings Area, as it relates to land within Schedule I (Marsden Valley, eastern area Rural Zone - Higher Density Small Holdings Area), Schedule V (Marsden Hills), Schedule E (Ngawhatu Residential Area) to the rear of the Residential Zone and adjoining part of the Rural Zoned farmland along the Southern boundary, and Schedule W (Enner Glynn and Upper Brook Valley) provides for allotments of an average of 1 ha, but with a minimum subdivision area of 2,000m<sup>2</sup> subject to the provision of reticulated services. This zoning will provide a transition between Residential and Rural areas and, as it relates to the more visually prominent area just below the Barnicoat Range, with development sensitive landscape values. This significant variation in the average density, and the minimum lot size, is to encourage small enclaves/clusters of serviced development with significant open space separating these. Geotechnical constraints within this area will also restrict development to a limited number of enclaves of settlement. In Marsden Valley (Schedule I, Chapter 7, Residential Zone) the western Rural Zone - Higher Density Small Holdings Area has a site size requirement of 6000m<sup>2</sup> average and 2000m<sup>2</sup> minimum with a requirement for reticulated services. This recognises that this area is surrounded by Residential zoning and is therefore not located in a rural or rural to residential transition environment. As per other specified areas of Rural Zone - Higher Density Small Holdings Areas the provisions allow for clustering of development. Within the Maitai Valley, adjoining the existing urban area, a high density Small Holdings Area has been defined. This is an extension of similar existing development.

Since the plan was notified in 1996, there has been a trend of undersize subdivisions in the North Nelson Rural Zone and Rural Small Holdings area. A plan change was notified in 2005 to make undersize subdivisions between The Glen Road and Whangamoia Saddle non-complying activities. This is an interim measure to halt this trend and avoid further adverse effects on rural character, until such time as a more structured and coordinated framework for subdivision is in

place.<sup>05/01</sup>

- c) The coastal environment is that area between the coast and generally the first ridgeline to the landward side of the coast. The pattern of development in this area has generally been very low key, with a low level of development of structures and patterns of development. Two areas of close subdivision occur within this overlay, being the settlement at the Glen, and a cluster of dwellings at Cable Bay. It is seen as a matter of priority through the Act, the New Zealand Coastal Policy Statement and of this Plan that these areas remain limited in extent.

**RU2.iii** Management of the character of the various parts of the rural environment is important to maintain Nelson's image as a pleasant green environment where there is ready access to passive and recreational activities. The rural area also contains significant natural and cultural features, and significant areas of indigenous flora and fauna which form part of Nelson's heritage, and in some cases represent only remnants of what Nelson once possessed. Protection, and preferably preservation, is seen as important to maintain Nelson's heritage for present and future generations, and for scientific as well as cultural reasons.

## **policy**

### **RU2.1 density - subdivision**

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*Subdivision patterns should ensure that sufficiently large separations are maintained between clusters of buildings, or be designed such that any adverse effects on the rural character are avoided or mitigated, provided that a site meets a subdivision size permitted in this Plan.*

#### **Explanation and Reasons**

**RU2.1.i** Maintaining large site sizes in the extensive rural area will ensure that the rural character is not compromised by numerous clusters of buildings dotted across the landscape as each individual property establishes a dwelling and associated outbuildings. Within the Small Holdings Area, it is also important to retain the open space character, although obviously more densely settled, to provide a rural feel which distinguishes the area from the densely settled urban environment. There may, however, be a range of ways in which the open space character may be maintained, other than the use of minimum site size, depending on the circumstances. There is opportunity to consider clusters of dwellings, which may be appropriate in some situations for reasons of landscape amenity, stability or local servicing for example, providing that the general landscape character is not compromised.

**RU2.1.iA** For objectives and policies relevant to the Rural Zone - Higher Density Small Holdings Area (Schedule I) refer to RE4 Marsden Valley (Schedule I), Chapter 7.

**RU2.1.iB** Clustering of development with open space separating clusters in the Rural Zone - Higher Density Small Holdings Area is encouraged in order to avoid dispersed development dominating the landform.

#### **Method**

**RU2.1.ii** Rules for minimum site size.

## **policy**

### **RU2.2 density - small holdings**

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*Small land holdings should be of sufficient size to provide for:*

- a) *maintenance of general rural character and amenities, and*
- b) *being visually unobtrusive, utilising topography to avoid visual impacts, and*
- c) *servicing from existing infrastructure, especially roads, and*
- d) *privacy and separation of dwellings, and*

- e) *containment of the adverse effects on site, especially to provide for on site sewage disposal, and*
  - f) *avoidance or mitigation of natural hazards,*
- and should be in close proximity to the urban area of Nelson, to promote transport efficiency.*

**Explanation and Reasons**

**RU2.2.i** Small rural land holdings can disrupt and destroy the rural values where open space and natural features predominate. The presence of small holdings may conflict with adjoining land used for productive purposes. Structures and new road construction particularly have adverse effects. Areas where the effects are not so marked, such as small valleys which can not be readily viewed by the public, if roads are already in place, are more likely to comply with this policy than elsewhere.

**RU2.2.iA** For objectives and policies relevant to the Rural Zone - Higher Density Small Holdings Area (Schedule I) refer to RE4 Marsden Valley (Schedule I), Chapter 7.

**Methods**

**RU2.2.ii** Map Small Holdings Area where smaller holdings will be accepted as complying with the policy.

**RU2.2.iii** Rules regulating allotment sizes in Small Holdings Area to allow smaller size.

**RU2.2.iv** Exercise discretion on applications for subdivisions and building additional residential units.

**policy**

**RU2.3 scale, height and density of structures**

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*The scale, height, and density of structures should be such that they do not compromise the character of the area, or where the character of an area is already compromised by development, do not detract further from the amenity of the area.*

**Explanation and Reasons**

**RU2.3.i** Buildings and structures which are not in harmony with the rural landscape have the potential to almost permanently affect the appearance and rural character of the Zone. An example might be a large silo located in a dominant part of the landscape (which might not be a problem tucked under a spur).

**Method**

**RU2.3.ii** Rules for maximum building heights, bulk and location.

**policy**

**RU2.4 alteration of the contour of the land**

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*Any adverse visual effects of activities which alter the contour of the land, such as filling, land contouring, and excavation should be avoided, remedied, or mitigated.*

**Explanation and Reasons**

**RU2.4.i** Land recontouring activities have the potential to permanently alter the appearance of the landscape. Such effects may not be limited to the areas actually disturbed, but may relate to the loss of integrity of an adjacent or nearby feature. While there will be circumstances where such effects are unavoidable, they can be mitigated against by ensuring they do not affect any areas which can be readily viewed by the public as a whole, such as from traffic corridors and public open space, or remedied by ensuring that affected areas are restored or at least rehabilitated to an acceptable level from a landscape perspective.

**Methods**

**RU2.4.ii** Rules relating to land disturbance.

**RU2.4.iii** Exercise discretion where any land recontouring occurs.

## **policy**

### **RU2.5 structure planning**<sup>05/01</sup>

Subdivision of the Rural Zone and Rural Small Holdings area between The Glen Road and Whangamoia Saddle which do not meet the minimum site sizes should be restricted as non-complying activities until such time as the Council has developed a strategic plan for further development in this area.

#### **Explanation and reasons**

**RU2.5.i** Since the Plan was notified in 1996, there has been a clear trend towards undersized rural residential subdivisions in the Nelson North area. For example, 45% of all subdivisions granted in the Rural Small Holdings are in Nelson North between 1996 and 2002 were non-complying. A further 90% in the Rural Zone were less than half the permitted minimum lot size. The 2002 Hira Village and the Nelson Urban Growth Strategy 2004 both identified subdivisions and re-subdivision in Nelson North as cause for concern as they are changing the character of the area to one not anticipated in the Plan.

- These concerns centre around:
- Loss of rural character
- Adverse effects precedent
- Cumulative effects
- Form, function and efficiency of dispersed rural-residential development

Left unabated, there is the potential for continued undersize subdivision to create a rural community and character more consistent with dispersed large residential holdings rather than rural small holdings.

Given this, and the continuing trend and demand for undersize rural lots, Council has identified the need for a more structured and coordinated approach to rural residential development in Nelson North. This will allow future development and subdivision to be undertaken within a framework which takes into account the future long term form and function of this type of development. However, until such a framework is in place, further land fragmentation by rural residential development will be more tightly controlled.

#### **Method**

Making undersize rural and small holdings subdivision in Nelson North a non-complying activity.

## **objective**

### **RU3 protection of amenity**

*Recognise and maintain the local rural amenity experienced within the Rural Zone including the local noise environment.*

#### **Reasons**

**RU3.i** Local amenity within and surrounding any particular site is highly important for those who live and work in this environment. The environment is however that of a working Rural Zone, and while people live in the Zone, they cannot expect the same residential level of amenity that would be expected in residentially zoned land.

**RU3.ii** Activities which characterise the rural environment, such as farming and forestry, may have effects arising from normal everyday operations which can adversely affect other activities such as residential living, recreation and tourism. These effects include matters such as traffic, long hours of operation, noise, dust, and landscape effects (such as forest harvesting). There may also be situations where emergency services temporarily exceed noise limits.

**RU3.iii** Experience has shown, in particular, that mixing small-site residential activities with rural activities creates pressure on those rural activities to cease parts of their operation which may have these impacts. For this reason this Plan seeks to exclude the continuing ingress of residential-only activities into the rural environment, and control the location of small holdings in order to minimise these conflicts. Promoters of other activities which require a rural location should locate in this area with full awareness that these effects exist.

**RU3.iv** This objective is not, however, intended to allow unreasonable uncontrolled effects such as chemical trespass, or activities carried out in a manner which disregards the rights and reasonable expectations of any other rural activity or property owner.

## **policy**

### **RU3.1 location of structures**

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*Structures should be located on a property in such a way as effects on adjacent sites are minimised.*

## **policy**

### **RU3.2 location of trees and shelter**

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*Plantation forests and dense evergreen shelterbelts should not be planted so as to unduly shade or adversely affect adjacent properties.*

Explanation and Reasons (policies RU3.1 and RU3.2)

**RU3.2.i** Care should be exercised when locating structures, particularly residential buildings, or dense planting of trees to ensure that adverse effects of one activity on another are minimised to an acceptable degree.

Method (policies RU3.1 and RU3.2)

**RU3.2.ii** Rules for separation distances - trees and buildings from boundaries.

Advisory Note:

Notwithstanding any other rules in this plan, all plantation forestry activities must comply with the National Environmental Standards for Plantation Forestry Regulations 2018.

## **policy**

### **RU3.3 avoidance of effects**

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*Activities should not give rise to unreasonable adverse effects which compromise the amenity of adjacent properties, services and zones such as undue levels of noise, smell, traffic and dust.*

Explanation and Reasons

**RU3.3.i** Activities in and adjacent to the Rural Zone should be able to function without being unreasonably compromised by another activity. The Rural Zone is generally seen as a quiet, peaceful environment, although from time to time there are bursts of high activity such as forest harvesting, aerial spraying and topdressing, stock movements, and cultivation among others, which should be seen as normal. Rural properties are, for many, their homes as well as a place of work, and as such are entitled to a reasonable level of protection against adverse effects of adjoining or nearby activities. Issues such as preservation of privacy, both aural and visual, and protection from effects such as dust from operations, and odour from stock, need to be addressed in order to maintain acceptable levels of amenity on each property. It is acknowledged that emergency services such as fire stations may occasionally need to exceed noise limits in the interests of public health and safety and this is recognised in the definition of noise.

Methods

**RU3.3.ii** Rules for maximum noise levels.

**RU3.3.iii** Controls on groups of activities which have potential to create these effects such as factory farming, and rural servicing activities.

## **RU4 Marsden Valley (Schedule I)**

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For objectives and policies relevant to the Rural Zone – Higher Density Small Holdings Area which is contained within the Schedule I area refer to RE4 Marsden Valley (Schedule I), Chapter 7.

## RUe environmental results anticipated and performance indicators

RUe.i The following results are expected to be achieved by the foregoing objectives, policies and methods. The means of monitoring whether this Plan achieves the necessary outcomes are also detailed below.

Anticipated Environmental Result	Indicators	Data Source
<b>RUe.1</b> Maintenance of present levels of diversity and health of soils and ecosystems	<b>RUe.1.1</b> a) Change in land cover, use, and areas of bare ground b) Numbers of resource consents and types of conditions of consents	5 yearly aerial photography run across the Council's administrative area Compliance monitoring on a case by case basis
<b>RUe.2</b> Maintenance of the green surroundings of urban Nelson	<b>RUe2.1</b> a) Change in density of subdivision patterns and built structures b) Complaints received about developments in the Rural Zone	5 yearly aerial photography run across the Council's administrative area Monitoring of building and subdivision consent numbers Council's complaints register
<b>RUe.3</b> Adverse effects of use and development in the Rural Zone which are controlled to acceptable levels of environmental quality	<b>RUe3.1</b> a) Changes in ambient noise levels and other environmental effects at selected locations b) Complaints received about adverse effects	Data collected at selected sites Council's complaints register

# rules rural zone

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## **RUr Rules**

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

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

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

### **RUr.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) Subdivision of land that is part of a papakainga development as defined in Sch.P

### **RUr.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 this Zone, permitted activities also include all land uses that are not specifically mentioned 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 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

### **RUr.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 RUr.8 below regarding further matters of control.)

### **RUr.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 RUr.8 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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**RUr.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. 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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**RUr.7 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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**RUr.8 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:

- RUr.8.a Financial contributions in the form of money, land, works or services, or a combination of these, (See Chapter 6), and
- RUr.8.b Bonds or covenants or both, to ensure performance or compliance with any conditions imposed, and
- RUr.8.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
- RUr.8.d The duration of a resource consent, under section 123 of the Act, and
- RUr.8.e Lapsing of a resource consent, under section 125 of the Act, and
- RUr.8.f Change and cancellation of a consent, under sections 126 and 127 of the Act, and
- RUr.8.g Notice that some or all conditions may be reviewed at some time in the future, under section 128 of the Act, and
- RUr.8.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.

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**RUr.9 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.

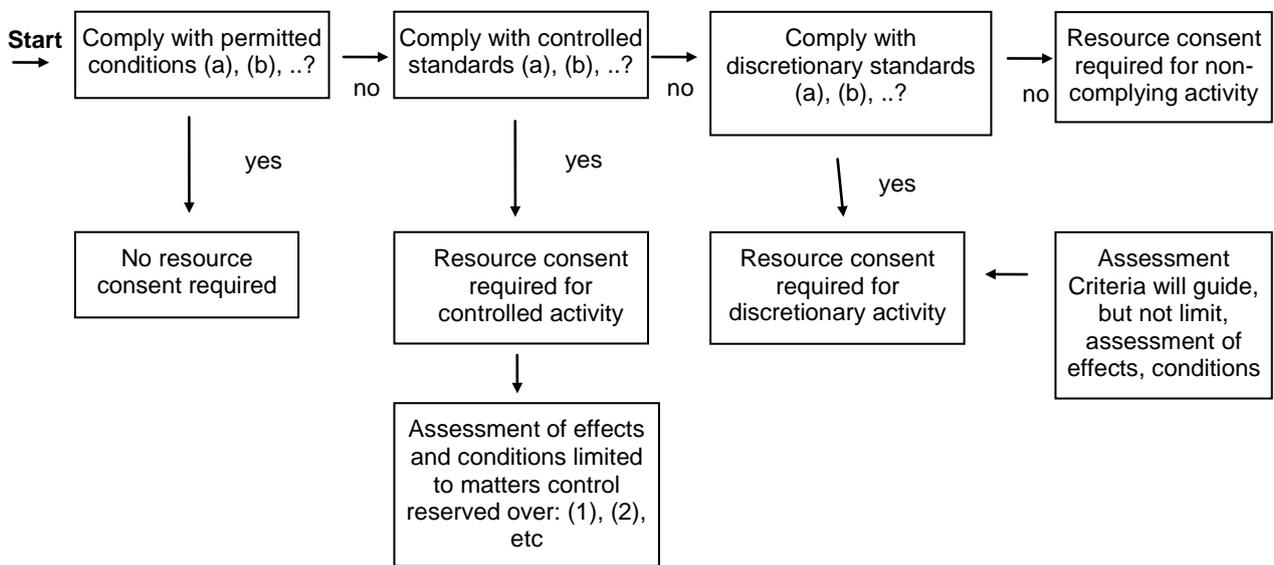
**RUr.10 Reading the rule table**

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.



**RUr.10.1** 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.

## Contents of rural zone rule table

RUr.20	Permitted activities - general
RUr.21	Boarding of cats
RUr.22	Boarding of domestic animals (excluding cats)
RUr.23	Closing times - services to the public
RUr.24	Clearance of indigenous forest (not covered in the Conservation Overlay)
RUr.25	Vegetation clearance (other than indigenous forest)
RUr.26	Soil disturbance
RUr.27	Earthworks
RUr.27A	Landfill
RUr.28	Buildings (all)
RUr.29	Building on low lying sites
RUr.31A	Building over or alongside drains and water mains
RUr.32	Buildings - height
RUr.33	Site coverage for structures, storage, and utility yard areas
RUr.34	Forestry and shelterbelts - separation
RUr.35	Parking and loading
RUr.36	Access
RUr.37	Access on State Highways
RUr.38	Signs
RUr.39	Aerials
RUr.40	Radioactive material
RUr.41	Radiofrequency exposure levels
RUr.42	Buildings near transmission lines
RUr.43	Structures on the Road Reserve
RUr.44	Network utilities - overhead wires
RUr.45	Minor upgrading of electricity transmission lines and support structures
RUr.46	Network utility - roads
RUr.47	Noise
RUr.48	Hazardous substances - use and storage
RUr.49	Papakauinga Development (Sch.P)
RUr.49A	Services Overlay - Building
<b>Rules relating to overlays on Planning Maps</b>	
RUr.50	Coastal Environment Overlay, Archaeological Overlay - Structures
RUr.51	Coastal Environment Overlay - Minor upgrading of electricity transmission lines and support structures
RUr.52	Archaeological Overlay - Earthworks
RUr.53	Coastal Environment Overlay - Earthworks
RUr.54	Landscape Overlay - Structures
RUr.55	Landscape Overlay - Minor upgrading of electricity transmission lines and support structures
RUr.56	Landscape Overlay - Earthworks
RUr.57	Conservation Overlay - Structures, soil disturbance and vegetation clearance
RUr.58	Riparian Overlay - Activities on land identified with riparian values
RUr.59	Archaeological Sites
RUr.60	Fault Hazard Overlay
RUr.61	Grampians Slope Risk Overlay - Earthworks
RUr.62	Flood Overlays - Structures and earthworks - Rural Zone
RUr.63	Land Management Overlay
RUr.64	Heritage Buildings, Places and Objects Overlay - Alterations to Group A and B items
RUr.65	Heritage Buildings, Places and Objects - New Buildings on the site of a Heritage Item
RUr.66	Heritage Buildings, Places and Objects Overlay - Demolition or removal of Group A and B items
RUr.67	Heritage Buildings, Places and Objects Overlay - Demolition or removal of Group C items
RUr.68	Heritage Trees - Trimming of a Heritage Tree identified in Appendix 2
RUr.69	Landscape Trees - Trimming of a Landscape Tree identified in Appendix 2
RUr.70	Heritage and Landscape Trees Activities within the root protection zone of a Heritage or Landscape Tree identified in Appendix 2
RUr.71	Heritage and Landscape Trees Removing or destroying a Heritage or Landscape Tree identified in Appendix 2
RUr.72	Local Trees - Removing a Local Tree identified in Appendix 2

## Contents of rural zone rule table continued

RUr.73	Potential Quarries Overlay - Building
RUr.74	Flaxmore Quarry (Scheduled Site - Sch.Q)
RUr.75	York Valley Quarry (Scheduled Site - Sch.R)
RUr.76	Marsden Quarry (Scheduled Site - Sch.S)
RUr.77	Marsden Valley (Schedule Site – Sch I)
RUr.77A	Marsden Hills (Scheduled Site – Sch. V) – refer to Residential Zone Chapter 7
RUr.77B	Enner Glynn and Upper Brook Valleys (Structure Plan – Schedule W)
<b>Subdivision rules</b>	
RUr.78	Subdivision - General
<i>Subdivision Rules relating to Overlays on the Planning Maps</i>	
RUr.79	Subdivision within the Coastal Environment Overlay
RUr.80	Subdivision within the Landscape Overlay
RUr.81	Subdivision within Heritage Overlays
RUr.82	Subdivision within Natural Hazard Overlays
RUr.83	Subdivision within the Conservation Overlay
RUr.84	Subdivision within the Grampians Slope Risk Overlay
RUr.85	Subdivision within the Services Overlay
<b>Freshwater rules</b>	
	(Refer Appendix AP28.9 for freshwater rules)



## rule table

Item	Permitted	Controlled	Discretionary/Non-complying
<b>RUr.20</b> <b>Permitted activities</b> General	RUr.20.1 Any activity is a permitted activity provided that: a) it does not contravene any other relevant rule in this rule table, and b) the activity is not an industrial activity exceeding 300m <sup>2</sup> , and c) the activity does not include intensive commercial livestock farming, and d) the activity is not a commercial activity with a gross floor area including any outside storage exceeding 300m <sup>2</sup> , and e) the activity is not an industrial or commercial activity which is located within the Rural Zone - High Density Small Holdings Area. Here Rule REr.21 (Home Occupations) applies.	RUr.20.2 not applicable	RUr.20.3 Activities that contravene a permitted condition are discretionary and if: a) In the case of intensive commercial livestock farming: i) any building, compound or part of a site used for the purpose is set back greater than 60m from any site boundary or greater than 200m of any Residential Zone boundary, and ii) except where the building, compound or part of a site is to be used for the keeping of pigs or poultry in which case such facilities shall be set back greater than 1200m from a Residential Zone boundary or place of public assembly, or greater than 300m from any site boundary, and iii) the building, compound or part of a site is set back at least 30m from any watercourse. Activities which contravene one or more of these standards are non complying under a).
<b>RUr.21</b> <b>Boarding of cats</b>	RUr.21.1 Boarding of cats is permitted, if: a) the building, compound or part of a site used for the purpose is set back at least 10m from any site boundary, and b) the building, compound or part of a site is greater than 30m from any watercourse.	RUr.21.2 not applicable	RUr.21.3 Activities that contravene a permitted condition are discretionary.
<b>RUr.22</b> <b>Boarding of domestic animals (excluding cats)</b>	RUr.22.1 Boarding of domestic animals (excluding cats) is not a permitted activity.	RUr.22.2 not applicable	RUr.22.3 Boarding of domestic animals other than cats is discretionary if: a) any building, compound or part of a site used for the purpose is set back at least 30m from any site boundary, and 200m from any Residential Zone boundary, and b) the building, compound or part of a site is set back at least 30m from any watercourse.

## rural zone

Assessment Criteria	Explanation
<p>RUr.20.4</p> <ul style="list-style-type: none"> <li>a) compliance with any relevant standard or industry code of practice (such as the pork industry code of practice).</li> <li>b) the extent to which there will be effects on the general amenity and rural character of the area and on any adjacent Residential Zone.</li> <li>c) the location of any dwellings on adjacent properties, and the likelihood of future dwellings being erected given any overlay areas and existing subdivision patterns.</li> <li>d) the volume and type of materials and products on site or in the case of factory farming the numbers and type of stock.</li> <li>e) the extent to which any effects may be mitigated by climatic, geographic or management action.</li> <li>f) any mitigation measures to be taken to ensure that contamination does not affect groundwater or does not reach any watercourse.</li> <li>g) the location of any intakes for water supply purposes.</li> <li>h) the protection of areas of significant conservation value identified in accordance with the criteria contained in Table DO5.1</li> </ul>	<p>RUr.20.5</p> <p>Industrial and commercial activities in rural areas have the potential to have high levels of impacts on the amenity of adjacent activities and zones. This rule provides limits to the extent of any industrial or commercial activity beyond which each one is to be considered on its merits.</p> <p>Lot size in the Rural High Density Small Holdings area is closer to that provided for within the Residential Zone than to that provided for within the Rural Zone. As a consequence, industrial or commercial activity is only permitted in the Rural High Density Small Holdings area where it satisfies the requirements of Rule REr.21 which controls home occupations within residential zones.</p>
<p>RUr.21.4</p> <ul style="list-style-type: none"> <li>a) the location of any dwellings or public gathering facilities on adjacent sites.</li> <li>b) the potential for additional dwellings to be erected in the neighbourhood, bearing in mind any overlay areas and subdivision patterns.</li> <li>c) the number of cats to be accommodated.</li> <li>d) the extent to which any effects may be mitigated, such as soundproofing and landscaping.</li> <li>e) any geographic features or climatic conditions which may mitigate any effects.</li> </ul>	<p>RUr.21.5</p> <p>Provides a buffer between the activity and adjacent activities or zones. Cats are provided for separately from other domestic animals as it is recognised that noise is not normally an issue with boarding cats.</p>
<p>RUr.22.4</p> <ul style="list-style-type: none"> <li>a) the location of any dwellings or public gathering facilities on adjacent sites.</li> <li>b) the potential for additional dwellings to be erected in the neighbourhood, bearing in mind any overlay areas and subdivision patterns.</li> <li>c) the number and types of animals to be accommodated.</li> <li>d) the extent to which any effects may be mitigated, such as soundproofing and landscaping.</li> <li>e) any geographic features or climatic conditions which may mitigate any effects.</li> </ul>	<p>RUr.22.5</p> <p>The rule provides for each case to be considered on its merits, providing a minimum separation distance is available.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>RUr.23</b> <b>Closing times - services to the public</b></p>	<p>RUr.23.1</p> <p>a) Any activity located within 50m of a Residential Zone Boundary, which is open to the public, or is a place of public assembly, may be open to the public only during the following hours: Sunday to Thursday inclusive: 7am - 11pm Friday, Saturday, Christmas Eve and New Year's Eve: 7am - 1am the following day, and</p> <p>b) Any activity located more than 50m from the Residential Zone boundary, which involves the sale of liquor for consumption of on the premises, may be open for the sale of liquor only during the following hours: Daily: 7am - 3am the following day, and</p> <p>c) Any activity located anywhere in the zone, which involves the sale of liquor for consumption off the premises may be open for the sale of liquor only during the following hours: Daily: 7am - 11pm.</p>	<p>RUr.23.2 not applicable</p>	<p>RUr.23.3 Activities that contravene a permitted condition are discretionary.</p>
<p><b>RUr.24</b> <b>Clearance of indigenous forest</b> (not covered in the Conservation Overlay)</p> <p>Advisory Note: Notwithstanding any other rules in this plan, all plantation forestry activities must comply with the National Environmental Standards for Plantation Forestry Regulations 2018.</p>	<p>RUr.24.1</p> <p>Except for areas within the Riparian Overlay (refer to Table 2 of Appendix 6.2 and Rule RUr.58) clearance of indigenous forest is a permitted activity if:</p> <p>a) the total cleared on any one certificate of title in any three year period does not exceed 0.2ha, or</p> <p>b) it is in accordance with a sustainable management plan or permit approved under Part IIIA of the 1993 amendment to the Forests Act 1949.</p> <p>c) it complies with all other rules in this Plan, including the Appendices.</p>	<p>RUr.24.2</p> <p>Except for areas within the Riparian Overlay (refer to Table 2 of Appendix 6.2 and Rule RUr.58) the clearance of indigenous forest is controlled, if:</p> <p>a) the total area cleared on any one certificate of title does not exceed 1ha., and</p> <p>b) it complies with all other rules in this Plan, including the appendices.</p> <p>Control reserved over:</p> <p>i) the specific area and species to be cleared.</p>	<p>RUr.24.3 Activities that contravene a controlled standard are discretionary.</p>

Assessment Criteria	Explanation
<p>RUr.23.4</p> <ul style="list-style-type: none"> <li>a) the nature and scale of the activity in relation to nearby residential activity, having regard to the nature of the existing and permitted future uses on nearby sites.</li> <li>b) the effect on the existing and likely foreseeable amenity of nearby residential areas, particularly in relation to noise and traffic generation.</li> <li>c) the ability to remedy or mitigate any adverse effects of the activity by the layout or design of the site or buildings, or by the provision of landscaping or similar measures.</li> <li>d) the topography of the site and the neighbouring areas.</li> <li>e) the adequacy of car parking on the site, and its location in relation to the neighbouring residential activities.</li> <li>f) the effectiveness, and in particular the certainty, provided by any conditions or controls that might be imposed on the activity.</li> <li>g) whether the activity is temporary, and the frequency of such events (where applicable).</li> </ul>	<p>RUr.23.5</p> <p>Activities which are close to residential areas and which are open to the public late at night, have the potential to create adverse effects which conflict with the residential nature of the neighbouring areas. Particular problems are traffic arriving and leaving the premises, noise from patrons, and sometimes music. Therefore restrictions have been placed on the hours of opening of such activities.</p> <p>Away from the boundary with residentially-zoned land, there are no restrictions on hours of opening, except for activities which involve the sale of alcohol. This recognises the adverse environmental effects which often accompany licensed premises and the patrons using them. There are set hours for off-licence premises throughout the Zone. The hours for licensed premises were developed after extensive public consultation under the Sale of Liquor Act and only apply to the sale of liquor aspects of activities.</p>
<p>RUr.24.4</p> <ul style="list-style-type: none"> <li>a) the landscape and scenic value of the area to be cleared.</li> <li>b) the values of the area in accordance with the criteria set out in Policy DO5.1.1 (areas with high natural values).</li> <li>c) the proposed future use of the land, or likely future uses of the land.</li> <li>d) The species involved, the sustainability of harvest given the age of the dominant vegetation, the size of the resource, the scarcity of the resource, and the likely rate of revegetation</li> <li>e) any other cultural values associated with the land.</li> </ul>	<p>RUr.24.5</p> <p>Provides a second tier level of protection to lower value remnant and regenerating forest not protected by the provisions of the Conservation Overlay. These areas still, however, contribute significantly to the landscape, character and biological diversity of an area.</p> <p>Indigenous vegetation is defined in Chapter 2.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>RUr.25</b></p> <p><b>Vegetation clearance</b> (other than indigenous forest)</p> <p>[note that this rule is a regional and a district rule]</p> <p>Advisory Note: Notwithstanding any other rules in this plan, all plantation forestry activities must comply with the National Environmental Standards for Plantation Forestry Regulations 2018.</p>	<p>RUr.25.1</p> <p>Vegetation clearance is a permitted activity if:</p> <p>a) it does not take place within 5m of the banks of any river identified in Appendix 6 (riparian and coastal margin overlays), except for the purpose of forming or constructing a fire break, fence line, survey line or installing a utility service line across a river, or for maintenance of a State Highway, or the installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the clearance is no more than is required to permit the activity, and</p> <p>b) it does not take place within 20m of the Coastal Marine Area, except for maintenance of a State Highway, or the installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the clearance is no more than is required to permit the activity, and</p> <p>c) no vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</p> <p>d) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance:</p> <p>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</p> <p>ii) vegetated, paved, metallated or built over, and</p> <p>e) after reasonable mixing there is no conspicuous change in the colour or visual clarity in any water body or coastal water as a result of undertaking the activity, and</p> <p>f) there is no clearance of indigenous forest, and</p> <p>g) there is no clearance of vegetation within a Biodiversity Corridor unless it is an exotic species, or a species with a pest designation in the current Tasman-Nelson Regional Pest Management Strategy, or is vegetation clearance required for:</p> <p>i) the maintenance of State Highways, or</p> <p>ii) the installation and maintenance of utility service lines which cross (more or less at right angles) a Biodiversity Corridor including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, provided the clearance is no more than required to permit the activity and vegetation is reinstated after the activity has been completed, or</p> <p>iii) the formation or maintenance of roads and private vehicle access ways which cross (more or less at right angles) a Biodiversity Corridor to land where there is no viable alternative access route available and provided the clearance is no more than required to permit the activity, or</p> <p>iv) the formation or maintenance of walkways or cycleways adjacent to, running along (subject to provisions of I.2 c and W.2 c), or crossing (more or less at right angles) a Biodiversity Corridor and provided the clearance is no more than required to permit the activity.</p>	<p>RUr.25.2</p> <p>Vegetation clearance within 5m of the banks of any river identified in Appendix 6, or within 20m of the Coastal Marine Area, is controlled if:</p> <p>a) the vegetation to be cleared is not indigenous forest, and</p> <p>b) no vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</p> <p>c) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance, or the time specified in the sedimentation and erosion control plan for the site:</p> <p>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</p> <p>ii) vegetated, paved, metallated or built over.</p> <p>Control reserved over:</p> <p>i) loss of topsoil, or movement of soil down slope, and</p> <p>ii) damage to structures or adjoining properties, and</p> <p>iii) soil and vegetation entering rivers, and</p> <p>iv) damage to instream habitats, and</p> <p>v) adverse effects on catchment stream flow, including stormwater, and</p> <p>vi) river bank erosion, and</p> <p>vii) duration of exposure of bare soil to wind and rainfall, and</p> <p>viii) catchment water quality, including suspended sediment load and increased stream bed load, and</p> <p>ix) the method and timing of the activity, and</p> <p>x) the area to be cleared at any one time, and</p> <p>xi) the provision of structures to control soil erosion or sedimentation, and</p> <p>xii) the timing and techniques used for revegetation.</p>	<p>RUr.25.3</p> <p>Vegetation clearance that contravenes a controlled standard is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <p>i) loss of topsoil or movement of soil down slope, and</p> <p>ii) the potential for slope failure, and</p> <p>iii) damage to structures or adjoining properties, and</p> <p>iv) soil and vegetation entering rivers and coastal water, and</p> <p>v) damage to instream and coastal habitats, and</p> <p>vi) adverse effects on catchment stream flow, and</p> <p>vii) stream bank and coastal erosion, and</p> <p>viii) duration of bare soil to wind and rainfall, and</p> <p>ix) water quality, including suspended sediment load and increased stream bed load, and</p> <p>x) the method and timing of the activity, and</p> <p>xi) the area to be cleared at any one time, and</p> <p>xii) the provision of structures to control soil erosion or sedimentation, and</p> <p>xiii) the timing and techniques used for revegetation, and</p> <p>xiv) the long term management of the land cleared, and</p> <p>xv) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated, and</p> <p>xvi) the values set out in Appendix 6, Table 6.1 (riparian and coastal margin overlays), for any river, and</p> <p>xvii) the matters in Appendix 9 (landscape components and views), and</p> <p>xviii) the matters in Appendix 4 (marine ASCV overlay), and</p> <p>xix) effects on the values and function of any Biodiversity Corridor.</p>

Assessment Criteria	Explanation
<p>RUr.25.4</p> <p>In considering applications for controlled and discretionary activities, Council will exercise control over the matters listed in RUr.25.2; and restrict its discretion to the matters listed in RUr.25.3.</p>	<p>RUr.25.5</p> <p>This rule generally follows the pattern of the NCC Land Disturbance Regional Plan notified in 1993. That Plan will cease to have effect when this Plan becomes operative.</p> <p>Vegetation clearance adjacent to rivers and the Coastal Marine Area have, because of their location, a high potential to cause soil erosion (river bank or coastal erosion), or sedimentation effects and are therefore controlled.</p> <p>Plantation Forest clearance near rivers and the coast is more tightly regulated under the National Environmental Standard for Plantation Forestry 1<sup>st</sup> May 2018, which came into effect after the date of notification of this Plan because it will have been planted in the knowledge that clearance near rivers would be regulated. Clearance of forest planted before that date, are given controlled status to accommodate the expectations of owners at the time. Most rivers are included in Appendix 6 and the Riparian Overlay shown on the Planning Maps.</p> <p>Indigenous forest clearance is regulated under the preceding rule.</p> <p>Vegetation clearance in the Conservation Overlay is regulated by a separate rule.</p> <p>Native vegetation is specifically protected in Biodiversity Corridors to ensure their function as an ecosystem and a corridor is not compromised through clearance.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>RUR.26</b></p> <p><b>Soil disturbance</b></p> <p>[note that this rule is a regional and a district rule]</p> <p>Advisory Note: Rule Rur 26. does not apply to earthworks in relation to plantation forestry activities as these are regulated under regulations 22-35 of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2018. Those regulations prevail over this rule in relation to plantation forestry earthworks as defined in the regulations.</p>	<p>RUR.26.1</p> <p>Soil disturbance is a permitted activity if:</p> <p>a) either - the predominant slope does not exceed 25° from horizontal; or the predominant slope exceeds 25° and the activity is one of the following:</p> <p>i) forming or maintaining a firebreak or the fairway beneath power transmission lines, or</p> <p>ii) maintaining a state highway, road, track or landing, or</p> <p>iii) is for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the disturbance is no more than required to permit the activity</p> <p>b) Soil disturbance does not take place within 5m of the banks of any river included in Appendix 6 (riparian and coastal margin overlays), or within 20m of the Coastal Marine Area, except for:</p> <p>i) the purpose of maintaining State Highways, or</p> <p>ii) is for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the disturbance is no more than required to permit the activity</p> <p>iii) cultivation of land with a predominant slope not exceeding 6° from horizontal, provided cultivation is at least 2m from the banks of the river, and</p> <p>c) no soil or vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</p> <p>d) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance:</p> <p>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</p> <p>ii) vegetated, paved, metalled or built over, and</p> <p>e) after reasonable mixing there is no conspicuous change in the colour or visual clarity in any water body or coastal water as a result of undertaking the activity, and</p> <p>f) all formation surfaces with an inward cross fall are drained by a water table and cut offs or culverts are formed or installed so as to prevent erosion of the formed surfaces, and</p> <p>g) trenches formed for utility service lines are back filled, compacted and revegetated as soon as practicable, and</p> <p>h) soil is managed on the site during the construction period and after, such that there are no adverse effects on adjoining properties or any waterbodies.</p>	<p>RUR.26.2</p> <p>Soil disturbance that contravenes a condition for permitted activities is controlled if:</p> <p>a) the predominant slope does not exceed 35° from horizontal, and</p> <p>b) no soil or vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</p> <p>c) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance, or the time specified in the sedimentation and erosion control plan for the site:</p> <p>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</p> <p>ii) vegetated, paved, metalled or built over, and</p> <p>d) all formation surfaces with an inward cross fall shall be drained by a water table, and cut-offs or culverts shall be formed or installed so as to prevent erosion of the formed surfaces.</p> <p>Control reserved over:</p> <p>i) loss of topsoil or movement of soil down slope, and</p> <p>ii) damage to structures or adjoining properties, and</p> <p>iii) soil and vegetation entering rivers or coastal water, and</p> <p>iv) damage to instream and coastal habitats.</p> <p>v) adverse effects on catchment stream flow, including stormwater, and</p> <p>vi) river bank and coastal erosion, and</p> <p>vii) duration of exposure of bare soil to wind and rainfall, and</p> <p>viii) water quality, including suspended sediment load and increased stream bed load, and</p> <p>ix) the method and timing of the activity, and</p> <p>x) the area to be disturbed at any one time, and</p> <p>xi) the provision of structures to control soil erosion or sedimentation, and</p> <p>xii) the timing and techniques used for revegetation.</p>	<p>RUR.26.3</p> <p>Soil disturbance that contravenes a controlled standard is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <p>i) loss of topsoil or movement of soil down slope, and</p> <p>ii) the potential for slope failure, and</p> <p>iii) damage to structures or adjoining properties, and</p> <p>iv) soil and vegetation entering rivers and coastal water, and</p> <p>v) damage to instream and coastal habitats, and</p> <p>vi) adverse effects on catchment stream flow, and</p> <p>vii) bank and coastal erosion, and</p> <p>viii) duration of bare soil exposure to wind and rainfall, and</p> <p>ix) water quality, including suspended sediment load and increased stream bed load, and</p> <p>x) the method and timing of the activity, and</p> <p>xi) the area to be cleared at any one time, and</p> <p>xii) the provision of structures to control soil erosion or sedimentation, and</p> <p>xiii) the timing and techniques used for revegetation, and</p> <p>xiv) the long term management of the land cleared, and</p> <p>xv) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated, and</p> <p>xvi) the values set out in Appendix 6 Table 6.1 (riparian and coastal margins with identified riparian values) for any river, and</p> <p>xvii) the matters in Appendix 9 (landscape components and views), and</p> <p>xviii) the matters in Appendix 4 (marine ASCV overlay).</p>

