

# 2

# meanings of words

## **MW.i Introduction**

---

This Chapter defines the meaning of the words used in this Plan and in the Resource Management Act 1991, unless the context otherwise requires. Where a word is followed by an asterisk (\*), the definition that follows is the meaning provided in the interpretation section of the Act and is repeated here to assist readers. In the case of any inconsistency, the statutory definition prevails.

## **MW.ii General rules of interpretation**

---

- a) Any term which is not defined in this section has been used in its common meaning as defined in the Concise Oxford Dictionary (11<sup>th</sup> ed.).
- b) Lists of items (for example, conditions, standards and terms in rules) and subparagraphs within paragraphs are to be read conjunctively, where they are not otherwise specified.
- c) Singular includes plural and vice versa.
- d) Headings do not affect the interpretation of this Plan.
- e) Cross references are for the assistance of readers and are not necessarily exhaustive.

## **MW.iii Definitions**

---

<b>Abstraction of water</b>	taking of water from a water body for use or consumption.
<b>Access</b>	means a practical permanent vehicular and pedestrian access from a formed road onto a site, either directly, or over another site subject to a registered easement of right of way appurtenant to the site.
<b>Accessory building</b>	means a building, the use of which is incidental to that of any other building or buildings on the site, and in relation to a site on which no building has been erected, is incidental to any permitted activity on the site. On a residential site, a sleeping room detached from its residential unit is not an accessory building.
<b>Accessway</b>	includes a footpath, walkway or cycleway and each of these terms and their design requirements are further defined in the Nelson Tasman Land Development Manual 2019 (NTLDM).
<b>Acoustic Certificate</b>	means a certificate signed by a qualified acoustic engineer certifying an Acoustic treatment of a residential unit and specifying a certified level of port noise within a residential unit.

**Acoustic Certificate Register**

means the register kept by the Port Operator that contains a list of all sites that have an Acoustic Certificate, the date of the certificate and the certified level of port noise for that site.

**Acoustic treatment**

Acoustic treatment means acoustic treatment of a residential unit to achieve an indoor design level of 40 dBA  $L_{dn}$  within all habitable spaces, either with ventilating windows open or with mechanical ventilation installed and operating, when port noise is at or below the certified level of port noise and shall include the cost of testing and obtaining an Acoustic Certificate; except in the following circumstances when the above indoor design level does not need to be achieved:

- a) the property owner seeks a form of or level of acoustic treatment or mitigation that results in a different indoor design level, or,
- b) it is impracticable to achieve the specified indoor design level due to the desirability of maintaining heritage features of a building, and instead the indoor design level of the habitable spaces will be reduced as far as practicable, or,
- c) it is impracticable to achieve the specified indoor design level in habitable spaces at a cost of 50% of the value of the property (excluding land value), and instead the indoor design level in habitable spaces will be reduced as far as practicable while not exceeding the cost of 50% of the value of the property (excluding land value).

**Act\***

means the Resource Management Act 1991.

**Aerial**

means an antenna or similar communication device formed by a rod, wire, dish or other structure by which radio, telephone or electromagnetic signals are transmitted or received. It includes any support structure and guy wires. An aerial may include a single mast or pole supporting several antennas. Where a wire or other antenna is supported between two or more poles, each pole is considered to be an aerial.

**Aerial display**

means any display of advertising material on or attached to a balloon, blimp or similar device that is tethered to the ground but otherwise free to move, and includes search-lights and laser light displays.

**Aggregate**

includes clays, silts, sands, gravels, cobbles and boulders.

**Agrichemicals**

means any substance, whether inorganic or organic, human-made or naturally occurring, modified or in its original state, that is used in any agriculture, horticulture or related land use activity, to eradicate, modify or control flora and fauna.

**Allotment\***

has the meaning in the Act and includes the balance of any land from which any allotment is being, or has been subdivided.

**Amenity values\***

means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

**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 aquaculture or the taking or holding of spat,

<b>Certified level of port noise</b>	means the maximum level of port noise that a residential unit subject to an Acoustic Certificate for acoustic treatment can receive, provided that the certified level of port noise for any residential unit is set 3dBA L <sub>dn</sub> above the noise contour level for that site shown on the port noise contour map in the Port Noise Management Plan at the date the Certificate was issued.
<b>Classified roads</b>	means roads with a hierarchical classification of Arterial, Principal and Collector. Refer to chapter 4 'Transport' of the Nelson Tasman Land Development Manual 2019 (NTLDM).
<b>Cleanfill material</b>	solid material such as rock, clay, or soil, or inert building materials such as concrete or brick, but excluding any material which may be combustible, putrescible, degradable, leachable, or hazardous.
<b>Coastal Environment</b>	<p>This is an environment in which the coast usually is a significant part or element. The coastal environment will vary from place to place, depending upon the extent to which it affects or is (directly) affected by coastal processes and the management issue concerned. It includes at least three distinct, but inter-related, parts:</p> <ol style="list-style-type: none"> <li>a) the Coastal Marine Area, which extends from mean high water springs to the outer limits of the territorial sea (12 nautical mile limit)</li> <li>b) the active coastal zone</li> <li>c) the land backdrop</li> </ol> <p>The coastal environment includes at least the coastal marine area, the water, plants, animals, and the atmosphere above it; and all tidal waters and foreshore (whether above or below mean high water springs), dunes, beaches, areas of coastal vegetation and coastal associated animals, areas subject to coastal erosion or flooding, salt marshes, sea cliffs and coastal wetlands including estuaries.</p>
<b>Coastal Marine Area*</b>	<p>means the foreshore, seabed, and coastal water, and the air space above the water -</p> <ol style="list-style-type: none"> <li>a) of which the seaward boundary is the outer limits of the territorial sea.</li> <li>b) of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of - <ol style="list-style-type: none"> <li>i). one kilometre upstream from the mouth of the river; or</li> <li>ii). the point upstream that is calculated by multiplying the width of the river mouth by 5.</li> </ol> </li> </ol>
<b>Coastal water*</b>	<p>means seawater within the outer limits of the territorial sea and includes:</p> <ol style="list-style-type: none"> <li>a) seawater with a substantial fresh water component, and</li> <li>b) seawater in estuaries, fiords, inlets, harbours or embayments.</li> </ol>
<b>Commercial activity</b>	means the use of land, buildings and/or the surface of water bodies for the display, offering, provision, sale or hire of goods, equipment, or services, and includes shops, markets, showrooms, restaurants, takeaway food bars, professional, commercial, and administrative offices, service stations,

motor vehicle sales, short term living accommodation, the sale of liquor and parking areas associated with the above; but excludes recreational, community, and service activities and home occupations.

**Communication device**

includes any aerial, navigational aid or beacon, meteorological equipment, or similar device.

**Community activity**

as it relates to the Ngawhatu Residential Area (Schedule E), means the use of land and buildings for the primary purpose of public health, welfare care, education, cultural and spiritual wellbeing, but excludes recreational activities. Community activities may include land and buildings used for churches, halls, libraries, community centres, health centres, schools (including preschools), and emergency service facilities (including fire, police and ambulance stations).

**Comprehensive housing development**

means three or more residential units, designed and planned in an integrated manner, where all required resource and subdivision consents are submitted together, along with sketch plans of the proposed development. The land on which the proposed residential units are to be sited must form a separate, contiguous area.

**Conditions\***

in relation to plans and resource consents, includes terms, standards, restrictions, and prohibitions.

**Construction**

in the case of a building or structure, includes the relocation of a building or structure.

**Contaminant\***

includes any substance (including gases, odorous compounds, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat:

- a) when discharged into water, changes or is likely to change the physical, chemical, or biological condition of water, or
- b) when discharged on to or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air on to or into which it is discharged.

**CPTED**

Crime Prevention Through Environmental Design.

**Crossing**

in relation to vehicle and stock crossings (verb), means a single trip across a waterway (not a return trip).

**Crown cleaning**

in relation to trees, means the removal of dead, dying, diseased, crowded, weakly attached, low vigour branches and water sprouts from a tree crown.

**Crown thinning**

in relation to trees, includes crown cleaning and means the selective removal of branches to increase light penetration and air movement through the crown where:

- a) no more than one-third of live foliage is to be removed, and
- b) after pruning at least half of the foliage is on the branches in the lower two-thirds of the tree, and
- c) half of the foliage on laterals on the inner two-thirds of a branch is retained

provided that such removal shall not be used successively to incrementally reduce the size of the tree, or to remove the tree.

**Culvert**

means a pipe or covered channel that conveys water.

**D<sub>2m,nT</sub>+C<sub>tr</sub>**

is a measure of facade sound insulation. It is the difference in decibels between the outdoor sound level measured 2 metres from the facade (including the effect of sound reflection from the facade) and the spatial average sound level inside the receiving room. See ISO140-5 (Acoustics - Measurement of sound insulation in buildings and of building elements - Part 5: Field measurements of airborne sound insulation of facade elements and facades; and ISO 717-1:2013