Assessment Criteria	Explanation
<p>RUr.26.4</p> <p>In considering applications for controlled and discretionary activities, Council will exercise control over the matters listed in RUr.26.2 and restrict its discretion to the matters listed in RUr.26.3</p>	<p>RUr.26.5</p> <p>This rule generally follows the pattern of the NCC Land Disturbance Regional Plan notified in 1993. That Plan will cease to have effect when this Plan becomes operative.</p> <p>Soil disturbance activities on flatter land are less likely to cause adverse soil erosion and sedimentation effects, except where the activity is close to a water body, and are therefore generally permitted. Land with a predominant slope not exceeding 6° represents the land in Land Management Zone A in the Regional Plan.</p> <p>On steeper land, minor activities such as maintenance of roads and establishment of utilities are permitted, but other activities are more closely regulated to ensure adverse soil erosion and sedimentation effects are avoided or minimised. Steeper land was mapped as Land Management Zones B and C in the Regional Plan, but, are referred to by reference to degrees of slope in this Rule.</p> <p>Soil disturbance adjacent to rivers and the Coastal Marine Area have, because of their location, a high potential to cause soil erosion (river bank and coastal erosion), or sedimentation effects, and to adversely affect the values of marine aquatic habitats described in Appendix 4 (marine ASCV overlay). Most rivers are included in Appendix 6 (riparian and coastal margin overlays) and the Riparian Overlay shown on the Planning Maps.</p> <p>Soil Disturbance is regulated in other rules, particularly in Overlays, which may impose additional regulation on particular activities.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>RUr.27</b></p> <p><b>Earthworks</b></p> <p>[note that this rule is a regional and a district rule]</p> <p>Advisory Note: Rule Rur 27. does not apply to earthworks in relation to plantation forestry activities as these are regulated under regulations 22-35 of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2018. Those regulations prevail over this rule in relation to plantation forestry earthworks as defined in the regulations”.</p>	<p>RUr.27.1</p> <p>Earthworks are a permitted activity if:</p> <p>a) the maximum height or depth of excavation or filling does not exceed 1.2m, or</p> <p>b) the earthworks are for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the disturbance is no more than required to permit the activity, or</p> <p>c) the excavation or fill:</p> <p>i) is retained immediately by a structure authorised by a building consent, and</p> <p>ii) the maximum height or depth of the fill or excavation does not exceed 3m, and</p> <p>iii) the depth of any excavation adjacent to a property boundary does not exceed the distance from that boundary measured on a horizontal plane; and</p> <p>d) the earthworks do not take place within 10m of the banks of any river included in Appendix 6, or within 20m of the Coastal Marine Area, except for the purpose of maintaining a State Highway and other roads, forming or constructing a fire break, fence line, survey line or installing a utility service line across a river, is for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the disturbance is no more than required to permit the activity, and</p> <p>e) no soil is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</p> <p>f) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance:</p> <p>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</p> <p>ii) vegetated, paved, metalled or built over, and</p> <p>g) after reasonable mixing there is no conspicuous change in the colour or visual clarity in any water body or coastal water as a result of undertaking the activity, and</p> <p>h) all formation surfaces with an inward cross fall are drained by a water table and cut-offs or culverts are formed or installed so as to prevent erosion of the formed surfaces, and</p> <p>i) trenches formed for utility service lines are back filled, compacted and revegetated as soon as practicable, and</p> <p>j) material used for fill is cleanfill material, and</p> <p>k) the earthworks are not located within the Flood Overlay except for the purpose of maintaining a State Highway, other roads or network utility lines or structures.</p> <p>l) soil is managed on the site during the construction period and after, such that there are no adverse effects on adjoining properties or any waterbodies.</p> <p>m) the earthworks do not compromise the achievement of an indicative road or walkway/cycleway shown on a Structure Plan.</p>	<p>RUr.27.2</p> <p>Earthworks that contravene a permitted condition are controlled if:</p> <p>a) the maximum height or depth of filling or excavation does not exceed 4m, and</p> <p>b) the site is not in the Land Management or Flood Overlays, and</p> <p>c) earthworks do not take place within 10m of the banks of any river and contained within Appendix 6 or within 20m of the Coastal Marine Area, and</p> <p>d) no soil is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</p> <p>e) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance, or the time specified in the sedimentation and erosion control plan for the site:</p> <p>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</p> <p>ii) vegetated, paved, metalled or built over, and</p> <p>f) all formation surfaces with an inward cross fall are drained by a water table, and cut-offs or culverts are formed or installed so as to prevent erosion of the formed surfaces, and</p> <p>g) material used for fill is cleanfill material.</p> <p>Control reserved over:</p> <p>i) loss of topsoil or movement of soil down slope, and</p> <p>ii) damage to structures or adjoining properties, and</p> <p>iii) soil and vegetation entering rivers or coastal water, and</p> <p>iv) damage to instream and coastal habitats, and</p> <p>v) adverse effects on catchment stream flow, including stormwater, and</p> <p>vi) river bank and coastal erosion, and</p> <p>vii) duration of exposure of bare soil to wind and rainfall, and</p> <p>viii) water quality, including suspended sediment load and increased stream bed load, and</p> <p>ix) the method and timing of the activity, and</p> <p>x) the area to be disturbed at any one time, and</p> <p>xi) the provision of structures to control soil erosion or sedimentation, and</p> <p>xii) the timing and techniques used for revegetation, and</p> <p>xiii) the depth, height and volume of cut and fill and the finished ground level, and</p> <p>xiv) the quality of fill material and compaction methods, and</p> <p>xv) visual effects, and</p> <p>xvi) control of noise, and</p> <p>xvii) control of dust, and</p> <p>xviii) traffic and access issues including future connectivity associated with an indicative road or walkway/cycleway shown on a Structure Plan.</p>	<p>RUr.27.3</p> <p>Earthworks that contravene a controlled standard other than g) are restricted discretionary activities. Where g) is contravened the activity is a discretionary activity.</p> <p>Discretion restricted to:</p> <p>i) loss of topsoil or movement of soil down slope, and</p> <p>ii) the potential for slope failure, and</p> <p>iii) damage to structures or adjoining properties, and</p> <p>iv) soil and vegetation entering rivers and coastal water, and</p> <p>v) damage to instream and coastal habitats, and</p> <p>vi) adverse effects on catchment stream flow, and</p> <p>vii) bank and coastal erosion, and</p> <p>viii) duration of bare soil exposure to wind and rainfall, and</p> <p>ix) water quality, including suspended sediment load and increased stream bed load, and</p> <p>x) the method and timing of the activity, and</p> <p>xi) the area to be cleared at any one time, and</p> <p>xii) the provision of structures to control soil erosion or sedimentation, and</p> <p>xiii) the timing and techniques used for revegetation, and</p> <p>xiv) the long term management of the land cleared, and</p> <p>xv) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated, and</p> <p>xvi) visual effects, and</p> <p>xvii) the impacts on privacy and on the admission of daylight and sunlight to neighbouring sites, and</p> <p>xviii) the values set out in Appendix 6 Table 6.1 (riparian and coastal margins with identified riparian values) for any river, and</p> <p>xix) the matters in Appendix 9 (landscape components and views), and</p> <p>xx) the matters in Appendix 4 (marine ASCV overlay), and</p> <p>xxi) the effects of the earthworks in relation to primary and secondary flood flows, and</p> <p>xxii) control of noise, and</p> <p>xxiii) control of dust, and</p> <p>xxiv) traffic and access issues including future connectivity associated with an indicative road or walkway/cycleway shown on a Structure Plan.</p>

Assessment Criteria	Explanation
<p>RUr.27.4</p> <p>In considering applications for controlled and discretionary activities, Council will exercise control over the matters listed in RUr.27.2, and restrict its discretion to the matters listed in RUr.27.3.</p>	<p>RUr.27.5</p> <p>This rule generally follows the pattern of the NCC Land Disturbance Regional Plan notified in 1993. That Plan will cease to have effect when this Plan becomes operative. The Land Management Overlay covers the land in Land Management Zone C in the Regional Plan, that is, land that has higher risks of erosion and sedimentation.</p> <p>Earthworks on flatter land are less likely to cause adverse soil erosion and sedimentation effects, except where the activity is close to a water body, and are therefore generally permitted. On steeper land, minor activities such as roads and utilities are permitted, but other activities are more closely regulated.</p> <p>Earthworks in the Land Management Overlay, apart from the minor work mentioned, may have more serious effects, and require assessment to ensure adverse soil erosion and sedimentation effects are avoided or minimised.</p> <p>Earthworks adjacent to rivers and the Coastal Marine Area have, because of their location, a high potential to cause soil erosion (river bank and coastal erosion), or sedimentation effects. Most rivers are included in Appendix 6 (riparian and coastal margin overlays) and the Riparian Overlay shown on the Planning Maps.</p> <p>Fill can be used to improve sites for use and in particular to mitigate effects of natural hazards and servicing constraints.</p> <p>Clean fill is required because fill that contains contaminants can have adverse effects on the environment, while excessive amounts of vegetation can cause settling when it decomposes. Fill height and quality are controlled to ensure sufficient information to determine ground height in any particular area is available and considered on a case by case basis. However, where the height of the cut or fill exceeds 4m a discretionary activity resource consent is required. This is because such earthworks can have significant visual impacts. Also, in urban areas, significant filling of a site, relative to a neighbour, can affect privacy and access to daylight and sunlight.</p> <p>Some confusion may arise as to whether an activity constitutes earthworks, landfill or a combination of the two. The essential distinction is that while earthworks may involve some degree of landfill, it is not the primary purpose of the activity, whereas with landfill activities the primary purpose is the disposal of solid waste.</p> <p>Note: Section 14 of the Resource Management Act prohibits any activity that dams or diverts water, unless a resource consent is granted. This applies to earthworks that might dam or divert water (eg a spring), even if they are permitted or controlled activities under this rule.</p> <p>Earthworks have the potential to dam or divert flood flows or to result in ponding of floodwater. This rule makes earthworks a restricted discretionary activity within the Flood Overlay so that the effect on a flood hazard can be taken into account when considering an earthworks consent.</p> <p>Note that Earthworks are regulated in other rules, particularly in Overlays, which may impose additional regulation on particular activities.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>RUr.27A</b> <b>Landfill</b> [Note: this rule is a regional and a district rule]	RUr.27A.1 Landfills are not a permitted activity	RUr.27A.2 Not applicable	RUr.27A.3 Landfill activities are restricted discretionary activities if: <ul style="list-style-type: none"> <li>a) the maximum height of the landfill does not exceed 2m, and its total volume is less than 2,000m<sup>3</sup>, and</li> <li>b) the landfill accepts only cleanfill material.</li> </ul> Discretion is restricted to those matters listed in RUr.27.3 plus: <ul style="list-style-type: none"> <li>i)visual and landscaping effects, and</li> <li>ii)leachate and runoff, and</li> <li>iii)fill brought on site, and</li> <li>iv)depth, height, volume of fill and finished ground level, and</li> <li>v)fill quality/compaction methods, and</li> <li>vi)effect on soil fertility/versatility, and</li> <li>vii)consequential stormwater characteristics such as ponding, and</li> <li>viii)cumulative effects of landfill activities.</li> </ul> Activities that contravene a restricted discretionary condition are discretionary activities.

Assessment Criteria	Explanation
<p>RUr.27A.4</p> <p>In considering applications for landfills, Council will restrict its discretion to the matters identified in RUr.27A.3 provided that the application does not contravene a restricted discretionary condition.</p>	<p>RUr.27A.5</p> <p>Landfill development and operation are restricted discretionary activities. While landfills generally involve earthworks and modify the shape of the land, their primary purpose is the disposal of solid waste. The concentration of solid waste, often containing contaminants, within landfill sites, increases the potential for adverse effects on the environment beyond that associated with normal earthworks. Additional adverse effects may include generation of leachate, discharge of gas, geotechnical issues such as poor bearing strength and settlement, and contamination of the land itself making it unsuitable for other uses.</p> <p>Some landfills operate as cleanfill sites, accepting only material that does not undergo any physical, chemical, or biological transformations likely to cause adverse environmental effects, or health effects, once it is placed in the ground. Cleanfill operations are clearly preferable to activities accepting hazardous or potentially hazardous materials, and are more likely to be granted resource consent.</p> <p>Discharges to water and air from material within landfill sites also require separate regional resource consents.</p>

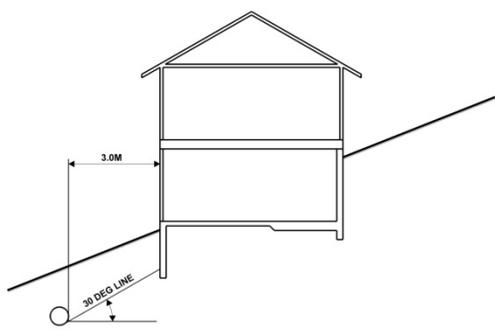
Item	Permitted	Controlled	Discretionary/Non-complying
<b>RUr.28 Buildings</b> (all)	<p>RUr.28.1</p> <p>Permitted if:</p> <ul style="list-style-type: none"> <li>a) they are ancillary to a permitted activity, and</li> <li>b) maximum of 1 residential unit per site, and</li> <li>c) all buildings greater than 40m<sup>2</sup> in area or used for residential purposes are set back a minimum of 10m from boundaries, and</li> <li>d) all other rules related to the size and location of buildings and services can be satisfied within the site, and</li> <li>e) the defensible space for fire protection purposes around a residential unit is provided at the time of construction (see Meanings of Words Chapter 2) and is maintained thereafter, and</li> <li>f) a residential unit, (unless it is connected to a community supply with its own firefighting water storage, or a water source capable of delivering a minimum of 25 litres per second for a minimum of 30 minutes is available within 90m of the building and is accessible by a portable pump) has either: <ul style="list-style-type: none"> <li>i) a sprinkler system installed (to an approved standard in accordance with SNZ PAS 4509:2008) in the building, plumbed to ensure 7,000 litres of water is always available to the sprinkler system in the event of a fire, or</li> <li>ii) water tanks with a storage capacity of at least 45,000 litres available to the site for firefighting purposes. Tanks must be fitted with a 100mm female Screw Thread controlled by a valve. Tanks shall be located more than 6m and less than 90m from the building, and</li> </ul> </li> <li>g) a new residential unit, short term living accommodation unit or papakainga has 15,000 litres of water storage available to the site for use as a domestic water supply during periods of minimum flow (unless the unit is connected to a community supply with its own storage for periods of minimum flow). Where a house has 45,000 litres of water storage for firefighting purposes, this domestic water storage capacity can be a proportion of that total, but at least 23,000 litres needs to be stored permanently for firefighting purposes only, and</li> <li>h) in the High Density Small Holdings area at Ngawhatu shown on the Planning Maps, there is a minimum 20m building setback along the south-western boundary to the adjoining Rural zone (generally contained in Lot DP 19202).</li> <li>i) the building does not compromise the achievement of an indicative road or walkway/cycleway shown, or described on a Structure Plan</li> </ul>	<p>RUr.28.2</p> <p>not applicable</p>	<p>RUr.28.3</p> <p>Activities that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p>RUr.28.4</p> <ul style="list-style-type: none"> <li>a) any proposed activity to which any additional residential units are related.</li> <li>b) the matters in the NCC Land Development Manual 2010.</li> <li>c) the extent to which the land is subject to natural hazards, including inundation, floodpaths, fault areas and slope risk areas, and whether any risks can be remedied or mitigated.</li> <li>d) the pattern of subdivision and how it relates to the desired environmental outcomes and amenity values for the locality.</li> <li>e) the extent that provision is made for the actual and legal protection of significant natural features or heritage items, and avoids or mitigates any significant changes to the landscape or amenity values of the area.</li> <li>f) the extent to which any other adverse effects of the proposed development are avoided, remedied or mitigated, including temporary effects associated with construction.</li> <li>g) any actual or potential effects including cumulative effects on the character of the area.</li> <li>h) the significance of any building used for an activity not permitted as of right and whether it will lead to intensification of the activity.</li> <li>i) the scale of the structure and activity associated with it.</li> <li>j) the protection of areas of significant conservation value shown in the areas of significant conservation value overlay or identified in accordance with the criteria contained in section Policy DO5.1.1.</li> <li>k) the likelihood of an activity being established adjacent to the property which may impact on the amenity of any dwelling.</li> <li>l) the likelihood of any dwelling being erected on an adjacent property which may be affected by the non-compliance including matters such as daylight admission, noise, disturbance and smell.</li> <li>m) the potential for spread of fire from or to adjacent properties given present and potential activities which may be carried out in the area.</li> <li>n) the extent to which any building erected close to a road is likely to affect traffic visibility and rural character.</li> <li>o) any other fire mitigation measures proposed other than provision of defensible space.</li> <li>p) in buildings without sprinkler systems, whether a lesser amount of water storage than 45,000 litres, or no storage is required, for rural fire fighting purposes for a particular building, due to proximity to a water source, as assessed by a New Zealand Fire Service Fire Risk Management Officer. Confirmation should be provided in writing.</li> <li>q) the extent of compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008).</li> <li>r) the effects on road and walkway/cycleway connectivity where the building is sited on, or close, to an indicative road, or walkway/cycleway shown, or described on a Structure Plan.</li> </ul>	<p>RUr.28.5</p> <p>Provides for one residential unit as of right on any one site, and other buildings as appropriate and any further residential units proposed to be considered on their merits.</p> <p>All buildings have to provide a minimum buffer which, when coupled with the buffer area required on adjacent properties provides for adequate protection against amenity and hazard effects.</p> <p>Provision is made for detached non habitable buildings such as garages, sheds, barns, utility buildings, and storerooms to be located within 10m of a boundary provided they are less than 40m<sup>2</sup> in area.</p> <p>Buildings and any further residential units have to fit all the criteria as if it were a subdivided site. This avoids people taking a backdoor route to further subdivision once a second residential unit is established, arguing that subdivision has no physical effects on the environment or the infrastructure.</p> <p>Water storage is required with all new buildings in the Small Holdings and Rural Zones in recognition of the increasing demands that new developments will make on rural waterways.</p> <p>During periods where minimum flow is reached all abstractions will be required to cease. Use of stored water will be necessary during these times. Individual households are responsible for ensuring that their stored drinking water is potable.</p> <p>The following district wide policies are relevant to this rule:  DO18.2.2 (water storage)  DO18.4.10 (permitted abstractions)</p> <p>It is expected that where a building is to be located on, or close to, an indicative road or walkway/cycleway, the developer will provide sufficient assurance that the building will not compromise the achievement of future connectivity generally in the alignment.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>RUr.29</b> <b>Building on low lying sites</b>	RUr.29.1 Building is permitted if: a) the ground level (excluding waterbodies) is 15.35m NCC Datum or above, or ground level is raised and compacted to at least those levels; and i) in accordance with NZS4431:1989 (Code of Practice For Earthfill and Residential Development), and ii) such that stormwater runoff from the site is not directed onto other sites, and that natural water flows from other sites are not obstructed, and iii) the finished ground level is not less than 400mm above the design hydraulic grade level of the storm water system serving the site, and b) the minimum finished floor level of the building is: i) concrete floor: 15.50m ii) timber floor: 15.65m	RUr.29.2 not applicable	RUr.29.3 Buildings that contravene a permitted condition are restricted discretionary activities. Discretion is restricted to measures required for the avoidance or mitigation of inundation hazards on the subject and surrounding properties.

Assessment Criteria	Explanation
<p>RUr.29.4</p> <ul style="list-style-type: none"> <li>a) the ground level required to avoid the effects of anticipated flooding.</li> <li>b) the type of inundation likely to be experienced, whether it be stormwater, ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding.</li> <li>c) the effects on neighbouring properties, especially with respect to stormwater runoff.</li> <li>d) section 5.6.5b) and Table 5-6 and 5-7 in section 5 of the NCC Land Development Manual 2010.</li> </ul>	<p>RUr.29.5</p> <p>The minimum ground levels set are based on the best estimates from the Ministry for the Environment for likely sea level rise caused by global climate change. This takes account of predicted spring tides and expected tidal surges, and their consequent effects on stormwater ponding.</p> <p>Sites below the minimum levels stated for permitted activities will be assessed individually to ensure that ground or floor heights are sufficient to protect the building from inundation.</p> <p>See Rule RUr.27 (earthworks) where a site is to be filled.</p> <p>This Rule relates to minimum ground and floor levels for hazard mitigation purposes. It does not relate to minimum floor levels arising from the requirements of the Building Act. The Building Act may require height additional to that specified in this rule (to achieve clearance to ground, crawl space and other requirements).</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>RUr.31A Building over or alongside drains and water mains</b>	<p>RUr.31A.1</p> <p>a) Structures:</p> <ul style="list-style-type: none"> <li>i) must be located no closer than one metre measured horizontally from the near side of any public water main or common private or public sewer or stormwater drain, where the required pipe or drain is less than or equal to 300mm in diameter or width, and</li> <li>ii) must be located no closer than 1.5m measured horizontally from the near side of any public water main, or common private or public sewer or stormwater drain, where the required pipe or drain is greater than 300mm in diameter or width, and</li> <li>iii) may overhang the line of the pipe or drain, provided the structure is cantilevered or is an eave and the height to the underside of the structure above ground level is not less than 1.8m, and</li> <li>iv) which are located within 3m, measured horizontally, from the near side of the pipe or drain must have the base of the foundations deeper than a line drawn at 30° from the horizontal from the invert (bottom) of the pipe or drain (or between 30° and 45° if the design has been certified by a suitably qualified engineer)(see diagram).</li> </ul> <p>b) Carports may be constructed over pipes or drains (but not water mains or other pressurised pipelines) provided that:</p> <ul style="list-style-type: none"> <li>i) The foundations are located in accordance with a) iv) above; and</li> <li>ii) The fixture to the ground/floor is a bolt-down type design which permits quick and easy removal of the structure; and</li> <li>iii) The carport is not closed in; and</li> <li>iv) The floor is not concrete to a depth greater than 150mm; and</li> <li>v) An encumbrance is registered on the certificate of title for the property acknowledging the location of the pipe or drain under the structure and reminding future owners that rules ii) iii) and iv) (above) apply and that access to the pipe or drain for maintenance and repair (and re-instatement afterwards) must be made available at the structure owner's cost).</li> </ul> <p>c) As an alternative to (a) and (b), structures may be located over common private or public wastewater or stormwater drains or pipes (but not pressurised pipes), if they comply with "Acceptable Techniques for Building over Drains or Pipelines". Table 3-4 in section 3 of the NCC Land Development Manual.</p>	<p>RUr.31A.2</p> <p>Not applicable</p>	<p>RUr.31A.3</p> <p>Restricted Discretionary Activity</p> <p>Activities that contravene a permitted standard are a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>i) The design and location of the structure, and</li> <li>ii) Access to pipework or drain for maintenance, and</li> <li>iii) The nature and location of the pipework or drain.</li> </ul> <p>Resource consent applications for restricted discretionary activities will be considered without notification or service of notice, provided it can be shown that the building can be located in such a way as to ensure that access to the drain or pipe for maintenance or replacement purposes, can be achieved without causing adverse financial or physical effect on neighbouring properties or persons who are served by the same pipe or drain.</p>
<b>RUr.32 Buildings - height</b>	<p>RUr.32.1</p> <p>Maximum height -12m. (see Chapter 2 Meanings of Words for definition of 'Height' [including chimneys] and 'Height measurement').</p>	<p>RUr.32.2</p> <p>not applicable</p>	<p>RUr.32.3</p> <p>Activities that contravene a permitted condition are discretionary.</p>
<b>RUr.33 Site coverage for structures, storage, and utility yard areas</b>	<p>RUr.33.1</p> <p>Construction or alteration of structures and paving of land with impervious surfacing (including driveways, paths and yards) is permitted if no more than 2500m<sup>2</sup> of any site is covered by structures or impervious surfaces (other than structures used for handling animals or plants).</p>	<p>RUr.33.2</p> <p>not applicable</p>	<p>RUr.33.3</p> <p>Activities that contravene the conditions for permitted activities are discretionary.</p>

Assessment Criteria	Explanation
<p>RUr.31A.4</p> <p>a) the nature of the structure and whether access to the pipe or drain can be maintained</p> <p>b) any measures taken to ensure that replacement of the pipe or drain can be undertaken.</p> <p>c) the nature of the pipe or drain, taking into account materials of construction and any bends or joints.</p> <p>The accessibility of the pipework or drain and the ease by which it could be extracted.</p>	<p>RUr.31A.5</p> <p>Limiting access to pipes and drains means that repair and maintenance may be very costly and may even result in pipes or drains having to be relocated. This rule seeks to preserve access to all pipes or drains where off-site facilities are likely to be affected.</p> <p>In response to frequent requests for carports to be built over pipes, this has been made a permitted activity provided the carport does not become enclosed and the depth of any concrete floor does not exceed 150mm.</p> <p>However, a common problem arises when the carport is later closed in without Council's knowledge. An encumbrance on the title will alert landowners to the location of the pipe or drain and remind them that access to the pipe or drain is to remain unimpeded and all costs associated with obtaining access, (including the removal and reinstatement of floors or walls) are the responsibility of the landowner.</p> <p>Provided the encumbrance is registered on the title, carports built over drains or pipes, do not require a resource consent.</p> <p>Alternative techniques for ensuring access for maintenance and repair purposes may be considered on a case by case basis through the resource consent process.</p> <p>Table 3-4, section 3 of the NCC Land Development Manual 2010 provides techniques which allow the construction of structures over drains in some other limited circumstances.</p> <p>At the time that application is made for building consent, a request shall be made in writing to waive the rule relating to "Building over or alongside drains, pipes and water mains" where one of these Techniques is proposed to apply.</p> <p><b>Diagram referred to in RUr.31A.1a:</b></p> 
<p>RUr.32.4</p> <p>a) the extent to which taller buildings will impact on the rural character of the area.</p> <p>b) the impact on amenities of adjacent properties.</p>	<p>RUr.32.5</p> <p>The height represents a scale which is acceptable in human terms and within which most dwellings (including two-storey dwellings) and structures can be accommodated. Discretion is reserved to consent to higher structures when compliance is not a viable alternative and consent is consistent with the purpose of the Act. Buildings over 12m or averaging over 12m on sloping ground are discretionary.</p>
<p>RUr.33.4</p> <p>a) any actual or potential effects including cumulative effects on the long term life supporting capacity of the soil.</p> <p>b) the quality of the land and any mitigating features (such as previous contamination) which has affected the land.</p> <p>c) effects on the local amenity of the area.</p> <p>d) effects on the character of the area.</p>	<p>RUr.33.5</p> <p>This rule is primarily directed to protection of the rural amenity values and the sustainable use of rural soil. It provides adequate work space for most activities which are not related to the land, but requires that any other activity which is space demanding and not related to the land to apply for resource consent and allow each case to be considered on its merits.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>RUr.34</b> <b>Shelterbelts: separation</b></p> <p>Advisory Note: Rule RUr.34 does not apply to separation/setbacks in relation to plantation forestry activities as these are regulated under regulations 22-35 of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2018. Those regulations prevail over this rule in relation to plantation forestry earthworks as defined in the regulations.</p>	<p>RUr.34.1</p> <p>Shelterbelts are permitted if they are set back at least:</p> <ul style="list-style-type: none"> <li>a) 10m from any boundary unless the written consent of the neighbour is obtained and lodged with Council, and defensible space is maintained around any existing or proposed residential unit (see defined terms chapter 2), and</li> <li>b) 50m from any Residential Zone boundary, and</li> <li>c) trees do not shade a public road between 10am and 2pm on the shortest day, and</li> <li>d) trees do not obscure visibility at intersections on public roads.</li> </ul> <p>In addition to the above requirements, within the Small Holdings Area and adjoining any site in the Small Holdings Area, the requirements of Appendix 16 (daylight admission – small holdings areas) shall apply.</p>	<p>RUr.34.2</p> <p>not applicable</p>	<p>RUr.34.3</p> <p>Activities that contravene a permitted condition are discretionary.</p>
<p><b>RUr.35</b> <b>Parking and loading</b></p>	<p>RUr.35.1</p> <ul style="list-style-type: none"> <li>a) Parking, loading, manoeuvring, queuing, and set down areas must be provided and maintained on each site in accordance with the standards set out in Appendix 10 (standards and terms for parking and loading).</li> </ul>	<p>RUr.35.2</p> <p>Parking for Short Term Living Accommodation units (excluding any loading zones for coaches and parking for managers units) and which complies in all other respects with the relevant standards in Appendix 10, is a controlled activity if:</p> <ul style="list-style-type: none"> <li>a) a minimum of 0.8 spaces per unit is provided, except where the unit can accommodate more than 6 guests, in which case a minimum of 1.5 spaces must be provided per unit.</li> </ul> <p>Control is reserved over:</p> <ul style="list-style-type: none"> <li>i) number of vehicle parks, and</li> <li>ii) type and size of vehicle parks, and</li> <li>iii) location of vehicle parking, and</li> <li>iv) manoeuvring to and from vehicle parking.</li> </ul>	<p>RUr.35.3</p> <p>Activities that contravene a permitted condition or controlled standard are discretionary, except that an application to reduce the parking requirements in Appendix 10 is a restricted discretionary activity if:</p> <ul style="list-style-type: none"> <li>a) for short term living accommodation a minimum of 0.6 spaces per unit is provided, except where the unit can accommodate more than 6 guests, in which case a minimum of 1 space must be provided per unit,</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>b) for other activities: <ul style="list-style-type: none"> <li>i) the proposed reduction in parking spaces is not more than 10% of the number required in Appendix 10, and</li> <li>ii) where the reduction in parking spaces exceeds 5 spaces, the application is accompanied by a Travel Management Plan that addresses the matters in Assessment Criterion RUr.35.4.</li> </ul> </li> </ul> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>i) number of parking spaces (and any loading spaces) provided, and</li> <li>ii) the surfacing of the area, and</li> <li>iii) the location, dimensions and layout of parking, loading, manoeuvring and queuing areas, and</li> <li>iv) conditions relating to any parking off-site or any other methods or arrangements that are to be put in place to facilitate the reduction in parking.</li> </ul> <p>Resource consent applications for restricted discretionary activities under this rule will be considered without notification and without service of notice.</p>

Assessment Criteria	Explanation
<p>RUr.34.4</p> <ul style="list-style-type: none"> <li>a) the likelihood of any dwelling being located adjacent to the site, given the present and likely pattern of development in the area.</li> <li>b) any likely shading effects on adjacent property.</li> <li>c) the potential for spread of fire from or to adjacent properties given present and potential activities which may be carried out in the area.</li> <li>d) the extent to which any plantings will shade any public road</li> <li>e) danger to life and property as a result of falling trees.</li> </ul>	<p>RUr.34.5</p> <p>This rule provides that shelterbelts should be kept at least 10m from a property boundary except in the Small Holdings Area. Here shelterbelts located on southern boundaries, where they are most likely to shade adjoining properties, are subject to additional recession plane controls.</p> <p>While shelterbelts are established and important features in rural areas, when located close to boundaries they can have a significant effect on the productivity and enjoyment of adjoining properties.</p> <p>Effects on neighbouring properties can include but are not limited to a reduction in soil fertility, reduction in growth rates of adjoining pasture and crops, and shading of neighbouring houses and living areas, creating a feeling of enclosure.</p> <p>Shading effects are most likely to occur where stands of tall trees are located adjacent to the northern boundary of smaller and more intensely developed properties.</p>
<p>RUr.35.4</p> <ul style="list-style-type: none"> <li>a) refer to Appendix 10.</li> <li>b) where a Travel Management Plan is required under the restricted discretionary rule it shall include the following, taking into account the reduction in parking spaces being sought: <ul style="list-style-type: none"> <li>i) The nature and scale of the activity and associated parking demands from employees and visitors/customers;</li> <li>ii) Proposed means of reducing parking demands, such as; <ul style="list-style-type: none"> <li>• Managing the number of motor vehicle trips to and from the activity by encouraging higher vehicle occupancies</li> <li>• Sharing parking spaces between complementary uses and spreading peak loads</li> <li>• Encouraging more use of public transport, walking and cycling</li> </ul> </li> <li>iii) Proposed means of monitoring outcomes.</li> </ul> </li> </ul>	<p>RUr.35.5</p> <p>Refer to Appendix 10.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>RUr.36 Access</b>	RUr.36.1 Vehicle access must be provided and maintained for each site in accordance with the standards set out in Appendix 11 and sections 4.3.7d)1) to 7), 4.3.7e) to i), 4.3.7d), 4.3.8.2a) to c), 4.3.8.5a), 4.3.12.7a) to c), 4.3.15d), 4.3.15.1a) to f), 4.3.15.2b) to d), 4.3.15.3b) to c), 4.3.15.3a) and Tables 4-6, 4-7, and 4-164 and Figures 4-M, 4-N, 4-O and 4-P of the NCC Land Development Manual 2010.  In the Rural Zone, excluding all 'Small Holdings Areas', where the only means of providing access to network utility sites is via helicopter, then it is not a requirement to provide and maintain vehicle access. Where such helicopter access is the only means of providing access then the use of the site for landing or taking off of helicopters is a permitted activity.	RUr.36.2 not applicable	RUr.36.3 Activities that contravene a permitted condition are discretionary.
<b>RUr.37 Access on State Highways</b>	RUr.37.1 Any new vehicle access not directly onto a State Highway is a permitted activity in this zone if it complies with RUr.36.1.	RUr.37.2 not applicable	RUr.37.3 Any new activity or change of use which uses an existing access directly on to a State Highway is discretionary.
<b>RUr.38 Signs</b>	RUr.38.1 Signs are permitted if they are designed and constructed in accordance with the specifications in Appendix 20 (signs and outdoor advertising).	RUr.38.2 See Appendix 20.	RUr.38.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
RUr.36.4 Refer to Appendix 11.	RUr.36.5 Refer to Appendix 11.
RUr.37.4 a) the type, style and intensity of the activity including the likely numbers of additional vehicle movements created, proposed hours of operation. b) any measures taken to minimise any potential effects on the safety and efficiency of the State Highway. c) the speed restrictions in the vicinity and visibility from the point of access. d) the level of compliance with access standards. e) the location and adequacy of parking areas proposed to cope with potential visitors. f) the location of the activity in relation to the State Highway (activities and parking areas away from the road tends to discourage roadside parking). g) signage proposed.	RUr.37.5 Requires assessment of activities with direct access to State Highways to enable each to be considered on its merits. While present uses of a property may not create any hazard (particularly such as rural use) the creation of a new enterprise such as recreational use may well place pressure on inadequate access points not designed for the purpose. Activities which may create such hazards include golf courses, clubs, and rural retail sites.
RUr.38.4 See Appendix 20.	RUr.38.5 See Appendix 20.

Item	Permitted	Controlled	Discretionary/Non-complying
<b>RUr.39 Aerials</b>	RUr.39.1 Aerials and other similar communication devices are permitted if: a) aerials do not exceed 25m in height, and b) dish antennas do not exceed 5m in diameter, provided that the top of any dish antenna greater than 1 m in diameter does not exceed 12m in height, and c) there is no strobe or flashing lights associated with any of these utilities visible from a public place.	RUr.39.2 not applicable	RUr.39.3 Restricted Discretionary Activity Activities that contravene a permitted condition are a restricted discretionary activity if the activity is being carried out by a network utility operator. Discretion restricted to: i) visual effects (including cumulative effects); and ii) practical alternatives, and iii) design and appearance of the structure (including its height and bulk) and method of mounting, and iv) siting of the structure, and v) landscaping or other treatment. Discretionary Activity Activities that contravene a permitted condition and are not a restricted discretionary activity are discretionary.
<b>RUr.40 Radioactive material</b>	RUr.40.1 Permitted, if: a) used for clocks, watches, and other instruments containing luminous material, smoke detectors, and ionisation and electron capture detectors for use in gas chromatography.	RUr.40.2 not applicable	RUr.40.3 Activities that contravene a permitted condition are discretionary if: a) materials emit less than 1 terabecquerel of radioactivity.  The use or storage of material in excess of 1000 terabecquerels of radioactivity is a <b>prohibited activity</b> .