<b>Soil disturbance</b>	means disturbance of soil other than by modification to the shape of the land surface and includes cultivation, deep ripping, root raking, blading and compaction.
<b>Standards and terms</b>	statements of the measurements, times, rates or other information that area used in a rule to classify an activity as controlled or discretionary.
<b>Stock</b>	means farm animals.
<b>Stock effluent</b>	means <ul style="list-style-type: none"> <li>a) wastewater and/or sludge from dairy sheds, piggeries or feedlots, or</li> <li>b) sludge from agricultural wastewater treatment ponds, or</li> <li>c) poultry farm litter or wastewater.</li> </ul>
<b>Stock fence</b>	means fences for the purpose of containing livestock, including suspended flood gates.
<b>Stoke centre</b>	means that area on the western side of Main Road Stoke, zoned Suburban Commercial, and having frontage to one or more of the following: Songer Street, Neale Avenue, Putaitai Street, Main Road Stoke, Strawbridge Square, the Fire Station Carpark, or Lichfield Street.
<b>Storage</b>	in relation to hazardous substances, means the containment of a substance or mixture of substances, either above ground or underground, and includes the filling and empty-ing of the container. Storage does not include substances in use, or those used as a cooling or heating medium.
<b>Stormwater</b>	runoff water (excluding water in a river) that is diverted through channels or pipes for discharge into the Coastal Marine Area or into a water body.
<b>Stormwater discharge</b>	means rainwater discharges to a water body which have been collected in channels and pipes.
<b>Stormwater drain</b>	means a drain which collects rain water off roofs, roads and hard standing surfaces and discharges it to a river, stream or into the sea.
<b>Streetscape</b>	means all that space or area that stretches from building to building and is the land that incorporates the road as well as the land between the buildings and the road boundary on each side of the road. It creates neighbourhood character and a shared public realm.
<b>Structure*</b>	any building, equipment, device or other facility made by people and which is fixed to land, and includes any raft. For the purposes of structures in the beds of rivers and lakes, “structures” includes dams and bank protection structures fixed to the bed.
<b>Structure Plan</b>	is a mapped framework to guide the development or redevelopment of a particular area by defining future development and land use patterns, areas of open space, the layout and nature of infrastructure (including transportation links), and other key features for managing the effects of development, often across land in multiple ownership except that in the event that the indicative education facility in Marsden Valley Schedule I is not developed, then the lack of an education facility means the subdivision design is still generally in accord with the Marsden Valley structure plan. See AD11.4A ‘Structure Plans’ for further information.
<b>Subdivision*</b>	has the meaning given in the Act.
<b>Substation</b>	those parts of works or electrical installations, being a building, structure or enclosure, incorporating fittings that are used for the purposes of the control of the transformation, transmission, or distribution of electricity, but excluding electricity distribution substations occupying less than 36m <sup>2</sup> .
<b>Surface water</b>	as it applies in freshwater rule ‘take, use, or diversion of surface water,’ surface water means freshwater in rivers, lakes and wetlands.

**Sustainable Management\***

managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while:

- a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations, and
- b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems, and
- c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

**Take (of water)**

means the extraction of water for a specific use.

**Tangata whenua\***

in relation to a particular area, means the iwi, or hapu, that holds mana whenua over the area.

**Telecommunication facility**

means any telecommunication line, telephone exchange, telephone booth, telephone cabinet or pay phone, or any other structure, facility or apparatus intended for the purpose of effecting telecommunication.

**Telecommunication line**

means a wire or wires or a conductor of any other kind (including a fibre optic cable) used or intended to be used for telecommunication; and includes any pole, insulator, casing, minor fixture, tunnel, or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any such wire or conductor; and also includes any part of a line.

**Temporary military training activity**

means a temporary activity undertaken for Defence purposes. Defence purposes are those in accordance with the Defence Act 1990.

**Territorial sea\***

the territorial sea of New Zealand as defined by section 3 of the Territorial Sea and Exclusive Economic Zone Act 1977.

**Tikanga Maori\***

Maori customary values and practices.

**Treaty of Waitangi**

**(Te Tiriti o Waitangi\*)** has the same meaning as the word ‘Treaty’ as defined in section 2 of the Treaty of Waitangi Act 1975.

**Trigger flow**

means a river flow 10% above the ‘minimum flow’ level at which continued takes from a river are considered to have adverse effects.

Once trigger flow for a river (as defined in Appendix 28.2) is reached all takes must cease, except those for

- i) domestic, stock water, or fire fighting purposes, and
- ii) water permits, where a water conservation plan has been approved by the Council.

For more detail see Appendix 28.3.ii.

**Unclassified roads**

means roads with a hierarchical classification of Sub-Collector, Local Roads and Residential Lanes. Refer to chapter 4 ‘Transport’ of the Nelson Tasman Land Development Manual 2019 (NTLDM).

### ***AD10.2.iii Nelson Tasman Land Development Manual 2019 (NTLDM)***

The NTLDM is a document that combines network asset design and construction requirements for both Nelson and Tasman regions. It is intended to provide consistent minimum standards and guidance for network assets that Council will accept as part of its network, and activities affecting them including maintenance and operations. It also includes formation and construction standards for some private assets that connect to network assets.

The NTLDM replaces former Engineering Standards, the Nelson Land Development Manual 2010, and the Tasman District Engineering Standards.

The relationship of the NTLDM to asset management functions under the Local Government Act (2002) and resource management functions of Council under the Resource Management Act (1991) is important.

All subdivision and development within Nelson and Tasman must be consistent with the requirements of the respective Resource Management Plans (RMPs), being the Tasman RMP and the Nelson RMP. Subdivision and development must be consistent with applicable RMP rules, either by meeting conditions for permitted activities or by applying for and gaining a resource consent.

However, where a new Council network asset is being created, maintained, or replaced through development, such as a new road or water supply pipeline, it is the NTLDM that provides more detailed design and construction standards of what the Councils will accept and take over as a public asset. Additionally, practice notes provide comprehensive design details that can support developers and maintenance and operation contractors in carrying out their activities in a way that will meet Council's expectations for design and construction. The NTLDM and practice notes can also aid the Councils in achieving levels of service that are set out in Long Term Plans and objectives of the RMP's.

Parts of the NTLDM are externally referenced provisions of the Nelson Resource Management Plan or Tasman Resource Management Plan, where specified in those plans. The specified parts will be subject to First Schedule requirements of the Resource Management Act as "externally referenced" standards..

### ***AD10.2.iv Financial contributions guide***

Not part of this Plan, but intended to explain financial contributions required under the plan with worked examples of calculations.

### ***AD10.2.v New Zealand standards***

The New Zealand Standards Association publishes a variety of documents on a wide range of subjects. These documents may be referred to when assessing any application, imposing conditions of consent, or establishing compliance with the Plan provisions.

### ***AD10.2.vi Codes of practice***

Various industry associations publish Codes of Practice relating to their spheres of interest. Where these documents have wide publication and a measure of support the Council may refer to them when assessing applications and in imposing conditions of consent.

### ***AD10.2.vii Externally referenced documents***

Part 3, Clauses 30-35 of the First Schedule of the Resource Management Act 1991 outlines what documents can be incorporated by reference and the process for doing this. The documents that can be incorporated by reference include standards, requirements or recommended practices of international or national organisations or countries and any other written material that deals with technical matters that is too large or impractical to be printed as part of the Plan. Documents that are incorporated by reference have legal effect as part of the Plan, have to be consulted on and to be publicly available.

***AD10.2.viii New Zealand Urban Design Protocol***

The Council is a signatory to the NZ Urban Design Protocol. The protocol aims to foster improvements in the way our towns and cities are designed and developed. By signing the protocol the Council has committed to an action plan to raise awareness of the value of quality urban design both to the Council and the community.

**AD10.3 Additional relevant documents**

---

***AD10.3.i Documents referred to in the Resource Management Act***

The Act requires the Council, when preparing or changing a plan, to have regard to various documents (sections 66 and 74). These are as follows:

***AD10.3.ii Regional policy statement***

This document has been produced under the Resource Management Act. It provides an overview of the resource management issues of the region and the policies and methods to achieve integrated management of the natural and physical resources of the region. This Plan may not be inconsistent with the Regional Policy Statement.

The Nelson Regional Policy Statement was originally notified in August 1994 and after hearing of submissions, became operative in March 1997.



This page has been left intentionally blank.

### ***AD10.3.iii National Environmental Standards***

The Minister for the Environment can recommend to the Governor-General that a regulation be issued known as a National Environmental Standard. A standard can deal with a range of factors, e.g. qualitative or quantitative standards, for example for noise or contaminants, or can determine methods for implementing standards, or classifying a resource. They can also prohibit an activity. Where a regulation prohibits an activity, this prevails over the provisions of a Plan.

### ***AD10.3.iv Regulations***

The Governor General may issue regulations at any time concerning a range of issues, e.g. the manner of content of applications, who is required to be served notice of an application, and so on. Regulations can apply to specific parts of the region, be applied generally or from time to time. Where appropriate, these regulations must be taken into account.

### ***AD10.3.v National policy statements***

These may be issued by the Minister for the Environment on matters of national significance that are relevant to achieving the purposes of the Resource Management Act. The exception is the NZ Coastal Policy Statement, which was mandatory, and was issued by the Minister of Conservation 5 May 1994. Any plans produced by a Council under the Act must not be inconsistent with any National Policy Statement.

### ***AD10.3.vi Local Government Act 2002***

The Long Term Plan (LTP) is prepared under the Local Government Act 2002, with the purpose of describing Council's activities to promote the social, economic, environmental and cultural well-being of our community, in the present and for the future. This includes describing the 'community outcomes' of the city, providing integrated decision making and co-ordinating the resources of the Council. It provides a long term focus for the decisions and activities of the Council and is an important basis for the accountability of the Council to the Nelson community. It provides an opportunity for the public to participate in decisions on activities to be carried out by the Council and covers ten years of financial expenditure in detail. The LTP also includes the Council's Development Contributions Policy. This policy ensures that those who benefit from (or create the need for) new infrastructure are responsible for funding it. The Local Government Act requires the Council to take a **sustainable development** approach through the LTP, which is a wider planning mandate than that of the Resource Management Act which promotes **sustainable management** of the environment.

A LTP must be adopted every three years and cover a period of not less than 10 consecutive financial years. The Annual Plan is published in the years that the LTP is not. The Annual Plan updates Council's financial situation, intended activities and work programme for the following financial year.

Asset and Parks and Reserves Management Plans are developed for the management of infrastructure and community facilities assets. These Plans combine multi disciplinary management techniques (including technical and financial) over the life cycle of the asset to provide a specified level of service in a cost effective manner.

### ***AD10.3.vii Documents recognised by iwi***

Council will take into account any relevant planning document which is recognised by an iwi authority, and which has been lodged with Council, to the extent that its content has a bearing on the resource management issues of the region.