Assessment Criteria	Explanation
<p>RUr.39.4</p> <ul style="list-style-type: none"> <li>a) the visual effects on the character and amenity of the locality and the landscape.</li> <li>b) any mitigation measures proposed such as location, screening, painting of dishes.</li> <li>c) the protection of areas of significant conservation value identified in accordance with the criteria contained in DO5.1.1 (areas with high natural values).</li> </ul>	<p>RUr.39.5</p> <p>Where they are of a size or construction out of character with the rural environment aerials can detract from landscape and visual amenity.</p> <p>The restriction on the height of dish antennas is imposed to require resource consents for such antennas when they are located high on masts, but accepts that these antennas are acceptable when mounted on or near the ground.</p> <p>It should be noted that where an aerial is installed within an overlay the provisions of the overlay may apply as well as this rule.</p>
<p>RUr.40.4</p> <ul style="list-style-type: none"> <li>a) the type of radioactive source proposed and its relative activity.</li> <li>b) compliance with the relevant National Radiation Laboratory code of practice.</li> <li>c) the methods of storage and disposal proposed, particularly in relation to natural hazards which may affect the site.</li> <li>d) transportation routes, particularly through residential areas, and methods.</li> </ul>	<p>RUr.40.5</p> <p>The discretionary activity category provides for small scale facilities such as dentists and small diagnostic medical laboratories.</p> <p>The prohibited category excludes large scale facilities such as irradiation plants and nuclear power plants.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>RUr.41</b> <b>Radiofrequency exposure levels</b>	<p>RUr.41.1</p> <p>Subject to the exclusions at the end of this rule, activities which produce radiofrequency fields are permitted activities if:</p> <ul style="list-style-type: none"> <li>i) Radiofrequency exposures measured at any point where any person may reasonably and lawfully gain access (excepting those employed or engaged on the maintenance and operation of the radio communication or telecommunication facility), do not exceed the maximum non-occupational exposure level in New Zealand Standard NZS 2772.1:1999 Radiofrequency Fields: Part 1 – Maximum Exposure Levels 3kHz-300GHz ("the New Zealand Standard"), and</li> <li>ii) Prior to establishing any facility that produces radio frequency fields at any site, the Planning and Consents Division of the Council are advised of the location and nature of the proposed facility, and</li> <li>iii) Where radiofrequency exposure levels will exceed 25% of the maximum non-occupational exposure limit set in the New Zealand Standard, then, within three months of radio frequency emissions commencing or increasing, a report from the National Radiation Laboratory (or another appropriately qualified person/organisation) certifying compliance with the New Zealand Standard NZS 2772.1:1999 Radio Frequency Fields; Part 1 – Maximum Exposure Levels 3kHz-300GHz, based on measurements at the site in accordance with New Zealand Standard NZS 6609.2:1990 Radiofrequency Radiation: Part 2: Principles and Methods of Measurement 300kHz to 100GHz, will be lodged with the Planning and Consents Division of the Council.</li> </ul> <p><b>Exclusion</b></p> <p>Conditions (ii), and (iii) of this rule shall not apply to domestic transmitting equipment, including, but not limited to, cellular and cordless phones, microwave ovens, CB radios, garage door openers, security systems, licensed amateur radio installations, and radio-controlled toys.</p>	<p>RUr.41.2</p> <p>not applicable</p>	<p>RUr.41.3</p> <p>Activities that contravene permitted condition (a) (i) are non-complying.</p> <p>Activities that contravene any other permitted condition are discretionary.</p>
<b>RUr.42</b> <b>Buildings near transmission lines</b>	<p>RUr.42.1</p> <p>Residential units, or education facilities (including any preschool or day care centre) must not be located within 20m of any existing above ground, or within 10m of any existing underground electricity transmission line with a capacity greater than or equal to 66kV.</p>	<p>RUr.42.2</p> <p>not applicable</p>	<p>RUr.42.3</p> <p>Activities that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p>RUr.41.4</p> <ul style="list-style-type: none"> <li>a) the potential effects of any increase of radiofrequency exposures on the health of persons near the facility.</li> <li>b) the nature of any activities near the proposed site, having regard to their susceptibility to any exposures.</li> <li>c) the location of the site, and any potential for shielding from exposures.</li> <li>d) any cumulative effects, particularly with regard to exposure to electro magnetic radiation from existing facilities in the area.</li> </ul>	<p>RUr.41.5</p> <p>Certain utilities and other activities emit electromagnetic radiation. These activities are perceived to be a health concern to some people living near them.</p> <p>In developing the rules on radiofrequency exposures, Council has based its approach on that recommended in the "National Guidelines for Managing the Effects of Radiofrequency Transmitters" produced by the Ministry of Health and the Ministry for the Environment in December 2000. The key findings of the guidelines was that there are no established health effects from exposure to radiofrequency fields as long as they comply with the New Zealand Standard NZS 2772.1:1999 Radiofrequency Fields: Part 1 – Maximum Exposure Levels 3kHz-300GHz.</p> <p>The Council is to be notified of location and nature of any proposed facility. Should this predictive report anticipate and should exposure levels be greater than 25% of the New Zealand Standard level, monitoring to determine the actual exposure levels from the transmitting installation will be required.</p> <p>The rule contains an exception for domestic radiofrequency transmitting equipment. This is to ensure that these domestic transmitting devices can be used without the rules applying to their radiofrequency emissions.</p> <p>Radiofrequency emissions that exceed the exposure levels set within the New Zealand Standard are to be considered as non-complying activities.</p>
<p>RUr.42.4</p> <ul style="list-style-type: none"> <li>a) any potential or cumulative effects on health of persons from exposure to electro-magnetic fields from existing facilities in the area.</li> <li>b) any effects of structures and lines including noise, visual impact and physical risk.</li> </ul>	<p>RUr.42.5</p> <p>A number of high voltage transmission lines traverse the Rural Zone. These locations are shown on the Planning Maps. A separation distance between lines and housing is appropriate for a range of reasons including physical aspects and possible long term health exposure risks which may affect some people living in close proximity to major lines. This rule provides an opportunity for evaluation of such effects when new housing is proposed in proximity to these lines (see also RUr.44 for new lines). All buildings, structures, plant and excavations are also required to comply with NZECP 34 2001 for Electrical Safe Distances. In some situations, depending upon the length of span and operating temperature of the line, a greater separation distance than is provided for in the rule may be necessary. Advice should be sought from the line owner.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>RUr.43</b> <b>Structures on the Road Reserve</b>	RUr.43.1 Structures on the road reserve are permitted if: <ol style="list-style-type: none"> <li>a) they are part of the road infrastructure (eg. bridges, culverts, street lighting, traffic signals) or relate to the safe use of the road or walkway, or</li> <li>b) structures (including equipment shelters and bus shelters) do not exceed 6m<sup>2</sup> floor area and 3.5m high.</li> </ol>	RUr.43.2 not applicable	RUr.43.3 Activities that contravene a permitted condition are discretionary.
<b>RUr.44</b> <b>Network utilities - overhead wires</b>	RUr.44.1 Overhead wires and associated support structures are permitted if: <ol style="list-style-type: none"> <li>a) lines do not exceed 110 kV and 100MVA per circuit, and</li> <li>b) the lines are not supported on new or additional lattice towers, and</li> <li>c) any supporting poles are less than 25m in height, or</li> <li>d) the wires or structures are being erected as part of maintenance of the existing network utility</li> </ol>	RUr.44.2 not applicable	RUr.44.3 Activities that contravene the conditions for permitted activities are discretionary.
<b>RUr.45</b> <b>Minor Upgrading of Electricity Transmission Lines and Support Structures</b>	RUr.45.1 Minor upgrading of electricity transmission lines and support structures is a permitted activity if: <ol style="list-style-type: none"> <li>a) The line or support structure is existing, and</li> <li>b) The line has a capacity of greater than or equal to 66kV.</li> </ol>	RUr.45.2 not applicable	RUr.45.3 Activities that contravene a permitted condition are discretionary.
<b>RUr.46</b> <b>Network utility - roads</b>	RUr.46.1 The construction of any new road is permitted if: <ol style="list-style-type: none"> <li>a) the road is not a State Highway, Arterial Road or Principal Road as defined on the Planning Maps, and</li> <li>b) the minimum standards (as defined in Section 1.1.1 General) in Section 4 of the NCC Land Development Manual 2010 are complied with.</li> </ol>	RUr.46.2 not applicable	RUr.46.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>RUr.43.4</p> <ul style="list-style-type: none"> <li>a) the size and scale of the structures.</li> <li>b) any visual impacts, taking account of the character of the area.</li> <li>c) safety considerations including any effects on line of sight for motorists and other road users, having regard to the usage of the road.</li> </ul>	<p>RUr.43.5</p> <p>This rule allows for the usual basic infrastructure in the road reserve at a scale that is generally accepted by the public. This infrastructure includes street lights and other traffic equipment, as well as electricity distribution boxes and telephone booths.</p> <p>The rule is not restricted to network utility operators in order to regulate bus shelters and street vendors.</p> <p>The Council (and the NZ Transport Agency in the case of State Highways) has an additional control as the owner of the land, in respect of who goes there and under what circumstances.</p> <p>Telecommunications and electricity operators have certain rights to put works on roads (under the Telecommunications Act 1987, section 15, and Electricity Act 1992, section 24). The Council will be guided when it prescribes conditions under these Acts, by the matters contemplated in these rules.</p>
<p>RUr.44.4</p> <ul style="list-style-type: none"> <li>a) the impact any proposed lines and support structures will have on the character of the area.</li> <li>b) any alternatives considered or proposed.</li> <li>c) the purpose of the facility and the local community it will serve.</li> <li>d) any mitigation measures proposed.</li> <li>e) the protection of areas of significant conservation value identified in accordance with the criteria contained in DO5.1.1 (areas with high natural values).</li> </ul>	<p>RUr.44.5</p> <p>The rule provides for overhead facilities where they will not impact to a significant degree on the local character of the area.</p> <p>It should be noted that where overhead wires are installed within an overlay the provisions of the overlay may apply as well as this rule.</p> <p>Note that "Maintenance" is defined in Chapter 2 – Meaning of Words.</p>
<p>RUr.45.4</p> <ul style="list-style-type: none"> <li>a) the impact any proposed lines and support structures will have on the character of the area.</li> <li>b) any alternatives considered or proposed.</li> <li>c) the purpose of the facility and the local community it will serve.</li> <li>d) any mitigation measures proposed.</li> <li>e) the protection of areas of significant conservation value identified in accordance with the criteria contained in DO5.1.1.</li> </ul>	<p>RUr.45.5</p> <p>"Minor Upgrading" (in accordance with the definition in Chapter 2) is permitted in relation to larger electricity infrastructure only. These utilities are primarily located on the outskirts of the city and involve the higher voltage lines which are generally located on the larger structures like lattice towers. These existing structures are generally visually prominent wherever they are located, however it is considered that minor upgrading to the extent provided for in the definition, can occur without further noticeable effect.</p> <p>Note that the definition of "minor upgrading" is clearly set out in Chapter 2 – Meaning of Words.</p>
<p>RUr.46.4</p> <ul style="list-style-type: none"> <li>a) the matters in section 4 of the NCC Land Development Manual 2010.</li> <li>b) the noise and air emissions from the road, taking account of the nature of nearby activities.</li> <li>c) any implications for traffic and pedestrian safety, both positive and adverse.</li> <li>d) any proposals to mitigate the adverse effects of the road, particularly by screening for noise and visual impacts.</li> <li>e) any impacts on communities eg. whether the road would divide a neighbourhood.</li> <li>f) any opportunities to provide views and vistas from the road.</li> </ul>	<p>RUr.46.5</p> <p>New roads and realignments and upgrading work on existing roads are generally dealt with by way of designations in the Plan. The designation procedure provides an opportunity for the public or affected persons to have a say on the proposals and for the environmental effects to be scrutinised. Where new roads have not been dealt with by designation, this rule provides the opportunity for public input via the resource consent process if the road is to be a major traffic carrier, or the usual design standards are not being followed.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>RUr.47</b> <b>Noise</b>  Advisory Note: Rule RUr.47 does not apply to noise in relation to plantation forestry activities as these are regulated under regulations 22-35 of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2018.	RUr.47.1 a) Noise levels from Rural Areas when measured at or within any site in a Residential Zone must not exceed: Day Time 55 dBA (L10) Other Times 45 dBA (L10) 75 dBA (Lmax) Day Time means 7am-10pm Monday to Friday, and 9am-10pm Saturdays, Sundays and Public Holidays. b) Noise levels measured at or within the notional boundary of any rural dwelling other than any dwelling on the site from which the noise is being generated, must not exceed: <b>Day Time</b> 55 dBA (L10) <b>Other Times</b> 45 dBA (L10) 75 dBA (Lmax) Day Time means 6am-10pm Monday to Sundays. For Part (b) of this Rule, all noise from normal rural activities shall be excluded, including: i) mobile horticultural and agricultural equipment, and ii) temporary forest and tree harvesting activities, and iii) animals, except when associated with intensive commercial livestock farming and animal boarding activities, and iv) bird scares and hail canons. c) All measurements and assessment in accordance with NZS6801:1991 and NZS6802:1991.	RUr.47.2 not applicable	RUr.47.3 Activities that contravene a permitted condition are discretionary.
<b>RUr.48</b> <b>Hazardous substances - use and storage</b>	RUr.48.1 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).	RUr.48.2 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.	RUr.48.3 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>RUr.49</b> <b>Papakainga Development (Sch.P)</b>	RUr.49.1 Papakainga development is permitted if: a) it complies with Schedule Sch.P.	RUr.49.2 Schedule Sch.P applies.	RUr.49.3 Schedule Sch.P applies.
<b>RUr.49A</b> <b>Services Overlay Building</b>	RUr.49A.1 Erection or extension of buildings in the Services Overlay is permitted if: a) it is not located in the path of any future road : (iv) shown as an Indicative Road on any Structure Plan in the Plan, or (v) shown as Proposed Road on the Roading Hierarchy Maps A2.1 and A2.2 in Volume 4 of the Plan, or (vi) shown as Proposed Road on any Planning Maps in Volume 4 of the Plan. b) Existing Council water, stormwater and wastewater connections are available to the site and have capacity to serve the building and associated development, and c) The building and associated development is connected through piped gravity outfalls to the Council wastewater and stormwater system, and supplied with water through a gravity system from a Council water supply.	RUr.49A.2 not applicable	RUr.49A.3 Erection or extension of buildings that contravene a permitted condition and propose to connect to public reticulated services are restricted discretionary.  Discretion is restricted to: i) whether adequate capacity and availability exists in the Council water supply, stormwater and wastewater system to cope with the demands of development of the site(s), and ii) whether all connections to Council services (excluding roading) are to gravity systems, and iii) in the absence of i) or ii) above, the ability of private infrastructure to ensure ongoing effectiveness, including the maintenance and monitoring of such systems, and iv) the location of building to ensure it does not impede the route or construction of any future road or utility services. Resource consent for restricted discretionary activities will be considered without notification. Discretionary Activity Activities that propose to connect to on site services are discretionary.

Assessment Criteria	Explanation
<p>RUr.47.4</p> <ul style="list-style-type: none"> <li>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.</li> <li>b) the nature and location of nearby activities and the effects they may experience, particularly the night time effects on residential units, within the rural and neighbouring zones.</li> <li>c) whether the noise is likely to detract from the general environmental quality being proposed for the rural zone, or the amenity of any adjacent residential zone.</li> <li>d) the effectiveness, and in particular the certainty, provided by any conditions or controls that might be imposed on the activity.</li> </ul>	<p>RUr.47.5</p> <p>The rule provides a minimum standard designed to prevent excess levels of noise which may create nuisance to adjoining activities, in particular dwellings on adjacent properties.</p>
<p>RUr.48.4</p> <p>Assessment Criteria in Appendix 21.</p>	<p>RUr.48.5</p> <p>See Appendix 21.</p>
<p>RUr.49.4</p> <p>See Schedule Sch.P.</p>	<p>RUr.49.5</p> <p>See Schedule Sch.P.</p> <p>The schedules for this zone follow after the Rule Table.</p>
<p>RUr.49A.4</p> <ul style="list-style-type: none"> <li>a) the matters in the NCC Land Development Manual 2010.</li> <li>b) that the location of the building does not impede the route and construction of any future road or utility services required to service the site or surrounding sites with potential for residential development.</li> <li>c) whether road access and reticulated services are able to be provided to the site and any surrounding site with potential for residential development from any other practical route.</li> <li>d) whether the building can provide for on site servicing for the building in accordance with FWr.12 , FWr.14, FWr.25 and FWr.29.</li> <li>e) the strategic planning programme for servicing sites within the district.</li> </ul>	<p>RUr.49A.5</p> <p>The Services Overlay is the area shown on the Planning Maps where the existing water supply, stormwater drainage or wastewater system is not available (for example, because of the relative levels) or has insufficient capacity to accept more discharges or new connections.</p> <p>Under its Long Term Plan, the Council has a programme for progressive upgrading of the stormwater, wastewater, water and roading networks in the City. Until that upgrading takes place, building will be discretionary.</p> <p>If a developer proposes a short term access, drainage or water supply method that is not consistent with the Long Term Plan, the effects of this on the environment and the Long Term Plan (especially any compromising effect on the overall development of the City systems) will be assessed when a resource consent application is considered. Gravity fed systems are preferred because these have lower maintenance costs and are more reliable.</p> <p>The Services Overlay is also used to ensure that practical road access and the extension of services from one property to another which has potential for development is maintained. Erection or extension of buildings will not be permitted in locations where this hinders or prevents the only practical route for a future road or reticulated services to serve the site and adjoining site with potential for development.</p> <p>Use of on site servicing within the Rural Zone Services Overlay is discouraged, and the application would be considered as a discretionary activity.</p> <p>Note: The capacity of the stormwater drain or wastewater network means the capacity of the length of the drain from the site to, and including, its outfall to a water body, coastal water or treatment facility.</p>

Rules relating to overlays on Planning Maps

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>RUr.50</b>  <b>Coastal Environment Overlay</b>                      Archaeological Overlay Structures</p>	<p>RUr.50.1                      In the Coastal Environment Overlay, erection or extension of a structure or building is permitted if:</p> <ul style="list-style-type: none"> <li>a) it is an extension of an existing building which does not increase its total floor area by more than 50% above that existing at the date of this plan becoming operative, or</li> <li>b) it is a:                             <ul style="list-style-type: none"> <li>i) fence, or</li> <li>ii) stock yard, or</li> <li>iii) non residential building with a maximum floor area of 20m<sup>2</sup> and a maximum height of 5m, or</li> <li>iv) underground service or utility, or</li> </ul> </li> <li>c) it is set back at least 100m inland from mean high water springs, and is not within an Archaeological Overlay, or</li> <li>d) it is on a site located between Cable Bay Road and Delaware Inlet between Lot 5 DP 5832 and Pt Sec 90 Square 23 SO 2104 inclusive, and no part of any building or structure is closer than 20m inland from mean high water springs, or</li> <li>e) It is a new overhead network utility line on an existing support structure and that new line (or bundle of lines):                             <ul style="list-style-type: none"> <li>i) Is hung no lower than any other line on that structure, and</li> <li>ii) Is no greater than 25mm in diameter.</li> </ul> </li> </ul>	<p>RUr.50.2                      In the Coastal Environment Overlay or an Archaeological Overlay, erection or extension of a new structure or building that contravenes a permitted condition is controlled if:</p> <ul style="list-style-type: none"> <li>a) it is set back at least 20m inland from mean high water springs.</li> </ul> <p>Control reserved over:</p> <ul style="list-style-type: none"> <li>i) appearance, design, landscaping and location, and</li> <li>ii) access of public to and along the Coastal Marine Area, and</li> <li>iii) effects of earthworks, and</li> <li>iv) effects on Maori cultural values (only within an Archaeological Overlay).</li> </ul>	<p>RUr.50.3                      Restricted Discretionary Activity                      Activities that contravene a permitted condition or a controlled standard are a restricted discretionary activity in the Coastal Environment Overlay if:</p> <ul style="list-style-type: none"> <li>a) the structure is not within 20m inland of mean high water springs, and</li> <li>b) any structure forms part of an extension to an existing overhead line network and that structure (with associated lines):                             <ul style="list-style-type: none"> <li>i) extends the network by no more than 5 new support poles in any 5 year period; and</li> <li>ii) the structure is not a lattice tower.</li> </ul> </li> </ul> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>i) Visual effect (especially cumulative), and</li> <li>ii) Alternative routes available; and</li> <li>iii) Mitigation measures.</li> </ul> <p>Discretionary Activity                      Activities that contravene a permitted condition or a controlled standard and are not a restricted discretionary activity are discretionary.</p>

Assessment Criteria	Explanation
<p>RUr.50.4</p> <ul style="list-style-type: none"> <li>a) whether the structure will blend with the landscape or is positioned such that impacts are minimised.</li> <li>b) mitigation measures proposed to minimise impact on the area such as height, set back from boundaries or the Coastal Marine Area, landscaping, colour selection or pitch of roof.</li> <li>c) any effects on coastal processes and ecosystems.</li> <li>d) any effects on or risks from coastal hazards.</li> <li>e) The need for the structure or line.</li> </ul> <p>Within an Archaeological Overlay the following additional criteria also apply:</p> <ul style="list-style-type: none"> <li>f) the nature, form and extent of the proposed activity and its effects on any archaeological site, or other site of significance to tangata whenua.</li> <li>g) whether any archaeological site or other site of significance to tangata whenua exists within 50m of the site of the activity.</li> <li>h) the outcome of consultation with the tangata whenua of the area affected by the activity.</li> <li>i) the findings of any archaeological survey of the area surrounding the site commissioned by the applicant.</li> <li>j) if the site is to be modified, whether there is sufficient time and expertise to record or investigate the site.</li> <li>k) the ability to avoid, remedy or mitigate any adverse effects of the activity on any archaeological site.</li> </ul>	<p>RUr.50.5</p> <p>Structures excluding fences are not permitted immediately adjacent to the coast because of potential impacts on the natural character of the coast, public access, natural hazards, and coastal processes.</p> <p>If structures are set back 20 to 100m from the coast they are controlled to address the matters set out in the rule. Special provision is made for the settlement along Cable Bay Road, recognising that the natural character of the area is already compromised.</p> <p>Provision is made for network utility operators to add lines to existing poles where the visual effect will be minor. Provision is also made for existing line networks to be extended to service new customers in an area. However, a limitation is placed both on the number of support poles able to be erected and on the time frame that this can occur in, to ensure a cumulative visual effect is avoided. The rule is designed to ensure that only minor extensions can occur and in an acceptable time frame.</p> <p>Note that "Maintenance" is defined in Chapter 2 – Meaning of Words. Beyond 100m from the coast buildings are permitted except within an Archaeological Overlay. The Archaeological Overlays define areas which have been subject to centuries of Maori settlement. The areas are known to contain a high number of identified archaeological sites, and are also likely to contain many sites that are not documented. Records of some archaeological sites within the Archaeological Overlays are available at the Council offices. Applicants will be expected to establish the presence or absence of archaeological sites near their proposed activity through consultation with the relevant iwi, and where necessary in some cases through an archaeological investigation.</p> <p>See Rule RUr.59 (archaeological sites) for individual mapped archaeological sites located outside the Archaeological Overlays.</p> <p>Provision is made for a situation where an individual landowner has conducted the necessary consultation with appropriate iwi and heritage representatives prior to applying for resource consent. In these instances, a letter signed by these representatives stating that the site of the works is "safe" for building, will enable the activity to be considered without the need for further consultation and on a restricted discretionary basis.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>RUr.51</b> <b>Coastal Environment Overlays</b> Minor Upgrading of Electricity Transmission Lines and Support Structures</p>	<p>RUr.51.1 Minor upgrading of electricity transmission lines and support structures is a permitted activity in the Coastal Environment Overlay if:</p> <ul style="list-style-type: none"> <li>a) the line or support structure is existing, and</li> <li>b) the line has a capacity of greater than or equal to 66kV.</li> </ul>	<p>RUr.51.2 not applicable.</p>	<p>RUr.51.3 Activities that contravene a permitted condition are discretionary.</p>
<p><b>RUr.52</b> <b>Archaeological Overlay</b> Earthworks (Note that this rule is a regional and a district rule)</p> <p>Advisory note: This rule continues to apply to plantation forestry activities permitted by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2018 (NESPF) because this rule deals with effects of plantation forestry activities that are different from those dealt with by the permitted activity conditions of the NESPF.</p>	<p>RUr.52.1 Earthworks are permitted activities in the Archaeological Overlay for the following purposes:</p> <ul style="list-style-type: none"> <li>a) maintenance of existing roads and tracks along their existing formation, or</li> <li>b) cultivation of soil down to a depth of 300mm, or</li> <li>c) earthworks associated with building foundations, or</li> <li>d) earthworks associated with forming a vehicle access to a residential unit on a site located between Cable Bay Road and Delaware Inlet between Lot 5 DP 5832 and Pt Sec 90 Square 23 SO 2104 inclusive, provided the earthworks are not within 20m inland from mean high water springs or highest astronomical tide in those circumstances where the difference between the two levels would indicate that the actual effect of earthworks on the environment would be greater due to the lesser distance to the waters edge.</li> </ul>	<p>RUr.52.2 not applicable</p>	<p>RUr.52.3 Restricted Discretionary Activity Activities that contravene a permitted condition are a restricted discretionary activity, if</p> <ul style="list-style-type: none"> <li>a) a letter is provided with the application, and signed by the following three representatives: <ul style="list-style-type: none"> <li>i) an iwi representative (nominated by the Iwi Resource Management Advisory Committee or its successor), and</li> <li>ii) the current NZ Archaeological Association file-keeper; and</li> <li>iii) a NZ Archaeological Association archaeologist, stating that the site of the proposed works is not likely to contain matters of archaeological or cultural significance.</li> </ul> </li> </ul> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>i) The protection of Cultural and heritage values; and</li> <li>ii) The matters listed for Discretion in RUr27.3 (Earthworks)</li> </ul> <p>Restricted Discretionary applications will be considered without notification or obtaining written approval of affected persons, under section 94 of the Act.</p> <p>Discretionary Activity Activities that contravene the restricted discretionary standard are discretionary.</p>

Assessment Criteria	Explanation
<p>RUr.51.4</p> <ul style="list-style-type: none"> <li>a) the visibility of the site from the coast.</li> <li>b) the accessibility of the public to the locality.</li> <li>c) the nature of the activity and its likely visual impacts on the coast.</li> <li>d) any mitigation measures proposed such as landscaping, fencing or in terms of building design.</li> <li>e) the effects of activities on values identified in Appendices 4 and 5.</li> </ul>	<p>RUr.51.5</p> <p>“Minor Upgrading” (in accordance with the definition in Chapter 2) is permitted in relation to larger electricity infrastructure only. These utilities are primarily located on the outskirts of the city and involve the higher voltage lines which are generally located on the larger structures like lattice towers. These existing structures are generally visually prominent wherever they are located, however it is considered that minor upgrading to the extent provided for in the definition, can occur without further noticeable effect.</p> <p>Note that the definition of “minor upgrading” is clearly set out in Chapter 2 – Meaning of Words.</p>
<p>RUr.52.4</p> <ul style="list-style-type: none"> <li>a) the nature, form and extent of the proposed activity and its effects on any archaeological site.</li> <li>b) whether any archaeological site exists within 50m of the site of the earthworks, and if so its proximity.</li> <li>c) the nature of the archaeological site and its sensitivity.</li> <li>d) the outcome of consultation with the tangata whenua of the area affected by the activity.</li> <li>e) the findings of any archaeological survey of the area surrounding the site commissioned by the applicant.</li> <li>f) if the site is to be modified, whether there is sufficient time and expertise to record or investigate the site.</li> <li>g) the ability to avoid, remedy or mitigate any adverse effects of the activity on any archaeological site.</li> <li>h) the assessment matters in RUr27.4 (Earthworks)</li> </ul>	<p>RUr.52.5</p> <p>The rule regulates earthworks within the Archaeological Overlay in order to provide additional control to avoid damaging archaeological sites. (See RUr.50.5 for an explanation relating to the Archaeological Overlays.) Shallow soil disturbance, such as cultivation, is permitted by this rule.</p> <p>Records of some archaeological sites within the Archaeological Overlays are available at the Council offices. Applicants will be expected to establish the presence or absence of archaeological sites near their proposed activity through consultation with the relevant iwi, and where necessary in some cases through an archaeological investigation.</p> <p>See Rule RUr.59 for individual mapped archaeological sites located outside the Archaeological Overlays.</p> <p>Provision is made for a situation where an individual landowner has conducted the necessary consultation with appropriate iwi and heritage representatives prior to applying for resource consent. In these instances, a letter signed by these representatives stating that the site of the works is “safe” (i.e. Has no apparent or known heritage or cultural values) for earthworks, will enable the activity to be considered without the need for further consultation and on a restricted discretionary basis.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>RUR.53</b>  <b>Coastal Environment Overlay</b>  Earthworks  (Note that this is a regional and a district rule)</p> <p>Advisory Note: This rule continues to apply to plantation forestry activities permitted by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2018 (NESPF) because this rule deals with effects of plantation forestry activities that are different from those dealt with by the permitted activity conditions of the NESPF.</p>	<p>RUR.53.1  Earthworks are permitted activities in the Coastal Environment Overlay for the following purposes:</p> <ul style="list-style-type: none"> <li>a) maintenance of existing roads and tracks along their existing formation, or</li> <li>b) cultivation of soil down to a depth of 300mm, or</li> <li>c) earthworks associated with building foundations, or</li> <li>d) earthworks associated with forming a vehicle access to a residential unit on a site located between Cable Bay Road and Delaware Inlet between Lot 5 DP 5832 and Pt Sec 90 Square 23 SO 2104 inclusive, provided the earthworks are not within 20m inland from mean high water springs or highest astronomical tide in those circumstances where the difference between the two levels would indicate that the actual effect of earthworks on the environment would be greater due to the lesser distance to the waters edge, or</li> <li>e) provision is made for network utility operators to add lines to existing poles where the visual effect will be minor. Provision is also made for existing line networks to be extended to service new customers in an area. However a limitation is placed both on the number of support poles able to be erected and on the time frame that this can occur in, to ensure a cumulative visual effect is avoided. The rule is designed to ensure that only minor extensions can occur and in an acceptable time frame.</li> </ul>	<p>RUR.53.2  Earthworks which contravene a permitted condition are controlled if:</p> <ul style="list-style-type: none"> <li>a) they are not located within the Land Management Overlay and the maximum height or depth of excavation or filling does not exceed 3m, or</li> <li>b) they are located within the Land Management Overlay and the maximum height or depth of excavation or filling does not exceed 1.2m.</li> </ul> <p>Control reserved over:</p> <ul style="list-style-type: none"> <li>i) the scale of the earthworks and their visibility, especially from the coast, and</li> <li>ii) the length of time that the works are expected to be visible, and</li> <li>iii) any mitigation measures proposed to ensure that visual impacts are minimised, and that sediment does not reach the coast directly or indirectly, and</li> <li>iv) revegetation of any side cast spoil</li> <li>v) any effects on coastal processes and ecosystems, and</li> <li>vi) any effects on, or risks from, coastal hazards, and</li> <li>vii) the assessment criteria in Rule RUR.27 (earthworks).</li> </ul>	<p>RUR.53.3  Earthworks that contravene a permitted condition or a controlled standard are a discretionary activity.</p>

Assessment Criteria	Explanation
<p>RUr.53.4</p> <ul style="list-style-type: none"> <li>a) the scale of the earthworks and their visibility, especially from the coast.</li> <li>b) the length of time that the works are expected to be visible.</li> <li>c) any mitigation measures proposed to ensure that visual impacts are minimised, and that sediment does not reach the coast directly or indirectly.</li> <li>d) any effects on coastal processes and ecosystems.</li> <li>e) any effects on or risks from coastal hazards.</li> <li>f) the assessment matters in Rule RUr.27.</li> </ul>	<p>RUr.53.5</p> <p>The rule regulates earthworks to control sediment movement from earthworks into coastal waters, potential impacts on the natural character of the coast, natural hazards, and coastal processes. Earthworks are discretionary because of the sensitivity of the coastal environment, and the importance placed on the coast in the Resource Management Act and the NZ Coastal Policy Statement. Some minor earthworks activities are permitted, for instance the earthworks associated with laying and maintaining an underground network utility service. This is because installation techniques, (such as mole ploughing), combined with reinstatement requirements, ensure that adverse visual effects of earthworks are kept to very low levels.</p> <p>Shallow soil disturbance, such as cultivation, is a Permitted Activity under this rule.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>RUr.54</b> <b>Landscape Overlay</b> Structures	RUr.54.1 In the Landscape Overlay the construction of any new structure other than a fence is not a permitted activity unless it is a structure or line being erected as part of maintenance of an existing network utility.	RUr.54.2 In the Landscape Overlay a structure is a controlled activity if it is: a) a residential unit, or b) a farm structure  Control reserved over i) location, ii) design and iii) appearance.	RUr.54.3 Activities which contravene a permitted condition or a controlled standard are discretionary.
<b>RUr.55</b> <b>Landscape Overlays</b> Minor Upgrading of Electricity Transmission Lines and Support Structures	RUr.55.1 Minor upgrading of electricity transmission lines and support structures is a Permitted Activity in the Landscape Overlay if: a) the line or support structure is existing, and b) the line has a capacity of greater than or equal to 66kV.	RUr.55.2 not applicable	RUr.55.3 Activities that contravene a permitted condition are discretionary.
<b>RUr.56</b> <b>Landscape Overlay</b> Earthworks  Advisory Note: This rule continues to apply to plantation forestry activities permitted by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2018 (NESPF) because this rule deals with effects of plantation forestry activities that are different from those dealt with by the permitted activity conditions of the NESPF.	RUr.56.1 Earthworks in the Landscape Overlay are not a permitted activity, except for the purpose of maintaining roads, and: a) in the case of underground network utilities where: i) the maximum width or depth of the trench does not exceed 1.2m, and ii) immediately after filling, the surface is shaped to conform with existing ground contours, and is revegetated with grass or plant species appropriate to the site.	RUr.56.2 Earthworks in the Landscape Overlay affecting the Marsden Valley Higher Density Small Holdings Area (within Schedule V) is a controlled activity if: a) earthworks do not exceed 4m in depth of cut or fill; b) the site is not in the Land Management Overlay; c) all other criteria under RUr.27.2 are met.  Control is reserved over: i) the extent, form and duration of earthworks; ii) the visual impacts of earthworks; iii) methods to control erosion and other potential scarring of the landscape as a consequence of the earthworks i.e. stormwater control, batters, and planting for amenity and restoration.	RUr.56.3 Activities which contravene a permitted condition are discretionary, except; Earthworks in the Landscape Overlay affecting the Marsden Valley Higher Density Small Holdings Area (within Schedule V) are a restricted discretionary activity. The matters over which Council has restricted its discretion are as follows: i) Visual effects ii) Stability, geotechnical and hazard effects particularly in the Land Management Overlay. iii) The minimisation of earthworks achieved through design and layout being responsive to the site. iv) The need for the quantity of earthworks to support infrastructure, roading or future urban development. v) The extent of disturbance to natural drainage patterns. vi) Sediment control. vii) Extent of resultant hard surfaces. viii) Staging of earthworks and relationship to the master plan of any subdivision proposal. ix) In determining whether to grant consent, and what conditions to impose, Council will have regard to the assessment criteria in U.8.

Assessment Criteria	Explanation
<p>RUr.54.4</p> <ul style="list-style-type: none"> <li>a) the proposed position of the structure within the landscape (ridgeline, etc).</li> <li>b) the extent of compliance with the guidelines in Appendix 7 (guide for subdivision and structures in the landscape overlay) relating to structures.</li> <li>c) the impact of the proposed structure on the view and landscape as described in Appendix 9 (landscape components and views).</li> <li>d) whether the structure will blend with the landscape or be positioned such that impacts are minimised.</li> <li>e) mitigation measures proposed to minimise impact on the area such as landscaping, colour selection, pitch of roof.</li> </ul>	<p>RUr.54.5</p> <p>The rule is intended to allow rural landowners to develop their properties for normal residential and rural activities without compromising the values of the identified landscape areas in Appendix 9. Structures that are erected or extended as part of the maintenance of a network utility, are also permitted provided the activity can comply with the definition of "Maintenance" as defined in Chapter 2 – Meaning of Words. Other structures are discretionary activities, allowing each case to be considered on its merits.</p>
<p>RUr.55.4</p> <ul style="list-style-type: none"> <li>a) the visual impacts of the proposed activity.</li> <li>b) any possible alternative locations or methods available.</li> <li>c) the applicant's reasons for choosing the proposed location for the activity.</li> <li>d) any vegetation clearance associated with the activity.</li> <li>e) whether the impacts of the activity can be remedied or mitigated sufficiently for it to be accommodated within the landscape. eg. by painting, change of materials, landscaping, placement or other measures.</li> <li>f) any impacts on soil erosion or sedimentation of water ways.</li> <li>g) the stability of the land.</li> <li>h) Appendix 9 (landscape components and views).</li> </ul>	<p>RUr.55.5</p> <p>"Minor Upgrading" (in accordance with the definition in Chapter 2) is permitted in relation to larger electricity infrastructure only. These utilities are primarily located on the outskirts of the city and involve the higher voltage lines which are generally located on the larger structures like lattice towers. These existing structures are generally visually prominent wherever they are located, however it is considered that minor upgrading to the extent provided for in the definition, can occur without further noticeable effect.</p> <p>Note that the definition of "minor upgrading" is clearly set out in Chapter 2 – Meaning of Words.</p>
<p>RUr.56.4</p> <ul style="list-style-type: none"> <li>a) whether the activity can be screened from public view in a way which does not detract from the area or obscure any natural features.</li> <li>b) any impact on the long term capability of the land.</li> <li>c) any potential impact on the flow of water, watercourses, land and stability and other hazards.</li> <li>d) effects on any indigenous flora and fauna.</li> <li>e) the proposed land use following the activity and the extent to which the natural form of the land is to be altered.</li> <li>f) the visibility of the activity, from the city or main traffic corridors, and the length of time that the works are expected to be visible.</li> <li>g) any mitigation measures proposed, designed to ensure that visual impacts are minimised.</li> <li>h) compatibility of the proposed earth shaping with existing landforms.</li> <li>i) restoration of landform and land cover following earthworks.</li> </ul>	<p>RUr.56.5</p> <p>Earthworks that adversely affect the visual appearance of the city backdrop and the views from main roads need to be considered on a case by case basis.</p> <p>Underground network utilities have a minor effect on the landscape where the adverse visual effects can be mitigated through appropriate contouring and revegetation.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>RUr.57</b> <b>Conservation Overlay Structures</b> Soil disturbance and vegetation clearance</p> <p>Advisory Note: This rule prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2018 (NESPF) as:</p> <p>It is more stringent than the NESPF; and</p> <p>This rule recognises and provides for the protection of outstanding natural features and landscapes from inappropriate use and development and/or significant natural areas (Regulation 6 (2) of the NESPF).</p>	<p>RUr.57.1</p> <p>Activities within the Conservation Overlay are permitted if:</p> <p>a) the land on which the activity is to take place is subject to</p> <p>i) a Queen Elizabeth II Open Space Covenant, or</p> <p>ii) a Conservation Covenant, or</p> <p>iii) the activity is consistent with an enforceable agreement between the landowner and the Council which provides for the protection or enhancement of the conservation values scheduled in Appendix 5 for that part of the conservation overlay, or</p> <p>b) the activity does not involve the erection, extension, construction or alteration of structures, other than post and wire fences not exceeding 1.5m high, and</p> <p>c) the activity does not involve earthworks or soil disturbance, and</p> <p>d) the activity does not involve clearance of vegetation, other than hand clearance of exotic vegetation.</p>	<p>RUr.57.2</p> <p>On land located within the Conservation Overlay extension of a utility service line or structure is controlled.</p> <p>Control reserved over:</p> <p>i) damage to indigenous vegetation, and</p> <p>ii) discharge of contaminants, and</p> <p>iii) disturbance of riverbanks or river beds, and</p> <p>iv) maintenance of access, and</p> <p>v) remedial measures.</p>	<p>RUr.57.3</p> <p>Activities that contravene a permitted condition and involve clearance of indigenous forest are discretionary.</p> <p>Where activities contravene a permitted condition and do not involve clearance of indigenous forest they are restricted discretionary.</p> <p>Discretion restricted to: the protection and enhancement of significant natural values identified in accordance with the criteria contained in Table DO5.1.</p> <p>Resource consent applications for restricted discretionary activities may be considered without notification and without the need to obtain written approval of affected persons, under section 94 of the Act.</p>
<p><b>RUr.58</b> <b>Riparian Overlay</b> Activities on land identified with riparian values</p>	<p>RUr.58.1</p> <p>On land adjoining a Riparian Overlay listed in Table 6.2 of Appendix 6 (riparian or coastal areas with priority values), the following are not permitted within the distance set out in the Esplanade Requirements column:</p> <p>a) erection or extension of any structure (excluding a fence), or</p> <p>b) adverse effects on indigenous vegetation, or</p> <p>c) disturbance to river banks.</p>	<p>RUr.58.2</p> <p>On land located within a Riparian Overlay listed in Table 6.2 of Appendix 6</p> <p>a) extension of an existing structure or utility service line or structure, or</p> <p>b) erection of a single storey non habitable building of less than 40m<sup>2</sup> total floor area</p> <p>are controlled.</p> <p>Control reserved over:</p> <p>i) damage to indigenous vegetation, and</p> <p>ii) disturbance of riverbanks</p> <p>iii) maintenance of access, and</p> <p>iv) remedial measures.</p>	<p>RUr.58.3</p> <p>Activities that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p>RUr.57.4</p> <ul style="list-style-type: none"> <li>a) the effect of a structure and activities associated with the structure on the values associated with the particular area.</li> <li>b) any protection or mitigation measures proposed, including any positive effects to offset adverse effects.</li> <li>c) the effects on the ecological and visual values of the area.</li> <li>d) the outcome of any consultation with interested or affected parties (including Department of Conservation, QEII Trust).</li> <li>e) any proposed environmental compensation (such as formal protection of the area, or parts or values of the area).</li> <li>f) assessment matters in Rule RUr.27 (earthworks).</li> </ul>	<p>RUr.57.5</p> <p>The rule protects valued identified areas from development that would adversely affect the values. The rule also protects the ecological values and visual appearance. It allows each case to be considered on its merits.</p> <p>Council recognises that this rule related to structures, soil disturbance and vegetation clearance only partially addresses the threats to the future viability of significant natural areas. Unless active management is undertaken, continued browsing by animals or displacement by plant pests may destroy the natural values of an area as surely as a bulldozer.</p> <p>Active management of privately owned significant natural areas is dependent on maintaining or enhancing the active co-operation and good will of the landowner.</p> <p>Council recognises that methods such as private protection agreements, which can include recognition of past and present management practices, assistance with enhancement works, education and incentives, are more likely to maintain and enhance the co-operation of the landowner than are rules in a plan. Therefore where a relevant private protection agreement exists Council considers that the threat to the significant natural area has been adequately addressed and that the rules contained in RUr.53 need not apply.</p> <p>Earthworks, soil disturbance and vegetation clearance are also regulated by other rules.</p> <p>Activities within stated distances of the coast, rivers, and wetlands are also regulated by Rules RUr.31 (activities near rivers or wetlands) and RUr.50 (structures).</p>
<p>RUr.58.4</p> <ul style="list-style-type: none"> <li>a) the values for esplanade purposes stated in Appendix 6, Table 6.2 (riparian or coastal areas with priority values), including any additional information regarding the values of the reserve or strip sought for the purposes outlined in section 229 of the Act.</li> <li>b) the nature of the proposed activity, its likely effects on the values for esplanade purposes, and methods of avoiding, remedying or mitigating the adverse effect.</li> <li>c) Any circumstances making the future setting aside of a esplanade reserve or esplanade strip inappropriate including the nature of existing development, security needs, public safety, minor boundary adjustment.</li> <li>d) Whether a lesser distance than specified might adequately protect the esplanade values.</li> <li>e) Any existing protection of the area including existing esplanade reserves or strips or protective covenants.</li> </ul>	<p>RUr.58.5</p> <p>This rule ensures that activities within areas identified for possible acquisition of esplanade reserves or strips do not compromise their riparian values, or value for future acquisition.</p> <p>In the case of Riparian Overlays listed in Table 6.2 of Appendix 6, esplanade reserves or strips will be acquired whenever subdivision occurs, or may be required as a condition of a resource consent eg. when there is a change of land use activity on the site. The width of the desired esplanade reserve or strip is set out in Appendix 6, Table 6.2.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>RUr.59</b> <b>Archaeological Sites</b></p> <p>Advisory Note: This rule continues to apply to plantation forestry activities permitted by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2018 because this rule deals with effects of plantation forestry activities that are different from those dealt with by the permitted activity conditions of the NESPF</p>	<p>RUr.59.1</p> <p>The following are not permitted within 50m of any archaeological site listed in Appendix 3 (archaeological sites) and identified on the Planning Maps:</p> <ul style="list-style-type: none"> <li>a) erection or extension of any building or other structure, or</li> <li>b) soil disturbance, or</li> <li>c) earthworks.</li> </ul>	<p>RUr.59.2</p> <p>not applicable</p>	<p>RUr.59.3</p> <p>Activities that contravene a permitted condition are discretionary.</p> <p>(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>RUr.60</b> <b>Fault Hazard Overlay</b></p>	<p>RUr.60.1</p> <p>Erection, extension or alteration of a building within the Fault Hazard Overlay is permitted provided that</p> <ul style="list-style-type: none"> <li>a) where a fault trace can be identified and precisely located by reference to Council's conditions book, subdivision files, site files, or GIS database, then the building is set back at least 5m from the fault trace.</li> </ul>	<p>RUr.60.2</p> <p>not applicable</p>	<p>RUr.60.3</p> <p>Activities which contravene a permitted condition are a restricted discretionary activity.</p> <p>Discretion restricted to hazard avoidance or mitigation matters. The application must be accompanied by a geotechnical assessment from a suitably qualified and experienced geotechnical engineer or engineering geologist.)</p> <p>Resource consent applications for restricted discretionary activities will be considered without notification or obtaining the written consent of neighbours under section 94 of the Act.</p>

Assessment Criteria	Explanation
<p>RUr.59.4</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>RUr.59.5</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. 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 eg. a toilet block near a waahi tapu.</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>RUr.60.4</p> <ul style="list-style-type: none"> <li>a) the extent to which potential hazard to life can be avoided, or mitigated.</li> <li>b) the degree of risk bearing in mind the probability of danger or damage and the level of danger or damage which may be sustained in any event.</li> <li>c) Any other likely use of the building (eg. a community centre is often used as a Civil Defence HQ).</li> </ul>	<p>RUr.60.5</p> <p>The exact location of any particular fault line is difficult to establish without site specific investigations. Where the location of a fault is generally known or can be inferred, it is marked on the Planning Maps. The location through which the fault is likely to pass has been marked. Where the location of fault lines are marked or can be reasonably established, buildings should be located so that they avoid the fault line.</p> <p>The Building Act also regulates siting of buildings by reference to seismic risks.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>RUr.61</b> <b>Grampians Slope Risk Overlay</b> Earthworks	RUr.61.1 Earthworks are permitted if: a) any excavation does not exceed 0.6m in height, and b) placement of fill does not exceed 3m <sup>3</sup> on any site.	RUr.61.2 not applicable	RUr.61.3 Activities that contravene a permitted condition are discretionary. (The application must be accompanied by a geotechnical assessment from a suitably qualified and experienced geotechnical engineer or engineering geologist.)
<b>RUr.62</b> <b>Flood Overlays</b> Structures Earthworks Rural Zone	RUr.62.1 Note: no special rules apply to this overlay. The overlay is to advise that the potential for flooding or flood related damage exists within this overlay and should be taken into account when considering resource consent applications.	RUr.62.2 not applicable	RUr.62.3 not applicable
<b>RUr.63</b> <b>Land Management Overlay</b>	RUr.63.1 See rule RUr.27 (earthworks)	RUr.63.2	RUr.63.3

Assessment Criteria	Explanation
<p>RUr.61.4</p> <ul style="list-style-type: none"> <li>a) the geology of the site including any relationship or effect on areas of actual or potential instability off the site. Any susceptibility to slope failure from oversteepening of the slope and/or water saturation.</li> <li>b) the risk to life, property and the environment posed by the slope instability.</li> <li>c) irrespective of whether the activity is directly affected by instability, the extent to which it would worsen the risk of instability on other sites eg. by discharge of stormwater, or changes in water flows.</li> <li>d) the nature of the proposed activities on the site, or on other sites potentially affected by the natural hazard.</li> <li>e) whether there is a need for large excavations to be carried out in stages, with each stage being retained before the next stage is started.</li> <li>f) the nature of any fill and its effects on the stability of the site.</li> <li>g) the extent to which the effects of the hazard, or the effects of the activity on the hazard, can be remedied or mitigated.</li> <li>h) the need to specify any conditions, eg. that all work is carried out under the supervision of a suitably qualified engineer or geologist, that excavations are retained as soon as possible and drained, with stormwater piped into an approved stormwater system, and avoid periods of rainfall or when the ground is highly saturated.</li> <li>i) the assessment criteria set out in Rule RUr.61 (earthworks).</li> </ul>	<p>RUr.61.5</p> <p>The Grampians Slope Risk Area includes areas which show widespread, but not uniform, evidence of instability. The instability ranges from relatively small, well defined features, to broad areas of slope failure whose boundaries are imprecisely known. Other areas show no obvious evidence of instability. However, their geology is such that they have the potential to fail when the ground is water saturated or is over steepened through excavation, or both.</p> <p>The base document which defines these areas and justifies the planning approach is the report "Nelson City Council, Geotechnical Assessment - Grampians Foothills, Nelson, December 1995".</p> <p>Large excavations can destabilise the hill side, as can the uncontrolled discharge of stormwater. Placement of larger amounts of fill also needs to be carefully done to ensure stability.</p> <p>The permitted standards however are set to allow most minor section development, such as minor excavation and benching for garden landscaping, access drives etc.</p> <p>Buildings are permitted but property owners should be aware of the nature of the area and the need to comply with the natural hazard provisions of the Building Act when gaining a building consent.</p>
<p>RUr.62.4</p> <ul style="list-style-type: none"> <li>a) whether there is a need for large excavations to be carried out in stages, with each stage being retained before the next stage is started.</li> <li>b) the nature of any fill and its effects on the stability of the site.</li> <li>c) the extent to which the effects of the hazard, or the effects of the activity on the hazard, can be remedied or mitigated.</li> <li>d) the need to specify any conditions, eg. that all work is carried out under the supervision of a suitably qualified engineer or geologist, that excavations are retained as soon as possible and drained, with stormwater piped into an approved stormwater system, and avoid periods of rainfall or when the ground is highly saturated.</li> <li>e) the assessment criteria set out in Rule RUr.61 (earthworks).</li> </ul>	<p>RUr.62.5</p> <p>This is an advisory rule to alert plan users to the existence of potential flood hazards in the rural area.</p> <p>Buildings are subject to the provisions of the Building Act which requires consideration of natural hazards. The presence of the Flood Overlay will be taken into account when processing any building consent under the Building Act.</p> <p>Earthworks are controlled by rule RUr.27 (earthworks). Where earthworks occur within the flood overlay they are considered to be a restricted discretionary activity.</p> <p>Section 14 of the Act generally restricts damming or diversion of water except as provided for by a rule in a plan or by a resource consent. Where earthworks or a structure is likely to result in the damming or diversion of water a regional resource consent is generally required.</p>
<p>RUr.63.4</p>	<p>RUr.63.5</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>RUr.64</b>  <b>Heritage Buildings, Places and Objects Overlay</b>  Alterations to Group A and B items</p>	<p>RUr.64.1  Alteration to any Group A or B building, place or object listed in Appendix 1 is permitted, if:</p> <p>a)</p> <ul style="list-style-type: none"> <li>i) the work is redecoration, restoration or insignificant alteration of any existing fabric or detailing, and</li> <li>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</li> </ul> <p>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).</p>	<p>RUr.64.2  not applicable</p>	<p>RUr.64.3</p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>i) design and appearance.</li> </ul> <p>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.</p>
<p><b>RUr.65</b>  <b>Heritage Buildings, Places and Objects</b>  New Buildings on the site of a Heritage Item</p>	<p>RUr.65.1  Erection of a new building on the site of a Group A or Group B heritage item is not a permitted activity.</p>	<p>RUr.65.2  Erection of a new building on the site of a Group A or Group B heritage item is controlled.  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>RUr.65.3  not applicable</p>

Assessment Criteria	Explanation
<p>RUr.64.4</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>RUr.64.5</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>
<p>RUr.65.4</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>RUr.65.5</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>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>RUr.66</b> <b>Heritage Buildings, Places and Objects Overlay</b> Demolition or removal of Group A and B items</p>	<p>RUr.66.1 Whole or partial demolition or removal of any Group A or B heritage building listed in Appendix 1 is not a permitted activity.</p>	<p>RUr.66.2 not applicable</p>	<p>RUr.66.3 <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.  <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><b>RUr.67</b> <b>Heritage Buildings, Places and Objects Overlay</b> Demolition or removal of Group C items</p>	<p>RUr.67.1 Whole or partial demolition or removal of any Group C heritage building, place or object listed in Appendix 1 is permitted if: a) 2 months written notice is given to the Council prior to the work being done.</p>	<p>RUr.67.2 not applicable</p>	<p>RUr.67.3 Activities that contravene the permitted conditions are discretionary.</p>
<p><b>RUr.68</b> <b>Heritage Trees</b> Trimming of a Heritage Tree identified in Appendix 2</p>	<p>RUr.68.1 Trimming of a Heritage Tree is permitted if: a) i) it is crown cleaning, being the removal of dead, dying, diseased, crowded, weakly attached, low-vigour branches and watersprouts from a tree crown, or ii) it is canopy lifting, being the balanced removal of lower branches of a tree on road reserve, and b) the work is done in accordance with accepted arboricultural practice.</p>	<p>RUr.68.2 not applicable</p>	<p>RUr.68.3 Activities that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p>RUr.66.4</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), and 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.</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, and quality of heritage features in the vicinity and the city as a whole.</li> </ul>	<p>RUr.66.5</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 relocation to a site further away will have a greater adverse effect.</p>
<p>RUr.67.4</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>RUr.67.5</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>
<p>RUr.68.4</p> <p>Assessment Criteria – See following page</p>	<p>RUr.68.5</p> <p>Very limited trimming of Heritage Trees is allowed without a resource consent.</p> <p>Tighter controls are placed on Heritage Trees recognising that they are of greater significance to the community than the Landscape Trees.</p> <p>Trimming that is for the benefit of the landowner or neighbours (due to shading, debris or other effects) is required to go through the resource consent process.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>RUr.69</b> <b>Landscape Trees</b> Trimming of a Landscape Tree identified in Appendix 2</p>	<p>RUr.69.1 Trimming of a Landscape Tree is permitted if:</p> <ul style="list-style-type: none"> <li>a) it is crown thinning (as defined in Chapter 2), and</li> <li>b) the work is done in accordance with accepted arboricultural practice.</li> </ul>	<p>RUr.69.2 Activities that contravene a permitted condition are controlled. Control reserved over:</p> <ul style="list-style-type: none"> <li>i) amount, timing and manner in which the trimming is carried out.</li> </ul> <p>Resource consent applications will be considered without notification or obtaining written approval of affected persons, under section 94 of the Act.</p>	<p>RUr.69.3 not applicable</p>
<p><b>RUr.70</b> <b>Heritage and Landscape Trees</b> Activities within the root protection zone of a Heritage or Landscape Tree identified in Appendix 2</p>	<p>RUr.70.1 Activities within the root protection zone (defined in Chapter 2 Meanings of Words) of a Landscape Tree or a Heritage Tree identified in Appendix 2 are permitted if:</p> <ul style="list-style-type: none"> <li>a) parking or storage of materials, vehicles, or machinery is on an existing sealed, formed surface, and</li> <li>b) it does not involve compaction, sealing, removal or addition of soil, and</li> <li>c) there is no discharge of a toxic substance, and</li> <li>d) there is no excavation or construction of structures except where the tree is on Road Reserve, where activities are permitted if:</li> <li>e) excavation is no deeper than 200mm and no less than 2m from the tree trunk, and</li> <li>f) sealing is within the existing formed carriageway or footpath.</li> </ul>	<p>RUr.70.2 Activities within the root protection zone of Landscape or Heritage Trees on Road Reserve that contravene a permitted condition are controlled. Control reserved over:</p> <ul style="list-style-type: none"> <li>i) location, proximity to tree trunk, timing and manner in which the activity is carried out, and</li> <li>ii) remedial measures.</li> </ul> <p>Resource consent applications will be considered without notification or obtaining written approval of affected persons, under section 94 of the Act.</p>	<p>RUr.70.3 Activities within the root protection zone of Landscape or Heritage Trees (not on Road Reserve) that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p>Assessment Criteria for RUr.68.4, RUr.69.4, RUr.70.4, RUr71.4 &amp; RUr.72.4</p> <ul style="list-style-type: none"> <li>a) the condition of the tree, including any significant potential hazard to people or property.</li> <li>b) the extent to which the tree or trees contribute to the amenity of the neighbourhood.</li> <li>c) whether the work can be done without adversely affecting the health of the tree, or compromising the appearance and setting of the tree, including the visibility of the tree from a road or public place.</li> <li>d) whether the tree is currently causing, or is likely to cause significant damage to buildings, services or property.</li> <li>e) the extent to which the tree would seriously restrict the development potential of the site.</li> <li>f) any hardship or significant nuisance the tree causes to any person.</li> <li>g) any substitute or compensating tree planting or landscaping proposed.</li> <li>h) In the case of a tree in the road reserve: <ul style="list-style-type: none"> <li>i) whether the tree places an unreasonable restriction on the development or widening of a road, or is a hazard to traffic.</li> <li>ii) whether alternatives to removing or damaging the tree have been adequately explored.</li> </ul> </li> <li>i) in the case of a tree in an esplanade reserve or strip, for which the purpose of the reserve or strip includes hazard mitigation, in addition to the above: <ul style="list-style-type: none"> <li>i) whether the tree places an unreasonable restriction on the development of river control works, or impedes the flow of the river</li> <li>ii) whether alternatives to removing or damaging the tree have been adequately explored.</li> <li>j) when the activity is within the root protection zone of a Heritage or Landscape Tree, how the tree trunk and roots will be protected while works proceed (eg, erection of a physical barrier).</li> </ul> </li> </ul>	<p>RUr.69.5</p> <p>Normal trimming is permitted for Landscape Trees. The controls on Landscape Trees recognises that these are of less significance to the community than the Heritage trees, but still important.</p> <p>Increased light and air maintain and stimulate interior foliage, which in turn improves branch taper and strength. Thinning reduces the wind-sail effect of the crown and the weight of limbs.</p> <p>Thinning the crown can emphasise the structural beauty of trunk and branches as well as improve the growth of plants beneath the tree by increasing light penetration.</p> <p>Trees and branches thinned as per the definition will have stress evenly distributed throughout the tree and along the branches.</p> <hr/> <p>RUr.70.5</p> <p>Activities in the area of the roots or trunk can damage or kill the tree. Resource consents are required for these activities so that the potential impacts can be assessed. Where the area beneath the tree is already sealed the impact is likely to be less significant.</p> <p>See also Ap20r.4 in relation to signs on heritage buildings and trees.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>RUr.71</b> <b>Heritage and Landscape Trees</b> Removing or destroying a Heritage or Landscape Tree identified in Appendix 2	RUr.71.1 Removing or destroying a Heritage or Landscape Tree is not a permitted activity	RUr.71.2 not applicable	RUr.71.3 <b>Landscape Trees</b> Removing or destroying a Landscape Tree is a discretionary activity.  <b>Heritage Trees</b> Removing or destroying a Heritage Tree is a non-complying activity.
<b>RUr.72</b> <b>Local Trees</b> Removing a Local Tree identified in Appendix 2	RUr.72.1 Removing a Local Tree is permitted if: a) written notice is given to Council at least 1 week prior to work being done.	RUr.72.2 not applicable	RUr.72.3 Activities that contravene a permitted condition are discretionary.
<b>RUr.73</b> <b>Potential Quarries Overlay</b> Building	RUr.73.1 Building within 450m of a Potential Quarry Overlay point shown on the Planning Maps is permitted if: a) the building is associated with quarry activities, and b) the building is not a residential unit.	RUr.73.2 not applicable	RUr.73.3 Activities that contravene a permitted condition are discretionary.
<b>RUr.74</b> <b>Flaxmore Quarry</b> (Scheduled Site - Sch.Q)	RUr.74.1 Activities are permitted if: a) they comply with Schedule Sch.Q.	RUr.74.2 Schedule Sch.Q applies.	RUr.74.3 Schedule Sch.Q applies.
<b>RUr.75</b> <b>York Valley Quarry</b> (Scheduled Site - Sch.R)	RUr.75.1 Activities are permitted if: a) they comply with Schedule Sch.R	RUr.75.2 Schedule Sch.R applies.	RUr.75.3 Schedule Sch.R applies.
<b>RUr.76</b> <b>Marsden Quarry</b> (Scheduled Site - Sch.S)	RUr.76.1 Activities are permitted if: a) they comply with Schedule Sch.S.	RUr.76.2 Schedule Sch. S applies.	RUr.76.3 Schedule Sch.S applies.
<b>RUr.77</b> <b>Marsden Valley</b> (Scheduled Site - Sch. I)	RUr.77.1 Activities are permitted if: a) they comply with Schedule Sch. I	RUr.77.2 Schedule Sch. I applies.	RUr.77.3 Schedule Sch. I applies.
<b>RUr.77A</b> <b>Marsden Hills</b> (Scheduled Site – Sch. V) – refer to Residential Zone Chapter 7.	RUr.77A.1 Activities are permitted if: a) they comply with Schedule V.	RUr.77A.2 Schedule V applies.	RUr.77A.3 Schedule V applies.
<b>RUr.77B</b> <b>Enner Glynn and Upper Brook Structure Plan</b> (Schedule W)	RUr.77B.1 Schedule W applies	RUr.77B.2 Schedule W applies	RUr.77B.3 Schedule W applies

Assessment Criteria	Explanation
RUr.68.4 - RUr.72.4 Refer to Assessment Criteria on preceding page	<p>RUr.71.5            Heritage Trees are trees for which retention is considered essential. Landscape Trees are trees for which retention is considered important. Tighter controls are placed on Heritage Trees recognising that they are of greater significance to the community than the Landscape Trees.            (note: section 330 of the Act provides for emergency works, such as the removal of trees threatening life or property, but in strictly defined circumstance and by certain persons or agencies. Consent for such works can be applied for retrospectively (section 330A)). Some latitude is provided for the removal of trees in the road reserve if it can be shown it places an unreasonable restriction on the roading network, recognising that the primary purpose of the road reserve is transportation.</p> <hr/> <p>RUr.72.5            Local Trees are of noteworthy interest, and are not as significant as either Heritage or Landscape Trees. Retention and protection is encouraged. A week's notice prior to removal of a Local Tree allows the Council the opportunity to negotiate with the owner if it desires. Written notice also allows the Council to update its list of Local Trees.</p>
RUr.73.4 a) the effects of the building on the activities of existing quarries. b) the effects of the building on future quarry activities. c) the efficient present and future extraction of the rock resource.	<p>RUr.73.5            The Potential Quarries Overlay is the area surrounding the points identified on the Planning Maps where there is a significant rock resource suitable for quarrying. The rock resource is of great value to the community generally.            New buildings are incompatible with quarries in that they cover the resource and make it physically more difficult to access. Residential units are especially incompatible with the effects of quarrying, including noise, vibration dust and the effects of heavy machinery and transport both on site and on nearby roads. It is likely that residents will find these effects unacceptable and this will tend to inhibit the utilisation of the rock resource. This Plan therefore limits the establishment of new residential units in the vicinity.</p>
RUr.74.4 See Schedule Sch.Q.	<p>RUr.74.5            See Schedule Sch.Q.            The schedules for this Zone follow after the Rule Table</p>
RUr.75.4 See Schedule Sch.R.	<p>RUr.75.5            See Schedule Sch.R.            The schedules for this Zone follow after the Rule Table.</p>
RUr.76.4 See Schedule Sch.S.	<p>RUr.76.5            See Schedule Sch.S.            The schedules for this Zone follow after the Rule Table.</p>
RUr.77.4 See Schedule Sch. I	<p>RUr.77.5            See Schedule Sch. I            Schedule I follows after the Residential Zone rule table (Chapter 7).</p>
RUr.77A.4 See Schedule Sch. V.	<p>RUr.77A.5            See Schedule V. Schedule V follows after the Residential Rule Table.</p>
RUr.77B.4 Schedule W applies	<p>RUr.77B.5            See Schedule W.            The Schedules for this Zone follow after the rule table.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>RUr.78 Subdivision General</b></p> <p>(except for subdivision located in the Services, Coastal Environment, Conservation, Natural Hazard or Heritage Overlay)</p>	<p>RUr.78.1</p> <p>Subdivision is not a permitted activity in this Zone.</p>	<p>RUr.78.2</p> <p>Subdivision not located in the Services, Coastal Environment, Conservation, Natural Hazard or Heritage Overlays as shown on the Planning Maps is controlled, if:</p> <ul style="list-style-type: none"> <li>a) it complies in all respects with all the relevant standards in Appendices 10 to 12, except in the case of allotments created solely for access or for a network utility where the title of the lot records that it was created solely for access or network utility purposes and that the lot may not comply with requirements for other uses, and</li> <li>b) it complies with the minimum standards as defined in Section 1.1.1 General in the NCC Land Development Manual 2010, and</li> <li>c) the land is not part of a papakainga development as defined in Sch.P, and</li> <li>d) esplanade reserves or strips as indicated in the Riparian Overlay of the dimensions set out in Appendix 6, Table 6.2 (riparian or coastal areas with priority values), are created and vested in the Council, and</li> <li>e) the net area of every allotment is at least <ul style="list-style-type: none"> <li>i) 15ha, except in the Small Holdings Areas, or</li> <li>ii) 3ha average lot size with a 2ha<sup>05/01</sup> minimum lot size in the Lower Density Small Holdings Area, or</li> <li>iii) 1ha average size with a 5000m<sup>2</sup> minimum size except in Marsden Valley Schedule I, Chapter 7, eastern area), Marsden Hills (Schedule V, Chapter 7), the south side of Enner Glynn Valley (Schedule W) and Ngawhatu where the minimum size is 2000m<sup>2</sup>, and except in Marsden Valley, (Schedule I, Chapter 7, western area) where the average size is 6000m<sup>2</sup> and the minimum size is 2000m<sup>2</sup> (all exceptions are subject to the provision of reticulated services) in the Higher Density Small Holdings Area provided that any allotment to be created complies in all respects with the requirements of Appendix 14 (design standards),</li> <li>iv) no minimum in the case of allotments created solely for access or for a network utility, and</li> </ul> </li> <li>f) the proposed allotments contain a suitable complying building site, which includes adequate provision for effluent disposal, unless the allotment is solely for the purpose of access or a network utility, and</li> <li>g) every allotment is of a regular shape that will maximise the range and efficiency of potential uses of the land.</li> <li>h) in respect of any site located within an area covered by any Schedule, its associated subdivision layout and design generally accords with the Structure Plan or as otherwise specified by the Schedule.</li> </ul> <p>Control reserved over:</p> <ul style="list-style-type: none"> <li>i) the matters contained in the NCC Land Development Manual 2010, and</li> <li>ii) the effects of natural and other hazards, and</li> <li>iii) design and layout of the subdivision, and within Marsden Hills Rural Zone – Higher Density Small Holdings Area (Schedule V, Chapter 7), Marsden Valley Rural Zone – Higher Density Small Holdings Area (Schedule I, Chapter 7) and Enner Glynn (Schedule W) Rural Zone – Higher Density Small Holdings Area the utilization of clusters of development separated by open space, rather than a design which allows dispersed development, and</li> <li>iv) protection of natural features, landscapes, heritage items, vegetation and Maori values, and</li> <li>v) riparian management, and</li> <li>vi) public access, and</li> <li>vii) adverse effects likely to arise from the subdivision, associated development or subsequent use of the land, and</li> <li>viii) development of the subdivision and sites having regard to: <ul style="list-style-type: none"> <li>a) appropriate vehicle access, and</li> <li>b) the siting of buildings, and</li> <li>c) provision of services, and</li> </ul> </li> <li>ix) stormwater management, and</li> <li>x) the effects of vegetation clearance, land disturbance and earthworks, including on visual amenity, soil erosion and sedimentation, and</li> <li>xi) financial contributions in accordance with Chapter 6, and</li> <li>xii) the future of land subdivided for the purposes of public utilities and no longer required for the purpose.</li> </ul> <p><i>Continued overleaf</i></p>	<p>RUr.78.3</p> <p>Subdivision not located in the Services, Coastal Environment, Conservation, Natural Hazard or Heritage Overlays as shown on the Planning Maps that contravenes a controlled standard is discretionary if :</p> <ul style="list-style-type: none"> <li>a) it complies in all respects with all the minimum standards in Section 7 Water, Section 5 Stormwater and Section 6 Wastewater in the NCC Land Development Manual 2010, and</li> <li>b) <u>it is not located in the Rural Zone or Small Holdings Area between The Glen Road (including all areas east of The Glen Road) and Whangamo Saddle.</u><sup>05/01</sup></li> <li>b) <u>the net area of allotments is greater than 1ha in the Small Holdings Area except where lots have been created for the purpose of access or network utilities.</u><sup>05/01</sup></li> </ul> <p><u>Any subdivision in the Rural Zone or Low Density Small Holdings Area located between The Glen Road (including all areas east of The Glen Road) and Whangamo Saddle which does not meet the controlled activity minimum lot sizes is a non-complying activity, except where lots have been created for the purpose of access or network utilities.</u><sup>05/01</sup></p> <p>Subdivision of land that is part of a papakainga development as defined in Sch.P is a prohibited activity.</p>

Assessment Criteria	Explanation
<p>RUr.78.4</p> <ul style="list-style-type: none"> <li>a) the matters contained in the NCC Land Development Manual 2010.</li> <li>b) the extent of compliance with any plan provisions relating to streams, drains leading to streams, and any other waterbodies on the land to be subdivided.</li> <li>c) the extent of compliance with Appendices 10 to 12.</li> <li>d) effects on traffic, road network, access, parking, stormwater management, water supply, sewage reticulation, and power and telecommunication services (where relevant).</li> <li>e) the extent to which the subdivision design provides for the orderly development of adjoining land with development potential and the provision of services, including roading, to the boundary.</li> <li>f) the extent to which the land is subject to natural hazards, or included in inundation, floodpaths, fault areas and slope risk overlays, and whether any risks can be remedied or mitigated.</li> <li>g) the pattern of subdivision and how it relates to the desired environmental outcomes, amenity values for the locality and efficient use of infrastructure.</li> <li>h) the actual and legal protection of significant natural features or heritage items, and means to avoid or mitigate significant changes to the landscape or amenity values of the area.</li> <li>i) the extent to which the proposal has regard to Maori values, particularly any traditional, cultural, or spiritual aspect relating to the land.</li> <li>j) any consultation, including with tangata whenua as appropriate, and the outcome of that consultation.</li> <li>k) avoidance, remedy or mitigation of adverse effects of the subdivision, including temporary effects of construction.</li> <li>l) financial contributions (see Chapter 6).</li> <li>m) for on site wastewater disposal the matters in FWr.29.</li> <li>n) the ground level required to avoid the effects of flooding.</li> <li>o) the type of inundation likely to be experienced, whether it be stormwater ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding.</li> <li>p) effects on neighbouring properties, especially stormwater runoff.</li> <li>q) provision of adequate flow paths for surface flooding.</li> <li>r) the possibility of an overloaded public storm water system overflowing onto private property.</li> <li>s) effects of allotment size and shape, including on amenities of neighbourhood and on the potential efficiency and range of uses of the land.</li> <li>t) the values for esplanade purposes outlined in Table 6.1 or 6.2, Appendix 6 (riparian and coastal margin overlays), including any additional information regarding the values of the reserve or strip sought for the purposes outlined in section 229 of the Act.</li> <li>u) any circumstances which make the taking of the esplanade reserve or strip (or the width stated in Appendix 6, Table 6.2 – riparian or coastal areas with priority values) inappropriate, including (but not limited to) the nature of existing development, reasons of security, public safety, minor boundary adjustment.</li> <li>v) an existing protection of the area including any existing esplanade reserves or strips or any protective covenants.</li> <li>w) alternative ways in which the esplanade values identified in the area can be provided for including (but not limited to) the use of esplanade strips and protective covenants).</li> <li>x) the assessment matters in Table DO6.1 regarding the type of protection appropriate in given circumstances.</li> <li>y) Marine conservation values outlined in Appendix 4 (marine ASCV overlay).</li> <li>z) Deleted (Plan Change 13)</li> </ul> <p><i>Continued overleaf...</i></p>	<p>RUr.78.5</p> <p>Specific rules apply to subdivision activities proposed within the Services, Coastal Environment, Conservation, Natural Hazard or Heritage Overlay (see Rule RUr.79 to RUr.84).</p> <p>Subdivision is a controlled activity so that conditions can be imposed on the development to ensure a satisfactory standard of amenity, the minimisation of adverse effects and that the site can be adequately serviced.</p> <p>In the case of a subdivision created only for access or for a network utility the plan provides that minimum lot sizes and requirements of access and services do not apply provided that the title of the lot records that it was created purely for access or for a network utility service and it may not comply with requirements for other uses.</p> <p>The controls also enable consideration to be had to the development potential of nearby land, so that the level of servicing provided is appropriate to the likely future demand in the area. This allows consideration of future roading patterns, and demands on other services, to avoid the need for costly and disruptive upgrading later.</p> <p>The Act states the preservation of the natural character of the river and coastal margins to be matters of national importance. This includes public access along these, and protection of areas of significant indigenous flora and the habitats of indigenous fauna, contained within them. It provides a number of mechanisms to achieve this protection including the taking of esplanade reserves and strips.</p> <p>The river and coastal margins on the Planning Maps and in Appendix 6, Table 6.2 (riparian or coastal areas with priority values), have been identified as containing riparian values in accord with section 229 of the Act. In some cases riparian protection already exists, or special circumstances exist, which make the acquisition of esplanade reserves or strips unnecessary. In other cases a lesser width or an alternative way of achieving riparian protection may be more appropriate. In these situations, a discretionary consent application is needed, in order to depart from the standards set out for a normal subdivision.</p> <p>Where a subdivision is discretionary, and the allotment adjoins any river or the coastal margin, then an esplanade reserve or strip may be required as a condition of the subdivision consent, having regard to the values identified in Appendix 6, Table 6.1 (riparian and coastal margins with identified riparian values).</p> <p>In the Small Holdings Area an average lot size of 3 ha with a minimum lot size of 2ha is provided for as a controlled activity. With the exception of lots created for access or solely for the provision of network utilities, lots of less than 1ha become a non-complying activity.</p> <p><i>Continued overleaf...</i></p>

Item	Permitted	Controlled	Discretionary/Non-complying
		<p>RUr.78.2 (continued)</p> <p>xii) for areas subject to a Structure Plan, the matters contained in those including:</p> <ul style="list-style-type: none"> <li>• the provision of adequate road, walkway and cycleway linkages, 'greenspace' and Biodiversity Corridors with appropriate connections within the subdivision and to adjacent land, as defined by the indicative routes shown, or described in the Structure Plan or within the Planning Maps;</li> <li>• any specific rules, schedules or other notations shown on the Structure Plan as applying to that land;</li> <li>• the timing for land to be set aside and/or timing of construction of indicative roads, walkways and cycleways as it relates to the needs of the subdivision, connectivity objectives for the wider environment, and mitigating cross boundary effects for other land uses.</li> </ul>	

Assessment Criteria	Explanation
<p>RUr.78.4 (continued)</p> <p>aa) Deleted (Plan Change 13)</p> <p>aa) the matters contained in any Schedules or shown on the Structure Plan as applying to that land.</p> <p>bb) In Marsden Hills (Schedule V, Chapter 7), Marsden Valley (Schedule I, Chapter 7) and Ngawhatu Higher Density Small Holdings Areas, and between the Enner Glynn Valley and Bishopdale and the Upper Brook Valley (Schedule W), the extent of the provision of pedestrian and cycle linkages between Open Space areas, Residential and Rural Zone - High Density Small Holdings Area neighbourhoods, and neighbouring land, to ensure over time pedestrian and/or cycleway links connect up to the Barnicoat Walkway and extending between and within the Ngawhatu, Marsden, Enner Glynn, Upper Brook and York Valleys or as otherwise indicatively shown, or described on Structure Plans.</p> <p>cc) In the Marsden Hills (Schedule V), Marsden Valley (Schedule I), Enner Glynn (Schedule W) and Ngawhatu Higher Density Small Holdings Areas, the extent to which the subdivision design provides for small enclaves of development surrounded and/or separated by open space/landscaped areas separating enclaves.</p> <p>dd) For those areas subject to a Structure Plan, the extent to which any proposal and/or development is in general accordance with the Structure Plan in a Schedule.</p> <p>ee) The effects of reverse sensitivity, or cross boundary effects, from subdivision, or introduction of public access, in proximity to the regionally significant resource of the York Valley Quarry.</p> <p>ff) The timing for which land is to be set aside and/or construction of indicative roads, walkways and cycleways, taking into account the foreseeable future need for physical connectivity and the use of adjoining land.</p>	<p>RUr.78.5 (continued)</p> <p>For the Marsden Hills Higher Density Small Holdings Area Schedule V (Chapter 7 Residential Zone) applies in addition to the zone rules. In Marsden Valley Schedule I (Eastern Rural Zone – Higher Density Small Holdings Area only, Chapter 7 Residential Zone) the Marsden Hills (Schedule V) and Enner Glynn (Schedule W) and Ngawhatu Higher Density Small Holdings Area, the average lot size is 1 ha with the minimum size 2,000m<sup>2</sup>. This area provides a transition between residential development and the rural land beyond, and with development sensitive to landscape values as it relates to the more elevated land below the Barnicoat Range. The low minimum subdivision area enables discrete enclaves/clusters of development to be designed with large open space/landscaped areas separating the enclaves. The extent of geotechnical constraints in the area will result in quite defined and separated enclaves of development.</p> <p>In Marsden Valley (Schedule I, Chapter 7, Residential Zone) the western Rural Zone – Higher Density Small Holdings Area has a site size requirement of 6,000m<sup>2</sup> average and 2,000m<sup>2</sup> minimum with a requirement for reticulated services. This recognises that this area is surrounded by Residential zoning and is therefore not located in a rural or rural to residential transition environment.</p> <p>The papakainga provisions are included in the Plan in recognition of the special needs relating to land held in multiple ownership. Considerable flexibility from the normal density and other rules is provided in Sch.P. In order to avoid the papakainga provisions being used to get around normal density requirements in the Rural Zone, subdivision of land that is part of a papakainga development has been made a prohibited activity.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>Rules Relating to Overlays on Planning Maps</b>			
<b>RUr.79</b> <b>Subdivision within the Coastal Environment Overlay</b>	RUr.79.1 Not a permitted activity in this Overlay.	RUr.79.2 Subdivision is controlled if: a) it is undertaken to provide for an approved network utility structure, and b) the title of the lot created carries a notation that the lot was created to provide for a network utility structure and may not be suitable for the establishment of a residential unit.  Control reserved over the matters of control contained in RUr.78.2 (subdivision).	RUr.79.3 <b>Restricted Discretionary Activity</b> An activity that contravenes a controlled standard is a restricted discretionary activity, if: a) It complies in all respects with the relevant standards in Appendices 10 to 12, and the minimum standards as defined in Section 1.1.1 General in the NCC Land Development Manual 2010, except in the case of allotments created solely for access or for a network utility where the title of the lot records that it was created solely for access or network utility purposes and that the lot may not comply with requirement for other uses; and b) The land is not part of a papakainga development as defined in Sch P; and c) Esplanade reserves or strips as indicated in the Riparian Overlay of the dimensions set out in Appendix 6, Table 6.2 are created and vested in the Council; and d) The net area of every allotment is at least: i) 15ha, except in the Small Holdings Areas; or ii) 3ha average lot size with a 2ha minimum lot size in the Lower Density Small Holdings Area, or iii) 1ha average size with a 5000 square metre minimum size in the Higher Density Small Holdings Area, or iv) no minimum in the case of allotments created solely for access or for a network utility, and e) the proposed allotments contain a suitable complying building site, which includes adequate provision for effluent disposal, unless the allotment is solely for the purpose of access or a network utility.  Discretion restricted to: i) allotment size; and ii) location of building sites; and iii) the location of boundaries in relation to natural features; and iv) landscaping; and v) design and appearance of structures; and vi) mitigation of visual effects of the subdivision and likely development on the coastal environment; and vii) the increased width, extent, type and location of esplanade reserves or strips; and viii) cumulative visual effects; and ix) measures to ensure protection of coastal water quality; and x) the development of property plans to facilitate integration of conservation and development; and xi) options for restoration or enhancement of coastal environment; and xii) protection of significant indigenous vegetation, significant habitats of indigenous fauna, outstanding natural features and landscapes; and xiii) the matters listed under the heading "control reserved over" in RUr.78.2."  <b>Discretionary Activity</b> Activities that contravene a standard for restricted discretionary activities are discretionary. <u>Any subdivision in the Rural Zone or Low Density Small Holdings Area located between The Glen Road (including all areas east of The Glen Road) and Whangamoia Saddle which does not meet the controlled activity minimum lot sizes is a non-complying activity, except where lots have been created for the purpose of access or network utilities.</u> <sup>05/01</sup>

Assessment Criteria	Explanation
<p>RUr.79.4</p> <ul style="list-style-type: none"> <li>a) the effects on the natural character of the coast, given the likely pattern of development.</li> <li>b) the pattern of existing land holdings and uses.</li> <li>c) any measures designed to maximise use of natural contours in defining boundaries such as ridgelines.</li> <li>d) the positioning of any likely building platforms in any position visible from the coast.</li> <li>e) effects of any other overlay or hazard.</li> <li>f) any environmental compensation proposed.</li> <li>g) the assessment matters for RUr.78.4 (subdivision - general).</li> </ul>	<p>RUr.79.5</p> <p>Subdivision in the Coastal Environment Overlay provides specific coastal related assessment matters in addition to those that would be applied to a subdivision consent application under RUr.78. For subdivision in the Coastal Environment Overlay, subdivision consent is only required under RUr.79, unless other overlays also apply to the site.</p> <p>The rule requires that subdivision in this overlay be considered as a restricted discretionary activity recognising that the issues of concern in this Overlay are specific and able to be identified to give greater certainty to subdividers.</p> <p>It should be noted that there is an ability to increase the width, extent and location of proposed esplanade reserves where it is considered appropriate to mitigate the effects of the subdivision on the coastal environment. However, any proposal to reduce the esplanade reserve widths, extents or location beyond those required by Appendix 6, Table 6.2, will be considered a Discretionary Activity.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>RUr.80 Subdivision within the Landscape Overlay</b>	RUr.80.1 Not a permitted activity in this Overlay.	RUr.80.2 Subdivision of land within the Landscape Overlay and detailed in Appendix 9 (landscape components and views) is a controlled activity if: a) it meets the standards in rule RUr.78 (subdivision - general), and b) it is accompanied by a landscape assessment by an appropriately qualified person which takes into account the guidelines in Appendix 7 (guide for subdivision and structures in the landscape overlay) and identifies any areas on which building should not occur because the landscape effects of a building cannot be mitigated in that area..  Control reserved over: i) the matters in rule RUr.78 (subdivision - general), with particular regard to the visual impacts of the subdivision and the likely structures that will be built on the subdivided land, and ii) retention of existing vegetation and other site features, and iii) extent and form of earthworks, and iv) the alignment and location of roads, the width of carriageways and planting of berms, and the alignment of road accesses with the land contours, and v) the size, shape and orientation of allotments, and vi) the location of any building site, and vii) location and design of utilities, and viii) location and type of planting for amenity and restoration, ix) changes to landform or landscape features, and x) views from roads and public reserves.	RUr.80.3 Any subdivision that contravenes a controlled standard is a discretionary activity if it is for the purposes of a network utility. Any other subdivision that contravenes a controlled standard is discretionary if: a) every allotment (other than an access allotment) complies with the minimum standards (as defined in Section 1.1.1 General) relating to stormwater and wastewater in sections 5 & 6 of the NCC Land Development Manual 2010, and b) the net area of allotments is greater than 1 ha in the Small Holdings Areas except where lots have been created for the purpose of access or network utilities.  <u>Any subdivision in the Rural Zone or Low Density Small Holdings Area located between The Glen Road (including all areas east of The Glen Road) and Whangamoia Saddle which does not meet the controlled activity minimum lot sizes is a non-complying activity, except where lots have been created for the purpose of access or network utilities.</u> <sup>05/01</sup>  Subdivision of land that is part of a papakainga development as defined Sch.P is a prohibited activity.
<b>RUr.81 Subdivision within Heritage Overlays</b>	RUr.81.1 Not a permitted activity in this Overlay.	RUr.81.2 not applicable	RUr.81.3 Subdivision of land containing any heritage feature is a discretionary activity. <u>Any subdivision in the Rural Zone or Low Density Small Holdings Area located between The Glen Road (including all areas east of The Glen Road) and Whangamoia Saddle which does not meet the controlled activity minimum lot sizes is a non-complying activity, except where lots have been created for the purpose of access or network utilities.</u> <sup>05/01</sup>
<b>RUr.82 Subdivision within Natural Hazard Overlays</b>	RUr.82.1 Not a permitted activity in this Overlay.	RUr.82.2 not applicable	RUr.82.3 Subdivision of land within Hazard Overlay areas is a discretionary activity. <u>Any subdivision in the Rural Zone or Low Density Small Holdings Area located between The Glen Road (including all areas east of The Glen Road) and Whangamoia Saddle which does not meet the controlled activity minimum lot sizes is a non-complying activity, except where lots have been created for the purpose of access or network utilities.</u> <sup>05/01</sup>
<b>RUr.83 Subdivision within the Conservation Overlay</b>	RUr.83.1 Not a permitted activity in this Overlay.	RUr.83.2 Creation of lots for access or network utility purposes is controlled where they comply in all respects with the provisions of Rule RUr.78 (subdivision - general)	RUr.83.3 Subdivision of land within a Conservation Overlay is a discretionary activity. <u>Any subdivision in the Rural Zone or Low Density Small Holdings Area located between The Glen Road (including all areas east of The Glen Road) and Whangamoia Saddle which does not meet the controlled activity minimum lot sizes is a non-complying activity, except where lots have been created for the purpose of access or network utilities</u> <sup>05/01</sup>
<b>RUr.84 Subdivision within the Grampians Slope Risk Overlay</b>	RUr.84.1 Subdivision is not a permitted activity.	RUr.84.2 not applicable	RUr.84.3 Subdivision in the Grampian Slope Risk Overlay is discretionary.