### ***AD10.3.viii Reserve management plans***

The day to day management of reserves under the Reserves Act 1977 is controlled by management plans under the Reserves Act. This Plan only sets out to manage reserves at the broadest resource management level, leaving the operational and planning details of reserves to the reserves management plans. Most reserves have been included in the Open Space and Recreation Zone or Residential Zone.

b) Grampians slope risk overlay, Tahunanui core slope risk overlay and Tahunanui fringe slope risk overlay

Indicate where controls are to be imposed in order to address the effects of slope risks in two broad areas, the Tahunanui Slump and the lower Grampians slip. Both areas define potential or actual land slip areas where stringent building or development controls are necessary.

c) Inundation overlay

The Inundation Overlay indicates areas which may be susceptible to localised stormwater flows, stormwater ponding, ponding of other floodwaters or tidal inundation. The causes of localised ponding are highly site specific but generally relate to the presence of a low lying area where stormwater accumulates or tidal backwater effects prevent drainage. Currently where new development occurs in these areas, the Council requires that adequate site levels are achieved to maximise drainage and that floor levels are established above the maximum water level expected in a 50 year return period event (an event predicted to happen on average only once in any 50 year period).

Tidal inundation may occur at some sites during periods of extra high tides and particularly in combination with low pressure weather systems. In exposed coastal areas wave action is also a factor. Calculations of the likely flooding events include sea level rise of 0.3 m over the next 50 years (after Ministry for the Environment 1993). As knowledge of possible global warming and associated sea level rise is gained this figure is likely to be reviewed. The Council is also reviewing the way in which development adapts to the potential effects of climate change on inundation levels.

d) Flood path overlay

Indicates areas where the land may be subject to occasional flooding within flood paths and overflow channels of rivers and streams. These areas have been differentiated from the inundation overlays because of the higher risks to safety and property associated with this type of hazard, particular from the erosive or destructive force of moving floodwater. The Council is undertaking a long term programme of upgrading storm water drainage. As this work progresses the susceptibility of areas to flooding will change. Those purchasing or developing within the Flood Path Overlays should obtain the most up to date information available from the Council.

e) Flood overlay

Indicates areas in the Rural Zone and Conservation Zone where land may be subject to flooding or hazards caused by running water such as debris flows on steam fans and the change in the position of creeks, but insufficient information is available to allocate it to the Inundation Overlay or Flood Paths Overlay.

The Flood Overlay is an advisory overlay which is given effect to through other rules in the Plan, the Resource Management Act itself or through other legislation. Examples of situations where the Flood Overlay will be taken into account include the earthworks rules of the Plan which make earthworks within the Flood Overlay a restricted discretionary activity, section 14 of the Resource Management Act which controls the damming or diversion of water, and the Building Act which takes flood hazards into account when assessing a building consent.

---

### **AD11.3.2 Landscape overlay**

All areas adjacent to the city, coast and main traffic routes which are highly sensitive to development. They comprise mainly the ridge tops together with the most sensitive shoulder slopes.

### **AD11.3.3 Services overlay**

---

**AD11.3.3.i** The Services Overlay relates to the availability and capacity of services such as wastewater, water supply, stormwater drainage, and roads. The overlay areas contain one or more of the following servicing constraints:

- a) Development of the area is beyond the immediate scope of the Long Term Plan or Council's Nelson Development Strategy.
- b) The area is low lying and requires filling before servicing can occur
- c) The area is one where extension of services is required to serve other land or contribute to a network. This includes the provision of legal road and utilities up to the boundary of the development site to serve the development potential of adjoining land in the Services Overlay.
- d) Services in the area are inadequate and require comprehensive upgrading before development can proceed
- e) The area is above the contour for which water can be supplied to meet the requirements of the Nelson Tasman Land Development Manual 2019 (NTLDM). (The standards are based on the NZS4404: Land Development and Subdivision, and the New Zealand Fire Service Water Supplies Code of Practice).

These constraints must be addressed before development of these areas can proceed. Resource consent will not be declined for servicing constraint reasons when they have been resolved.

**AD11.3.3.ii** The Services Overlay also deals with situations where services need to be developed in the area in a comprehensive manner in conjunction with the Council and other property owners.

### **AD11.3.4 Heritage overlays**

---

#### **a) Heritage Buildings, Places, and Objects**

Are individual items, described in Appendix 1, and indicated on the Planning Maps. The Plan protects these items.

#### **b) Heritage Precincts**

Are areas that contain a number of heritage items, where the group together has particular value. Heritage Precincts may contain buildings that are not listed heritage buildings, but are subject to controls to ensure that alterations to these buildings do not detract from the values of the precinct.

#### **c) Heritage and Landscape Trees**

Are individual trees, groups of trees, or woodlands, described in Appendix 2, and indicated on the Planning Maps. The Plan protects these items.

#### **d) Archaeological sites**

All sites of human habitation prior to 1900, indicated on the Planning Maps and supplemented by Appendix 3. The Plan protects these items.

#### **e) Archaeological Overlay**

Are areas which are known to contain a high number of identified archaeological sites, and which are also likely to contain many sites that are not documented. One such area occurs at Delaware Bay, another at the mouth of the Whangamoia River. Within these overlays the Plan regulates activities which have the potential to damage archaeological sites. Individual sites within these overlays are not shown on the Planning Maps, but records of some archaeological sites within them 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.

Land use planning, particularly the creation of new roads, walkways and cycleways through subdivision and development, and the location of nodes of activity through zoning and associated rules, have potential to influence the sustainability of the land transport system. The Council encourages the co-location of activities through land use planning which can encourage a shift from vehicle dependence to the increased use of cycling, walking and passenger transport.

**DO10.1.ii** See also policy DO14.3.1 (roading) under Objective 14.3 ‘Services’ and policy DO13A.2.1 (accessibility) under Objective DO13A.2 ‘improving connections’.

## **policy**

### **DO10.1.1 environmental effects of vehicles**

---

*The environmental effects of vehicles should be avoided or mitigated by promoting more intensive development and co-location of housing, jobs, shopping, leisure, education and community facilities and services to minimise the number and length of vehicle trips and encourage the use of transport modes other than private motor vehicle.*

#### **Explanation and Reasons**

**DO10.1.1.i** The direct effects of vehicle traffic, such as noise, vibration, exhaust fumes, and vehicle crashes, and the indirect effects such as loss of privacy, loss of land for other uses, and separation of neighbourhoods, can all be avoided or mitigated by a reduction in the number and length of vehicle trips through creating highly accessible communities. Dependence on the private motor vehicle also has indirect effects such as the risks associated with a community’s reliance on fossil fuels, Nelson’s carbon footprint and impact on climate change, and the associated demands for greater roading infrastructure. These indirect effects can also be avoided or mitigated through encouraging mixed use and more intensive development at appropriate locations. See also policy DO14.3.1 (roading) under ‘Services’ and policy DO13A.2.1 (accessibility) under Objective DO13A.2 ‘improving connections’.

#### **Methods**

**DO10.1.1.ii** Promote the use of public transport, cycling and walking as alternatives to the use of cars.

**DO10.1.1.iii** Promote travel demand management activities such as car pooling and travel management plans.

**DO10.1.1.iv** Provide in the Plan for urban consolidation, by zoning and regulating the development of new greenfields subdivisions, and allowing a higher density of dwelling units in areas within walking distance of shopping areas and transport nodes, including The Wood and the Stoke Centre.

**DO10.1.1.v** Regulating the construction of new state highways, arterial roads and principal roads.

## **policy**

### **DO10.1.2 road network**

---

*The road network should be maintained and developed to accommodate a range of road types to support a range of functions and streetscape characteristics.*

#### **Explanation and Reasons**

**DO10.1.2.i** The adverse environmental effects from roads can be avoided or mitigated through creating and maintaining a mixture of road types that accommodate a range of traffic volumes, speed environments, functions and users. A hierarchical road network provides for the safe and efficient movement of traffic by assigning some roads (state highways and arterial roads) a primary role of carrying through traffic and a minimal role in providing access to properties, and by assigning other roads (local roads) a primary role in providing access to properties and a minimal role in carrying through traffic.

**DO10.1.2.ii** The hierarchy is as follows, listed in descending order of importance for through traffic and ascending order of importance for property access: state highway, arterial road, principal road, collector road, local road. Different classifications of road require different design treatment appropriate to their function. For example, while reverse manoeuvring from sites onto Unclassified Roads is encouraged, it is not considered appropriate on Classified Roads for safety and efficiency reasons.

**DO10.1.2.iii** Adverse environmental effects from roads are avoided or mitigated by diverting traffic away from local roads to roads higher in the hierarchy, and by ensuring the road network maximises connections between appropriate roading types. The greater traffic volumes that can be carried by arterial roads promote energy efficiency as well as more efficient use of time. Local roads, by being relieved of through traffic, are able to provide valuable areas of open space, residential amenity and promote active modes of travel. The hierarchy will minimise delays and accidents and makes best use of the substantial investment in the road network.

**DO10.1.2.iv** The location of activities on the network also affects road efficiency and safety and should be regulated. The travel demand management approach of the Regional Land Transport Strategy seeks to improve road efficiency and reduce environmental effects of vehicle transport by encouraging a road network that supports intensification and mixed use developments in appropriate areas and the accessibility of public transport, cycle and walkway based transport networks within those areas.

#### **Methods**

**DO10.1.2.v** Develop and maintain a hierarchical road network, using the road classifications above.

**DO10.1.2.vi** Indicate the road hierarchy on the Planning Maps.

**DO10.1.2.vii** Rules controlling location of activities in relation to roads shown on the road hierarchy maps.

**DO10.1.2.viii** Rules controlling vehicle access to roads, including reversing and queuing on sites, and requiring of road parking, turning and loading areas.

**DO10.1.2.ix** Chapter 4 of the Nelson Tasman Land Development Manual 2019 providing a range of road designs to allow the functional and operational objectives of the transport network to be achieved.