<sup>05/01</sup> Nelson North

Assessment Criteria	Explanation
<p>RUR.80.4</p> <ul style="list-style-type: none"> <li>a) the extent of compliance with the guidelines in Appendix 7 (guide for subdivision and structures in the landscape overlay) relating to subdivision.</li> <li>b) the likely effects of subdivision on the landscape character as described in Appendix 9 (landscape components and views) given likely patterns of development and use.</li> <li>c) the pattern of existing land holdings and uses.</li> <li>d) the positioning of any likely building platforms.</li> <li>e) mitigation measures designed to minimise impacts particularly on ridgelines.</li> <li>f) effects of any other overlay or hazard.</li> <li>g) any environmental compensation proposed.</li> <li>h) the assessment matters for RUR.78.4 (subdivision - general).</li> <li>i) Landscape analysis of neighbourhood creation and cluster development separated by open space and landscaped areas in subdivision design, particularly in the Higher Density Small Holdings Area of Marsden Hills (Schedule V, Chapter 7) and Ngawhatu, to avoid the appearance of continuous sprawl of development in the more elevated parts of the site.</li> </ul>	<p>RUR.80.5</p> <p>Subdivision in the Landscape Overlay provides specific landscape related assessment matters in addition to those that would be applied to a subdivision consent application under RUR.78. For subdivision in the Landscape Overlay, subdivision consent is only required under RUR.80, unless other overlays also apply to the site.</p> <p>The Landscape Overlay areas are sensitive to development. This rule controls subdivision design recognising that the layout and design of roads, lots and vegetation in the subdivision has a strong influence over the final appearance of the built development.</p> <p>In the Ngawhatu Higher Density Small Holdings area, which is subject to the Landscape Overlay, subdivision design options which create a limited number of small enclaves of development separated by significant landscaped/open space areas, are considered appropriate as they will influence the appearance of built development which follows.</p> <p>In the Marsden Hills (Schedule V, Chapter 7) and Ngawhatu Higher Density Small Holdings Areas, which is subject to the Landscape Overlay, subdivision design options which create a limited number of small enclaves of development separated by significant landscaped/open space areas, are considered appropriate as they will influence the appearance of built development which follows.</p>
<p>RUR.81.4</p> <ul style="list-style-type: none"> <li>a) the extent to which subdivision of the land is likely to adversely affect the values for which the item was listed and whether conditions on the use of the site are needed to avoid, remedy or mitigate this</li> <li>b) any proposed mitigation measures to ensure that the values of the listed item is not compromised.</li> <li>c) the extent to which trade-offs might be appropriate to ensure the values of the listed item are protected, providing that there are only minor environmental effects, or are not contrary to the Plan in recognition of the public benefits of protecting an item.</li> <li>d) the assessment matters for RUR.78.4 (subdivision - general).</li> </ul>	<p>RUR.81.5</p> <p>Subdivision in the Coastal Environment Overlay provides specific services related assessment matters in addition to those that would be applied to a subdivision consent application under RUR.78. For subdivision in the Coastal Environment Overlay, subdivision consent is only required under RUR.81, unless other overlays also apply to the site.</p> <p>Making subdivision a discretionary activity where a heritage item, or a protected tree, is located on the land, provides more flexibility in the options that can be explored. It provides more scope to meet the owner's needs to use the site, and the needs of the wider community to preserve the item in question. The range of possible issues and solutions is too wide to be covered in a controlled activity rule.</p> <p>The aim in making subdivision in such cases discretionary is to find "win-win" situations where this is possible and reasonable, not to penalise the owner of the site.</p> <p>Heritage Overlay includes Archaeological Overlay. Refer to the definition of 'Heritage Overlay' in Chapter 2 (Meaning of Words). See also Policy DO4.1.11 (Incentive for Protection).</p>
<p>RUR.82.4</p> <ul style="list-style-type: none"> <li>a) the extent to which the hazard can be avoided or mitigated.</li> <li>b) the likely pattern of use and development of any allotments created.</li> <li>c) the level of risk to which any future owners might be subjected.</li> <li>d) any mitigation measures proposed, including contingency measures such as alternative access.</li> <li>e) the assessment matters for RUR.78.4 (subdivision - general).</li> </ul>	<p>RUR.82.5</p> <p>Subdivision in the Natural Hazard Overlay provides specific hazard related assessment matters in addition to those that would be applied to a subdivision consent application under RUR.78. For subdivision in the Natural Hazard Overlay, subdivision consent is only required under RUR.82, unless other overlays also apply to the site.</p> <p>Makes subdivision a discretionary activity where the land involved is subject to a natural hazard. The aim is to ensure that subdivision occurs in a way that hazards are avoided, or mitigated in an acceptable manner.</p>
<p>RUR.83.4</p> <ul style="list-style-type: none"> <li>a) the effects on the values for which the area is listed given the likely pattern of land use following subdivision.</li> <li>b) any mitigation measures, such as formal protection, which are proposed.</li> <li>c) the extent to which trade-offs might be appropriate to ensure the values of the listed item are protected, providing that there are only minor environmental effects, or are not contrary to the Plan in recognition of the public benefits of protecting an item.</li> <li>d) any environmental compensation proposed.</li> <li>e) the assessment matters for RUR.78.4 (subdivision - general).</li> </ul>	<p>RUR.83.5</p> <p>Subdivision in the Conservation Overlay provides specific conservation related assessment matters in addition to those that would be applied to a subdivision consent application under RUR.78. For subdivision in the Conservation Overlay, subdivision consent is only required under RUR.83, unless other overlays also apply to the site.</p> <p>Makes subdivision a discretionary activity to enable each application to be assessed on its merits, to ensure that the values which are placed on the area are not compromised by inappropriate subdivision and development.</p>
<p>RUR.84.4</p> <ul style="list-style-type: none"> <li>a) the risk to life, property and the environment posed by the natural hazard.</li> <li>b) the anticipated use of the site.</li> <li>d) whether the subdivision would create a site that was unusable.</li> <li>d) the assessment matters in Rule REr.107.4 (subdivision: general).</li> </ul>	<p>RUR.84.5</p> <p>Subdivision in the Grampians Slope Risk Overlay provides specific hazard related assessment matters in addition to those that would be applied to a subdivision consent application under RUR.78 General. For subdivision in the Grampians Slope Risk Overlay, subdivision consent is only required under RUR.84, unless any other overlays also apply to the site.</p> <p>See Rule RUR.61 (Grampian Slope Risk Overlay – Earthworks).</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>RUr.85 Services Overlay</b></p> <p>Subdivision within the Services Overlay</p>	<p>RUr.85.1 Subdivision is not a permitted activity.</p>	<p>RUr.85.2 not applicable</p>	<p>RUr.85.3 Subdivision in the Services Overlay, is a restricted discretionary activity, if:</p> <ul style="list-style-type: none"> <li>a) it complies with all the controlled activity terms in Rule RUr.78.2 a) to h), and</li> <li>b) the development is provided with reticulated water, stormwater and wastewater services.</li> </ul> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>(i) the matters of control under RUr.78.2, and</li> <li>(ii) the extent of consistency with the Council's strategic planning for the servicing of sites within the district as identified in the LTP, and the timing of the development in relation to the availability of roading and service connections</li> <li>(iii) ensuring adequate capacity is provided to serve the future development level of the site and surrounding land in the Services Overlay as provided for by zone standards, and</li> <li>(iv) ensuring the proposal provides for future roading and servicing connections to adjoining land in the Services Overlay.</li> </ul> <p>Resource consent for restricted discretionary activities will be considered without notification.</p> <p>Discretionary Activity Activities that contravene the restricted discretionary activity standards are discretionary.</p> <p><u>Any subdivision in the Rural Zone or Low Density Small Holdings Area located between The Glen Road (including all areas east of The Glen Road) and Whangamoa Saddle which does not meet the controlled activity minimum lot sizes is a non-complying activity, except where lots have been created for the purpose of access or network utilities.</u><sup>05/01</sup></p>

Assessment Criteria	Explanation
<p>RUr.85.4</p> <ul style="list-style-type: none"> <li>a) whether the disposal of storm water or wastewater from the site, or supply of water, can be done effectively without risk to human health or the environment, natural hazards or adjoining properties.</li> <li>b) the matters in the NCC Land Development Manual 2010.</li> <li>c) the assessment matters in Rule RUr.78.4 (Subdivision: General).</li> <li>d) the timing of the development in relation to the availability of roading and servicing connections.</li> <li>e) the extent to which the development is provided with services of adequate capacity to serve the future development level of the site and surrounding sites.</li> <li>f) the financial costs to Council (including operation and maintenance costs) of providing water and wastewater services to the development.</li> <li>g) whether the building or development can provide for on site servicing for the building or development in accordance with FWr.12 , FWr.14, FWr.25 and FWr.29.</li> </ul>	<p>RUr.85.5</p> <p>Subdivision in the Services Overlay provides specific services related assessment matters in addition to those that would be applied to a subdivision consent application under RUr.79 General. For subdivision in the Services Overlay, subdivision consent is only required under RUr.85, unless any other overlays also apply to the site.</p> <p>Subdivision in the Services Overlay is a restricted discretionary activity where it proposes to connect to public reticulated. This provides a limitation on the range and type of conditions that can be imposed, relevant to particular sites and circumstances. It also allows the option of declining a subdivision if the site or the development is unsuitable or servicing of the site is considered insufficient or unsustainable for Council.</p> <p>On site servicing will be considered as a discretionary activity.</p> <p>The areas defined on the Planning Maps include areas where the provision of services to subdivisions is not straightforward or where the allotment size, topography and orientation mean that it will be difficult to accommodate on site wastewater treatment and disposal. There may be constraints on the capacity of existing systems, or the area may need filling in order to get the necessary fall for stormwater or wastewater drainage. Special regard also has to be had to the roading pattern, to avoid precluding future development of other areas, as well as ensuring that the capacity of services has regard to the development potential of neighbouring land in the Services Overlay.</p> <p>In other cases, the area may be above the contour to which the Council can supply water, where the landowner would have to provide their own supply. Such situations are a discretionary activity. The Council wishes to avoid a proliferation of small individual systems, and will be looking for proposals that integrate with other developments, and have the ability to serve a wider area.</p> <p>There are also areas where services can be supplied, but where additional conditions may apply eg. an additional financial contribution towards the cost of a special water supply, or special conditions regarding the point where the public supply may be accessed.</p> <p>Refer to Policy DO14.3.1 Roading and DO14.3.2 Drainage, Water and Utilities for direction in terms of when Council will fund infrastructure provision to sites, or when the infrastructure provision shall be funded by the developer.</p> <p>The Council's Infrastructure Division holds copies of maps which define the servicing constraints in more detail.</p> <p>Note: The capacity of the drain or wastewater network means the capacity of the length of the drain from the site to, and including, its outfall to a water body, coastal water or treatment facility.</p>

## **freshwater rules**

Refer Appendix AP28.9 for freshwater rules.

## **Schedule Rural Zone**

### **Sch.I Marsden Valley**

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For provisions relating to Schedule I see Chapter 7, Residential Zone

## Schedule Rural Zone

### Sch.P Papakainga development

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#### P.1 Application of the schedule

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Papakainga development is provided for as a scheduled activity in the Rural Zone. No specific sites are shown on the Planning Maps. Any land that meets the criteria set out in the Rules is eligible for use as a papakainga (eg. if it is vested in Trustees, is not able to be on-sold, and so forth). Small papakainga developments are permitted activities if they comply with the permitted conditions. Larger developments are controlled activities, meaning a resource consent is required. This must be granted but conditions can be imposed on the consent. Where the criteria (conditions or standards and terms) cannot be met for a permitted or controlled activity, the development is discretionary. The Schedule relates to rule RUr.49.

#### P.2 General rule

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For the purposes of this schedule, any reference to a boundary of a site in the Rural Zone rules is to be the boundary of the total land area subject to the papakainga development.

#### P.3 Permitted activities (less than 10 residential units, on 10 ha or more)

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Papakainga development is permitted if:

- a) the land is held in multiple ownership and vested in a Trust, constituted under Part XII of Te Ture Whenua (Maori Land Act) 1993 or any other legislation with like effect, whose authority is defined in a Trust Order or other empowering instrument which will ensure that:
  - i) the land remains vested in the trustees or the incorporation without power of sale; and
  - ii) the possession and/or beneficial interest on the land is restricted to the beneficiaries of the Trust; and
  - iii) the land is unable to be subdivided or otherwise removed from the effect of the trust, and
- b) a copy of the certificate of title, and the Trust Order or empowering instrument is provided to the Council at the time building consents are lodged, and
- c) there are not more than 10 residential units on the land concerned, or the gross floor area of buildings does not exceed 2500m<sup>2</sup>, and
- d) the minimum site area is 10ha, and
- e) the development complies with the permitted conditions for the Rural Zone, except the rules RUr.33 (site coverage), and except that more than one residential unit is permitted per site.

Where the papakainga development does not comply with any of the above conditions, it is a discretionary activity.

#### P.4 Controlled activities

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Papakainga development is controlled, if:

- a) the land is held in multiple ownership and vested in a Trust, constituted under Part XII of Te Ture Whenua (Maori Land Act) 1993 or legislation to like effect, whose authority is defined in a Trust Order or other empowering instrument which will ensure that:
  - i) the land remains vested in the trustees or the incorporation without power of sale, and
  - ii) the possession and/or beneficial interest on the land is restricted to the beneficiaries of the Trust.
  - iii) the land is unable to be subdivided or otherwise removed from the effect of the trust, and

- b) there are more than 10 residential units on the land concerned, or the gross floor area of buildings exceeds 2500m<sup>2</sup>, and
- c) the minimum site area is 10ha, and
- d) the development complies with the permitted conditions for the Rural Zone, except the following rules: Site Coverage; Archaeological Sites; and all Overlay Rules, and except that more than one residential unit is permitted per site, and
- e) the application is accompanied by a Development Plan for the land concerned, and a copy of the certificate of title, and the Trust Order or empowering instrument.

The Development Plan must indicate:

#### P4.1

The broad resource management principles to be applied in the papakainga area. (For illustrative purposes, such principles might include statements along these lines:

“landscapes identified as being sensitive should be managed to reduce adverse impacts on them.”

“any adverse impacts should be contained within the site i.e. effects on neighbouring landowners should be minimised.”)

#### P4.2

The details of the proposed development, including:

- a) the location and extent of the area to be part of the papakainga development, and
- b) land contours, water bodies, vegetation and existing activities, and
- c) the nature and location of neighbouring activities, including the location of any residences, and
- d) the number and location of proposed buildings, and their intended use, and
- e) the proposed provision and design of access to the site, and
- f) any proposed earthworks, including any tracks or roads, and
- g) the proposals for landscaping to avoid, remedy or mitigate any adverse visual effects of the activity, and
- h) the proposed reticulation of water supply and provisions for stormwater and sanitary drainage, including the disposal of effluent, and
- i) a proposal for staging of the development

In granting the consent, control is reserved over:

- i) the resource management principles to be applied on the site, and
- ii) soil erosion and sedimentation, and
- iii) stormwater management, and
- iv) provision of services, and
- v) appropriate vehicle access, and
- vi) landscaping of the site to control any adverse visual effects, and
- vii) taking of water and discharging of water and contaminants, and
- viii) impacts on the broader landscape, including any remedial or other measures proposed, and
- ix) risk from floods, and
- x) impacts on area of significant conservation areas, and
- xi) bonds or covenants to restrict ownership and sale of land, and
- xii) whether the resource consent attaches to the land, excluding any subsequent owners, in terms of section 134 of the Act.

Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.

Consent granted for papakainga development will apply to the total land holding in the application. Development of the land may proceed in accordance with the approved Development Plan without requiring further consent. Changes or additions to the approved Development Plan, except for minor variations, require a further consent application.

**P.5** **Discretionary activities**

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The following are discretionary activities:

- a) any development that contravenes a condition for a permitted activity above, and
- b) any development that contravenes a standard for a controlled activity

**P.6** **Assessment criteria**

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Regard will be had to the relevant Assessment Criteria in the Rural Rule Table.

**P.7** **Explanation**

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In accordance with the principles of the Treaty of Waitangi and Part II of the Act, provision is made for a high degree of self management of communally-owned land. The papakainga provisions can apply to other communal housing development provided it can satisfy the papakainga criteria. It is anticipated that papakainga provisions will be of most relevance to communal housing developed by iwi on Maori customary land (or on other Maori owned land) vested in trusts constituted under Part XII of the Te Ture Whenua (Maori Land Act) 1993.

Strict criteria apply to the land that is eligible for papakainga development. There is also a requirement that the land is not able to be sold or subdivided, since the flexible style of development provided by this schedule is targeted specifically to meet the needs of land held in multiple ownership. If the property could be subdivided or on-sold this could lead to substantial non-compliance with the Plan and uses of the land that are unsuited to this style of development.

Tight controls are retained over effects at the boundary of the papakainga development to protect the amenity of neighbouring sites, and the general public.

## Schedule Rural Zone

### Sch.Q Flaxmore Quarry - Market Road

#### Q.1 Application of the schedule

This schedule applies to the site shown as Sch.Q on Planning Map 24, (Lot 2 DP 3684), Market Road. The Schedule relates to rule RUr.74.

#### Q.2 General rule

When quarry activity ceases on the scheduled site, the Rural Zone provisions will apply in all respects, and this schedule will cease to have effect.

For activities other than quarry activity as described under Q.3 below, the normal provisions of the Rural Rule table apply.

#### Q.3 Permitted activities

The following are permitted activities in the schedule site if they comply with the conditions set out below:

- a) Quarry activity, including drilling and blasting rock, operation of equipment such as bulldozers, excavators, loaders, crushers, screens, generators, pneumatic rock hammers and trucks entering and leaving the site, and a site building and toilet facilities and supply of services which may include mains power, mains water supply, storage of water, and settlement ponds, and
- b) Storage of fuel for use in the quarry activity

<b>Buildings &amp; structures</b>	<ol style="list-style-type: none"> <li>a) One building on the site, not exceeding 60m<sup>2</sup> gross floor area, and 4m in height. Not more than 2 portable toilets.</li> <li>b) Water storage tanks not exceeding 500,000 litres gross in total.</li> <li>c) Settlement ponds not exceeding 500,000 litres gross.</li> <li>d) Supply of mains power and water.</li> </ol>								
<b>Screening</b>	Trees shall be planted to provide a screen along the road boundary to create a 2m wide line of trees of minimum height of 1.8m (at maturity).								
<b>Blasting</b>	<p>At least 24 hours prior to any blasting:</p> <ol style="list-style-type: none"> <li>a) oral or facsimile notification must given to the Principal Environmental Officer, Nelson City Council, and</li> <li>b) written notification must be given to property owners and occupiers in Market Road (within the Residential Zone), Waimea Road (from No.223 to the Bowling Club), Brunner St (up to No. 69 and the right of way), Bishopdale Avenue, Clifford Avenue, Flaxmore Place, and Burton Way. All reasonable steps shall be taken to ensure fly rock generated by blasting remains on the scheduled site.</li> </ol>								
<b>Dust control</b>	Open areas of land and stockpiles of materials must be contained or maintained to prevent the creation and dispersal of dust beyond the scheduled site.								
<b>Noise</b>	<p>Excluding blasting, and transport vehicles hauling to and from the scheduled site:</p> <ol style="list-style-type: none"> <li>a) Noise levels measured at, or within the boundary of any site               <ol style="list-style-type: none"> <li>i) within the Residential Zone must not exceed:                   <table style="margin-left: 20px;"> <tr> <td><b>Day Time</b></td> <td>L10: 55 dBA</td> </tr> <tr> <td><b>Other Times</b></td> <td>L10: 45 dBA and Lmax 75 dBA</td> </tr> </table> </li> <li>ii) within the rural zone must not exceed                   <table style="margin-left: 20px;"> <tr> <td><b>Day time</b></td> <td>L10: 65 dBA</td> </tr> <tr> <td><b>Other Times</b></td> <td>L10: 45 dBA and Lmax: 75 dBA</td> </tr> </table> </li> </ol> </li> </ol> <p>Day Time means 7am to 10pm Monday to Friday, and 9am to 10pm Saturdays, Sundays and Public Holidays.</p> <p>All measurements and assessment in accordance with NZS 6801:1991 (Measurement of Sound) and NZS 6801:1991 (Assessment of Environmental Sound).</p>	<b>Day Time</b>	L10: 55 dBA	<b>Other Times</b>	L10: 45 dBA and Lmax 75 dBA	<b>Day time</b>	L10: 65 dBA	<b>Other Times</b>	L10: 45 dBA and Lmax: 75 dBA
<b>Day Time</b>	L10: 55 dBA								
<b>Other Times</b>	L10: 45 dBA and Lmax 75 dBA								
<b>Day time</b>	L10: 65 dBA								
<b>Other Times</b>	L10: 45 dBA and Lmax: 75 dBA								
<b>Vibration</b>	No vibration created on the schedule site may be discernible at any residential site, except for short term blasting activity.								

#### **Q.4 Discretionary activities**

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The following are discretionary activities:

- a) Quarry activities that contravene a permitted condition in this schedule (Note Q.2 above)

#### **Q.5 Assessment criteria**

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These are applied to the consideration of any application for a discretionary activity resource consent.

- a) the ability to mitigate any adverse effects by additional landscaping or screening
- b) the nature and timing of noise and its likely effects, and any proposals to mitigate these effects
- c) any risk to human life or property
- d) the hours of operation of the proposed activity
- e) the type and volume of any materials to be stored on the site, and any other means of screening
- f) the visual impacts, having particular regard to any adverse effects on views from residential areas
- g) any cumulative effects on adjacent residential sites

#### **Q.6 Explanation**

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The quarry has been operating on the site for decades and therefore has existing use rights. Housing has encroached progressively closer to the quarry, creating the potential for conflicts between the operation of the quarry and the residential amenity.

Scheduling the site creates more certainty for the quarry and residents than operating solely on existing use rights. The permitted conditions provide for a range of quarrying activities to occur without the need to obtain a resource consent. For nearby residents it sets in place controls to help maintain an adequate level of amenity. The schedule on the Planning Maps and in the text also provides information for people as to the existence of the quarry and the controls that apply to it.

## Schedule Rural Zone

### Sch.R York Valley Quarry

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#### R.1 Application of the schedule

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This schedule applies to the site shown as Sch.R on Planning Maps 24, 25 and 55 in the upper Brook Valley. This Schedule relates to rule RUr.75.

#### R.2 General rule

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When quarry activity ceases on the scheduled site, the normal Rural Zone provisions will apply in all respects, and this schedule will cease to have effect.

For activities other than those described under R.3 below, the normal provisions in the rural zone table apply.

#### R.3 Permitted activities

---

The following are permitted activities in the schedule site if they comply with the conditions set out below:

- a) Quarry activity, including drilling and blasting rock, operation of equipment such as bulldozers, excavators, loaders, crushers, screens, generators, pneumatic rock hammers and trucks entering and leaving the site, and site buildings and toilet facilities and supply of services which may include mains power, mains water supply, storage of water, and settlement ponds, and
- b) Storage and sale of explosives, and
- c) Storage of fuel for use in the quarry activity.

<b>Structures</b>	Buildings which comply with the Rural Rules. Water storage tanks not exceeding 500,000 litres gross in total. Settlement ponds not exceeding 500,000 litres gross. Supply of mains power and water.
<b>Screening</b>	The quarry activity must not be visible from the Brook Street/Robinsons Road area.
<b>Blasting</b>	At least 24 hours prior to any blasting: oral or facsimile notification must be given to the Principal Environmental Officer, Nelson City Council. notification must be given to property owners and occupiers within 400m of the blast site. For any sites in the Residential Zone, written notification must be provided. For sites in the Rural Zone, oral notice is sufficient. All reasonable steps shall be taken to ensure fly rock generated by blasting remains on the scheduled site.
<b>Dust Control</b>	Open areas of land and stockpiles of materials must be contained or maintained to minimise the creation of dust and to prevent its dispersal beyond the scheduled site.
<b>Noise</b>	Excluding blasting, and transport vehicles hauling to and from the scheduled site: a) Noise levels measured at, or as close as practicable to, the boundary of any other site must not exceed: <b>Day Time</b> L10: 65 dBA (Rural Zone sites) L10: 55 dBA (Residential Zone sites) <b>Other Times</b> L10: 45 dBA Lmax: 75 dBA b) Day Time means 7am to 10pm Monday to Friday, and 9am to 10pm Saturdays, Sundays and Public Holidays. c) All measurements and assessment in accordance with NZS 6801:1991 (Measurement of Sound) and NZS 6801:1991 (Assessment of Environmental Sound).
<b>Vibration</b>	No vibration created on the schedule site may be discernible at any residential site, except for short term blasting activity.

#### **R.4 Discretionary activities**

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The following are discretionary activities:

Activities listed as permitted that contravene a permitted condition in this schedule (note R.2 above)

#### **R.5 Assessment criteria**

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These are applied to the consideration of any application for a discretionary activity resource consent.

- a) the ability to mitigate any adverse effects by additional landscaping or screening
- b) the nature and timing of noise and its likely effects, and any proposals to mitigate these effects
- c) any risk to human life or property
- d) the hours of operation of the proposed activity
- e) the type and volume of any materials to be stored on the site, and any other means of screening
- f) the visual impacts, having particular regard to any adverse effects on views from residential areas, and on the landscapes and views defined in Appendix 9 (landscape components and views)
- g) any cumulative effects

#### **R.6 Explanation**

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The quarry has been operating on the site for a considerable time under existing use rights. Scheduling the site creates more certainty for the quarry and neighbouring landowners than operating solely on existing use rights. The permitted conditions provide for a range of activities to occur without the need to obtain a resource consent, while ensuring amenity and other considerations are addressed. The schedule on the Planning Maps and in the text provides information for people as to the existence of the quarry and the controls that apply to it.

## Schedule Rural Zone

### Sch.S Marsden Quarry

#### S.1 Application of the schedule

This schedule applies to the site shown as Sch.S (S1 and S2) on Planning Map 34, 54 and 55 in the upper Marsden Valley. This Schedule relates to rule RUr.76.

#### S.2 General rule

When quarry activity ceases on the scheduled site, the normal Rural Zone provisions will apply in all respects, and this schedule will cease to have effect.

For activities other than activities described in S.3, S.4 and S.5 below, the normal provisions in the Rural Zone Rule Table apply.

#### S.3 Permitted activities

The following are permitted activities on Schedule Site S1 if they comply with the conditions set out below:

- a) Quarry activity, including drilling and blasting rock, operation of equipment such as bulldozers, excavators, loaders, crushers, screens, generators, pneumatic rock hammers and trucks entering and leaving the site, and site buildings, weighbridge and toilet facilities and supply of services which may include mains power, mains water supply, storage of water, and settlement ponds, and
- b) Storage of explosives, and
- c) Storage of fuel for use in the quarry activity

<b>Structures</b>	Equipment and tool shed not exceeding 17m <sup>2</sup> . Office and staff room together with ablutions with a total floor area not exceeding 22m <sup>2</sup> . Magazine with a total floor area not exceeding 1.5m <sup>2</sup> . Water storage tanks not exceeding 500,000 litres gross in total. Settlement ponds not exceeding 500,000 litres gross. No buildings or structures are to be located within 50m of the eastern boundary of Marsden Valley Road.												
<b>Blasting</b>	All blasting shall be carried out between the hours of 7am and 9am, or between the hours of 3:30pm and 6pm, on any day excluding Sundays and Statutory Holidays. All reasonable steps shall be taken to ensure fly rock generated by blasting remains on the scheduled site. At least 24 hours prior to any blasting: <ol style="list-style-type: none"> <li>a) oral or facsimile notification must be given to the Divisional Manager, Planning and Consents, Nelson City Council, and</li> <li>b) notification must be given to property occupiers within 400 m of the blast site, eg. by letter drop.</li> </ol>												
<b>Noise</b>	Excluding blasting, and transport vehicles hauling to and from the scheduled site: <ol style="list-style-type: none"> <li>a) Noise levels measured at, or as close as practicable to, the boundary of any other site must not exceed: <table style="margin-left: 40px; border: none;"> <tr> <td style="padding-right: 20px;">Day Time</td> <td style="padding-right: 20px;">L10:</td> <td>65 dBA (Rural Zone sites)</td> </tr> <tr> <td></td> <td>L10:</td> <td>55dBA (Residential Zone sites)</td> </tr> <tr> <td style="padding-right: 20px;">Other Times</td> <td>L10:</td> <td>45 dBA</td> </tr> <tr> <td></td> <td>Lmax:</td> <td>75dBA</td> </tr> </table> </li> <li>b) Day time means 7am to 10pm Monday to Friday, and 9am to 10pm Saturdays, Sundays and Public Holidays.</li> </ol> <p>All measurements and assessment in accordance with NZS 6801:1991 (Measurement of Sound) and NZS 6801:1991 (Assessment of Environmental Sound).</p>	Day Time	L10:	65 dBA (Rural Zone sites)		L10:	55dBA (Residential Zone sites)	Other Times	L10:	45 dBA		Lmax:	75dBA
Day Time	L10:	65 dBA (Rural Zone sites)											
	L10:	55dBA (Residential Zone sites)											
Other Times	L10:	45 dBA											
	Lmax:	75dBA											
<b>Dust control</b>	Open areas of land and stockpiles of materials must be contained or maintained to minimise the creation and dispersal of dust beyond the scheduled site.												
<b>Vibration</b>	No vibration created on the schedule site may be discernible at any residential site, except for short term blasting.												

#### **S.4 Controlled activities**

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Any activity that meets the conditions of S.3 above is a controlled activity on Schedule Site S2. Control reserved over:

- i) the visual impacts, having particular regard to any adverse effects on views from residential areas, and on the landscapes and views defined in Appendix 9 (landscape components and views), and
- ii) landscaping and visual mitigation, and
- iii) rehabilitation of redundant areas of the quarry site, and
- iv) production of a Quarry Management Plan, and
- v) slope stability, soil erosion and sedimentation, and
- vi) water quality.

#### **S.5 Discretionary activities**

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The following are discretionary activities:

- a) Activities listed as permitted that contravene a permitted condition in this schedule

Note S.2 above.

#### **S.6 Assessment criteria**

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These are applied to the consideration of any application for a discretionary activity resource consent.

- a) the ability to mitigate any adverse effects by additional landscaping or screening
- b) the nature and timing of noise and its likely effects, and any proposals to mitigate these effects
- c) any risk to human life or property
- d) the hours of operation of the proposed activity
- e) the type and volume of any materials to be stored on the site, and any other means of screening
- f) the visual impacts, having particular regard to any adverse effects on views from residential areas, and on the landscapes and views defined in Appendix 9 (landscape components and views)
- g) the potential for slope failure
- h) damage to structures or adjoining properties
- i) soil and vegetation entering rivers and coastal water
- j) damage to instream habitats
- k) adverse effects on catchment stream flow
- l) duration of bare soil to wind and rainfall
- m) water quality, including suspended sediment load and increased stream bed load
- n) the provision of structures to control soil erosion or sedimentation
- o) the timing and techniques used for revegetation
- p) the long term management of the land cleared
- q) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated
- r) any cumulative effects

#### **S.7 Explanation**

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The quarry has been operating on the site for a considerable time under consent. Scheduling the site creates more certainty for the quarry and neighbouring landowners than operating solely on existing use rights. The permitted conditions provide for a range of activities to occur on Schedule site S1 without the need to obtain a resource consent, while ensuring amenity and other considerations are addressed. This area was subject to an existing resource consent. Schedule site S2 provides for the continuation of quarrying activities but with control reserved over a number of matters relating to landscape, roading and water and soil issues. The schedule on the Planning Maps and in the text provides information for people as to the existence of the quarry and the controls that apply to it.

## Schedule Rural Zone

### Sch.W Enner Glynn and Upper Brook Valley

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#### W.1 Application of the schedule

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This schedule applies to the area shown as Sch.W on Planning Maps 28, 31 and 55 within Enner Glynn and Upper Brook Valleys, being that area generally bounded to the south by Schedule I 'Marsden Valley', east by the Rural Zone (Barnicoat Range), north by the York Valley, and west by the existing Residential Zone boundary.

The purpose of this schedule is to ensure that subdivision and development proceeds in general accordance with the Structure Plan accompanying this Schedule (see Figure 1 of this Schedule) and to incorporate specific rules in addition to the standard Plan rules. Schedule W is referred to specifically under rules REr.106C, RUr.77B, and RUr.78, as it relates to subdivision rules and assessment criteria within the Residential and Rural Zones, and with associated policy and explanation in Volumes 1 and 2 of the Plan.

All activities provided for in the Residential Zone and Rural Zone rule tables as permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited activities, and supporting Objectives and Policies shall apply to their respective zones in the Schedule W area, except if subject to variations set out in this Schedule and Schedule W, Figure 1, Structure Plan.

#### W.2 General rules

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- a) Subdivision design shall generally accord with the Structure Plan contained in Schedule W Figure 1.
- b) No buildings are permitted within Biodiversity Corridors (see Meanings of Words, Chapter Two) as indicatively shown on Schedule W Figure 1.
- c) Biodiversity Corridor locations shall generally accord with that shown on the Structure Plan contained in Schedule W Figure 1. Biodiversity Corridors (see definition Chapter 2, Meaning of Words) shall consist of;
  - i) existing native and/or exotic vegetation, or
  - ii) predominantly eco-sourced native vegetation indigenous to the area and ecosystem type as proposed in a planting and maintenance plan forming part of any application for subdivision consent, or
  - iii) predominantly eco-sourced native vegetation indigenous to the area and ecosystem type to be planted to replace any existing vegetation removed from within the corridor;except that:
  - iv) the formation and maintenance of walkways, cycleways, and the construction and maintenance of utility service lines and their structures are permitted within the Biodiversity Corridor provided they cross the corridor more or less at right angles, and
  - v) the formation and maintenance of walkways and cycleways may also run along the corridor provided a corresponding increase in width is provided, and
  - vi) the formation and maintenance of roads and required property accesses, where there is no practicable alternative, may transect any Biodiversity Corridor provided that they cross the corridor more or less at right angles, and
  - vii) in the case of ii) and iii), exotic vegetation may be used as a nursery crop for the purpose of assisting with the establishment of the native vegetation referred to.

### **W.3 Restricted discretionary activities**

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Reduction in width of a Biodiversity Corridor below the minimum of 20m (as specified by definition in Chapter 2 'Meaning of Words') is a restricted discretionary activity.

Discretion restricted to:

- i) the effect of any reduction in width on the functions of the Biodiversity Corridor as identified in Policy Explanation and Reasons DO5.1.2.ii (Chapter 5 District Wide Objectives and Policies)

### **W.4 Discretionary activities**

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Any activity which does not meet one or more of the performance standards in Schedule W.2 a - c) 'General Rules' is a Discretionary activity. This is aside from that relating to widths of Biodiversity Corridors provided for in W.3. Any activity in the scheduled area will also be assessed under the relevant rules as they apply to the zone and overlays in which the activity is located, with the most stringent activity status being applicable to the application. In determining whether to refuse consent, or grant consent subject to conditions, the consent authority will have regard to relevant assessment criteria listed in W.6.

### **W.5 Subdivision**

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The general rules set out in W.2 shall apply to subdivision applications. The relevant provisions of the Plan's Residential and Rural Zone rule tables shall also apply individually to land within those zones. A subdivision application will take on the most stringent activity status as determined by the relevant rules triggered whether they are from this Schedule or the relevant zone rule table. Relevant assessment criteria listed in W.6 apply to all subdivision consent applications within the scheduled area.

### **W.6 Assessment criteria**

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These assessment criteria relate to issues specific to activities within the Schedule W area. All other relevant assessment criteria of zone rules triggered are also to be considered.

- i) the extent to which any proposal and/or development is in general accordance with Schedule W and with associated Structure Plan (Schedule W Figure 1).
- ii) ability to cluster development to mitigate visual amenity in the Rural Zone - Higher Density Small Holdings Areas.
- iii) opportunities to mitigate any cross-boundary effects.
- iv) the required width of Biodiversity Corridors; including the effect of any reduction in width on the functions of Biodiversity Corridors.
- v) the proposed ownership, maintenance and management regime for Biodiversity Corridors and 'greenspace' areas, and the effect different alternatives have on subdivision layout and design, and on the values of those spaces.
- vi) compliance with the relevant local and national legislation in relation to existing high voltage transmission lines.
- vii) any assessment criteria for other relevant rules triggered by a proposal or referred to in this schedule under cross-reference to the appropriate zone rule table also apply.

The Nelson Urban Growth Strategy 2006 (NUGS) identified the Stoke Foothills, between the residential boundary and the Barnicoat Range, as being generally suitable for accommodating some of the future residential growth of Nelson.

The Ngawhatu and Marsden Valleys, and intervening land south, and to the boundary of Enner Glynn, has, or is, in the process of being zoned for residential or rural small holdings use. The provision of Structure Plans, the purpose of which is to guide and achieve the integrated management of the effects of development, has been common to those planning outcomes, including as they provide for linkages between neighbourhoods and the valley catchments. Schedule W completes the structure plan process for land between the Ngawhatu and the Upper Brook Valleys.

Landscape values, topography, rural amenity and regionally significant quarry and landfill resources have been the key determinants of the potential of this area to accommodate growth. The Residential Zone in the Upper Brook Valley has been retained, and in the Enner Glynn Valley the existing Residential Zone Boundary has been expanded to include land at the top of Panorama Heights, near the entrance to the valley and adjoining Marsden Valley (Schedule I) in the upper part of the Valley. A majority of the land in Schedule W is Rural Zone - Higher and Lower Density Small Holdings Area, providing an opportunity for a combination of higher and lower density rural small holding properties.

The regionally significant resources of the landfill and quarry are located in close proximity to the Upper Brook Valley and the York Valley/Enner Glynn Ridge and the potential for reverse sensitivity and cross boundary effects to occur have been recognised. To reduce the potential for these effects to occur, rural zoning has been retained in the Upper Brook Valley and along the York Valley/Enner Glynn Ridge so there is no increase in the development potential of this land adjacent to, and overlooking, the quarry and landfill. In addition the walkway/cycleway required by the structure plan (through rule W.2a) to connect the Brook/Enner Glynn Saddle to Brook Street does not have an indicative route shown. The reason for this is to ensure increased flexibility in the final choice of a suitable route. Route selection will take into account reverse sensitivity with, and effects on, the York Valley Quarry in particular as per Policy RU1.3, Rural subdivision assessment criteria RUr.78.4 p) and the relevant explanations under Chapter 3, AD11.4A.

This Schedule and Structure Plan are to ensure that residential and rural small holdings development provided for in the Enner Glynn and Upper Brook Valleys progresses in a manner that achieves an integrated and planned system of walkways, roading, Biodiversity Corridors and servicing across and between properties and valleys in and adjoining the Structure Plan area.



# 13

# coastal marine area

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## **CMd**      **Description**

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### **CMd1**      **Introduction**

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**CMd1.i**      The Coastal Marine Area is the area of coastal water, stretching 52km in length from the eastern Waimea Inlet to Cape Soucis, generally being the area from mean high water springs out to the 12 mile limit of the territorial sea. The boundaries are shown on the Planning Maps. Within this area, there is a diverse range of land forms and habitats, including estuaries, sandy beaches, boulder banks, spits, sand dunes, salt marshes, sea cliffs, coastal wetlands, and coastal vegetation. There are also many resources significant to Nelson, including recreation areas, cultural sites, coastal fisheries, and estuarine and coastal habitats.

**CMd1.ii**      The coastal environment includes the Coastal Marine Area, as well as areas of land above mean high water springs. The land portion of the coastal environment is not dealt with in this Chapter, but as an overlay on the relevant zones. The objectives and policies regarding the Coastal Environment Overlay are in Chapter 5. The rules relevant to the overlay are integrated into the various zone rules. The Plan should always be considered as a whole.

**CMd1.iii**      The objectives and policies in this Chapter apply to the Coastal Marine Area and they are to be taken into account in regard to activities in the coastal environment that affect the Coastal Marine Area. The rules in this Chapter regulate activities in the Coastal Marine Area only.

**CMd1.iv**      The coastal environment is valued by Nelsonians and visitors alike for its diversity, beauty, productivity, recreational opportunities, cultural, and spiritual associations. For descriptive purposes, Nelson's coastal environment can be divided into five units - primarily on the basis of geomorphological and ecological considerations:

**CMd1.1**      *Eastern Waimea Inlet and Tahunanui Beach*

**CMd1.1.i**      The Waimea Inlet (3,455ha) is the largest enclosed estuary in the South Island, providing sheltered inter-tidal habitat for a diverse range of plant, invertebrate fish and bird life. Nelson Haven is of national significance for wildlife conservation. The Inlet is used for a range of recreational activities including boating, fishing, swimming, water skiing, duck shooting and walking. The margins of the Inlet have been modified by drainage and reclamation.

**CMd1.1.ii**      Tahunanui Beach, at the mouth of the Inlet, is Nelson's main bathing beach.

**CMd1.1.iii**      Approximately one third of Waimea Inlet is within Nelson District. The southern and western portions of the Inlet are administered by the Tasman District Council.

### ***CMd1.2 Nelson Haven***

**CMd1.2.i** The Nelson Haven is a large (1600ha) estuarine area also providing habitat for a diverse range of plant and animal life. The Maitai River discharges into the Haven and is estuarine in its lower reaches. Nelson Haven is of national significance for wildlife conservation. The margins of the Haven are highly modified as a result of drainage and reclamation to create farmland (at the head of the Haven), roadways, industrial land and Port land.

**CMd1.2.ii** The Haven possesses high recreational, scenic and amenity values.

### ***CMd1.3 Outer Boulder Bank - Pepin Island***

**CMd1.3.i** An approximately 20km length of exposed rocky shore habitat with intertidal and benthic communities quite different from those which occur in the sheltered estuarine environments of Nelson Haven and the Waimea Inlet and is an internationally significant landform. The Boulder Bank is a distinctive geomorphic feature created by longshore drift of boulders southwards from McKay's Bluff. It is a natural barrier creating the harbour within Nelson Haven.

**CMd1.3.ii** Some important coastal forest remnants occur at Drumduan, north of the Glen.

**CMd1.3.iii** The Cable Bay area is popular for recreational pursuits such as diving, fishing and walking.

### ***CMd1.4 Delaware Inlet***

**CMd1.4.i** Delaware Inlet is a relatively unmodified inlet at the mouth of the Wakapuaka River, some 15km north of Nelson City. It provides a sheltered estuarine habitat for a wide range of species, including some rare or endangered bird species. The inlet is of national significance for nature conservation and estuarine values. A large number of archaeological sites exist around the margins of the Inlet. The Inlet is of high value to Maori for spiritual reasons and as a traditional food gathering area. Some significant forest remnants occur in the Wakapuaka River Valley. The area is sensitive to change due to its relatively unmodified state.

### ***CMd1.5 Whangamoa Coast***

**CMd1.5.i** This section of coastline, stretching approximately 16 km from Delaware Inlet to Cape Soucis, is dominated by impressive coastal cliffs falling to rock and boulder strewn shores and wave-cut reef platforms. The adjoining coastal waters are deep and the coastline exposed to the prevailing northerly storms. The Whangamoa Inlet is a small estuarine area with high natural values. It is of national significance for nature conservation and estuarine values. It is a wild and scenic part of the coastal environment, with limited public access and is rarely visited. The area is highly vulnerable to change.

## **CMd2 Areas of significant conservation value**

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**CMd2.i** This Plan recognises, within the coastal environment, a number of areas of significant conservation value within which protection of specified values will be given priority over use and development. Objectives and policies for these are contained in Chapter 5. These areas are shown in the Marine Areas of Significant Conservation Value on the Planning Maps, with additional detail being provided on locations and values in Appendix 4.