**DO10.1.2.x** Rules regulating the construction of new state highways, arterial roads and principal roads.

### **policy**

#### **DO10.1.3 expansion of the road network**

*New roads and intersections should integrate with the adjoining road network while not adversely affecting the environment, or the safety or efficiency of the road network.*

#### **Explanation and Reasons**

**DO10.1.3.i** New roads and intersections need to be designed and located in such a way that any impacts on the road system and the environment are kept to within acceptable limits. See also policy DO14.3.1 (roading) under 'Services' and policy DO13A.2.1 (accessibility) under Objective DO13A.2 'improving connections'

**DO10.1.3.ii** New development should connect well to existing, indicative, proposed or potential development in adjacent areas to facilitate interconnection between new and existing communities. A development with poor links to the surrounding area creates an enclave which encourages movement to and from it by private motor vehicle rather than by other modes. Road connections to existing areas should ensure that outcomes of the connections, such as increased traffic volumes, will be commensurate with the design of those areas. Connectivity between new and existing areas should endeavour to enhance and contribute toward a more sustainable community overall, wherever practical.

## Methods

- DO10.1.3.iii** Assigning new roads an appropriate place in the road hierarchy, having regard to the needs for through traffic and access and the amenity values of the area.
- DO10.1.3.iv** Rules imposing design standards by reference to the place of the new road in the hierarchy.
- DO10.1.3.v** Rules that control the effects of new roads in relation to design and location of property access (including by use of segregation strips) and intersections.
- DO10.1.3.vi** Rules regulating the location and design of subdivisions by reference to impacts on the road network.
- DO10.1.3.vii** Chapter 4 of the Nelson Tasman Land Development Manual 2019 providing a range of road standards to allow the functional and operational objectives of the transport network to be achieved.
- DO10.1.3.viii** Provision of indicative roads on Structure Plans or within the Planning Maps, as a matter for assessment and response through subdivision applications.

## policy

### **DO10.1.4 traffic effects of activities**

*Activities should be located and designed to avoid, remedy or mitigate the effects of traffic generation on the road network and encourage a shift to more sustainable forms of transport.*

#### Explanation and Reasons

**DO10.1.4.i** The safety and efficiency of the road can be adversely affected by parking, access and pedestrians associated with a particular activity. Safety, efficiency and accessibility are paramount when planning transport in Nelson. The location of appropriate land uses alongside the appropriate elements of the network will result in fewer accidents and greater efficiency.

**DO10.1.4.ii** For local roads, the location of employment, shopping and recreational activities relative to housing areas affects the demand for travel. There are positive effects to be gained from co-locating these activities, such as the reduction in travel demand and the ability to more easily use forms of transport other than private motor vehicles. These effects may take many years to be achieved through land use planning policies but it is an important consideration when assessing the traffic effects of activities

#### Methods

- DO10.1.4.iii** Rules retaining discretion on activities with high effects on traffic on Classified Roads.
- DO10.1.4.iv** Rules requiring parking, loading, and manoeuvring to be accommodated in a manner that is reflective of the road type, function and design.
- DO10.1.4.v** Rules regulating activities in relation to traffic effects, including the location, scale, and timing of activities.
- DO10.1.4.vi** Rules controlling number of access points according to the road hierarchy, and in the Inner City Zone, by reference to the Ring Road.
- DO10.1.4.vii** Monitoring of traffic volumes and impacts and response as appropriate.
- DO10.1.4.viii** Rules providing for higher density, mixed use developments and the establishment of village or community centres
- DO10.1.4.ix** Rules regulating location of activities, by reference to their access to types of road in the network.

## **policy**

### **DO10.1.5 access to sites**

---

*Every site should have an access that provides safe entry and exit for vehicles from the site to a road (except for defined sites in the City Centre), without compromising the safety or efficiency of the road network, the safety of different types of road users or the streetscape values.*

#### **Explanation and Reasons**

**DO10.1.5.i** Vehicle access to sites has transport implications because of the potential for conflict between pedestrians, cyclists and road traffic and vehicles entering and leaving sites. Access points need to be designed and located in such a way that impacts on the road system are acceptable for the particular type of road serving the site, its users and the land use activity. In particular the pedestrian/vehicle conflict needs to be minimised through encouraging slow speed access and high visibility at the footpath and accessway interface. Access and manoeuvring design needs to be appropriate for the road classification. Access to sites should not significantly reduce passive surveillance (i.e. the ability to overlook the public space from the adjoining private activity) opportunities in the streetscape. See also policy DO14.3.1 (roading) under 'Services' and policy RE3.5 (streetscape) in Chapter 7 Residential Zone. See also rule ICr.32, Inner City Zone.

#### **Methods**

**DO10.1.5.ii** The improvement or relocation of existing accesses to improve the safety, efficiency, and amenity of the road network.

**DO10.1.5.iii** Rules regulating location of activities, by reference to their access to types of road in the network.

**DO10.1.5.iv** Rules that control subdivisions and developments to:

- a) require every site to be provided with vehicular access.
- b) regulating the design and location of property access and new intersections, having regard to effects on the safety and efficiency of the road network, and in particular: specifying standards for accesses in relation to distance from intersections, width, gradient, and surface, and visibility to and from the road, having regard to the number, and types of vehicle that will use the access and the road, the number of pedestrians using a road, the design speed of the road and any intentions to reduce speeds.

**DO10.1.5.v** The NCC Residential Street Frontage Design Guide, the Nelson Inner City Streetscape Design Guide and rules in the Inner City Zone.

## **policy**

### **DO10.1.6 parking, loading, and turning**

---

*Sites should provide on site parking, loading, turning for vehicles, or have access to those facilities sufficient to avoid any adverse effects on the safe and efficient operation of the roading network as appropriate to the type, function and speed environment of the road being accessed. Any use of off-site facilities shall not compromise pedestrian, cycle or vehicle safety, or the safe and efficient operation of the road network.*

#### **Explanation and Reasons**

**DO10.1.6.i** In order to minimise potential hazards created by traffic movement and traffic generation it is important that each site fronting a classified road provides adequate space on site so that parking, loading, and manoeuvring of vehicles can be contained within the boundaries of the site. Reverse manoeuvring onto unclassified roads will be encouraged to avoid the need to accommodate large paved turning areas in the front yard and to create a slower speed environment on the road. The arrangement should not lead to a hazard to vehicle traffic or pedestrians. See also policy DO14.3.1 (roadings) under 'Services'.



**DO10.1.6.ii** This policy will mean different amounts of on-site parking for different activities, relative to their location and scale. For instance residential activities on unclassified roads will be encouraged to use the road for manoeuvring to create a slow speed environment and avoid the inefficient use of front yard space for sealed manoeuvring areas. See policy RE3.5 (streetscape) under Chapter 7 Residential Zone.

**Methods**

**DO10.1.6.iii** Rules specifying requirements for loading, parking, and manoeuvring according to activity.

**DO10.1.6.iv** Front yard rules specifying the location of residential garaging.

**DO10.1.6.v** Specific rules for the City Centre (Inner City Zone), and provision of parking collectively in public car parks, through a special rate.

***Policy DO10.1.6 has been deleted to give effect to Policy 11 of the National Policy Statement on Urban Development 2020.***

## **policy**

### **DO10.1.7 pedestrian and bicycle traffic**

---

*A safe, pleasurable and convenient network for pedestrian and bicycle traffic should be developed and maintained as an integral part of the land transport system.*

#### **Explanation and Reasons**

**DO10.1.7.i** This policy is consistent with the Regional Land Transport Strategy and the Regional Policy Statement. Walking and cycling are widely recognised as healthy, enjoyable and environmentally sustainable ways to travel, and offer convenient and efficient options for short to medium distance trips. See also policy DO14.3.1 (roading) under ‘Services’ and policy DO13A.2.1 (accessibility) under Objective DO13A.2 ‘improving connections’.

#### **Methods**

**DO10.1.7.ii** Road and subdivision designs that take into account and promote the needs of pedestrians and cyclists promoted through the Nelson Tasman Land Development Manual 2019 Transport Chapter.

**DO10.1.7.iii** Maintenance of separate pedestrian access between the parking squares and shopping streets.

**DO10.1.7.iv** Improvement of pedestrian environment, particularly in shopping areas.

**DO10.1.7.v** Acquisition of walkways to create a network where adequate pedestrian access on existing roads and walkways is not available.

**DO10.1.7.vi** Establishment of new cycleways to create a safe cycling network.

**DO10.1.7.vii** Implement Cycle and Pedestrian Strategies.

**DO10.1.7.viii** Establishment of cycle parking facilities.

**DO10.1.7.ix** Provision of indicative walkways (which may in appropriate circumstances also perform a cycleways function) on Structure Plans or within the Planning Maps, as a matter for assessment and response through subdivision applications.

**DO10.1.7.x** Within the Rural Zone in particular, recognise and promote management practices, placement, and construction of public walkways and cycleways that minimise the potential for cross-boundary effects, in liaison with adjoining land owners.

## **policy**

### **DO13A.2.1 accessibility**

---

*Accessibility is maximised through subdivision and development design which provides for:*

- a) *safe and pleasant transport networks for all modes of movement, including pedestrians, cyclists, public transport and motor vehicles.*
- b) *a variety of logical and effective connections between different transport networks and between different parts of the city and urban areas.*

#### **Explanation and Reasons**

**DO13A.2.1.i** A well designed transport network integrated with land use improves accessibility and mobility, contributes to better quality of life, encourages healthier lifestyles, uses less non-renewable energy, and contributes to improved economic performance. Interconnected street systems can also enhance safety, reduce crime and fear of crime. Note: The term ‘pedestrians’ includes people with disabilities and in wheelchairs or on mobility aids

#### **Methods**

- DO13A.2.1.ii** Standards and terms, rules and assessment criteria for subdivision.  
**DO13A.2.1.iii** Mandatory matters and good practice in the Nelson Tasman Land Development Manual 2019.  
**DO13A.2.1.iv** Indicative Roads on Structure Plans and Planning Maps.  
**DO13A.2.1.v** Implement actions in the NZTA Pedestrian Planning and Design Guide, and the NCC Pedestrian Strategy.  
**DO13A.2.1.vi** Implement actions and policies of the NCC “Safer by Design” Crime Prevention Through Environmental Design Guidelines (CPTED).