### **CMd3 New Zealand coastal policy statement**

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**CMd3.i** The first New Zealand Coastal Policy Statement was prepared by the Minister of Conservation and gazetted in 1994, and a new Coastal Policy Statement took effect from December 2010. Its purpose is to state policies in order to achieve the purpose of the Resource Management Act in relation to the coastal environment of New Zealand. This Plan must give effect to the New Zealand Coastal Policy Statement. This Plan adopts some of the New Zealand Coastal Policy Statement policies directly and states rules and other methods to implement them. Other New Zealand Coastal Policy Statement policies will be implemented by taking them into consideration when resource consent applications are processed. The restricted coastal activities identified in the First Schedule of the New Zealand Coastal Policy Statement 1994 are no longer required by the Minister of Conservation and have been removed from this Plan in accordance with Policy 29 of the New Zealand Coastal Policy Statement 2010.

### **CMd4 Port Industrial Area**

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**CMd4.i** The Port Operator, Port Nelson Ltd, has a coastal permit to exclusively occupy the Coastal Marine Area beneath the wharves and adjacent to the wharves. The permit applies to an area extending a distance of 60m out from the Main Wharf, Brunt Quay, McGlashen Quay and Kingsford Quay. Around the rest of the port reclamation and the north-western margin of the Maitai reclamation, the permit applies to an area extending 30m out from the shoreline. The permit also confers occupancy rights to an area of 10m radius around each of the navigation aids sited in the Coastal Marine Area in the vicinity of the Port. The permit is issued by the Minister of Transport under section 384A of the Resource Management Act, and is valid until the year 2026. The effect of the permit is to enable Port Nelson Ltd to manage and operate the Port-related undertakings that it acquired under the Port Companies Act 1988. Port Nelson Ltd also possesses a waterway lease over navigation channels and approaches to the Port, valid until 2010. The lease gives the Company the right to manage surface water activities in the area, in terms of its commercial operations. The area of the lease includes the area covered by the coastal occupancy permit.

**CMd4.ii** The Port Operator's rights over the areas referred to above are exercised subject to the requirements of the Resource Management Act 1991 and subject to the direction and control of the Harbourmaster with respect to the control of navigation and safety under the Harbours Act 1950 and any regulations or bylaws made under that Act. The Harbourmaster is a contracted employee of the Nelson City Council.

**CMd4.iii** The Port Operator annually reviews a Port Development Plan which covers the operation and development of the commercial port area including the area of the Coastal Marine Area over which the Port Operator holds an occupancy permit. All areas of land and water used for recreational purposes are excluded. In addition, the Port Operator has prepared a Port Environmental Management Plan in consultation with interested parties. This Plan covers issues such as odour, traffic generation, dust and contaminated discharges. Noise is dealt with separately by the preparation of a Port Noise Management Plan and a Port Noise Mitigation Plan.

Chapter 5 DO12 contains specific objectives and policies for the Port Industrial Area.

### **CMd5 Fisheries management**

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**CMd5.i** The waters within Nelson's Coastal Marine Area support highly valued commercial, recreational and traditional fisheries.

**CMd5.ii** Responsibility for the management of all fisheries resources, including their conservation, use, enhancement and development, lies with the Minister and Ministry of Fisheries under the Fisheries Act 1983 and the Fisheries Act 1996.

**CMd5.iii** This Plan does not contain any rules governing fishing, because of limitations in the Resource Management Act. The Council cannot control harvesting or enhancement of fish populations (or any other aquatic life) where the purpose of that control is to conserve, enhance, protect, allocate or manage any fishery controlled by the Fisheries Act 1996 and/or Fisheries Act 1983.

**CMd5.iv** Notwithstanding the above, Council has a number of functions and responsibilities under the Resource Management Act which relate directly or indirectly to the maintenance of fisheries or to fisheries management issues. These include the overall responsibility to promote sustainable management of the District's natural resources, the allocation of coastal space (involving among other things, the avoidance of conflict between fishing and other activities), the management of coastal water quality, habitat protection (including the protection of nursery and spawning areas, see New Zealand Coastal Policy Statement) and provision for the relationship between Maori and their traditional resources.

**CMd5.v** It is important that there is close liaison between the Nelson City Council and the Ministry of Fisheries on fisheries management issues which relate to the responsibilities of both agencies. Issues include ensuring the protection of significant conservation values (as identified in the Marine Areas of Significant Conservation Value in the Planning Maps) from any adverse effects of fish harvesting.

**CMd5.vi** Council will establish and maintain appropriate lines of communication with the Ministry of Fisheries, fishing industry representatives, iwi, and other parties having an interest in fisheries management issues. More generally, Council will adopt the role of advocate for:

- a) sustainable management of harvested species, and
- b) allocation of the available resources in a manner which satisfies the economic, recreation and cultural needs of the community.

## **CMd6 Aquaculture**

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**CMd6.i** Aquaculture means any:

- a) physical modification or disturbance of the foreshore or seabed, or
- b) placement of any structure in, on, or over foreshore or seabed, or in the water column, or
- c) occupation of foreshore, seabed, water column, or water surface, or
- d) introduction or planting of any exotic plant for any of the purposes of enhancement, breeding, hatching, cultivating, rearing, or on-growing of fish, shellfish, aquatic life or seaweed for harvest; whether any such purpose includes marine farming or the taking or holding of spat, or is investigative, experimental, or commercial in nature, but excludes any scallop enhancement programme being carried out pursuant to the Fisheries Act 1996.

**CMd6.ii** Most aquaculture involves the use of surface structures of some sort. There is, consequently, potential for conflict between aquaculture and other coastal activities including navigation, recreation and fishing activities.

**CMd6.iii** Aquaculture is subject to control under the provisions of the Resource Management Act 1991, the Fisheries Act 1996 and/or the Fisheries Act 1983 and, in this regard, the responsibilities of Council and those of the Ministry of Fisheries are defined in the legislation.

**CMd6.iv** Prospective aquaculturalists require a coastal permit under the Resource Management Act if a proposal involves one or more of the activities listed in the following table, unless the activity is expressly allowed by a rule in a regional coastal plan.

<b>Aquaculture - Constituent Activity</b>	<b>Potential Effects</b>
Occupation of space (foreshore/seabed/water column/water surface)	Public access and recreational uses, cultural values
Placement of structures	Navigation, visual/landscape amenity values, sediment movement/ecological effects
Disturbance of seabed	Sediment movement /ecological
Disturbance of contaminants	Water quality, ecological, cultural values
Deposition of substances on seabed	Ecological, cultural values
Reclamation	Ecological, public access and use, cultural values
Introduction of exotic species to Coastal Marine Area	Ecological, cultural
Maintenance activities	Ecological

**CMd6.v** Council is responsible under the Resource Management Act 1991 for assessment and control of the environmental effects of placing structures in the water and their use for aquaculture (other than their effects on fishing and sustainability of fisheries resources which are matters controlled by the Fisheries Act 1996 and/or Fisheries Act 1983).

**CMd6.vi** Under the Fisheries Act, the Ministry of Fisheries is responsible for the issuing of permits for aquaculture facilities. The Ministry's primary concern, in processing permit applications, is the likely impact on other aquaculture facilities or fishing activities. Section 67J (8) of the Fisheries Act 1996 requires that an aquaculture permit not be issued unless the Director General is satisfied that the application would not have an undue adverse effect on the sustainability of any fisheries resource.

**CMd6.vii** The respective roles of the Ministry under fisheries legislation and the role of Council under the Resource Management Act 1991 are further explained by reference to Section 6 of the Fisheries Act 1996, which states:

- (1) *No provision in any regional plan or coastal permit is enforceable to the extent that it provides for:*
  - a) *the allocation to one or more fishing sectors in preference to any other fishing sector of access to any fisheries resources in the coastal marine area; or*
  - b) *the conferral on any fisher of a right to occupy any land in the coastal marine area or any related part of the coastal marine area, if the right to occupy would exclude any other fisher from fishing in any part of the coastal marine area.*
- (2) *Subsection (1) of this section does not prevent any regional plan or coastal permit authorising the erection in the coastal marine area of any fish farm structure or other structure.*

**CMd6.viii** The Council may, under Section 122(5) of the Resource Management Act 1991, exclude fishers from areas allocated for occupation of the Coastal Marine Area by other non-fishing users, for example submarine cables. The Council cannot, however, make such restrictions in respect of controlling the harvesting or enhancement of populations of aquatic organisms where the purpose of that control is to conserve, enhance, protect, allocate, or manage any fishery controlled by the Fisheries Act 1996 and/or Fisheries Act 1983 (Section 30(2) Resource Management Act 1991).

**CMd6.ix** The Ministry of Fisheries can only issue an aquaculture permit or spat catching permit if the applicant has first obtained any necessary resource consents under the Resource Management Act.

**CMd6.x** The Resource Management (Aquaculture Moratorium) Amendment Act, 2002, and Extension Act 2004, impose a two year moratorium on the granting of coastal permits for aquaculture activities, including spat catching. The Acts provide regional councils with the opportunity, during the moratorium, to make provision in their regional coastal plans for aquaculture management areas (AMAs), where such areas are considered appropriate.

**CMd6.xi** The forthcoming Aquaculture Reform Bill, which is expected to follow on from the above Act, is intended to provide for the Resource Management Act to be the main legislation controlling aquaculture with an amendment of the interface between the RMA and fisheries legislation. This will mean that all environmental effects and fisheries matters are considered when decisions are made concerning aquaculture. The final form of this legislation will clarify the appropriate course for the Nelson City Council to follow in resolving its approach to the possible establishment of AMAs. It is already apparent that extensive consultation with a wide range of user groups and interested parties will be required. There will need to be an evaluation of a range of relevant issues such as tangata whenua values, water quality, location of anchorages, navigation routes, marine reserves, taia pure, recreational use, customary, recreational and commercial fishing, ecological and amenity values. In the event that suitable sites for AMAs are identified without significant conflict with other recognised values, then aquaculture development will be required to locate within the clearly defined AMAs and the establishment of aquaculture ventures outside these AMAs will become prohibited activities. These provisions will be incorporated into the Nelson Resource Management Plan by way of a Plan Change, and this will allow full opportunity for public input into the process.

**CMd6.xii** In determining its approach to aquaculture in this Plan, Council has been mindful of the following considerations:

- a) the potential benefits of aquaculture in terms of community well-being.
- b) the limitations of the 1982 Study (above) which focused on a limited range of aquaculture technologies, viz. long line mussel farming and oyster rack culture.
- c) the current rapid development of aquaculture options and technologies.
- d) the high potential for aquaculture to conflict with the requirement for safe navigation in many parts of the Coastal Marine Area (major shipping routes exist between Port Nelson and Farewell Spit and between Port Nelson and the Stephens Island/French Pass area. Waimea Inlet and Nelson Haven are recreational boating areas).
- e) the potential for aquaculture to conflict with the maintenance of ecological values in more sheltered waters with restricted circulation.
- f) the high potential for aquaculture to conflict with customary, recreational, and commercial fishing, recreational use, amenity and other significant values.
- g) the 2001 interim report and findings of the Environment Court Inquiry into the aquaculture references to the Tasman District Council's Proposed Resource Management Plan, recognised (among other things) the significance of estuaries and inshore areas, landscape and natural character values, and safe and unimpeded navigation for vessels.
- h) the provisions of the Resource Management (Aquaculture Moratorium) Amendment Act 2002, and Extension Act 2004, which impose a moratorium on new aquaculture activities in coastal marine areas to allow time for the development and implementation of wider aquaculture reforms through legislation and regional coastal plans.

**CMd6.xiii** The options available to Council were to make some forms of aquaculture:

- a) a permitted or controlled activity in all or some areas
- b) a prohibited activity in all or some areas
- c) a discretionary activity in all or some areas

**Cmd6.xiv** The permitted or controlled activity option was not favoured because of the difficulty of identifying aquaculture activities that would be acceptable under all circumstances and the difficulty of framing conditions or terms to cover the full range of potential effects.

**Cmd6.xv** The option of placing a “blanket” prohibition on all or some forms of aquaculture in specified areas (eg. estuaries), where there is high potential for conflict with other activities or values, is inappropriate because of the effects-based nature of planning under the Resource Management Act, and the real possibility that some forms of aquaculture may be able to be accommodated in these areas without significant adverse effects.

**Cmd6.xvi** The Council considers that, given the high potential of aquaculture to conflict with other activities and values and the uncertainty surrounding the likely effects of different types of aquaculture in different locations, it is appropriate for aquaculture to be treated as a discretionary activity throughout the Coastal Marine Area. This will enable each proposal to be considered on its merits and subject to full public scrutiny.

**Cmd6.xvii** Under this Plan, people wishing to undertake aquaculture within the Coastal Marine Area, are required to apply for a coastal permit for the activities which constitute the proposed aquaculture operation (see table Cmd6.iv above). The rules are framed in a way which ensures that all aquaculture-related activities will be treated as discretionary activities (other than in specific circumstances within the Marine ASCV Overlay) and applications will, consequently, be assessed in terms of the relevant objectives, policies, and assessment criteria for aquaculture-related activities in this Plan.

**Cmd6.xviii** The occupation and disturbance of the Coastal Marine Area by structures, and the use of those structures for any aquaculture purpose within the four Nelson estuaries is a prohibited activity, for which no application shall be received by the Council, and no resource consent shall be granted.

**Cmd6.xix** In practice, opportunities for aquaculture in open coastal water in Nelson are likely to be limited by physical suitability (lack of shelter) and the navigation constraints referred to above. Policies in this Plan make it clear that structures in the Coastal Marine Area (whether associated with aquaculture or otherwise) will not be permitted where they have the potential to compromise navigational safety.

**Cmd6.xx** There are currently no approved aquaculture operations within Nelson City’s Coastal Marine Area. However, the Southern Scallop Enhancement Programme, which is carried out under special empowering legislation and which covers most of Golden Bay and Tasman Bay, includes part of the Nelson Coastal Marine Area. A Marine Farming Study, undertaken by the Nelson Bays United Council in 1982, did not identify any sites suitable for marine farming within the area now covered by this Plan. Areas of open coastline (e.g. Port Nelson - Pepin Island, Delaware-Cape Soucis) were generally considered unsuitable for long line mussel farming on the basis of the potential for interference with navigation and the physical unsuitability of sites (i.e. the lack of sheltered water/high degree of exposure to wave action). More sheltered inter-tidal areas, within inlets or estuaries, were also considered unsuitable for traditional forms of rack culture (eg. oyster farming) because of the high tidal ranges (4m) in Nelson and consequent exposure times.

**Cmd6.xi** The Council urges people contemplating an aquaculture venture at a particular location within the Coastal Marine Area to undertake early consultation with Nelson-Marlborough Health Services’ Health Protection Unit, the Harbourmaster, the Department of Conservation, the Ministry of Fisheries, and user groups. Actual or potential conflicts with water quality, navigation routes, conservation values, fishing operations, and other uses should be identified and considered before a decision is taken to proceed with an application for a coastal permit under this Plan.

**Cmd6.xii** Aquaculture involves the private use of public open space. In the event of a coastal permit being granted for aquaculture (in terms of its constituent activities) Council may require a financial contribution to offset any loss of access or public amenity values.

## **CMd7 Roles of other agencies**

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**CMd7.i** The Maritime Transport Act 1993 gives Council the responsibility for Regional Oil Spill Planning and Response. The Maritime Safety Authority is responsible for these functions at a national level.

**CMd7.ii** The Foreshore and Seabed Endowment Revesting Act 1991 vests the majority of the Coastal Marine Area in the Crown. This ownership is administered by the Department of Conservation and must be taken into account in the consideration of resource consents.

## **objective**

### **CM1 life supporting capacity**

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*To maintain or enhance the life-supporting capacity of coastal ecosystems.*

#### **Reasons**

**CM1.i** Council is required, by the Resource Management Act 1991, to safeguard the life-supporting capacity of water and ecosystems. The objective also reflects the requirements of section 6 of the Act and is consistent with the New Zealand Coastal Policy Statement.

#### **policy**

##### **CM1.1 adverse effects on life supporting capacity**

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*Activities should avoid as far as practicable adverse effects on the life-supporting capacity of the Coastal Marine Area, including effects on one or more of:*

- a) the quality and quantity of habitats*
- b) the integrity of essential ecological processes*
- c) the viability of species populations, except where the species is unwanted aquatic life being eradicated subject to Section 97(1)(a)(iii) of the Fisheries Act 1996*
- d) the yield or quality of harvested populations and populations where the potential for harvest is clearly evident*
- e) spawning, nursery or feeding areas for marine life (including access by marine life to these areas) energy flows and nutrient cycling*
- f) shellfish gathering areas, and fishing areas*
- g) flora or fauna, including birdlife*
- h) water quality*
- i) movement of water (including tidal flushing of estuaries), sediment transport or the composition of natural substrates*

#### **Explanation and Reasons**

**CM1.1.i** The factors referred to are considered to be the key components of “life-support” because they relate to the productivity of marine ecosystems and their capacity to support animal and human life. A number of activities (eg. reclamation, drainage, discharge of toxic substances, disturbance of, or deposition of substances on, the foreshore or sea bed), can have significant adverse effects on the quantity and quality of habitats. (Policy 1.1.4 of the New Zealand Coastal Policy Statement is relevant.)

**CM1.1.ii** Essential ecological processes may be disrupted or adversely affected as a result of vegetation or habitat destruction, diversions, or polluting discharges.

**CM1.1.iii** Habitat modification or destruction can result in the decline of species to levels at which their long-term viability as a breeding population is threatened. In this regard, protection of the habitats of indigenous species is a matter of particular concern.

**CM1.1.iv** Some activities have the potential to reduce the maximum sustainable yield of harvested species, and others (such as discharges) have the potential to adversely affect the suitability of marine life for human consumption. Discharges, particularly the discharge of toxic contaminants, can adversely affect life-supporting capacity.

## **policy**

### **CM1.2 adverse effects of subdivision, use and development**

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*Adverse effects of subdivision, use or development in the coastal environment should, as far as practicable, be avoided. When complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying these effects, to the extent practicable.*

#### **Explanation and Reasons**

**CM1.2.i** The policy repeats Policy 3.2.2 of the New Zealand Coastal Policy Statement which provides a hierarchy whereby adverse effects should be avoided as far as practicable in the first instance, and where these effects cannot be avoided, they must be mitigated or remedied to the fullest practicable extent. This is a general policy which applies throughout Chapter 13.

## **policy**

### **CM1.3 habitats and biological productivity**

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*Activities that result in permanent loss of habitats or biological productivity shall be required to demonstrate all of the following:*

- a) a location in the Coastal Marine Area is an operational necessity*
- b) the proposal is the most appropriate way of providing for the activity having considered alternatives*
- c) the activity occupies the smallest possible area to achieve its purpose and, where appropriate, to mitigate adverse effects.*

#### **Explanation and Reasons**

**CM1.3i** Activities such as reclamation and drainage are particularly damaging to the life-supporting capacity of the Coastal Marine Area because they result in permanent loss of habitats and biological productivity. Most reclamations cover inter-tidal mudflat areas which are productive relative to subtidal areas.

**CM1.3.ii** It is recognised that further reclamations may be needed from time to time but, because of the history of reclamation and the importance of coastal margins for life-support and nature conservation, all future reclamations should require firm evidence of need, careful consideration of alternatives and full assessment of effects on natural values and physical processes.

**CM1.3.iii** The reference to mitigation of adverse effects in part (c) of this policy relates to the fact that it may sometimes (eg in the case of a reclamation) be appropriate to provide additional area, over and above that required to achieve the primary purpose, to achieve a mitigation objective eg provision of a reserve.

#### **Methods (policies CM1.1 and 1.2)**

**CM1.3.iv** Rules regulating activities with the potential to have significant adverse effects on the life-supporting capacity of the Coastal Marine Area.

**CM1.3.v** Assessing consent applications.

**policy**  
**CM1.4 hazardous substances - use and storage**

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*Activities within the Coastal Marine Area involving the use, storage, and transport, of hazardous substances should be managed or controlled, so as to minimise:*

- a) *the risk of a spill or leakage occurring, and*
- b) *the potential for adverse effects in the event of a spill or leakage*

**Explanation and Reasons**

**CM1.4.i** Spills or leakages of hazardous substances to the Coastal Marine Area have the potential for serious long term adverse effects on aquatic life.

**CM1.4.ii** Hazardous substances, including oil and petroleum products are transported to Nelson by ship (through the Coastal Marine Area), some are stored at Port Nelson pending transport via Rocks Road and Queen Elizabeth II Drive (in close proximity to the sea) to other destinations. It is a requirement of the Act that the risks associated with the storage, use or transportation of hazardous substances be minimised. Refer also to Chapter 5 of this Plan.

**Methods**

- CM1.4.iii** Regulations made under the Hazardous Substances and New Organisms Act.
- CM1.4.iv** Rules regulating the use and storage of hazardous substances, and
- CM1.4.v** Contingency planning measures set out in policy CM6.13 (spill contingency plans).
- CM1.4.vi** Assessing consent applications.

**policy**  
**CM1.5 hazardous substances - disposal**

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*Hazardous substances should not be disposed of in the Coastal Marine Area.*

**Explanation and Reasons**

**CM1.5.i** In the past, potentially hazardous substances have been disposed of at authorised landfills and at unauthorised sites within the Coastal Marine Area, sometimes in close proximity to the sea. Substances include harbour dredgings containing pollutants such as tri-butyl tin (TBT). The Council considers that, because of the potential for contamination of the Coastal Marine Area with toxic leachate, such activities should not be permitted.

**Methods**

- CM1.5.ii** Rules prohibiting the disposal of hazardous substances in the Coastal Marine Area.
- CM1.5.iii** Assessing consent applications.

**policy**  
**CM1.6 enhancement of life supporting capacity**

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*Opportunities to restore or enhance the life-supporting capacity of the Coastal Marine Area should be identified and, where practicable, acted upon.*

**Explanation and Reasons**

**CM1.6.i** The policy relates to policy 1.1.5 of the New Zealand Coastal Policy Statement. The Council recognises that, in many instances, it may not be practical or cost-effective to implement restoration projects.

**Methods**

- CM1.6.ii** Identifying opportunities to enhance the life-supporting capacity of the Coastal Marine Area.
- CM1.6.iii** Requiring appropriate financial contributions, including works and services from coastal permit holders.
- CM1.6.iv** Undertaking works, as appropriate.

- CM1.6.v Encouraging community participation in restoration projects.
- CM1.6.vi Assessing consent applications.

## objective

### CM2 natural character

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*The preservation of the natural character of the coastal environment, particularly at the land/sea interface, and including the maintenance of all values that contribute to natural character, and its protection from the adverse effects of use or development.*

#### Reasons

CM2.i The objective reflects the requirements of Section 6(a) of the Resource Management Act, and Chapter One of the New Zealand Coastal Policy Statement. The natural character of the coastal environment comprises a number of key elements, including coastal landforms; indigenous flora and fauna and their habitats; water quality; marine ecosystems; and landscape values. These elements are addressed separately elsewhere within this Plan, resulting in policies that serve to preserve different aspects of natural character.

#### policy

##### CM2.1 avoid adverse effects on natural character

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*Avoid the adverse effects of subdivision, use and development within those areas of the coastal environment which are predominantly in their natural state, and have natural character which has not been compromised.*

#### Explanation and Reasons

CM2.1.i This policy gives effect to Policy 1.1.1 of the New Zealand Coastal Policy.

#### Methods

- CM2.1.ii Rules governing activities within the Coastal Marine Area, and the consideration of consent applications.
- CM2.1.iii Identifying Marine Areas of Significant Conservation Value.
- CM2.1.iv The Council will work co-operatively with the Department of Conservation, Iwi, and other organisations to identify areas of significant value, and, where necessary, to determine the appropriate measures for their protection.

## objective

### CM3 vegetation, habitat, natural features

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*The protection of areas of significant indigenous vegetation, significant habitats of indigenous fauna and outstanding natural features within the Coastal Marine Area; and restoration and rehabilitation of degraded vegetation and habitats.*

#### Reasons

CM3.i The objective reflects the requirements of sections 6(a), 6(b) and 6(c) of the Resource Management Act and the national priority established by policy 1.1.5 of the New Zealand Coastal Policy Statement. The Council is aware, from various reports, that much can be done to restore or rehabilitate degraded coastal vegetation and habitats, but there are physical and financial constraints on this type of work.

**policy**  
**CM3.1 vegetation, fauna and landscapes**

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*Activities in the Coastal Marine Area should be located and designed in a way which has the least adverse effect and protects areas of significant indigenous vegetation, significant habitats of indigenous fauna, outstanding natural features and landscapes.*

**Explanation and Reasons**

**CM3.1.i** This general policy is necessary to give effect to sections 6(a) and 6(c) of the Act and to policy 1.1.2 of the New Zealand Coastal Policy Statement. Irrespective of the degree of modification that has taken place, all of the coast has some degree of natural character and the approach required by the Act is to protect the attributes which give an area its natural character from inappropriate use and development. It needs to be recognised that the need to protect natural values may limit development opportunities.

**Methods**

- CM3.1.ii** Rules governing activities within the Coastal Marine Area, and the consideration of consent applications.
- CM3.1.iii** Marine Areas of Significant Conservation Value have been established within which rules to protect areas of significant conservation value apply.

**policy**  
**CM3.2 marine areas of significant conservation value**

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*Priority shall be given to avoiding the adverse effects of activities on the conservation values of areas of significant conservation value.*

**Explanation and Reasons**

**CM3.2.i** The policy gives effect to policy 1.1.2 of the New Zealand Coastal Policy Statement. The areas and values are identified in a Department of Conservation report entitled Internationally and Nationally Important Coastal Areas from Waimea Inlet to Cape Soucis, Nelson, New Zealand: Recommendations for Protection. The areas were assessed for “significance” mainly on the basis of ecological criteria (the presence of threatened or rare species, forested coastal catchments, the level of human modification and vulnerability to further modification) and, to some extent, on geomorphic criteria. The areas identified by the Department of Conservation are restricted to areas below mean high water springs (due to limitations on the Minister of Conservation’s purview under the Act), but references were made in the report to values above mean high water springs. The Coastal Environment Overlay deals with areas above mean high water springs.

**CM3.2.ii** By concentrating on areas of national and international significance, the Department of Conservation has highlighted those areas which have particularly high or “significant” values and therefore fall within the ambit of policy 1.1.2(a) of the New Zealand Coastal Policy Statement which requires the avoidance of any actual or potential adverse effects of activities in these areas.

**Methods**

- CM3.2.iii** Mapping Marine Areas of Significant Conservation Value showing users of this Plan which areas have significant conservation value.
- CM3.2.iv** Provide, or advocate the provision of, signposts and interpretation facilities for areas of significant conservation value.
- CM3.2.v** Rules governing coastal activities and their effects.

- CM3.2.vi The Council will work co-operatively with the Department of Conservation, iwi and other organisations to determine the best means of jointly or individually implementing the management recommendations relating to areas of significant conservation value contained in the report referred to in CM3.2.i.
- CM3.2.vii The Council will undertake, or encourage the Department of Conservation or others to undertake, any further studies that are necessary to identify or clarify the conservation values associated in the Coastal Marine Area.
- CM3.2.viii Identifying areas for priority action (in consultation with Department of Conservation) and taking action where Council is owner.
- CM3.2.ix Encouraging Department of Conservation to take action where at risk areas are in Crown ownership.

## **policy**

### **CM3.3 riparian vegetation**

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*Riparian vegetation along the coastline, particularly around the margins of estuaries, should be protected and enhanced.*

#### **Explanation and Reasons**

CM3.3.i Riparian vegetation makes a significant contribution to the natural character of the Coastal Marine Area in terms of life support, nature conservation, visual amenity and water quality values. Marginal vegetation, including saltmarsh vegetation in the upper reaches of estuaries, provides important habitat for birdlife, a source of primary production for estuarine food chains and can assist with water quality maintenance by filtering out contaminants in run-off from the land. Enhancement programmes involving re-vegetation will give preference to indigenous species.

#### **Methods**

- CM3.3.ii Rules regulating activities.
- CM3.3.iii Rules setting aside esplanade reserves and strips.
- CM3.3.iv Education, land clearance controls, fire controls, fencing and the establishment of reserves.
- CM3.3.v Discourage activities which have detrimental effects on riparian vegetation, including vehicle use and grazing of the land/water interface.
- CM3.3.vi Encourage landowners, including Department of Conservation, to fence off areas of significant indigenous vegetation and the Council will consider providing assistance.
- CM3.3.vii Seek to prevent pest damage to significant natural areas or values within the coastal environment under the Regional Pest Management Strategy.

## **policy**

### **CM3.4 marine protected areas**

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*The possibility of establishing a network of marine protected areas should be researched, and the public consulted, and where appropriate established within the Coastal Marine Area.*

#### **Explanation and Reasons**

CM3.4.i Marine protected areas is a generic term for marine areas that are protected under various pieces of legislation, in particular the Marine Reserves Act 1977, the Fisheries Act 1996, the Maori Fisheries Act 1989 and the Treaty of Waitangi (Treaty Claims) Act 1992. They include both fully protected areas where all marine life is totally protected and partially protected areas where limited forms of recreational or commercial fishing may take place. Council is generally supportive of the idea of establishing a network of marine protected areas within Tasman Bay because such action is potentially an important way of promoting the sustainable management of coastal resources (eg. by providing “safe havens” for the replenishment/dispersal of marine life) and implementing the protection-orientated policies of the New Zealand Coastal Policy Statement, eg NZCPS policy 1.1.2(c).

The issue of establishing a network of marine protected areas is best considered in a Tasman Bay context and, in that regard, is a cross-boundary issue between Nelson City Council and Tasman and Marlborough District Councils.

#### **Method**

- CM3.4.ii** Council will investigate, with the Department of Conservation, Tasman District Council, fishing interests, iwi and other interested parties, the possibility of establishing within Tasman Bay:
- a) a representative system of fully protected marine reserves
  - b) other appropriate marine protected areas

#### **policy**

### **CM3.5 vegetation and habitat rehabilitation**

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*Opportunities to restore and rehabilitate vegetation and habitat values within the Coastal Marine Area should be identified and actioned where appropriate.*

#### **Explanation and Reasons**

**CM3.5.i** The policy reflects a national priority (see policy 1.1.5 of the New Zealand Coastal Policy Statement). There are many areas of Nelson's Coastal Marine Area which have been substantially modified by development (eg. the eastern margins of Waimea Inlet and the margins of Nelson Haven). Opportunities to restore or rehabilitate degraded areas may arise during the preparation of plans and the consideration of resource consent applications.

#### **Methods**

- CM3.5.ii** Conditions on resource consents, requiring remediation, mitigation and financial contributions.
- CM3.5.iii** Grant money to projects to restore the natural character of parts of the coastal environment.
- CM3.5.iv** Support appropriate community-based initiatives to restore or rehabilitate areas of the coastal environment.

## **objective**

### **CM4 amenity values**

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*The maintenance and enhancement of amenity values within the Coastal Marine Area.*

#### **Reasons**

**CM4.i** The Act requires Council to have particular regard to the maintenance and enhancement of amenity values and to the quality of the environment. The objective is linked to the "lifestyle" aspirations of many Nelsonians and to tourism development. This objective is reinforced by the provisions of the New Zealand Coastal Policy Statement.

#### **policy**

### **CM4.1 activities affecting amenities**

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*Activities within the Coastal Marine Area should avoid significant adverse effects on amenity values and public safety.*

#### **Explanation and Reasons**

**CM4.1.i** The significance of effects will necessarily be determined on a proposal-by-proposal basis. Activities likely to have a significant adverse effect on the amenity values of these areas, or on public safety, will not be permitted. The RMA now requires that with any rule relating to the CMA in the Plan, where there is potential to adversely impact on the foreshore and seabed, a matter of assessment criteria should now include potential impact on historic heritage (refer Chapter 2 Meanings of Words for definition of 'historic heritage').

**CM4.1.ii** Certain types of structures and activities involving the disturbance of, or deposition of, substances on the foreshore or seabed fall into this category. Some structures can improve amenity values. The erection and operation of structures within the coastal environment have the potential for a range of adverse effects on amenity values, depending on their location, size and design. Coastal structures below, or straddling, mean high water springs include moorings, jetties, bridges, wharves, launching ramps, slipways, pipelines, cables, culverts, navigation aids, transmission lines, shoreline protection works (seawalls, groynes, and breakwaters).

**CM4.1.iii** Generally structures should be located so that they do not obstruct important views to or from the Coastal Marine Area, and they should be located and designed in a manner which achieves a degree of visual harmony with the surrounding landscape. The latter will involve careful attention to form and colour in some locations.

## **policy**

### **CM4.2 adverse effects**

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*Adverse effects of subdivision, use or development in the coastal environment should as far as practicable be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects to the extent practicable.*

#### **Explanation and Reasons**

**CM4.2.i** This policy relates to policy 3.2.2 of the New Zealand Coastal Policy Statement. Council accepts that within the coastal environment the New Zealand Coastal Policy Statement establishes a hierarchy of avoid, or if avoidance is not possible then remedy and mitigate adverse effects.

#### **Methods**

**CM4.2.ii** Placing conditions on resource consents requiring mitigation and remedy of adverse effects.

**CM4.2.iii** Development of property plans to facilitate integration of development and conservation.

## **policy**

### **CM4.3 redundant structures**

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*Structures should be removed from the Coastal Marine Area or demolished at the expiry of their authorisation or at the end of their useful lives, provided that none of the following apply:*

- a) removal of the structure would cause greater adverse effects on the environment than leaving the structure in place, including effects on the life-supporting capacity of the Area*
- b) the structure will have no more than minor adverse effects on the environment or on public access or use of the Area if left in place*
- c) the structure has significant heritage value*
- d) a new authorisation has been granted, or applied for but not yet determined*

#### **Explanation and Reasons**

**CM4.3.i** The policy gives effect to policy 4.1.3 of the New Zealand Coastal Policy Statement. Disused or derelict structures can be visually obtrusive and may not permit efficient use of public space. It is the responsibility of the owners of obsolete structures to remove them if practical and desirable.

**policy**  
**CM4.4 undesirable structures**

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*Existing structures that significantly detract from the visual amenity of the coast, impede public access, or pose a significant risk to safe boat navigation or to public safety, should be upgraded or removed. When assessing structures, the Council will have regard to:*

- a) the potential adverse effects if no action is taken, and*
- b) the cost of remedial action, and*
- c) the practicability of any proposed action, and*
- d) the likely positive and adverse effects on the environment.*

**Explanation and Reasons**

**CM4.4.i** The use of public space is a privilege. Structures should be adequately maintained. In deciding whether or not to take action (at the time of consent renewal or review, or if the structure is abandoned), Council will take into account a range of factors as set out in the policy.

**Methods**

- CM4.4.ii** (Policies CM4.1-3.3) - rules governing activities within the Coastal Marine Area, decisions on consent applications, and the conditions attached to consents.
- CM4.4.iii** (Policy CM4.3) - include the use of the Act's enforcement provisions, variations to consent conditions, or the provision of works or services.
- CM4.4.iv** All policies - opportunities to enhance amenity values and to protect heritage sites, within the coastal environment, should be identified and action taken where appropriate.

**policy**  
**CM4.5 navigation**

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*Activities within the Coastal Marine Area should:*

- a) permit the unrestricted safe navigation of vessels to and from recognised launching, mooring or berthing areas, and*
- b) not adversely affect the functioning of navigation aids, and*
- c) allow people to have safe access to and along the Coastal Marine Area, and*
- d) allow people to make use of the foreshore and coastal waters for contact recreation, and*
- e) avoid emissions of light that could affect the safe navigation of vessels, and*
- f) provide for appropriate notice to be made when the navigability of an area changes as a result of that use or development.*

**Explanation and Reasons**

**CM4.5.i** Activities within the Coastal Marine Area, including surface water activities and the placement of structures, have the potential to adversely affect the safety of users of the Coastal Marine Area. The Resource Management Act is concerned only with residual safety and navigation issues through part of its purpose "enabling people to provide for ... their health and safety." Safety is more directly the subject of the Harbours Act 1950, the Building Act 1991 and the Maritime Transport Act 1993. While the Resource Management Act permits the Council to control activities in relation to the surface of the water, that control is to achieve the purpose of the Act. The Harbours Act 1950 provides explicitly for control over navigation and safety.

**CM4.5.ii** The policy promotes integrated management of navigational safety. The Maritime Safety Authority administers the Harbours Act 1950 and the Maritime Transport Act 1993, which provide for navigational safety. Both the Maritime Safety Authority and the Royal New Zealand Navy need to be aware of structures, dredging, reclamation etc. which can change the navigability of an area of coastal water.

#### Methods

- CM4.5.iii Rules controlling boat speed, navigation channels, the location of navigation aids and the location of boating activities to protect health and safety.
- CM4.5.iv Assessment of consent applications and the conditions attached to coastal permits.
- CM4.5.v By-laws under the Harbours Act 1950 or replacement legislation.
- CM4.5.vi Notify the Maritime Safety Authority and the Hydrographic Office of the Royal New Zealand Navy of new structures and harbour works, authorised by coastal permits.
- CM4.5.vii Opportunities to enhance amenity values and to actively protect heritage sites, within the coastal environment, should be identified and action taken where appropriate.

#### policy

#### CM4.6 noise

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*Activities should not produce unreasonable noise or noise sufficient to have a significant adverse effect on amenity values, human health, animals or wildlife.*

#### Explanation and Reasons

CM4.6.i Unreasonable noise in the coastal environment may be generated by construction works, operations on port wharves, or noisy recreational vessels, such as powerboats and jet skis. Excessive noise is out of character with the coastal environment and with the maintenance and enhancement of amenity values. The policy recognises that noise can spoil people's appreciation of the natural character and aesthetics of the coastal environment and, in the extreme, may be harmful to human health or disturb livestock or wildlife. See also section DO12 (Port Industrial Area) which addresses separately the issue of port noise.

#### Methods

- CM4.6.ii Rules controlling noise levels or conditions on coastal permits that require general standards to be met.
- CM4.6.iii Opportunities to enhance amenity values and to actively protect heritage sites, within the coastal environment, should be identified and action taken where appropriate.

## objective

### CM5 coastal processes

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*A Coastal Marine Area where natural coastal processes are not adversely affected by activities on the foreshore or seabed.*

#### Reasons

CM5.i Activities on the foreshore or seabed can alter the natural coastal processes acting on the area. This may adversely affect flow regimes, tidal hydraulics, and flushing capabilities. Erosion and sedimentation can be increased if the overall sediment equilibrium is altered. The intrinsic values of ecosystems can also be adversely affected.

**policy**  
**CM5.1 precautionary approach**

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*Adopt a precautionary approach towards proposed activities, particularly those where the effects of coastal processes on activities, or the effects of the activities themselves, are as yet unknown or little understood.*

**Explanation and Reasons**

CM5.1.i The policy relates to Policy 3.3.1 of the New Zealand Coastal Policy Statement which notes “because there is a relative lack of understanding about coastal processes and the effects of activities on coastal processes, a precautionary approach should be adopted towards proposed activities, particularly those whose effects are as yet unknown or little understood.” Coastal processes include physical, biological, and chemical processes, and the interactions between them.

**policy**  
**CM5.2 foreshore and seabed activities**

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*Activities on the foreshore or seabed should avoid, remedy, or mitigate adverse effects on natural coastal processes.*

**Explanation and Reasons**

CM5.2.i The significance of effects will necessarily be determined on a proposal-by-proposal basis. Activities likely to have a significant adverse effect on coastal processes will not be permitted.

**Methods**

- CM5.2.ii Rules regulating activities on foreshore and seabed.  
The consideration of adverse effects must include consideration of cumulative effects, taking into account both the effects or existing development, and the likely extent to which any new subdivision, use, or development will exacerbate such effects.
- CM5.2.iii Conditions on resource consents, requiring remediation, mitigation and financial contributions.
- CM5.2.iv Support appropriate community-based initiatives to restore or rehabilitate areas of the coastal environment.

**policy**  
**CM5.3 deposition of substances**

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*The deposition of substances on the foreshore or seabed should not adversely affect the form, texture or natural processes of the foreshore. (In this respect, regard should be had for the desirability of a deposited substance being of the same size, sorting and parent material as the receiving sediments.)*

**Explanation and Reasons**

CM5.3.i The policy is considered necessary to ensure that the controlled placement of substances (eg. for the purposes of erosion control or beach replenishment) does not affect coastal processes or result in the loss of amenity values on public beaches or other foreshore areas. (This policy also contributes to the attainment of the Objective on amenity values.)

**Methods**

- CM5.3.ii Rules regulating deposition of substances on foreshore and seabed.
- CM5.3.iii Conditions on resource consents, requiring remediation, mitigation and financial contributions.
- CM5.3.iv Support appropriate community-based initiatives to restore or rehabilitate areas of the coastal environment.

**policy**  
**CM5.4 structures**

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*Structures within the Coastal Marine Area should not impede natural coastal processes. If effects on natural coastal processes cannot be avoided, structures should be designed and constructed in a way that mitigates or remedies such effects.*

**Explanation and Reasons**

**CM5.4.i** Structures can cause changes to natural coastal processes and can result in adverse effects remote from the site. Structures that impede coastal water flows, or impound coastal water or exclude coastal water from places that it would naturally flow to and from may have adverse effects both on rates of erosion and sedimentation, and on the intrinsic values of ecosystems.

**Methods**

**CM5.4.ii** Rules regulating structures.

**CM5.4.iii** Conditions on resource consents, requiring remediation, mitigation and financial contributions.

**CM5.4.iv** Remove redundant structures that adversely affect coastal processes.

**CM5.4.v** Support appropriate community-based initiatives to restore or rehabilitate areas of the coastal environment.

## **objective**

### **CM6 coastal water quality**

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*Maintenance and enhancement of the quality of Nelson's coastal water.*

**Reasons**

**CM6.i** Maintenance of the life-supporting capacity of coastal waters is fundamental to achieving the purpose of the Act. Coastal waters are valued by the community for a wide range of water quality-dependent purposes, including fisheries maintenance, water contact sports, recreational boating, passive recreational enjoyment and cultural or spiritual values.

**policy**

**CM6.1 marine water quality standards**

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*Coastal marine water quality standards should be maintained or enhanced to reflect community aspirations and tangata whenua values for:*

- a) management for fisheries, fish spawning, aquatic ecosystem, and aesthetic purposes over the whole Coastal Marine Area, and*
- b) contact recreation, shell fish gathering, or cultural purposes, in specified parts of the Coastal Marine Area.*

**Explanation and Reasons**

**CM6.1.i** Coastal water is a “common property” resource. There should consequently be a high degree of community input into deciding the purpose for which water should be managed and the marine water quality standards which should be applied.

**CM6.1.ii** The Council has a responsibility to recognise and provide for the relationship of Maori and their culture with water and other taonga. The quality of water can affect spiritual values and the availability and quality of seafood in traditional food gathering areas. Maori are generally not in favour of discharges to water (particularly those containing human waste), and in this regard the maintenance of the “natural” water quality and the restoration of the mauri (life force) of degraded waters are important issues for Maori.

## **policy**

### **CM6.2 marine water quality standards**

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*Coastal marine water quality standards shall be managed for the purposes set out in the following water quality classes and associated standards:*

- a) *Fisheries, fish spawning, aquatic ecosystem, and aesthetic purposes, Class: FEA, Area of application: to the entire Coastal Marine Area; or*
- b) *Contact recreation purposes, Class: CR, Area of application: generally 200 metres seaward of mean high water springs within the areas identified as "Contact Recreation Overlay" on Planning Map A1; or*
- c) *Shell fish gathering purposes, Class: SG, Area of application: the area identified as "Shell Fish Gathering Overlay" on Planning Map A1, which encloses a zone extending from the 10m-40m depth contour in Tasman Bay; or*
- d) *Cultural purposes, Class: C, Area of application: Delaware Inlet (refer Planning Map A1, 'Cultural Overlay').*

#### **Explanation and Reasons**

**CM6.2.i** The standards applying to each class are set out in the Coastal Marine water quality standards Schedule below (before the Rules). These classifications are adopted instead of the classification contained in the Resource Management Act, Third Schedule, which are, in the Council's opinion, inadequate or inappropriate for Nelson. The Council commissioned an independent report on Water Classification Options for the Nelson and Tasman Coastal Marine Areas (Roberts, Forrest, Crutchley 1994) and the provisions of this Plan are based on the recommendations in that Report.

**CM6.2.ii** Classification of coastal waters is desirable because it specifies a desired outcome, provides a framework for determining discharge applications and consent conditions, the public has greater assurance that coastal waters are being managed in accordance with agreed objectives, and the discharger has some prior knowledge and certainty as to whether a particular proposal is likely to be environmentally acceptable.

**CM6.2.iii** The FEA class (management for fisheries, fish spawning, aquatic ecosystem, and aesthetic purposes) combines all of the standards from the RMA classes AE, F, FS and A (these overlap significantly). The mobility of fish and the requirements of the Act relating to protection of ecosystem and amenity values, justify applying the standards across the entire Coastal Marine Area. Some relatively minor adjustments have been made to the RMA standards to provide a more appropriate degree of protection for the stipulated values.

**CM6.2.iv** The CR class (management for contact recreation) incorporates the RMA narrative standards and includes a numerical standard based on Department of Health guidelines for marine recreational waters. The CR class has been applied to all areas which are valued for contact recreation, including Tahunanui Main Beach (bathing, board sailing) the Port area adjacent to The Cut (a variety of activities), the Haven at Atawhai (board sailing), Tahunanui Back Beach (swimming), Cable Bay (swimming, diving), Monaco (swimming, water skiing) and The Glen Beach (bathing, surfing (in the case of this area the seaward extent is the 10 m depth contour)).

**CM6.2.v** The SG class (management for the gathering or cultivation of shellfish for human consumption) incorporates temperature and dissolved oxygen standards but these are covered by the pervasive FEA standard. The RMA narrative standard relating to contaminants is incorporated as an additional (numerical) standard for the faecal coliform content of shellfish gathering water, based on Ministry of Health Guidelines. The SG class has, at this stage, only been applied to the "conditionally approved" shellfish harvesting area described in the shellfish sanitation programme (Cameron and Caradus 1993). The Council is aware that some people gather shellfish within estuaries and other inter tidal areas in the district and that there is a general expectation that such areas should be available for shellfish gathering without risk to public health.

However, there is a paucity of information on the distribution of valued shellfish gathering areas and the risks associated with gathering shellfish from those areas. Council has received advice that it is likely that most estuaries and nearshore waters would frequently breach Ministry of Health guidelines for shellfish gathering waters and/or shellfish flesh (see Roberts et al 1992). Classifying nearshore waters SG in areas such as the Nelson Haven and Waimea Inlet could create the false impression that it is “safe” to gather shellfish in those areas. Council considers that, until further information is available, the prudent course of action is to confine the SG classification to areas certified or “conditionally approved” as being suitable for shellfish gathering.

**CM6.2.vi** The C class (management for cultural purposes) adopts the sole RMA criterion for this class, and specifies relevant cultural or spiritual values. It also incorporates SG standards relating to the suitability of shellfish for human consumption. The classification has been applied to only one area, Delaware Inlet on the grounds that this is an area that has been identified by tangata whenua as being highly valued for spiritual and traditional food gathering reasons. Further, Delaware Inlet drains a relatively unmodified catchment and the available evidence would suggest that full compliance with shellfish gathering standards is a realistic target.

## **policy**

### **CM6.3 discharges (general)**

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*Discharges to coastal water should not, after reasonable mixing, result in a breach of classification standards or a reduction in water quality and the discharge should not (either by itself or in combination with other discharges) give rise to any significant adverse effects on habitats, feeding grounds or ecosystems.*

#### **Explanation and Reasons**

**CM6.3.i** Contaminants include any substance which when discharged into water changes, or is likely to change, the physical, chemical or biological condition of the water. Classification standards or a reduction in water quality provide a “baseline” below which water quality should not be degraded other than as a result of natural perturbations (eg. stormwater runoff). The second part of the policy reflects the requirements of policy 5.1.3 of the New Zealand Coastal Policy Statement.

## **policy**

### **CM6.4 mixing zones**

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*In considering what constitutes a “reasonable mixing zone”, in any particular situation, account will be taken of:*

- a) the purposes for which the water is managed, and*
- b) the sensitivity of the receiving environment (i.e. available dilution and dispersal and the proximity of areas valued for ecological, recreational, cultural, shellfish gathering or commercial fishing reasons), and*
- c) the nature of the discharge including contaminant type, concentration and volume, and*
- d) the location and design of the proposed outfall and the potential for improving the same, and*
- e) the proposed method of treatment and the potential for improving that method, and*
- f) the need to confine any significant adverse effects to the mixing zone, and*
- g) the desirability of keeping the size of the mixing zone as small as possible, and of keeping it away from the inter tidal area.*

#### **Explanation and Reasons**

**CM6.4.i** The policy provides an indication of the parameters which the Council considers should govern the determination of an appropriate mixing zone and hence provides some guidance to prospective applicants for a coastal discharge permit.

**policy**  
**CM6.5 assessment criteria**

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*When considering new proposals or applications to discharge contaminants directly to water, or reviewing existing discharges, matters to be taken into account include:*

- a) the water quality classification for the receiving environment, and*
- b) the total contaminant load (composition/concentration/flow rate) of the discharge, and*
- c) the presence or absence of toxic constituents, and the potential for bio-accumulative or synergistic effects, and*
- d) the assimilative capacity (including available dilution and dispersal) of the water and the existing water quality, and*
- e) actual or potential uses of the water body and the degree to which the needs of other water users are, or may be, compromised, and*
- f) scenic, aesthetic, amenity, recreational and commercial fisheries values, and*
- g) the cultural and spiritual values of tangata whenua, and*
- h) the actual or potential risk to human health from the discharge.*

**Explanation and Reasons**

**CM6.5.i** The policy sets out the matters or values which the Council considers to be most relevant to determination of a coastal discharge permit application. This policy should be taken into account by applicants when preparing environmental effects assessments.

**policy**  
**CM6.6 untreated sewage discharges**

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*Untreated human sewage should not be discharged to coastal waters, unless the discharge is:*

- a) of a temporary nature, and the effects are minor, or*
- b) associated with necessary maintenance work*  
*and then only if:*
- c) there has been consultation with tangata whenua in accordance with tikanga Maori, and*
- d) there has been consultation with the community generally*
- e) it better meets the purpose of the Act than disposal on to land*

**Explanation and Reasons**

**CM6.6.i** Human wastes and greywater, normally discharged together as “sewage”, contain many contaminants, including disease-causing organisms (pathogens), organic matter, nutrients, oil and grease, cleaning chemicals and detergents, most of which are biodegradable. Untreated sewage is sewage that has received no treatment or primary treatment (i.e. physical or chemical treatment) only. It contains high numbers of micro-organisms (including pathogens) which may increase public health risks from both contact recreation and seafood harvesting. The direct discharge of untreated sewage to water is culturally and socially offensive.

**CM6.6.ii** It may on occasions be necessary to permit the discharge of untreated sewage to coastal water from sewage pipes when planned maintenance or upgrading work needs to be carried out. It is not practical to stop generating sewage. If realistic engineering alternatives are not available for diversion elsewhere, a discharge may be the only reasonable option. Refer to section 107(2) Resource Management Act.

**policy**  
**CM6.7 treated sewage discharges**

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*The discharge of treated human sewage directly into coastal water, without passing through land, should only be permitted where:*

- a) *it better meets the purpose of the Act than disposal onto land, and*
- b) *there has been consultation with tangata whenua in accordance with tikanga Maori, and*
- c) *there has been consultation with the community generally, and*
- d) *marine water quality standards are not breached as a result of the discharge, and*
- e) *the method of treatment prior to discharge adopts the best practicable option.*

**Explanation and Reasons**

**CM6.7.i** Treated sewage is sewage that has passed through at least a secondary (i.e. biological) treatment process. The policy reflects the requirements of policy 5.1.2 of the New Zealand Coastal Policy Statement. The maintenance of water quality classification standards provides a safeguard against water quality degradation or conflict with other uses of the receiving water.

**policy**  
**CM6.8 stormwater discharges**

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*The level of contaminants in stormwater discharges to the Coastal Marine Area should be minimised using the best practicable option.*

**Explanation and Reasons**

**CM6.8.i** Stormwater is generated by runoff from land or hard surfaces. In urban areas of Nelson City, stormwater is piped through stormwater drains to receiving waters such as channels, streams, rivers or coastal margins. Urban stormwater typically contains a wide variety of contaminants with the potential to adversely affect aquatic life, amenity or cultural values - including oil and other hydrocarbons, heavy metals, sediment, microbes (pathogens) and nutrients. Stormwater may be contaminated by unauthorised discharges of water directly into stormwater pipes or channels, either accidental or deliberate. In residential areas, stormwater drains frequently receive soapy water from washing cars, residues from cleaning paint brushes and oil spilt during oil changes. Process wastes or industrial chemicals may be illegally discharged into stormwater drains servicing industrial or trade premises.

**CM6.8.ii** In Nelson, the extent and effects of stormwater discharges to the coastal environment are unknown but it is likely, on the basis of experience elsewhere, that the “first flush” of stormwater discharged from urban areas after a rainstorm will contain large quantities of contaminants. The effects of such discharges are likely to be most significant where the receiving waters are semi-enclosed eg. Nelson Haven. Some industrial and trade premises discharge stormwater runoff directly to the Coastal Marine Area or to water bodies above the mean high water mark which drain into the Coastal Marine Area.

**CM6.8.iii** The policy states an aspiration that the best practicable option be used to minimise the level of contaminants in stormwater discharges. It enables Council to consider proposed treatment methods and the available options, having regard to the matters referred to in the definition of ‘best practicable option’ contained in Section 2 of the Resource Management Act 1991.

## **policy**

### **CM6.9 discharges from vessels**

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*The adverse effects of discharges from vessels should be avoided, remedied or mitigated.*

#### **Explanation and Reasons**

**CM6.9.i** The majority of vessels operating within the Coastal Marine Area are small to medium-sized boats used either commercially or privately for fishing or recreation. Port Nelson receives about 560 ships annually, approximately 80% of which operate in overseas as well as New Zealand waters. Ships waiting to berth occupy an area which extends across the Nelson City/Tasman District regional boundary. Discharges from vessels operating within the Coastal Marine Area may be grouped into three categories, namely those arising from:

- a) The “normal operations” of vessels (including discharges of sewage, bilge water, cooling water, ballast water and biodegradable refuse)
- b) The disposal or dumping of dredgings
- c) The maintenance of vessels, including discharges of toxic, anti-foulant, (hull scraping, and application) and waste scraping

**CM6.9.ii** Such discharges, individually or collectively, have the potential to adversely affect marine communities, fisheries resources or cultural or amenity values.

**CM6.9.iii** There are obvious practical problems associated with the monitoring of discharges from mobile vessels.

**CM6.9.iv** The Resource Management (Marine Pollution) Regulations 1998 contain most of the specific rules relating to discharges from vessels. Council is responsible for enforcing the Regulations within the Nelson Coastal Marine Area.

## **policy**

### **CM6.10 boat servicing**

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*Ports, boat servicing sites and marinas should possess adequate toilet and rubbish disposal facilities and facilities to accept sewage and other contaminants from vessels for disposal by approved means.*

#### **Explanation and Reasons**

**CM6.10.i** Large ships (both New Zealand and foreign) typically have sewage holding tanks. Most have treatment facilities in the form of chlorination and most commercial vessels discharge outside of inner coastal waters. There is potential for a problem to arise when ships are berthed in port for extended periods and, in this regard, it is essential that adequate provision be made for the pump-out and disposal of sewage. Under this Plan, the discharge of sewage to the Coastal Marine Area from vessels, whilst berthed at the Port or in a marina is not permitted. Some smaller pleasure craft possess sewage holding tanks. The policy reflects policies 5.2.1 and 5.2.2 of the New Zealand Coastal Policy Statement.

## **policy**

### **CM6.11 ballast water**

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*The discharge of ballast water to coastal water should be managed in a way which avoids or minimises the risk of introducing harmful organisms or substances.*

#### **Explanation and Reasons**

**CM6.11.i** Council is concerned about the potential adverse effects of the introduction of new organisms through the discharge of ballast water. The Resource Management Amendment Act 1994, allows the discharge of ballast water from foreign vessels to be controlled under the RMA by way of central government regulation. National control over ballast water discharges is appropriate because impacts go beyond regional boundaries and individual ship inspections by experienced staff are necessary. The Ministry of Agriculture is the lead government agency for the control of ballast water discharges and it is intended that control be exercised by way of the border control provisions of the Biosecurity Act.

**CM6.11.ii** The discharge of contaminants or harmful substances or water to water within the Coastal Marine Area is controlled or authorised by way of the Resource Management (Marine Pollution) Regulations 1998 promulgated by central government in accordance with MARPOL (the principal international convention governing the discharge of oil, noxious substances, packaged harmful substances, sewage and garbage from ships). The Council's role with respect to the discharge of contaminants or harmful substances or water to water from vessels within the Coastal Marine Area, including discharges from foreign ships, is restricted to the enforcement of these regulations.

**policy**  
**CM6.12 ship yards**

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*All vessel construction and maintenance sites should possess adequate and convenient facilities for the containment, collection, and treatment or disposal, of wastes or contaminants arising from the maintenance or repair of vessels.*

**Explanation and Reasons**

**CM6.12.i** Boat construction, maintenance and repair can result in toxic antifouling paint, heavy metals and other contaminants entering the Coastal Marine Area by way of drainage from hardstand areas. The Resource Management Act does not countenance the discharge of contaminants with the potential to have significant adverse effects on aquatic life.

**policy**  
**CM6.13 spill contingency plans**

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*Contingency plans and response procedures should be developed and other measures adopted to reduce the risks, and possible effects, of any spillage or emergency discharge of environmentally damaging substances to the Coastal Marine Area.*

**Explanation and Reasons**

**CM6.13.i** Contingency planning is a management tool for dealing with unplanned events or emergencies which may lead to an unauthorised discharge. For example, the discharge of petroleum from a ruptured storage tank, sewage from a broken pipe, oil from a damaged vessel or pipeline or the spillage of chemicals at an industrial site. Such discharges can have serious adverse effects on water quality, biota and amenity values.

**policy**  
**CM6.14 public warnings - water quality degradation**

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*The public should receive adequate warning in the event of water quality being degraded to a level sufficient to pose a significant threat to public safety or health.*

**Explanation and Reasons**

**CM6.14.i** Self explanatory.

**Methods (policies CM6.1 - CM6.14)**

**CM6.14.ii** Policy CM6.1 is implemented by way of the planning process which makes provision for consultation, submission, objection and appeal.

**CM6.14.iii** Policy CM6.2 will be implemented by way of rules controlling point and non-point discharges.

**CM6.14.iv** Water classifications applying to the Coastal Marine Area shall be reviewed within five years of this Plan becoming operative (policy CM6.2).

**CM6.14.v** The Council will implement policies CM6.3, CM6.4, and CM6.5 by way of rules controlling discharges, and assessment of consent applications.

- CM6.14.vi Except where provided for in this Plan as permitted activities, the Council will treat all existing discharges to the Coastal Marine Area that do not have a resource consent as discretionary or controlled activities requiring an application for a permit within one year of the date of this plan becoming operative (policy CM6.3).
- CM6.14.vii Within six months of this Plan becoming operative, the Council will review all permits to discharge contaminants into water in the coastal environment and, where the marine water quality standards are not being met, the conditions of the permit will be reviewed in accordance with sections 128-132 of the Act (policy CM6.3).
- CM6.14.viii Policies CM6.6 and CM6.7 will be implemented by way of the rules in this Chapter, and the resource consent process.
- CM6.14.ix The Council will, through the resource consent process, ensure that all new residential or commercial developments within the coastal environment make adequate provision for sewage disposal (policy CM6.7).
- CM6.14.x The Council will encourage all proponents of coastal developments to undertake a thorough evaluation of options for land-based disposal of sewage and to consult with tangata whenua and community before submitting resource consent applications (policy CM6.7).
- CM6.14.xi Rules controlling stormwater discharges by reference to their effects on the quality of receiving waters within the coastal environment (policy CM6.8).
- CM6.14.xii The Council will investigate the nature, extent and sources of contamination of stormwater discharges to the Coastal Marine Area and consider possible means of reducing contaminant levels (policy CM6.8).
- CM6.14.xiii The Council will initiate an education programme to promote awareness of the adverse effects of disposing of contaminants into stormwater drains and of the available alternatives for the disposal of liquid wastes (policy CM6.8).
- CM6.14.xiv Rules in appropriate zones aimed at minimising the runoff of sediment and other suspended substances from subdivision and other activities involving disturbance of the land, to the coastal environment (policy CM6.8).
- CM6.14.xv The Council will continue to administer and enforce the rules of this plan governing the discharge of contaminants from New Zealand vessels until such time as regulations made under the Resource Management Amendment Act 1994 come into effect (policy CM6.9).
- CM6.14.xvi The Council will continue to administer the rules of this Plan relating to the dumping or incineration of waste or other matter in the Coastal Marine Area until such time as they are amended or replaced by central government regulation (policy CM6.9).
- CM6.14.xvii The Council will provide input to the development of central government regulations governing the discharge of contaminants or the dumping of wastes from vessels (policy CM6.9 and CM6.10).
- CM6.14.xviii The Council will ensure that future development of the Nelson Marina includes adequate rubbish disposal and sewage disposal facilities (policy CM6.10).
- CM6.14.xix The Council will advocate to central government that there be a mandatory requirement for sewage holding tanks or treatment systems for all vessels (policy CM6.10).
- CM6.14.xx The Council will provide information for ship and small craft operators relating to the policies and rules of this Plan governing the disposal of sewage and rubbish from vessels (policy CM6.9).
- CM6.14.xxi The Council will advocate to Government the need for a national system of controlling ballast water discharges (policy CM6.11).
- CM6.14.xxii Rules will require the owners and operators of vessel construction and maintenance facilities to take appropriate steps to contain, collect and dispose of contaminated runoff from hardstand areas. The discharge of runoff from these areas to the Coastal Marine Area will not be permitted (policy CM6.12).

- CM6.14.xxiii** The Council will encourage, and may require through the resource consent process, the owners of facilities for storing or transporting potentially hazardous materials to prepare a contingency response plan for dealing with unauthorised discharges and spills (policy CM6.13).
- CM6.14.xxiv** Rules in this Plan relating to the storage of oil, petroleum, petroleum products, or other hazardous materials require site owners to provide for the containment of such materials in the event of an accident, spill or emergency discharge (policy CM6.13).
- CM6.14.xxv** The Council will prepare and implement a joint Nelson/Tasman Regional Marine Oil Spill Contingency Plan, maintain and deploy oil spill response equipment, and appoint an On-Scene-Commander, consistent with its responsibilities under the Marine Transport Act 1994. The Oil Spill Contingency Plan will have regard to the contents of this Plan as well as the Nelson-Marlborough Conservation Management Strategy and relevant management plans (policy CM6.13).
- CM6.14.xxvi** The Council will ensure that where water quality in the coastal environment has been degraded to the extent that it is unsafe for swimming, shell fish gathering or other activities, the public will be notified by appropriate means (policy CM6.14).

## objective

### CM7 public access

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*The maintenance and enhancement of public access to and along the Coastal Marine Area.*

#### Reasons

**CM7.i** This is a matter of national importance, see section 6(d) of Resource Management Act. The objective recognises that public access is not always appropriate. See policy CM7.1, below, and DO12 (The Port of Nelson)

#### policy

##### **CM7.1 access**

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*Public access to and along the Coastal Marine Area should be maintained and enhanced, except where a restriction on access is necessary:*

- a) *to protect areas of significant indigenous vegetation or significant habitats of indigenous fauna, or both; or*
- b) *to protect Maori cultural values; or*
- c) *to protect the health and safety of the public; or*
- d) *to ensure a level of security consistent with the purpose of the resource consent; or*
- e) *in other exceptional circumstances sufficient to justify the restriction, notwithstanding the national importance of maintaining that access.*

#### Explanation and Reasons

**CM7.1.i** The future is likely to see development pressures on Nelson's coastal environment. Public access needs to be maintained in the face of that pressure. The policy repeats New Zealand Coastal Policy Statement 3.5.1. It recognises the priority to be afforded unrestricted public access to and along the Coastal Marine Area but qualifies that with five exceptions to take account of other matters which the Act and practicality suggest should take priority when the circumstances arise. Exception (d) is necessary to exclude the public from areas to which they would otherwise have access, in order to protect the security of operations which have resource consents granted in respect of those areas. This is particularly relevant to activities which extend across the land/water interface, eg. within the port industrial area where health and safety issues may occur. Refer to Chapter 5, policy DO6.1.5 (access to Coastal Marine Area) regarding pedestrian access to specific areas of the coast.

**CM7.1.ii** Exception (e) recognises the difficulty of foreseeing all circumstances in which a restriction may be necessary. However, it is framed so as to require circumstances to be exceptional at a national level, as mandated by legislation or otherwise sufficient to override the national importance of unrestricted public access.

**Method**

**CM7.1.iii** Assessment of resource consents with respect to the maintenance of existing access. Restrictions may also be applied to access, in accordance with the criteria listed in this policy. The Council should consider opportunities to improve access to and along the coastline by way of:

- a) encouraging private landowners to permit public access
- b) purchasing land for roads, access strips or reserves
- c) negotiating access strips and easements
- d) encouraging and facilitating the establishment of walkways
- e) attaching conditions to resource consents
- f) providing formed access through ecologically sensitive areas where this is not detrimental to important ecological values.

**policy**

**CM7.2 occupation**

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*Exclusive occupation of space in the Coastal Marine Area should not be granted, and constraints on public access should not be imposed, unless*

- a) *there is no practical alternative, and*
- b) *the effects on public access would not be significant.*

**Explanation and Reasons**

**CM7.2.i** The policy establishes criteria which need to be satisfied before an occupation permit will be granted. The criteria are considered to be justified in light of the national priority referred to above. See also New Zealand Coastal Policy Statement policy 4.1.6.

**Method**

**CM7.2.ii** Rules regulating exclusive occupation as a discretionary or non-complying activity, assessment of alternatives, necessity, and effects on public access.

**policy**

**CM7.3 public access**

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*Adverse effects of structures on public access to and along the coastal marine area shall be avoided as far as practicable in the first instance. Where avoidance is not practical, adverse effects shall be mitigated and provision made for remedying these effects to the extent practicable.*

**Explanation and Reasons**

**CM7.3.i** Some structures eg. slipways, can improve public access to the coast. However, other types of structure eg. inappropriately designed coastal protection works, reclamations, may create obstacles to public access.

**Method**

**CM7.3.ii** Rules regulating all significant structures in relation to effects on public access.

**policy**  
**CM7.4 alternative access**

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*Where existing access to or along the Coastal Marine Area (with the exception of the port industrial area) is permanently denied or restricted as a result of a use, development or protective measures, acceptable alternative access should be provided to offset the adverse effect.*

**Explanation and Reasons**

**CM7.4.i** Self explanatory. The intent is that the person whose activities are responsible for the permanent loss of public access should provide alternative or upgraded access preferably in the same area or, if this is not possible, in a different area. The port industrial area is excluded as it is specifically addressed in policy D12.1.6 (Public access in the port area).

**Method**

**CM7.4.ii** Rules regulating provision of access and requiring financial contributions for access.

**policy**  
**CM7.5 esplanades on reclamation**

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*Esplanade reserves or esplanade strips should be set aside or created where loss of public access to the Coastal Marine Area will occur as a result of a reclamation.*

**Explanation and Reasons**

**CM7.5.i** The policy ensures that the requirements for an esplanade reserve or strip on a reclamation will be consistent with policy CM7.4 (alternative access) and that any loss of public access is taken into account.

**Method**

**CM7.5.ii** Rules regulating reclamation and requiring the creation or setting aside of esplanade reserves or strips.

**policy**  
**CM7.6 defence use**

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*Provision should be made for use of the CMA for defence purposes, provided any adverse effects are avoided, remedied or mitigated. Defence purposes are those in accordance with the Defence Act 1990.*

**Explanation and Reasons**

**CM7.6.i** Policy 4.1.5 of the New Zealand Coastal Policy Statement directs Regional Coastal Plans to make provision for the use of the CMA for defence purposes.

**Method**

**CM7.6.ii** Rules regulating the activities of the New Zealand Defence Forces in the Coastal Marine Area.

## objective

### CM8 natural hazards

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*Minimisation of the risks to people, property or other aspects of the environment, through the avoidance and mitigation of natural hazards within the coastal environment.*

#### Reasons

**CM8.i** In the past, some public authority and private property owner responses to coastal erosion have not had the desired effect and some have adversely affected amenity values and public access, or displaced the effects elsewhere.

#### policy

##### CM8.1 activities

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*Activities, including structures, within the coastal environment should be located and designed to take into account:*

- a) any existing natural hazards, and*
- b) the potential to exacerbate natural hazards, and*
- c) the implications of climate change (including the possibility of sea level rise of 0.6 metres and increasingly severe storms), and*
- d) the policy (below) on coastal protection works*

#### Explanation and Reasons

**CM8.1.i** The policy seeks to minimise future loss or damage to human life or property and to avoid the need to erect costly and potentially ineffective coastal protection works. Development in areas subject to hazards in some parts of New Zealand has led to property coming under threat and difficult choices between costly relocation or costly coastal protection works. Sea level is thought to be rising as a result of climate change and is expected to continue to rise over the next century. This Plan adopts a projected sea level rise of 0.6m in the next 100 years. This figure is based on a Ministry for the Environment (1993) estimate, and is consistent with the Regional Policy Statement. It is unlikely that the Council will allow protection works for use or developments that are carried out after the notification of this Plan and projected to be subsequently affected by sea level rise or other identified natural hazards, erosion, or inundation. A precautionary approach is considered desirable. The policy gives effect to New Zealand Coastal Policy Statement 3.4.1, 3.4.2 and 3.4.5.

#### Methods

- CM8.1.ii** Rules applying to the rural, residential and industrial zones of this Plan, in particular those governing minimum ground and floor level requirements. Rules governing coastal activities.
- CM8.1.iii** Council will draw to the attention of persons wishing to build structures or undertake other developments within the low lying areas of the coastal environment, the possibility of a sea level rise in response to global warming.

**policy**  
**CM8.2 protection works**

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*Coastal hazard protection works will be allowed only in relation to use or development of areas of the coastal environment where they are the best practicable option and the positive effects of allowing the works are likely to be significantly greater than the adverse effects. Determination of this will include consideration of:*

- a) the probability of the works achieving their stated purpose, and*
- b) the public benefit from the use or development to be protected, and*
- c) the regional and national significance of the use or development to be protected, and*
- d) the effects of the protection works on the environment, including any change in the occurrence and rate of coastal erosion, or its location, and*
- e) the effects (including costs and benefits) of not proceeding with the works, and*
- f) measures previously taken, including decisions as to the location of the use and development, to avoid the need for coastal hazard protection works, and*
- g) alternatives to the development of coastal hazard protection works, and the reasons why those alternatives have not been proceeded with.*

**Explanation and Reasons**

**CM8.2.i** The policy makes provision for coastal hazard protection works to be undertaken as a last resort, subject to full consideration of the options and likely effects of proceeding with the works.

**CM8.2.ii** It is anticipated that a demand for such works will only occur in relation to existing coastal developments. New use, development or subdivision in areas that may be adversely affected by coastal erosion or flooding should be avoided.

**policy**  
**CM8.3 temporary works**

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*Coastal erosion protection works with a duration of less than five years may be allowed if:*

- a) the proposed works are removable, and*
- b) no permanent adverse effects on the environment (in particular, foreshore loss in front, or at the ends, of sea walls) will result from the placement, use or removal of the works, and*
- c) the protection is temporary in order to provide time to prepare and implement a plan to remove or reduce coastal erosion risk without the use of further protection works.*

**Explanation and Reasons**

**CM8.3.i** Subject to this policy and an assessment under policy CM8.2, such temporary works may be allowed in circumstances where permanent protection works would not be allowed, provided that the protected asset or activity is intended to be relocated or otherwise protected.

**CM8.3.ii** The policy allows consideration of temporary coastal erosion protection works where those works are for the protection of an asset from coastal erosion while longer term management options are investigated. The intent of the policy is that the protected asset be removed, or the activity relocated, during the life of the protection works. If Council is satisfied that the requirements of policy CM8.3 are met, it will apply policy CM8.2 taking into account the temporary nature of the works and the long term protection plan, and may allow temporary works in circumstances where permanent works would not be allowed.

**Method**  
CM8.3.iii Policies CM8.2 and CM8.3 are implemented in this Plan by making the construction of natural hazard protection structures a discretionary activity and by applying the criteria in the policies when considering consent applications.

**policy**  
**CM8.4 structures**

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*Structures within the Coastal Marine Area should:*

- a) *not interact with or intercept sediment flow in a way that could increase the risk of coastal erosion or accretion*

**Explanation and Reasons**

CM8.4.i The policy places constraints on the location and design of structures and reclamations within the Coastal Marine Area. Clause (a) expresses an “ideal”. In practice, most structures will have an effect on water movement. If the effects referred to cannot be avoided, remedied or mitigated, then the structures are unlikely to be allowed.

**policy**  
**CM8.5 disturbances**

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*Disturbance of the foreshore or seabed should not remove such quantities of sediment from the onshore-offshore or longshore drift systems as to increase the risk of coastal erosion or accretion.*

**Explanation and Reasons**

CM8.5.i Disturbance of the foreshore or seabed, whether or not it involves the actual removal of sediment, can result in a shortage of sediment to protect the coastline against wave action, causing or accelerating erosion.

**Method**

CM8.5.ii Policies CM8.4 (reclamations) and CM8.5 (disturbances) will be implemented by rules regulating structures, reclamations and disturbance of the foreshore and seabed.

## **objective**

### **CM9 reclamation**

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*To avoid inappropriate reclamation within the Coastal Marine Area.*

**Explanation and Reasons**

CM9.i The objective reflects the potentially significant, and often irreversible adverse effects reclamation can have on the coastal environment. It also recognises that in some situations there may be no realistic alternative.

**policy**  
**CM9.1 reclamation**

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*Reclamation shall generally be considered inappropriate unless it can be shown to be essential for the operational needs of the port, or for roading works along designated transport routes.*

**policy**  
**CM9.2 precautionary approach**

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*A precautionary approach shall be taken towards the granting of consents, by ensuring that any new reclamations:*

- a) have an operational need to be located within the Coastal Marine Area, and*
- b) demonstrate that an existing land-based site is not practicable, and*
- c) are the minimum practicable size for the proposed use, and*
- d) are not located within estuarine areas, and*
- e) are excluded from areas where natural habitats or character will be significantly adversely affected, and*
- f) avoid, remedy, or mitigate any adverse effects, and*
- g) will not erode under wave attack or cause foreshore or seabed erosion by reflecting wave energy, and*
- h) are located and designed in a way that has regard to the inevitability of major earthquake events, and*
- i) will not interact with or intercept sediment flow in a way that could increase the risk of coastal erosion or accretion.*

**Explanation and Reasons**

**CM9.2.i** Reclamation, by its very nature, results in a loss of foreshore or seabed. It may also result in the loss of habitat, a reduction in biological productivity, or a restriction in the flow of water. This in turn may lead to sedimentation, higher concentrations of contaminants, or, in some situations, flooding.

**CM9.2.ii** In the past, reclamation of the Coastal Marine Area in Nelson has been used extensively as a means of obtaining flat land for port development and industrial purposes. The Nelson port company has given notice that they will require further land in the future for port operations. While this use is recognised as one of only few valid grounds for reclamation, providing a significant contribution to the regional economy, it must also be recognised that such works may have significant negative impacts, i.e. noise, and visual amenity, which affect both local residents and the community at large. For these reasons, it is important that any such proposal provides full opportunity for public input and comment.

**CM9.2.iii** Poorly designed reclamations may suffer significant adverse effects during a major earthquake. Even well designed reclamations are likely to be subject to more movement than basement rock during earthquakes. (This is one of the reasons why they should not be used as sites to store hazardous or dangerous materials if this can be avoided.)

## **CMe environmental results anticipated**

The following results are expected to be achieved by the foregoing objectives, policies and methods. The means of monitoring whether this Plan achieves the necessary outcomes are also detailed below:

<b>Anticipated environmental result</b>	<b>Indicators</b>	<b>Data source</b>
<b>CMe.1</b> Preservation of the natural character of the foreshore and seabed.	<b>CMe.1.1</b> The level of public complaints and/or media reports about loss of natural values in the Coastal Marine Area	Council records
<b>CMe.2</b> Intrinsic values of coastal ecosystems protected, and life-support capacity maintained.	<b>CMe.2.1</b> Flora and fauna populations, biodiversity, water quality	Fishing catch records Council research
<b>CMe.3</b> Protection of areas of significant conservation value, indigenous vegetation, habitats of indigenous fauna, and significant community types.	<b>CMe.3.1</b> Flora and fauna populations, biodiversity, water quality	Fishing catch records
<b>CMe.4</b> Indigenous vegetation protected.	<b>CMe.4.1</b> Quantities and range of indigenous and exotic plants	Fishing catch records Council research
<b>CMe.5</b> Maintenance or enhancement of amenity, recreational, landscape, cultural, educational and social values, including access.	<b>CMe.5.1</b> a) Number of people using CMA and nature of use b) Complaints, media reports	Inspection and surveys Council records
<b>CMe.6</b> Unobstructed views to or from the sea, retention of landscapes and seascapes, and improved visual amenities.	<b>CMe.6.1</b> a) Placement of structures in or near CMA b) Complaints, media reports	Inspection Council records
<b>CMe.7</b> A quiet coastal environment.	<b>CMe.7.1</b> a) Consistent application of standards and enforcement b) Complaints, media reports	Council records
<b>CMe.8</b> Structures that are related only to coastal activities.	<b>CMe.8.1</b> Consistent treatment of resource consent applications by the Council.	Council records
<b>CMe.9</b> Structures in the CMA that accommodate sea level rise and other natural hazards.	<b>CMe.9.1</b> Consistent application of standards and enforcement.	Council records
<b>CMe.10</b> Natural coastal processes are not affected by structures.	<b>CMe.10.1</b> a) Erosion and sedimentation relative to natural levels b) Complaints, media reports	Council records
<b>CMe.11</b> Water quality that supports community aspirations for use.	<b>CMe.11.1</b> a) No visual detractions from water quality b) Uses continuing in terms of classification c) Consistent enforcement of water standards	Fishing catch records Inspection Council research and files

## CMs coastal marine water quality standards schedule

(Refer to Policy CM6.2 of this Plan)

Classification	Management Purpose	Standards to apply, after reasonable mixing	Reasons																					
FEA	Fishing, fish spawning, aquatic ecosystem, aesthetic purposes. (Applies over whole of Coastal Marine Area.)	<ol style="list-style-type: none"> <li>1) The natural temperature of the water shall:               <ol style="list-style-type: none"> <li>a) not be changed by more than 2 °C, and</li> <li>b) not exceed 25 °C, and</li> </ol> </li> <li>2) The concentration of dissolved oxygen shall exceed the higher of 6mg/l or 80% saturation, and</li> <li>3) There shall be no significant adverse effects on aquatic life arising from the discharge of a contaminant into water, a pH change, the deposition of matter on the foreshore or seabed, or any other cause, and</li> <li>4) There shall be no               <ol style="list-style-type: none"> <li>a) production of any conspicuous oil or grease films, scums or foams or floatable or suspended material, and</li> <li>b) conspicuous change in the colour or visual clarity, and</li> <li>c) emission of objectionable odour in the receiving water.</li> </ol> </li> </ol>	(See reasons for policy CM6.2).																					
CR	Contact recreation	<ol style="list-style-type: none"> <li>1) The visual clarity of the water shall not be so low as to be unsuitable for bathing, and</li> <li>2) The water shall not be rendered unsuitable for bathing by the presence of contaminants, and</li> <li>3) There shall be no undesirable biological growths as a result of any discharge of a contaminant into water, and</li> <li>4) The median of samples taken over the bathing season shall not exceed 35 enterococci/100ml, and</li> <li>5) No sample, in the following areas, shall exceed the following limits.               <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>Area</th> <th>Use Category</th> <th>Enterococci limit/100ml</th> </tr> </thead> <tbody> <tr> <td>Tahunanui (main beach)</td> <td>Designated bathing beach</td> <td>104</td> </tr> <tr> <td>Port opposite Cut Haven (at Atawhai)</td> <td>Moderate</td> <td>153</td> </tr> <tr> <td>Tahunanui (back beach)</td> <td>Light</td> <td>275</td> </tr> <tr> <td>Cable Bay</td> <td>Light</td> <td>275</td> </tr> <tr> <td>Monaco</td> <td>Light</td> <td>275</td> </tr> <tr> <td>The Glen Beach</td> <td>Light</td> <td>275</td> </tr> </tbody> </table> </li> </ol>	Area	Use Category	Enterococci limit/100ml	Tahunanui (main beach)	Designated bathing beach	104	Port opposite Cut Haven (at Atawhai)	Moderate	153	Tahunanui (back beach)	Light	275	Cable Bay	Light	275	Monaco	Light	275	The Glen Beach	Light	275	(See reasons for policy CM6.2).
Area	Use Category	Enterococci limit/100ml																						
Tahunanui (main beach)	Designated bathing beach	104																						
Port opposite Cut Haven (at Atawhai)	Moderate	153																						
Tahunanui (back beach)	Light	275																						
Cable Bay	Light	275																						
Monaco	Light	275																						
The Glen Beach	Light	275																						
SG	Shellfish gathering (offshore areas in Tasman Bay between 10-40m depth contour)	<ol style="list-style-type: none"> <li>1) Aquatic organisms shall not be rendered unsuitable for human consumption by the presence of contaminants, and</li> <li>2) The median faecal coliform content of samples taken over a shellfish gathering season shall not exceed 14 MPN per 100ml and not more than 10% of samples should exceed 43 MPN per 100ml.</li> </ol>	(See reasons for policy CM6.2).																					

Classification	Management Purpose	Standards to apply, after reasonable mixing	Reasons
C	Cultural values (Delaware Inlet)	<ol style="list-style-type: none"> <li>1) The quality of the water shall not be altered in those characteristics which have a direct bearing on: <ol style="list-style-type: none"> <li>a) the availability of seafood, and</li> <li>b) the quality of seafood, and</li> <li>c) the spiritual values of the water, and</li> </ol> </li> <li>2) Aquatic organisms shall not be rendered unsuitable for human consumption by the presence of contaminants, and</li> <li>3) The median faecal coliform content of samples taken over a shellfish gathering season shall not exceed 14 MPN per 100ml and not more than 10% of samples should exceed 43 MPN per 100ml.</li> </ol>	(See reasons for policy CM6.2).