## **policy**

### **DO13A.2.2 natural connectivity**

---

*Subdivision and development should provide for the enhancement, restoration and, where appropriate, multiple use of natural environment connections, particularly from the hills to the coast, utilising rivers, streams and natural catchment features through urban environments to enhance native biodiversity.*

#### **Explanation and Reasons**

**DO13A.2.2.i** Nelson is characterised by its distinct natural topography, dramatic coastal landscape setting and relationship to the harbour and sea. Providing connections between the hills and the coast reduces the impact of urban areas and urban expansion on the connectivity of these two environments. Connections to the hills and the coast also enhance the identity of urban neighbourhoods/communities and dictates growth patterns for urban areas and infrastructure. Connections between natural areas are also beneficial for natural values.

#### **Methods**

- DO13A.2.2.ii** Implement Linkages and Corridors Policy DO5.1.2.  
**DO13A.2.2.iii** Riparian and Coastal Margin Overlay Rules (Appendix 6)  
**DO13A.2.2.iv** Riparian and biodiversity corridors on Structure Plans or on Planning Maps and associated rules.  
**DO13A.2.2.v** Subdivision standards and terms, and assessment criteria.  
**DO13A.2.2.vi** The Nelson Tasman Land Development Manual 2019 provides opportunities for trade-offs to enable reduced road widths when integrated with public open space or esplanade reserve, where footpaths and/or parking can be accommodated outside of legal road.  
**DO13A.2.2.vii** Implement objectives and actions in Parks and Reserves Management Plans.

## **policy**

### **DO13A.2.3 public to private connections**

---

*Public spaces created as part of subdivision and development should be connected to and overlooked by private buildings and spaces in a manner that is human scaled and encourages interaction and safety.*

#### **Explanation and Reasons**

**DO13A.2.3.i** Lack of connections to, and buildings that turn their backs on, public spaces can lead to poor quality, under utilised and unsafe public environments. Civic spaces, neighbourhood and local reserves, esplanade reserves and streetscapes benefit from being well connected and overlooked by private spaces and buildings. This creates safe, attractive and secure public spaces and pathways and provides environments that encourage people to become more interactive with the community.

#### **Methods**

**DO13A.2.3.ii** Rules and assessment criteria including those controlling yards, setback, and fence heights.

**DO13A.2.3.iii** Esplanade values and rules in Appendix 6.

**DO13A.2.3.iv** Comprehensive Housing Development provisions (Appendix 22).

**DO13A.2.3.v** NCC Residential Street Frontage Guide and the NCC Central City Streetscape Design Guide.

**DO13A.2.3.vi** Implement Nelson Tasman Land Development Manual 2019 Parks and Reserves and Transport sections.

**DO13A.2.3.vii** Implement actions and policies of NCC 'Safer by Design' Crime Prevention through Environmental Design Guidelines (CPTED).

## **objective**

### **DO13A.3 creating high quality public spaces**

---

*Buildings, reserves and roads that are created as part of subdivision and development result in quality public spaces that are beautiful and inspiring, provide for and enable social, cultural, economic and environmental wellbeing and enhance amenity values.*

#### **Reasons**

**DO13A.3.i** High quality public spaces enable people to play, relax and socialise throughout various levels/scales of the urban environment (suburbs, commercial villages, city centre), support recreational and commercial activity, and help to ensure vitality of public spaces and communities. Conversely, poor quality public spaces are an inefficient use of resources, are under-utilised and are a burden on ratepayers.

Public spaces in urban areas are owned and maintained by the community and need to be located and developed in a manner that represents quality urban design. Private development that adjoins public spaces will need to demonstrate an appropriate level of quality urban design reflective of the prominence and function of the adjoining public space. Subdivision and development creates new public spaces (roads, reserves, parking areas, public accessways) so these need to be designed and relate to their context to ensure they are able to be developed as high quality spaces. Public spaces which are prominent and which are intended to have a high level of public use are deserving of inspirational design. Left over sections of land, or areas unable to be developed due to gradient, stability or other reasons, are not considered suitable for public spaces unless they are capable of accommodating a range of the values sought in objective DO13A.3.

## **policy**

### **DO13A.3.1 high quality public spaces**

---

*Subdivision and development of, or adjoining, urban public spaces should where appropriate provide for:*

- a) landscape and streetscape design that is of high quality, is people rather than vehicle orientated and maintains or enhances social, cultural and amenity values.*
- b) a sense of human scaled elements at the interfaces of buildings, infrastructure and urban public spaces.*
- c) the public space to have a variety of distinctive spaces appropriate to the context that function well as places for a range of activities including meeting people, relaxing, playing and walking through them.*
- d) a range of public open spaces and parks that cater for the different needs of people both in terms of ages and abilities, and levels of recreational and leisure use.*

#### **Explanation and Reasons**

**DO13A.3.1.i** A range of parks, reserves and streetscapes are to be provided throughout the urban area that are accessible and well used by the community and contribute to quality of life. The activities of subdivision and development provide opportunities for reserves and streets to be designed and located in such a way that they become quality public spaces that residents use and value. The activities of subdivision and development on land adjoining public spaces also provides opportunities to ensure that private development acknowledges through design the adjoining public space.

#### **Methods**

- DO13A.3.1.ii** Implement the NCC Arts Policy for art in public spaces.
- DO13A.3.1.iii** Mandatory matters and good practice contained in the Nelson Tasman Land Development Manual 2019 Parks and Reserves and Transport sections.
- DO13A.3.1.iv** NCC Urban Design Panel.
- DO13A.3.1.v** Implement the NCC Street Tree Guidelines.
- DO13A.3.1.vi** Implement actions and policies in the NCC Parks and Reserves Management Plans.
- DO13A.3.1.vii** Rules, standards and terms, and assessment criteria.
- DO13A.3.1.viii** Implement actions and policies in the NCC 'Safer by Design' Crime Prevention through Environmental Design Guidelines (CPTED).
- DO13A.3.1.ix** Implement the Central City Strategy.
- DO13A.3.1.x** Create and implement a Strategic City Development Plan that programmes and prioritises growth areas, works and services required to ensure sustainable urban development.
- DO13A.3.1.xi** NCC Residential Street Frontage Guide and the NCC Central City Streetscape Design Guide.

## **policy**

### **DO13A.3.2 multi use**

---

*Public spaces which facilitate multiple uses to achieve a range of social, cultural, economic and environmental benefits.*

#### **Explanation and Reasons**

**DO13A.3.2.i** The Council will encourage designs for public spaces that create win win situations, enabling a range of environmental, economic and social/cultural benefits to be achieved. An example of this approach is the design of an esplanade reserve that has both ecological benefits through its design width and planting, and also provides benefits for the adjoining suburban neighbourhood in terms of amenity, recreation, accessibility and connectivity, and low impact stormwater opportunities. Quality urban design also treats streets and other thoroughfares as positive spaces with multiple functions

#### **Methods**

**DO13A.3.2.ii** Rules, standards and terms, and assessment criteria.

**DO13A.3.2.iii** Appendix 14 Residential Subdivision Design and Information Requirements.

**DO13A.3.2.iv** Implement Nelson Tasman Land Development Manual 2019 Parks and Reserves, Stormwater and Transport sections.

**DO13A.3.2.v** Implement actions in the NCC Urban Design Protocol Action Plan.

**DO13A.3.2.vi** Implement actions in the NCC Sustainability Policy.

**DO13A.3.2.vii** Implement actions in the NCC 'Safer by Design' Crime Prevention through Environmental Design Guidelines (CPTED).

**DO13A.3.2.viii** Create and implement a Strategic City Development Plan that programmes and prioritises growth areas, works and services required to ensure sustainable urban development.

## **policy**

### **DO13A.3.3 prominent and public buildings and spaces**

---

*Prominent spaces and places should be defined by the Council. Urban buildings and spaces located on prominent sites, or buildings and spaces that are intended for public use, should represent outstanding architectural and landscape design, and be socially, culturally and environmentally responsive. Design should consider the needs of present and future generations.*

#### **Explanation and Reasons**

**DO13A.3.3.i** Public buildings and important urban spaces should express a level of design appropriate to the prominence of the site within the city, or relationship of the site to the urban fabric, or end public use. Such context specific, creative, urban design supports a dynamic urban social and cultural life, makes admirable towns and fosters strong urban identities. Depending upon the landscape significance of the site, the appropriate approach may be that any development or structure maintains the existing character.

#### **Methods**

**DO13A.3.3.ii** Create and implement an Urban Design Panel to provide advice on private and public projects.

**DO13A.3.3.iii** Implement the policies and actions in the Central City Strategy.

**DO13A.3.3.iv** Implement the NCC Design Guides.

**DO13A.3.3.v** Undertake a prominent spaces and places assessment to help to define where particular design sensitivity is required.

**DO13A.3.3.vi** Implement the NCC Arts Policy.

## objective

### **DO13A.4 providing for diversity**

---

*Subdivision and development that provides for a range of choices in housing types, neighbourhood types, compatible employment opportunities and leisure and cultural activities.*

#### Reasons

**DO13A.4.i** Desirable towns and cities offer opportunities for all people of the community, from young to old, people on different incomes and people of many cultures. Subdivision and development should recognise that the benefits of urban life are widely shared. The physical location and diversity of development helps to build a strong and sustainable community.

#### policy

##### **DO13A.4.1 flexibility, choices and adaptability**

---

*Subdivision and development should facilitate, where appropriate:*

- a) mixed use developments that support a variety of compatible land uses and reflect local needs.*
- b) flexibility to adapt buildings and spaces to accommodate a range of uses both now and in the future.*
- c) a range of building types to provide accommodation and offer opportunities for all groups within the community.*
- d) a range of subdivision layouts that contribute to a diversity of neighbourhood types and identities.*

#### Explanation and Reasons

**DO13A.4.1.ii** Quality urban design enhances the social, environmental and cultural qualities of our environments by delivering a mix of houses, uses and facilities that the community needs. Adaptability of buildings and sites to accommodate a range of activities over their lifetime or as the local environment changes (such as the ability for neighbourhood commercial or service activities to set up in greenfield areas once the residential neighbourhoods are established) enables vibrant, and sustainable communities. Diversity in building form and subdivision layout contributes to neighbourhood identity, and assists to build a strong sense of community.