## **CMi Information to be submitted with an application for a coastal permit**

The following requirements are additional to those set out in Chapter 3 for all resource consent applications.

### **CMi.1 Occupation of coastal marine area**

Any application for a coastal permit seeking rights of occupation (over and above those required for physical occupation by a structure) must include:

- a) A statement of the reason for which the foreshore or seabed is to be occupied (eg. aquaculture facilities, wharf, reclamation)
- b) An indication of the state of completion of the project (existing, partly developed, proposed)
- c) Description of proposed works, including design specifications
- d) Map reference to the site (use Infomap 260 1:50,000)
- e) An accurate location and site plan, including scale, showing position of works, local named roads, north point, boundaries and other relevant features
- f) Legal description of land at site (where applicable)
- g) A consideration of alternatives to occupation rights and demonstration of how granting rights to occupy is the most appropriate course of action to take
- h) A statement detailing any consultation with any person or organisation that might be affected by the proposal, and, including tangata whenua

### **CMi.2 Use, construction or placement of a structure**

Any application for a resource consent for use, construction or placement of any structure must, where relevant, include:

- a) a description of the activity, including the methods and materials to be used
- b) a description and map showing the location of the structure
- c) a drawing or drawings of the structure
- d) a statement regarding the proposed use of the structure and why it must be located in the Coastal Marine Area
- e) in respect of a shore protection structure, an evaluation of alternative means of mitigating the hazard
- f) when the proposed structure is a natural hazard protection work, the applicant must supply sufficient information to enable the assessment required by the relevant policies of this Plan
- g) a statement of the period of time required to complete the work associated with the activity

- h) a description of the final external appearance of the structure
- i) a statement of any proposed maintenance programme
- j) a statement of how the structure will be removed if it is no longer required, or the reasons why such removal is not warranted
- k) a description of the foreshore and seabed at the site, including fauna and flora, sediment type, details of any existing subaqueous cables, and suitability as a foundation for any structure
- l) a statement detailing any consultation with any person or organisation that might be affected by the proposal, including, in particular, tangata whenua
- m) a statement of the degree of exclusive occupation required, and why such exclusive occupation is required

### **CMi.3 Disturbance of foreshore or seabed**

An application for a resource consent for any activity involving the destruction, damage, or disturbance of foreshore or seabed must, where relevant, include:

- a) a description of the activity, including the methods and materials to be used
- b) a map at an appropriate scale showing the location of the activity
- c) a statement of the reason for the proposed activity, and consequences of not undertaking the activity, and if the activity involves the removal of sand, shingle, shell or other natural materials for commercial purposes, a description of any available alternative to what the applicant seeks to do, and the applicant's reasons for making the proposed choice
- d) a description of the fate of the material that is damaged, destroyed, or disturbed
- e) a description of the plants and animals found at and immediately adjacent to the site
- f) a description of public use of the site
- g) details of the geological nature of the foreshore or seabed to be damaged, destroyed, or disturbed, including the particle size distribution for unconsolidated sediments
- h) a statement detailing any consultation with any person or organisation that might be affected by the proposal, including, in particular, tangata whenua

### **CMi.4 Deposition of Substances on Foreshore or Seabed**

Any application for a resource consent for an activity resulting in the deposition of substances on foreshore or seabed must, where relevant, include:

- a) a description of the activity, including the methods to be used
- b) a map at an appropriate scale showing the location of the activity
- c) a statement of the reason for the proposed activity, and the consequences of not undertaking the activity
- d) a statement of the source of the material to be deposited
- e) in description of the plants and animals found at and immediately adjacent to the deposition site
- f) a description of public use of the site
- g) a description of the characteristics and composition of the substance to be deposited, including:
  - i) total amount and average composition
  - ii) form (for example, solid sludge, liquid or gaseous)
  - iii) properties - physical (for example, solubility and density), chemical and biochemical (for example, oxygen demand, metals, nutrients), and biological (for example, presence of viruses, bacteria, yeasts, parasites)
  - iv) toxicity of the substance and its components
  - v) persistence - physical, chemical and biological
  - vi) accumulation and biotransformation in biological materials or sediments
  - vii) susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other dissolved organic and inorganic materials
  - viii) probability of production of taints or other changes reducing marketability of resources (including fish and shellfish)

- h) a description of the characteristics of the deposition site, including:
- i) methods of packaging and containment, if any
- ii) initial dilution achieved by proposed method of release
- iii) dispersal characteristics (for example, effects of currents, tides, and wind on horizontal transport and vertical mixing)
- iv) water characteristics (for example, temperature, pH, salinity, stratification, chemical oxygen demand (COD), biochemical oxygen demand (BOD) nitrogen present in organic and inorganic form, including ammonia, suspended matter, other nutrients, and productivity)
- v) bottom characteristics (for example, topography, geotechnical, geological, physical and chemical characteristics and biological productivity)
- vi) existence and effects of other dumpings which have been made
- i) a statement detailing any consultation with any person or organisation that might be affected by the proposal, and, in particular, tangata whenua

## **CMi.5**

### **Discharges of contaminants**

An application for a resource consent for an activity involving the discharge of a contaminant or water to water in the Coastal Marine Area must, where relevant, include:

- a) a description of the activity producing the discharge, including any treatment methods to be used
- b) an accurate map at an appropriate scale showing site plan, the location of the discharge point (map reference, use Infomap 260 1:50,000) and address of discharge source, for inspection purposes
- c) legal description of land (shown on rate demand) of discharge source
- d) full description of works to be constructed, including any discharge structure
- e) a description of the nature of the discharge including, where relevant - temperature; BOD, suspended solids concentration; pH; the chemical content of the discharge, including in particular any heavy metals or other toxic substances; dissolved solids; faecal coliform, or enterococci concentrations; any deleterious micro-organisms
- f) Maximum daily discharge (cubic metres/day), maximum discharge rate (litres/second), and number of hours/day that discharge will occur
- g) full description of any seasonal or time-related variation in discharge strengths and volumes expected (if applicable)
- h) a statement of any possible changes to the nature of the discharge that might result from failure of equipment or a similar event, and the contingency plans that have been developed to deal with such situations
- i) a description of maintenance requirements for equipment and structures used in the discharge
- j) a description of the dispersal characteristics, including the effect of currents, tides, waves, and winds on horizontal transport and the vertical mixing of the contaminant
- k) a statement of any possible alternative methods of discharge, including discharge into any other receiving environment, and the reasons why the applicant has chosen their discharge option
- l) In the case of a discharge of human sewage, the following points as applicable:
  - i) a statement certifying that the discharge is of a temporary nature and a description of any exceptional circumstances which justify the granting of a permit
  - ii) why such discharge would better meet the purpose of the Act than disposal on to land
- m) a statement detailing any consultation with any person or organisation that might be affected by the proposal, and, in particular, tangata whenua, and the response received

## **CMi.6 Taking, use, damming or diversion of water**

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An application for a resource consent for taking, use, damming or diversion of water in the Coastal Marine Area must, where relevant, include:

- a) reason for which water is to be taken or used or both (industry, other (specify))
- b) description of activity and locality map (use Infomap 260 1:50,000)
- c) a description of any structures, including abstraction structures
- d) an indication of the state of completion of the project (existing, partly developed, proposed)
- e) quantities of water applied for:
  - i) maximum daily quantity (cubic metres per day)
  - ii) total annual quantity (cubic metres per year)
  - iii) maximum abstraction rate (litres per second)
- f) where application relates to activity within an estuary, demonstrate the need for volumes of water sought
- g) indicate what alternative water supplies or water collection or storage methods have been considered to meet this need and the suitability or otherwise of the alternatives

## **CMi.7 Reclamations**

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An application for a resource consent to reclaim or drain foreshore or seabed must, where relevant, include:

- a) a description of the activity including the methods and materials to be used
- b) adequate information to accurately show the area proposed to be reclaimed or drained, including its size and location, and the portion of that area (if any) to be set apart as an esplanade reserve under section 246(3) of the Act
- c) a description of the foreshore or seabed to be reclaimed or drained, including fauna and flora, sediment type, and suitability as a foundation for any reclamation and/or retaining wall
- d) a description of the Coastal Marine Area adjacent to the proposed reclamation, including the physical character, ecological values, amenity and heritage values, tangata whenua values, and existing activities
- e) a statement of the reasons why reclamation or draining is the most appropriate way of providing for the activity, and the consequences of the application not being granted. This should include a description of the proposed uses of the reclaimed area and an evaluation of alternatives both within and outside of the Coastal Marine Area
- f) if the reclamation is adjacent to land outside of the Coastal Marine Area, a description of land uses in the adjacent land area
- g) a description of the final external appearance of the reclamation
- h) a statement of the period of time to complete the work associated with the activity
- i) a statement that the reclamation or draining has been designed using current engineering practices, and appropriate allowance has been made for the effects of sea level rise, waves and currents, and earthquakes
- j) a statement detailing any consultation with any person or organisation that might be affected by the proposal, including, in particular, tangata whenua

**CMi.8****Introduction of exotic plants**

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An application for a resource consent for the introduction or planting of any exotic or introduced plant in the Coastal Marine Area, must, where relevant, include:

- a) a description of the activity producing the discharge, including any treatment methods to be used
- b) a map at an appropriate scale showing the location of the activity
- c) a description of the area, within a zone of influence of the site, including:
  - i) substrate characteristics
  - ii) existing ecological structure, ecological processes and indigenous fauna and flora in the area, including an analysis of their significance and their resilience to the effects of exotic or introduced plant species
  - iii) water characteristics (effects of currents, tide and wind on potential for plant dispersal in the water column)
- d) a statement of the reason for the proposed activity, and the consequences of not undertaking the activity
- e) the characteristics of the plant, including the following where applicable:
  - i) its life cycle, including seasonal variations and favoured environments
  - ii) reproductive cycle, rate of reproduction and method of dispersal
  - iii) normal distribution of the plant outside and inside New Zealand
  - iv) interaction with indigenous flora and fauna
  - v) details about the plant's distribution in the Coastal Marine Area
- f) details about associated structures
- g) a statement detailing any consultation with any person or organisation that might be affected by the proposal.

# **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,

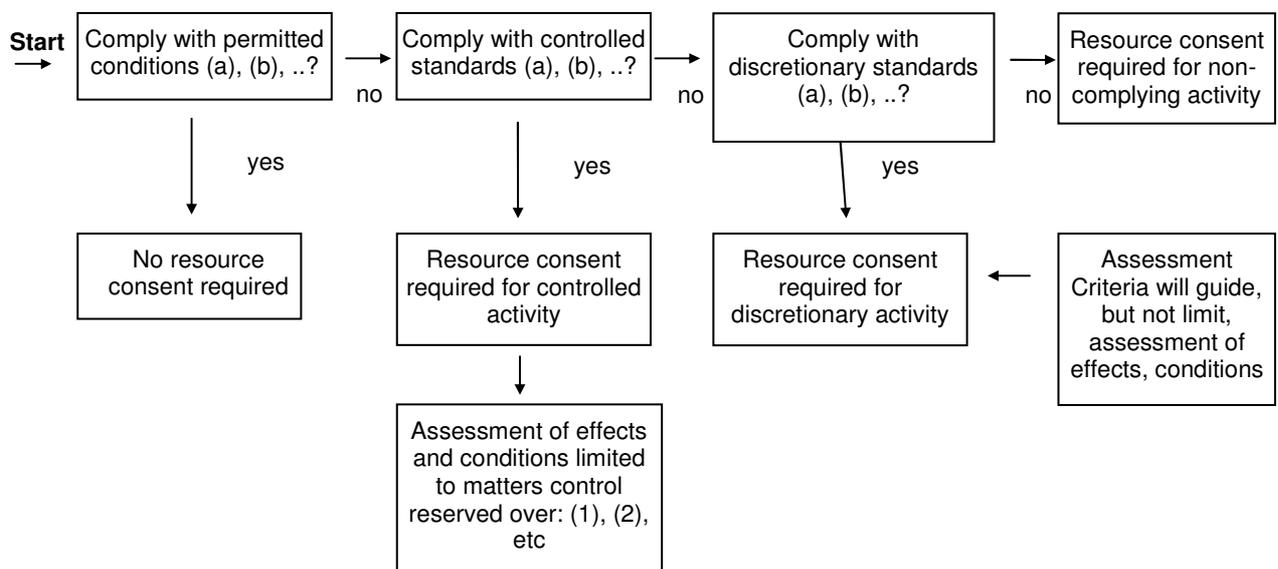
shall be deemed to be zoned Industrial

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.



## Contents of coastal marine area rule table

CMr.20	Exclusive occupation
CMr.21	Structures - general
CMr.22	Out fall and navigation structures
CMr.23	Mooring anchor blocks
CMr.24	Maintenance of structures
CMr.25	Removal or demolition of structures
CMr.26	Temporary structures
CMr.27	Network utility structures
CMr.28	Impounding or containing structures
CMr.29	Large solid structures
CMr.30	Clearance around out falls, culverts or intake structures
CMr.31	Damage to or removal of vegetation
CMr.32	Beach grooming and recontouring
CMr.33	Disturbance of foreshore or sea bed by vehicles
CMr.34	Disturbance and or deposition associated with the diversion of coastal water or river or stream mouth cutting
CMr.35	Drilling
CMr.36	Dredging of foreshore and seabed
CMr.37	Disturbance – general
CMr.38	Deposit of material on foreshore and seabed
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CMr.46	Discharges to air from vessels
CMr.47	Discharge of human sewage
CMr.48	Discharge of agrichemicals
CMr.49	Discharge from aquaculture
CMr.50	Hazardous substances - use and storage
CMr.51	Petroleum or chemical storage and distribution structures
CMr.52	The taking, use, damming or diversion of water
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CMr.54	Light spill
CMr.55	Noise
CMr.56	Noise - construction, maintenance or demolition
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CMr.58	Other activities
<b>Rules relating to Overlays on the Planning Maps</b>	
CMr.59	Coastal Marine Area within the Industrial Zone
CMr.60	Wakefield Quay Precinct
CMr.61	Heritage Buildings, Places and Objects - Alterations to Group A and B items
CMr.62	Heritage Buildings, Places and Objects - New Buildings on the site of a Heritage Item
CMr.63	Heritage Buildings, Places and Objects - Demolition or removal of Group A and B items
CMr.64	Heritage Buildings, Places and Objects - Demolition or removal of Group C items
CMr.65	Archaeological sites and Archaeological Overlays
CMr.66	Marine ASCV Overlay
CMr.67	Subdivision

## 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> </ul> </li> <li>d) patterns of water and sediment movement in the area.</li> <li>e) effect on public access and amenity values.</li> <li>f) effects on navigational safety or vessel access to mooring, launching or berthing structures.</li> <li>g) 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</p> <p style="padding-left: 20px;">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 \text{ 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 \text{ min}, 8.30\text{am}-3.30\text{pm})}</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 \text{ min}, 8.30\text{am}-3.30\text{pm})}</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. 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. 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>

# conservation

<b>COd</b>	<b>Description</b>
COd.1	The Conservation Zone comprises land which is mainly in conservation oriented ownership. It includes the most distant series of ranges in Nelson District (the Bryant Range), running along the backbone of the District from the catchment boundary of Roding River to Cape Soucis in the north. The land included in the Zone is generally unmodified or regenerating vegetation and often has high conservation values. The Zone also includes significant portions of conservation estate such as the Nelson Boulder Bank and other areas of coastal reserve, and the Nelson Mineral Belt.
COd.2	The land is largely under some form of protection, being forest park and other reserve land administered by the Department of Conservation, and the waterworks reserves areas and other reserves administered by Nelson City Council.
COd.3	The Council's approach to the management of this area is to maintain it as far as possible in its natural state. There is little likelihood of development occurring in this area given its legal and public status, other than development which is in accordance with management plans for the areas involved.
COd.4	See the objectives and policies relating to zones in Chapter 5. The Plan should always be considered as a whole.

## objective

### CO1 maintenance of the visual backdrop

*Retention of the largely unmodified landscape backdrop to the District.*

#### Reasons

**CO1.i** This area is the wider landscape setting of Nelson. It is the most remote backdrop which helps identify Nelson as being a "green" environment with a focus on natural values. Interruption of this pattern could seriously impact on the scenic value of Nelson, which the community has identified as being of particular importance.

#### policy

##### **CO1.1 land disturbance and structures**

*Activities, particularly land disturbance and location of structures, should not adversely affect the appearance of the backdrop when viewed from the urban areas, the coast or from the State Highway.*

#### Explanation and Reasons

**CO1.1.i** Activities such as clearance of vegetation or the erection of structures have the potential to interrupt the natural appearance of the skyline and the surrounding backdrop areas. There may be a need for some of these activities to occur, and this policy is designed to ensure that where such disruption occurs, it does not compromise the primary views, or that the effects are remedied or mitigated or are temporary.

#### Methods

- CO1.1.ii Introduce rules which minimise visual disruption to the skyline on a temporary or permanent basis.
- CO1.1.iii Encourage necessary public utilities to co-locate.

#### **policy**

### **CO1.2 landscape cohesions and pattern**

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*Activities within the Conservation Zone should not result in a loss of cohesion of the existing landscape nor result in changes to its patterns.*

#### Explanation and Reasons

CO1.2.i The landscape of the Conservation Zone is one of natural landforms and natural vegetation with an absence of roads, structures and introduced vegetation species. While changes within these natural attributes can be readily absorbed into the landscape, significant departure from these forms and patterns is unlikely to be absorbed and may reduce the quality of the overall landscape.

#### Methods

- CO1.2.ii Rules containing the range of activities and the way in which they are undertaken within the Zone.

## **objective**

## **CO2 maintenance and enhancement of the natural values**

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*Maintenance and enhancement of the natural values contained within the Conservation Zone including:*

- a) *safeguarding the viability of natural features and systems, and*
- b) *the life supporting capacity of ecosystems, and*
- c) *natural and cultural features*

#### Reasons

CO2.i The natural character and values of the area are important components in the setting of Nelson, and give character and form to the District. The natural character contains many elements which are important locally, regionally and nationally such as occurrence and diversity of indigenous species, and in particular, large and important areas of unmodified habitat. It also contains significant cultural and archaeological features, such as argillite quarries which were a source of material for Maori for making tools, old European mine workings, and unusual natural geological features.

CO2.ii The natural character of the area can be threatened not just by activities themselves, but as a result of past introductions of exotic flora and fauna which have the potential to displace or otherwise upset the natural balance of ecosystems.

#### **policy**

### **CO2.1 protection of natural and cultural features**

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*Activities should not damage, threaten, or detract from natural and cultural features.*

#### Explanation and Reasons

CO2.1.i Many important sites have been identified in this Plan and have been given protective status. It is important that these, and any yet undiscovered sites, are treated with particular care within this environment which has been set aside for conservation. Insensitive treatment can damage features as much as actually destroying them by removing the context within which a feature sits. An example might be cutting a road adjacent to an interesting geological feature which cuts it off from its parent material, but doesn't damage the feature itself.

## Methods

- CO2.1.ii Identify Archaeological Sites on Planning Maps and include rules related to their disturbance.

## policy

### CO2.2 protection of natural ecosystems

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*Activities should not damage, harm, or introduce changes which may harm, natural ecosystems.*

#### Explanation and Reasons

CO2.2.i Some activities may introduce changes which have the potential to disrupt natural systems. An example is the introduction of exotic forestry close to vulnerable areas where windblown seed can result in wilding exotic vegetation taking over from native vegetation. Examples of this can already be seen in parts of the Dun Mountain area, damaging the appearance and native vegetation. Forestry in these areas must take care to identify and avoid “take-off” sites where local wind conditions are likely to favour exceptionally wide or long distribution of seed. Such sites often occur in saddles between catchments which act as wind funnels.

CO2.2.ii Other examples are the inadvertent effects that have arisen through the introduction of flora and fauna which have become pests and endanger ecosystems and other natural values. The key example in this area is the effect of possums on indigenous flora.

#### Methods

- CO2.2.iii Education of the public about the importance and context of important sites.
- CO2.2.iv Rules which enable discretion to be exercised over the location of activities in relation to sites and ecosystems and opportunities to consider environmental compensation.
- CO2.2.v Pest management strategies:
- creation of pest management strategies under the Biosecurity Act 1993.
  - advocacy that all lands within the District be subject to the provisions of any pest management strategy created for the District.

## COe environmental results anticipated and performance indicators

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COe.i The following results are expected to be achieved by the above objectives, policies and methods. This means monitoring whether the Plan achieves the outcomes intended:

Anticipated Environmental Result	Indicators	Data Source
COe.1 Maintenance and enhancement of natural values	COe.1.1 The health and viability of plant and animal communities	Regular flora and fauna surveys
COe.2 Maintenance of the visual backdrop to Nelson	COe.2.1 The visual characteristics of Nelson’s landscape setting	Regular photographic coverage



# **rules conservation zone**

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## **COr**            **Rules**

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

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

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

### **COr.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.

### **COr.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 this Zone, permitted activities also include all land uses that are not specifically mentioned 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 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

### **COr.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 COr.8 below regarding further matters of control.)

### **COr.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 COr.8 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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**COr.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. 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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**COr.7 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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**COr.8 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:

- COr.8.a** Financial contributions in the form of money, land, works or services, or a combination of these. (See Chapter 6), and
- COr.8.b** Bonds or covenants or both, to ensure performance or compliance with any conditions imposed, and
- COr.8.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
- COr.8.d** The duration of a resource consent, under section 123 of the Act, and
- COr.8.e** Lapsing of a resource consent, under section 125 of the Act, and
- COr.8.f** Change and cancellation of a consent, under sections 126 and 127 of the Act, and
- COr.8.g** Notice that some or all conditions may be reviewed at some time in the future, under section 128 of the Act, and
- COr.8.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.

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**COr.9 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.

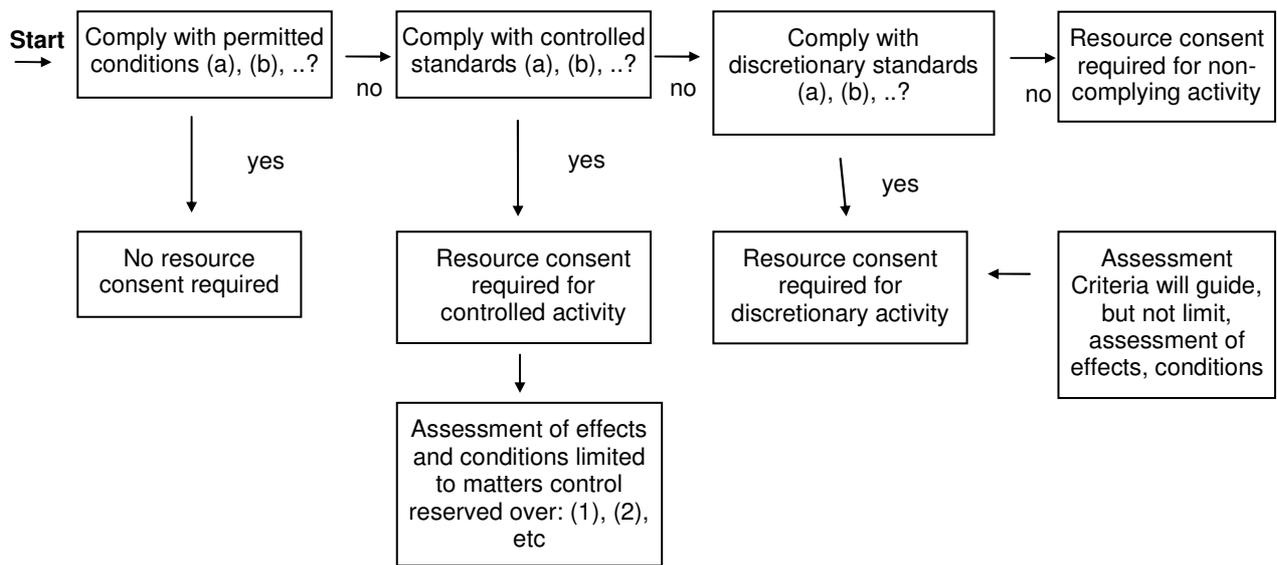
**COr.10 Reading the rule table**

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.



**COr.10.1** 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.

## Contents of conservation zone rule table

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COr.20	Maintenance of structures
COr.21	Construction of new structures
COr.22	Temporary Structures for Military Training Activities
COr.23	Soil disturbance and earthworks - Maintenance and upgrading of existing tracks and roads
COr.24	Soil disturbance and earthworks - Creation of new tracks, clearings, landings and other new earthworks
COr.25	Vegetation clearance
COr.26	Network utilities
COr.27	Activities near the coast
COr.28	Hazardous substances - use and storage
COr.29	Noise
COr.30	Archaeological sites and Archaeological Overlays
COr.31	Subdivision
COr.32	Overlays
<b>Freshwater rules</b>	
	(Refer Appendix AP28.9 for freshwater rules)

## rule table

Item	Permitted	Controlled	Discretionary/Non-complying
<b>COr.20</b> <b>Maintenance of structures</b>	COr.20.1 The maintenance of structures is a permitted activity if: <ol style="list-style-type: none"> <li>there is no increase in the size of the structure, and</li> <li>there is no increase in the intensity of use of the structure, and</li> <li>there is no increase in the landscape impact of the structure.</li> </ol>	COr.20.2 not applicable	COr.20.3 Activities that contravene a permitted condition are discretionary.
<b>COr.21</b> <b>Construction of new structures</b>	COr.21.1 The construction of new structures is not a permitted activity.	COr.21.2 The construction of new structures is a controlled activity if it comprises: <ol style="list-style-type: none"> <li>the construction of public shelters, and huts, or</li> <li>interpretation and protection structures.</li> </ol> Control reserved over: <ol style="list-style-type: none"> <li>the location of structures, and</li> <li>the appearance of structures.</li> </ol>	COr.21.3 Activities that contravene a permitted condition or controlled standard are discretionary.
<b>COr.22</b> <b>Temporary structures for military training activities</b>	COr.22.1 Temporary structures erected for the purposes of Military Training Activities by the NZ Defence Forces are permitted if the structure will be removed within 31 days of erection.	COr.22.2 not applicable	COr.22.3 Activities that contravene a permitted standard are discretionary
<b>COr.23</b> <b>Soil disturbance and earthworks</b> Maintenance and upgrading of existing tracks and roads [note – this rule is a regional and a district rule]	COr.23.1 The maintenance and upgrading of existing tracks and roads is a permitted activity if: <ol style="list-style-type: none"> <li>the track is maintained on the existing alignment, and</li> <li>the function of the track is not altered (for example upgrading a walking track to a vehicle track is not a permitted activity), and</li> <li>after reasonable mixing discharges to waterways do not result in any conspicuous change in colour or visual clarity in any water body or coastal water as a result of undertaking the activity, and</li> <li>soil is managed on the site during the construction period and after, such that there are no adverse effects on adjoining properties or any water bodies.</li> </ol>	COr.23.2 not applicable	COr.23.3 Activities that contravene a permitted condition are discretionary.

**conservation zone**

Assessment Criteria	Explanation
<p>COr.20.4</p> <ul style="list-style-type: none"> <li>a) the location of the structure in relation to ridgelines, and particularly the visibility of the structure or site works for the structure from the city or the coast.</li> <li>b) the need to locate structures within the Zone.</li> <li>c) the location of any cultural, archaeological or geo-preservation sites in relation to the proposed works.</li> <li>d) any alternative means available such as sharing of facilities with existing utilities.</li> <li>e) the protection of areas of significant conservation value identified in accordance with the criteria contained in policy DO5.1.1 (areas with high natural values).</li> <li>f) potential impact on riparian or coastal vegetation, water quality or aquatic habitat.</li> </ul>	<p>COr.20.5</p> <p>The maintenance and minor upgrading of existing structures is considered unlikely to have a significantly greater adverse effect on the environment than the existence of those facilities. Minor structures which are placed so as to inform the public or users of the area are unlikely to be of a scale which is likely to have adverse impacts on the area. Control is maintained over location of other structures to ensure that the underlying principles of the Zone are not undermined.</p>
<p>COr.21.4</p> <ul style="list-style-type: none"> <li>a) location of the structure in relation to ridgelines and particularly the visibility of the structure or site works for the structure from the city or the coast.</li> <li>b) the need to locate structures within the Zone.</li> <li>c) the location of any cultural, archaeological or geo-preservation sites in relation to the proposed works.</li> <li>d) any alternative means available such as sharing of facilities with existing utilities.</li> <li>e) the protection of areas of significant conservation value identified in accordance with the criteria contained in policy DO5.1.1 (areas with high natural values).</li> <li>f) potential impact on riparian or coastal vegetation, water quality or aquatic habitat.</li> </ul>	<p>COr.21.5</p> <p>The maintenance and minor upgrading of existing structures is considered unlikely to have a significantly greater adverse effect on the environment than the existence of those facilities. Minor structures which are placed so as to inform the public or users of the area are unlikely to be of a scale which is likely to cause adverse effects to the area. Control is maintained over location of other structures to ensure that the underlying principles of the Zone are not undermined.</p>
<p>COr.22.4</p> <ul style="list-style-type: none"> <li>a) the length of time the structure is proposed to be retained</li> <li>b) any adverse effects on the landscape or natural character of the area</li> <li>c) any proposed site remediation works following the removal of the structure</li> </ul>	<p>COr.22.5</p> <p>The New Zealand Defence Force (NZDF) carries out temporary military training activities in areas not designated for defence purposes. Temporary structures for these purposes which have been approved by the landholders in this zone are unlikely to have any more than short term effects.</p>
<p>COr.23.4</p> <ul style="list-style-type: none"> <li>a) the location of the track or road in relation to ridgelines and upper slopes and in particular the visibility of the works from the city or the coast.</li> <li>b) the location of any cultural, archaeological or geo-preservation sites in relation to the proposed works.</li> <li>c) any proposed mitigation measures such as end-hauling of sidecast material.</li> <li>d) effects on ecosystems.</li> <li>e) the protection of areas of significant conservation value identified in accordance with the criteria contained in policy DO5.1.1 (areas with high natural values).</li> <li>f) potential impact on riparian or coastal vegetation, water quality or aquatic habitat, loss of topsoil or movement of soil down slope.</li> <li>g) the potential for slope failure.</li> <li>h) damage to structures or adjoining properties.</li> <li>i) soil and vegetation entering rivers.</li> <li>j) the area to be cleared at any one time.</li> <li>k) the provision of structures to control soil erosion or sedimentation.</li> <li>l) the timing and techniques used for revegetation.</li> <li>m) the long term management of the land cleared.</li> <li>n) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated.</li> </ul>	<p>COr.23.5</p> <p>The maintenance and minor upgrading of tracks, roads and firebreaks is considered unlikely to have a significantly greater adverse effect on the environment than the existence of those facilities. New land disturbance activities will, however, need to be considered in relation to the values of the area for which protection is sought.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>COr.24</b>  <b>Soil disturbance and earthworks</b>            Creation of new tracks, clearings, landings and other new earthworks            [note – this rule is a regional and a district rule]</p>	<p>COr.24.1            Soil disturbance or earthworks (including for the creation of new tracks, clearings, landings) is not a permitted activity.</p>	<p>COr.24.2            Soil disturbance or earthworks are controlled activities if:</p> <p>a) the activities are located and carried out in accord with an operative Conservation Management Strategy or Management Plan for the area.</p> <p>Control reserved over:</p> <p>i) land disturbance methods, and            ii) timing of works, and            iii) remedial measures.</p>	<p>COr.24.3            Activities that contravene a permitted condition or controlled standard are discretionary.</p>
<p><b>COr.25</b>  <b>Vegetation clearance</b>            [note – this rule is a regional and a district rule]</p>	<p>COr.25.1            Vegetation clearance is a permitted activity if:</p> <p>a) there is no clearance of indigenous vegetation except where it is part of the maintenance of a State Highway, and            b) it does not take place within 10 m of the banks of any river specified in Appendix 6, Table 6.1 (riparian and coastal margins with identified riparian values) except where it is part of the maintenance of a State Highway, and            c) it does not take place within 20m of the Coastal Marine Area except where it is part of the maintenance of a State Highway, and            d) no vegetative debris is positioned where it may dam or divert any river or adversely affect instream habitats, and            e) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance:</p> <p>i) stabilised so that no earth moves off-site or presents a danger to life or property; and            ii) vegetated, paved, metalled or built over, and after reasonable mixing there is no conspicuous change in the colour or visual clarity in any water body or coastal water as a result of undertaking the activity.</p> <p>f) the best practicable option is taken to prevent sediment entering a waterbody, and            g) It complies with all other rules in this Plan including the appendices.</p>	<p>COr.25.2            not applicable</p>	<p>COr.25.3            Activities that contravene a permitted condition or controlled standard are discretionary if the vegetation to be cleared is not indigenous forest.</p>

Assessment Criteria	Explanation
<p>COr.24.4</p> <ul style="list-style-type: none"> <li>a) the location of the track or road in relation to ridgelines and upper slopes and in particular the visibility of the works from the city or the coast.</li> <li>b) the location of any cultural, archaeological or geo-preservation sites in relation to the proposed works.</li> <li>c) any proposed mitigation measures such as end-hauling of sidecast material.</li> <li>d) effects on ecosystems.</li> <li>e) the protection of areas of significant conservation value identified in accordance with the criteria contained in policy DO5.1.1 (areas with high natural values).</li> <li>f) loss of topsoil or movement of soil down slope.</li> <li>g) the potential for slope failure.</li> <li>h) damage to structures or adjoining properties.</li> <li>i) soil and vegetation entering rivers.</li> <li>j) the area to be cleared at any one time.</li> <li>k) the provision of structures to control soil erosion or sedimentation.</li> <li>l) the timing and techniques used for revegetation.</li> <li>m) the long term management of the land cleared.</li> <li>n) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated.</li> </ul>	<p>COr.24.5</p> <p>The maintenance and minor upgrading of tracks, roads and firebreaks is considered unlikely to have a significantly greater adverse effect on the environment than the existence of those facilities. New land disturbance activities will however need to be considered in relation to the values of the area for which protection is sought.</p>
<p>COr.25.4</p> <ul style="list-style-type: none"> <li>a) loss of topsoil or movement of soil down slope.</li> <li>b) the potential for slope failure.</li> <li>c) damage to structures or adjoining properties.</li> <li>d) soil and vegetation entering rivers.</li> <li>e) damage to instream habitats.</li> <li>f) adverse effects of catchment stream flow.</li> <li>g) stream bank erosion.</li> <li>h) duration of bare soil to wind and rainfall.</li> <li>i) catchment water quality, including suspended sediment load and increased stream bed load.</li> <li>j) the method and timing of the activity.</li> <li>k) the area to be cleared at any one time.</li> <li>l) the provision of structures to control soil erosion or sedimentation.</li> <li>m) the timing and techniques used for revegetation.</li> <li>n) the long term management of the land cleared.</li> <li>o) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated.</li> <li>p) visual effects.</li> <li>q) effects on areas of significant conservation value identified in accordance with policy DO5.1.1 (areas with high natural values).</li> </ul>	<p>COr.25.5</p> <p>This rule generally follows the pattern of the NCC Land Disturbance Regional Plan notified in 1993. That Plan will cease to have effect when this Plan becomes operative. Vegetation clearance adjacent to rivers and the coastal marine area have, because of their location, a high potential to cause soil erosion (river bank erosion), or sedimentation effects and are therefore discretionary. Indigenous vegetation and indigenous forest is specially protected to preserve intrinsic values of ecosystems, visual and other amenity values, as well as the relationship of Maori to their ancestral lands.</p>

<b>Item</b>	<b>Permitted</b>	<b>Controlled</b>	<b>Discretionary/Non-complying</b>
<b>COr.26 Network utilities</b>	COr.26.1 The maintenance and upgrading of network utilities is a permitted activity if activities include only the maintenance and upgrading of the existing network utility.	COr.26.2 The installation of new network utilities is a controlled activity. Control reserved over site restoration, landscaping, and screening	COr.26.3 Activities that contravene a permitted condition or controlled standard are discretionary.
<b>COr.27 Activities near the coast</b>	COr.27.1 Activities within 20m of mean high water springs are permitted if:  a) they do not involve erection or extension of structures (excluding fences), and  b) they do not impede the legal right of foot access along a waterbody where this exists.	COr.27.2 Activities within a wetland, or the bed of a river, or within 5m of its banks or margins, are controlled if: a) they involve the maintenance or upgrading of existing structures, or b) extension of a utility service line or structure.  Control reserved over: i) damage to indigenous vegetation, and ii) disturbance of riverbanks, and iii) maintenance of access, and iv) remedial measures.	COr.27.3 Activities that contravene a permitted condition are discretionary.
<b>COr.28 Hazardous substances - use and storage</b>	COr.28.1 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).	COr.28.2 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.	COr.28.3 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.

Assessment Criteria	Explanation
<p>COr.26.4</p> <ul style="list-style-type: none"> <li>a) the location of the activity in relation to ridgelines and upper slopes and in particular the visibility of the works from the city or the coast.</li> <li>b) the location of any cultural, archaeological or geo-preservation sites in relation to the proposed works.</li> <li>c) the need to relocate within the Zone.</li> <li>d) the protection of areas of significant conservation value identified in accordance with the criteria contained in policy DO5.1.1 (areas with high natural values).</li> <li>e) potential impact on riparian or coastal vegetation, water quality or aquatic habitat.</li> </ul>	<p>COr.26.5</p> <p>The rules provide for underground facilities as of right subject to Council being satisfied that there will be no destruction of habitat or enhanced erosion. Any structures or larger scale utilities are subject to consent.</p>
<p>COr.27.4</p> <ul style="list-style-type: none"> <li>a) the appropriateness of undertaking the activity within this area.</li> <li>b) effects on water quality.</li> <li>c) effects on public access and recreation.</li> <li>d) effects on indigenous vegetation and the habitat of indigenous fauna.</li> <li>e) effects on sites of cultural significance.</li> <li>f) the justification for the establishment of esplanade reserves, strips or other protections for the margins.</li> <li>g) the values of coastal waters listed in Appendix 4 (marine ASCV overlay) and Appendix 6, (riparian and coastal margin overlays).</li> </ul>	<p>COr.27.5</p> <p>Coastal margins are sensitive to modification, provide habitat for plant and animal communities, and are important for recreational, aesthetic, and cultural reasons.</p>
<p>COr.28.4</p> <p>Assessment Criteria in Appendix 21.</p>	<p>COr.28.5</p> <p>See Appendix 21</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>COr.29 Noise</b>	COr.29.1 a) Noise levels at, or within the boundary of any site in the Residential Zone, or within the notional boundary of any rural dwelling must not exceed: <b>Day Time</b> L 10: 55 dBA <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.) b) All measurements and assessment in accordance with NZS6801:1991 and NZS6802:1991.	COr.29.2 not applicable	COr.29.3 Activities that contravene a permitted condition are discretionary.
<b>COr.30 Archaeological Sites and Archaeological Overlays</b>	COr.30.1 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) earthworks.	COr.30.2 not applicable	COr.30.3 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).

Assessment Criteria	Explanation
<p>COr.29.4</p> <ul style="list-style-type: none"> <li>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.</li> <li>b) the nature and location of nearby activities and the effects they may experience, particularly the night time effects on the amenity enjoyed by other users of the Conservation Zone.</li> <li>c) whether the noise is likely to detract from the general environmental quality being proposed for the Conservation Zone, or the amenity of any adjacent Rural Zone.</li> <li>d) the effectiveness, and in particular the certainty, provided by any conditions or controls that might be imposed on the activity.</li> </ul>	<p>COr.29.5</p> <p>The rule provides a minimum standard designed to prevent excess levels of noise which may create nuisance to adjoining activities, in particular dwellings on adjacent properties.</p> <p>Note that rules INr.39 (airport noise) and INr.40 (port noise) in the Industrial Zone regulate the emission of noise from the airport and the port.</p>
<p>COr.30.4</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>COr.30.5</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><b>Applicants are reminded that authority is needed from the Historic Places Trust before any archaeological site is destroyed, damaged or modified.</b> 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.</p> <p><b>Under section 10 of the Historic Places Act 1993 it is an offence to damage an archaeological site without authority.</b> 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>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>CO.31 Subdivision</b>	CO.31.1 Subdivision is not a permitted activity in this Zone	CO.31.2 not applicable	CO.31.3 All subdivision in this Zone is discretionary.
<b>CO.32 Overlays</b>	CO.32.1 Note: Any relevant overlays shall be taken into account when assessing any application for resource consent	CO.32.2	CO.32.3

Assessment Criteria	Explanation
<p>COr.31.4</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 Conservation Zone and the values which the Zone seeks to protect.</li> <li>c) whether subdivision will grant a higher level of protection to the natural and landscape values than that which already exists.</li> <li>d) the protection of areas of significant conservation value identified in accordance with the criteria contained in policy DO5.1.1 (areas with high natural values).</li> <li>e) the protection of riparian and coastal values including those detailed in Tables 6.1 and 6.2 of Appendix 6.</li> <li>f) the protection of archaeological sites, including any site of significance to tangata whenua.</li> </ul>	<p>COr.31.5</p> <p>Subdivision is considered fairly unlikely given the present tenure of the land. Should for some reason subdivision of the land be sought, consideration shall be given to the effects that will have on the integrity of the values which the Zone seeks to protect.</p>
<p>COr.32.4</p>	<p>COr.32.5</p>

## **freshwater rules**

Refer Appendix AP28.9 for freshwater rules.