#### Methods

- DO13A.4.1.iii** Undertake Residential Intensification Review to determine appropriate densities.
- DO13A.4.1.iv** Create and implement different Residential Zone density provisions.
- DO13A.4.1.v** Comprehensive Housing Development Provisions and Appendix 22.
- DO13A.4.1.vi** Implement Structure Plans in the NRMP.
- DO13A.4.1.vii** Provide for mixed use opportunities in certain zones.
- DO13A.4.1.viii** Rules and assessment criteria.
- DO13A.4.1.ix** Implement actions and policies in the Central City Strategy.
- DO13A.4.1.x** Implement the affordable housing measures in the Social Wellbeing Policy.

## objective

### **DO13A.5 sustainable places & communities**

---

*Urban development that meets the community's current needs without compromising future needs.*

#### Reasons

**DO13A.5.i** Urban design has a role in sustainable management by reducing the environmental impact of the city and suburbs through environmentally sustainable and responsive design solutions. Therefore, growth of urban areas and economic development should be sympathetic to the natural environment and minimise Nelson's ecological footprint.

#### policy

##### **DO13A.5.1 environmentally responsive**

---

*Subdivision and development should be environmentally responsive, which for the urban environment includes considering the following opportunities:*

- a) the efficient use of existing infrastructure and the sustainability of new infrastructure.*
- b) the containment of urban sprawl and avoidance of inefficient use of the urban land resource.*
- c) interconnection within and between neighbourhoods to reduce vehicle dependence.*
- d) the reuse of existing buildings and sites, and the adaptability of proposed buildings and sites.*
- e) the establishment of small neighbourhood village areas for local shopping/services.*
- f) the consideration of connections to public transport or future public transport networks.*
- g) the collection and reuse of rainwater to supplement potable supplies.*
- h) low impact stormwater design treatment and disposal.*
- i) the solar orientation of buildings and sites.*
- j) the encouragement of the use of renewable energy sources and sustainable building materials.*
- k) responding to sea level rise predictions.*
- l) the inclusion of innovative and sustainable options for the treatment of human waste.*

#### Explanation and reasons

**DO13A.5.1.ii** To be an environmentally responsive city Nelson must manage resources to take account of the needs of present and future generations. This includes constantly seeking ways to minimise adverse impacts on human health and natural and cultural systems, including air and water quality, minimising waste production, energy and water use, and maximising the efficiency of land use and infrastructure. The items listed in this policy are some of the many ways of ensuring that subdivision and development design are environmentally responsive and these will be considered when assessing consent applications for subdivision and development that departs from minimum standards.

#### Methods

- DO13A.5.1.iii** Rules and assessment criteria.  
**DO13A.5.1.iv** Provide free advice to applicants on a range of eco building options.  
**DO13A.5.1.v** Mandatory matters and good practice in the Nelson Tasman Land Development Manual 2019.  
**DO13A.5.1.vi** Implement the Solar Saver Scheme to assist homeowners with the conversion to solar hot water heating.



## objective

### DO13A.6 urban design process

---

*Sustainable management of Nelson's urban resources achieved through quality urban design processes. These processes holistically manage urban systems and interconnections rather than focusing on the effects of individual activities.*

#### Reasons

**DO13A.6.i** Urban design is an approach that draws together many sectors and professions, and it includes both the process of decision making and the outcomes of design. To achieve quality urban design, quality design approaches need to be employed. It is important that this is considered at the start of the land conversion/development process and that the outcomes are managed in an integrated way across property boundaries, neighbourhoods and zones.

## policy

### DO13A.6.1 policy and administration

---

*Quality urban design should be supported through flexible and responsive policy and administration systems that use a holistic approach to the management of urban environmental effects.*

#### Explanation and Reasons

**DO13A.6.1.i** Prescriptive policy and disjointed administration systems cannot support quality urban design proposals. The interconnected nature of urban environments, and the effects of development within them, requires a balanced approach to considering the effects of individual activities on a whole project scale. This approach recognises that trade offs may be required in some situations to achieve the multiple goals of quality urban design.

#### Methods

**DO13A.6.1.ii** Rules and assessment criteria, particularly the restricted discretionary residential subdivision rules.

**DO13A.6.1.iii** Implement Appendix 14 Residential Subdivision Design and Information Requirements.

**DO13A.6.1.iv** Use of the Major Projects Team to review significant development proposals.

**DO13A.6.1.v** Review internal Council systems and processes to remove barriers and encourage integrated decision making.

**DO13A.6.1.vi** Undertake interdepartmental projects.

**DO13A.6.1.vii** Encourage the use of pre-application consultation between applicants and Council officers.

**DO13A.6.1.viii** Create an Urban Design Panel to provide design advice on private and public projects.

## policy

### DO13A.6.2 coordinated approaches

---

*Subdivision and development should use a coordinated multi disciplinary approach to avoid the adverse effects and cumulative adverse effects of managing urban resources individually and from a single discipline's perspective.*

#### Explanation and Reasons

**DO13A.6.2.i** Creating quality urban design requires action across a wide range of sectors, groups and professions relative to the nature and scale of the application. Professionals in all disciplines (in private and public arenas) need to work together, as no one profession can understand the full complexity of Nelson city and urban areas.

### Methods

- DO13A.6.2.ii Implement Appendix 14 Residential Subdivision Design and Information Requirements.
- DO13A.6.2.iii Mandatory matters and good practice in the Nelson Tasman Land Development Manual 2019.
- DO13A.6.2.iv Implement Structure Plans.
- DO13A.6.2.v Use of the Major Projects Team to review significant development proposals.
- DO13A.6.2.vi Create an Urban Design Panel to provide design advice on private and public projects.
- DO13A.6.2.vii Encourage urban design professional development and social opportunities supported by Council.

### policy

#### DO13A.6.3 collaboration

---

*To encourage the collaboration of the private and public sector where there are opportunities for projects to assist with the Council's role of achieving a quality urban design vision for the community in a sustainable and equitable manner.*

#### Explanation and Reasons

DO13A.6.3.i A commitment to the community, and relationships at a local level, will begin to change the patterns of development which represent poor quality urban design. The use of collaborative relationships to develop social and recreational facilities for the community, and for the upgrading of servicing infrastructure is well established. Collaboration is needed to start addressing the provision of quality urban design, and also to start addressing issues of developing land and buildings for other urban uses.

### Methods

- DO13A.6.3.ii Promotion of and participation in community housing projects where appropriate.
- DO13A.6.3.iii Ensure Council development projects are pursued in partnership with iwi and the community.
- DO13A.6.3.iv Implement actions and partnerships identified in the Central City Strategy.
- DO13A.6.3.v Create and implement an Urban Design Panel and Major Projects Team to facilitate collaboration and improved relationships between the private and public sectors.

## **policy**

### **DO14.2.1 allotments**

---

*The pattern created by subdivision, including allotment sizes, shapes, and dimensions should take into account the range of future potential land uses and the development potential of the area, and any potential adverse effects on the environment and amenity values, and the relationship of the allotments to any public open spaces (including reserves and streets).*

#### **Explanation and Reasons**

**DO14.2.1.i** In rural areas the size and scale of rural allotments should relate principally to the provision of services, the likely potential density of dwellings and other buildings, the versatility of soils for present and future use, and effects on amenity values of the area.

**DO14.2.1.ii** Subdivision for other purposes, including land used for conservation, recreation, or cultural facilities, should be undertaken in a manner that reflects the natural character or the cultural values of the facilities, and the likely public needs associated with them.

**DO14.2.1.iii** The subdivision of land for residential purposes should create allotments which are of sufficient size and shape to enable dwellings erected upon them to have usable outdoor space and to allow development at a density which is appropriate to the character of the particular area. The density patterns reflect the objectives and policies for living areas, with higher densities (and hence smaller lot sizes) permitted in The Wood and near the Stoke Centre. The policy also provides the ability to undertake higher density building where the development of units is part of a comprehensive plan.

**DO14.2.1.iv** The subdivision of land for all types of future land uses should have regard to the orientation and location of allotments to reserves and streets. The pattern and density of subdivision should allow for future buildings to overlook public spaces, and allotments for roading should provide generous frontages to reserves to avoid adverse safety and amenity affects.

#### **Methods**

**DO14.2.1.v** Rules controlling the size, shape, and dimensions of allotments in each zone.

**DO14.2.1.vi** Assessment criteria for applications.

**DO14.2.1.vii** Appendix 14 Residential Subdivision Design and Information Requirements.

**DO14.2.1.viii** Nelson Tasman Land Development Manual 2019.

## **objective**

### **DO14.3 services**

---

*The provision of services to subdivided lots and developments in anticipation of the likely effects and needs of the future land use activities on those lots within the developments and the development potential of other land in the Services Overlay.*

#### **Reasons**

**DO14.3.i** Subdivision and development of land is usually followed by intensification and changes in land use that increase the demands on the infrastructure of the City. It is appropriate for servicing requirements to be addressed at the time of subdivision or development to ensure that efficient and effective (including cost effective) systems are provided or enhanced and to ensure that the additional costs of servicing do not fall on the community generally.

## policy

### DO14.3.1 roading

---

*Subdivision and development should provide for:*

- a) *The integration of subdivision roads with the existing and future road network in an efficient manner, which reflects the function of the road and the safe and well-integrated management of vehicles, cyclists, and pedestrians, and*
- b) *Safe and efficient access to all lots created by subdivision and to all developments, and*
- c) *Roading connections as shown on Structure Plans and/or as described in Schedules in the NRMP, and*
- d) *Avoidance or mitigation of any adverse visual and physical effects of roads on the environment, and*
- e) *Public to private space relationships and roading design that represents a high quality urban streetscape, and*
- f) *The road network requirements to support the access and connectivity of future developments on other land in the Services Overlay.*
- g) *The road network required to service the subdivision or development in accordance with a) to e) above shall be funded and constructed by the consent holder and vested in Council as part of the development. Provision of the necessary road network in (f) shall be funded by the Council, if the project is provided for in the LTP. In this case, the relevant works have to be constructed prior to the section 224(c) certificate being sought for the development. In all other cases it is expected that the necessary roading shall be funded by the consent holder (with costs shared between benefiting landowners, where relevant).*

#### Explanation and Reasons

**DO14.3.1.i** Subdivision and development has the potential to result in a number of effects on the road network, including:

- a) Potential to change the function and efficiency of the road network through an increase in vehicle numbers and changes in travel patterns.
- b) Demand for new roads which are not able to be constructed or maintained in an economically sustainable manner justified by the development yield it serves.
- c) Changes to the function and connectivity of local roads which may lead to adverse effects on major routes, such as collector roads, principal arterials and state highways.
- d) Potential adverse effects on stormwater quality and quantity.
- e) Changes to streetscape and the formation of, and relationships with, public spaces which can lead to poor amenity and urban design outcomes.
- f) Inability to provide a well connected and efficient transport pattern.

**DO14.3.1.ii** Vehicle ownership levels mean that vehicular access must generally be provided to newly created lots. Road and access standards must reflect anticipated volume, function, connections, streetscape and relationship to public spaces values. Roads and access must integrate into the existing and future road system to provide safe, convenient, and efficient movement throughout Nelson. Subdivision requirements for roads and access need to provide for the development of a variety of systems for vehicle, passenger transport, cyclist, and pedestrian movement. Roads can also have major visual, stormwater and other effects and should be located and designed as far as possible to enhance the environment and minimise any adverse visual and other effects on topography, landscape and amenity values. Roads adjoining public spaces should be designed to directly relate to that space through the provision of sufficient frontage, landscaping, parking and, where possible, maximise efficient use of resources between the two public spaces, such as combined stormwater collection, treatment and disposal mechanisms.

**DO14.3.1.iii** When subdivision or development takes place, regard must be had to the likely future roading requirements of adjacent or nearby land, to avoid the land becoming 'land-locked', or inaccessible. If an adequate alternative is not available, the subdivision and development will be required to vest a legal road which is located in such a position and is of sufficient width, to provide suitable access to adjacent or nearby land.

Subdivision and development is required to vest legal road to provide connectivity to adjoining land with development potential. The cost of creating this connection at the time of subdivision shall either be funded through the LTP or funded by the developer. There may be circumstances whereby roading is funded and constructed by way of cost sharing agreements amongst landowners.

**DO14.3.1.iv** Road and access requirements on subdivision and development are also addressed in DO14.1.3 (orderly development), DO 13A.2 (improving connections), DO13A.3 (creating quality public spaces) and Chapter 6 (Financial Contributions). Land transport, including cycleways and walkways are dealt with under DO10.1 (land transport) as well. Structure Plans are a further method to provide integration to road, walkway and cycleway linkages.

#### **Methods**

**DO14.3.1.v** Rules in each zone and some overlays, controlling subdivision and development in relation to access to the road network; road design and alignment; site access, servicing, turning and parking; and transport, motor vehicle, pedestrian and cycle linkages.

**DO14.3.1.vi** Assessment criteria on applications.

**DO14.3.1.vii** Use of financial contributions (Chapter 6) and/or LTP development contributions to acquire or upgrade vehicle, passenger transport, pedestrian, cycling and amenity linkages where appropriate and not otherwise provided by the subdivision or development (note: these may also be provided by means other than financial contributions). The Council's Nelson Development Strategy will inform the prioritisation of the works and projects facilitated through the LTP to ensure development occurs in a sustainable manner.

**DO14.3.1.viii** Nelson Tasman Land Development Manual 2019.

## policy

### DO14.3.2 drainage, water and utilities

---

*Subdivision and development should provide for:*

- a) *Water supplies of sufficient capacity and of suitable standard for the anticipated land uses on each lot or development, including fire fighting requirements, and*
- b) *The disposal of stormwater in a manner which maintains or enhances the quality of surface and ground water, and avoids inundation of any land, and*
- c) *The treatment and disposal of wastewater in a manner which is consistent with maintaining public health and avoids or mitigates adverse effects on the environment, and*
- d) *Connections from all new lots or buildings to a reticulated water supply, stormwater disposal system, and wastewater treatment and disposal system, where such systems are available, and*
- e) *Supply of electricity, including street lighting, and telecommunication facilities for the anticipated land uses, using a method of supply appropriate to the amenity values of the area, and health and safety, and*
- f) *Any necessary additional infrastructure for water supply, stormwater disposal or wastewater treatment and disposal or power and telecommunications, and*
- g) *Provision of sufficient land and infrastructure with capacity to support the servicing requirements of future development on land in the vicinity that is in the Services Overlay.*
- h) *New or upgraded infrastructure required in accordance with a) to f) above shall be funded and constructed by the consent holder, as part of the development. Provision of land or pipe capacity under g) above shall be funded by the Council, if the project is provided for in the LTP. In this case, the relevant works have to be constructed prior to the section 224(c) certificate being sought for the development. In all other cases it is expected that the necessary land and pipe capacity shall be funded by the consent holder (with costs shared between benefiting landowners, where relevant).*
- i) *All wastewater, water and stormwater infrastructure specified in Chapters 5,6 and 7 of the Nelson Tasman Land Develop Manual 2019 to become public shall be vested in Council.*

*The costs of additional new or upgraded infrastructure shall be paid for by the developer, or as part of the development.*

#### Explanation and Reasons

**DO14.3.2.i** Water supply, stormwater disposal, wastewater treatment and disposal, street lighting, electricity and telecommunications services are important for the well being of people and communities and for their health and safety. The systems need to be reliable, and provide agreed levels of service, while avoiding adverse effects on the environment. Where reticulated services are not available, then special consideration of the possible adverse environmental effects on the future activities on the land is needed. New underground reticulation of electricity and communication systems is required in all zones (except the Rural and Conservation Zones) to avoid adverse visual and amenity effects, and contribute towards improved streetscapes.

**DO14.3.2.ii** When subdivision and development takes place, regard must be had to the likely service needs for the future development of adjacent or nearby land. It is generally more economic and efficient to install services with sufficient capacity for growth at the time of the initial development and provide the ability for these services to be taken to the boundary, rather than to have to upgrade services at a later date. In some circumstances, a later upgrade may be impracticable or impossible due to the location or prior development of the area.

**DO14.3.2.iii** Infrastructure and services requirements on subdivision and development are also addressed in AD11.3.3 Services Overlay, DO14.1.3 (orderly development), Chapter 6 (Financial Contributions) and the LTP Development Contributions Policy. Council's Nelson Development Strategy will inform the prioritisation works and projects facilitated through the LTP to ensure development occurs in a sustainable manner.

## Methods

- D014.3.2.iv Rules controlling the provision of services on subdivision and development in each zone and some overlays.  
D014.3.2.v Assessment criteria for applications.  
D014.3.2.vi Nelson Tasman Land Development Manual 2019.

## policy

### **D014.3.3 areas without services**

---

*Development and subdivision of areas that do not have access to reticulated services, or where the existing services are operating at full capacity, should not proceed where:*

- a) *it will result in significant adverse effects, or*
- b) *the services listed in policy D014.3.2 cannot be provided.*

#### Explanation and Reasons

D014.3.3.i Development and subdivision in unserviced or poorly serviced areas has potential to have adverse effects on the amenities of the area and on health and safety. The urban and Rural Zone High Density Small Holdings areas where there are greatest difficulties with servicing are shown on the Planning Maps as a Services Overlay. In other rural areas, on site services may be satisfactory.

D014.3.3.ii The Council has developed a Long Term Plan to fund the servicing of parts of the urban area according to a timetable. As this proceeds, subdivision and development will become viable in new areas. This servicing timetable will be guided by the Nelson Development Strategy.

#### Methods

- D014.3.3.iii Planning Maps that define the Services Overlay.  
D014.3.3.iv Rules that regulate development and subdivision generally throughout the District and especially in the Services Overlay.  
D014.3.3.v Assessment criteria for applications.  
D014.3.3.vi Nelson Tasman Land Development Manual 2019.  
D014.3.3.vii Nelson Development Strategy.

## objective

### **D014.4 network utilities**

---

*Efficient use of network utilities infrastructure while avoiding, remedying, or mitigating the adverse effects of utilities on their surrounding environments.*

#### Reasons

D014.4.i The growth of the Nelson community has resulted in the development of a significant network utility infrastructure to support the community. It is important that efficient use is made of this infrastructure of network utilities as they are often significant community assets. While network utilities are in many cases essential to the community, it must be recognised that they can generate adverse effects on the environments surrounding them. It is appropriate that the adverse effects of network utilities be minimised.

## policy

### **D014.4.1 efficient use of network utilities**

---

*Management of network utilities that promotes their efficient use.*

#### Explanation and Reasons

D014.4.1.i In most cases existing network utilities represent a considerable investment and are substantial community assets. It is appropriate that these assets be used and developed in an efficient manner. This is in line with the intentions of Section 7 of the Resource Management Act 1991 in relation to physical resources.

#### Methods

- D014.4.1.ii Rules in each zone enabling the efficient management of network utilities.
- D014.4.1.iii Assessment criteria on applications.

#### **policy**

#### **D014.4.2 transmission lines**

---

*Reduce the potential risks associated with high voltage transmission lines by encouraging the location of these away from urban areas and by ensuring residential development is not located near such lines.*

#### Explanation and Reasons

D014.4.2.i The network utility operators that utilise high voltage transmission lines recognise that there is some potential for adverse effects arising from the proximity of these lines to residential development. The effects of concern are the potential health effects of electromagnetic fields and other practical safety concerns. It is appropriate that the Plan enforce established safety distances from this type of network utility.

#### Methods

- D014.4.2.ii Rules in each zone controlling the proximity of residential development to transmission lines.
- D014.4.2.iii Depiction of transmission lines on the Planning Maps.
- D014.4.2.iv Assessment criteria on applications.

#### **policy**

#### **D014.4.3 effects of network utilities**

---

*Ensure that the adverse effects of network utilities on the surrounding environment are minimised.*

#### Explanation and Reasons

D014.4.3.i Network utilities have the potential to cause adverse effects on the environment surrounding them. Many network utilities involve the use of visually obtrusive structures or the generation of electromagnetic radiation or fields. Any development of new or existing network utilities should minimise the potential adverse environmental effects of the utilities on the surrounding environment.

#### Methods

- D014.4.3.ii Rules in each zone requiring the minimisation of the environmental effects of network utilities.
- D014.4.3.iii Assessment criteria on applications.

## **objective**

### **D014.5 community services and facilities**

---

*Appropriate provision for community services and facilities in the district.*

#### Reasons

D014.5.i The provision of community services and facilities such as parks, amenity, open space, and sports, cultural and recreational facilities is an important aspect of the wellbeing of people and communities. Such provision is a means of avoiding, remedying or mitigating adverse effects of changes in, and continued growth of, the district. It is appropriate that this is addressed whenever subdivision and development is taking place as such changes result in changed, and usually increased, requirements for such services.



**DO18.1.1.ii** A minimum flow does not mean that flows will not sometimes naturally fall below this level. The minimum flow reflects the probability of a flow reaching that level, whether that is on average once a year (mean annual low flow) or once over a five year period. The aim is to avoid taking water out of these waterways during these very low flows to avoid causing extra stress for instream life. Minimum flow levels vary depending upon the management objectives established for each water body. These objectives are listed in the table in Appendix 28.2.

**DO18.1.1.iii** Trigger flows have also been set. When flow levels drop to this level, all non-essential abstraction from that river are suspended, except where an approved 'Water Conservation Plan' exists.

**DO18.1.1.iv** Wai (water) will be the starting point for the development of Iwi environmental indicators, using the Maitahi (Maitai) River as a case study. The literature review recently carried out as part of the Council initiated study of the Maitai will provide a resource for the Iwi indicators project.

## **policy**

### **DO18.1.2 flow regimes: other rivers and streams**

---

*Manage water flows and levels in other rivers and streams not specified in Appendix 28.2 through allocation limits on resource consents.*

#### **Explanation and Reasons**

**DO18.1.2.i** Minimum flow regimes or trigger flows have not been established for rivers and streams not specified in Appendix 28.2. Many of these water bodies are located in the Conservation Zone or in rural areas and contain high quality water and significant ecological communities. In addition, these rivers and streams are generally not under any pressure from water users, and are unlikely to be subject to abstraction in the future.

#### **Methods (for policies DO18.1.1 and DO18.1.2)**

**DO18.1.2.ii** Rules controlling water takes during periods of low flow.

**DO18.1.2.iii** Assessment matters for resource consent applications.

**DO18.1.2.iv** Monitoring of flow levels.

**DO18.1.2.v** Timely information to water users about current flow levels and options when low flow conditions occur.

**DO18.1.2.vi** Increase awareness of rural areas where water shortages are likely to occur.

## **policy**

### **DO18.1.3 increased demands for water**

---

*Address increased demand for water created by population growth.*

#### **Explanation and Reasons**

**DO18.1.3.i** This policy recognises that the population for the Nelson City Council area is expected to increase by 24% from 2001 to 2021. This has significant implications regarding increasing demand for out-of-stream uses of water.

**DO18.1.3.ii** Increased demand for water in both the urban and rural zones means that a number of measures will be necessary to avoid the cumulative effects of that population growth on water resources.

**DO18.1.3.iii** The Council recognises that as the city grows there will be an increased demand for water from the Maitai and Roding rivers. While the Council will be able to continue to meet the minimum flows established in the urban supply resource consent, the opportunities to leave more water in the Maitai and Roding rivers will reduce as urban water supply demands increase. For this reason, and in recognition that water is a precious resource, the Council will promote efficient use of water, rainwater storage, and water reuse.

## Methods

**DO18.1.3.iv** Actively monitor water permits and instream flows, to ensure that:  
a) consent conditions are adhered to, and  
b) sufficient residual flows remain to provide for in-stream values, and  
c) water is returned to the source where it is no longer needed for abstraction, and  
d) accurate information is held on what water permits are held but not used, particularly for over-allocated rivers.

**DO18.1.3.v** Meter all consented water takes.

**DO18.1.3.vi** Continue to monitor river flows and set up new monitoring sites, where necessary, to improve data flow.

**DO18.1.3.vii** Set up a website to advise users of flow levels.

**DO18.1.3.viii** Limit most water permits to 10 years to allow for regular review of allocations.

**DO18.1.3.ix** Change the conditions on existing water permits which do not meet allocation limits specified in Appendix 28.2 (refer to Policy DO18.3.1(b)).

**DO18.1.3.x** Require rainwater storage for new residential units in rural areas.

**DO18.1.3.xi** Promote efficient use of water, rainwater storage, and water reuse in the urban area.

**DO18.1.3.xii** State of the environment monitoring and reporting.

## policy

### **DO18.1.4 water quantity (NPS – Freshwater Management 2014)**

*1. When considering any application, the consent authority must have regard to the following matters:*

*(a) The extent to which the change would adversely affect safeguarding the life-supporting capacity of freshwater and of any associated ecosystem and*

*(b) The extent to which it is feasible and dependable that any adverse effect on the life supporting capacity of freshwater and of any associated ecosystem resulting from the change would be avoided.*

*2. This policy applies to:*

*(a) Any new activity and*

*(b) Any change in the character, intensity of scale of any established activity - that involves any taking, using, damming or diverting of fresh water or draining of any wetland which is likely to result in any more than minor adverse change in the natural variability of flows or level of any fresh water, compared to that which immediately preceded the commencement of the new activity of the change in the established activity (or in the case of a change in an intermittent or seasonal activity, compared to that on the last occasion on which the activity was carried out).*

*3. This policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2011 took effect on 1 July 2011.*

#### Explanation and Reasons

**DO18.1.4.i** This policy has been included (under section 55 RMA) as directed by the National Policy Statement for Freshwater Management 2014.

## objective

### **DO18.2 underground flows and levels**

*Water levels and flows within the region's groundwater sufficient to maintain a range of uses and sustain underground aquatic life, and groundwater levels and flows are enhanced where uses and values have been degraded as a result of modified levels or flows.*

#### Explanation and Reasons

**DO18.2.i** In Nelson there are a small number of groundwater takes for a variety of uses. Groundwater abstractions need to occur in a way which does not adversely affect flow levels in aquifers and associated surface water.

# 6

# financial contributions, works, services and other conditions

## **FCi**      **Introduction**

---

**FCi.1**      This chapter contains general objectives, policies, methods, and rules relating to financial contributions. These provisions are applicable to the entire Plan. Other chapters contain material relevant to financial contributions in specific circumstances.

**FCi.2**      The Resource Management Act 1991 enables the Council to obtain financial contributions to avoid, remedy, mitigate, or offset adverse effects relating to activities. Financial contributions can relate to activities permitted by the rules, or can be a condition of any consent.

**FCi.3**      The Act requires the Resource Management Plan to establish the circumstances when a financial contribution may be imposed, the methods that will be used, the purpose of the provisions, and the general purposes for which the financial contribution may be used. A financial contribution may be in the form of money, or land, or a combination of both.

**FCi.4**      During the course of preparing the Plan, the definition of ‘financial contribution’ in the Act was amended to include only money and land. Previously, the term had also included works and services. This chapter now relates to Financial Contributions and also to works, services and other related matters that the Council may impose as conditions on consents.

**FCi.5** In addressing actual and potential adverse effects, the Nelson City Council provisions for financial contributions may comprise:

- a) payment of a standard financial contribution in money for off site adverse effects associated with specified activities.
- b) payment of a variable financial contribution in money, land, or both for additional off site adverse effects associated with some types of activities that cause additional adverse effects.
- c) in some limited circumstances, the exemption as of right, or the reduction at the discretion of the Council, of financial contributions.
- d) in some limited circumstances, the opportunity to pay a financial contribution in money or land, to offset adverse effects on the environment.

**FCi.6** The provisions in the Plan comprise a combination of rules which spread the costs of activities between those directly benefiting from undertaking new activities (particularly subdivision and development) and the wider community. The provisions aim to ensure that a fair proportion of the costs of avoiding, remedying, or mitigating the actual and potential adverse effects on the environment arising from new activities, is charged against the activity. Consequently, the wider community will not have to pay unduly for effects which result in private benefit.

**FCi.7** Developers will be expected to meet the total costs of work and provide land directly related to a new activity. They will also be expected to make a contribution towards upgrading the existing community infrastructure, both to underpin the development and address adverse effects. In some cases this will require provision of new services.

**FCi.8** Because Nelson is an integrated and compact geographic area, contributions will generally not be varied on a geographic basis. However, the provisions of the Plan are such that distinctions can be made, in terms of financial contributions, between a subdivision that is able to connect directly to services and one that is not.

**FCi.9** Financial contributions will generally be obtained in the following circumstances:

- a) on all new subdivisions resulting in the creation of additional allotments; and on the basis of a flat rate for infrastructure and a value-related rate for reserves
- b) on all new developments involving a building consent above \$60,125 value, on the basis of a percentage for infrastructure and reserves
- c) on activities requiring a resource consent, as appropriate in the circumstances in order to address the adverse effects of the activity
- d) on activities requiring specified water and/or trade waste connections, involving water consumption and/or trade waste discharge, at a rate related to the size of the water connection

**FCi.10** The amount of the standard financial contribution is based on the concept that new activities should contribute to funding infrastructure, reserves, and community services necessary to avoid, remedy, or mitigate the adverse effects arising from their establishment.

**FCi.11** The Council has developed a ten year strategy to meet the community's anticipated requirements over this period. It is the aim of the Council to ensure that a fair and reasonable share of the additional cost of providing infrastructure, reserve, and community services associated with new activities is obtained through financial contributions. The remainder of the additional cost of upgrading facilities, together with the cost of maintaining facilities required by the District, will be met by the community through the usual funding avenues such as rating.

**FCi.12** The share of financial contributions to be contributed on subdivision and development has been determined in accordance with this strategy as fixed sums to be paid in accordance with the policy and rules in this chapter of the Plan. The amount of the fixed sums initially specified in the Plan will be increased annually, indexed to inflation (see FCi.5(b)).

- b) shall be treated in exactly the same way as a new building, and subject to the provisions set out in FC2.4.ii and iii.
- c) Works required to maintain a Heritage Building, as defined in the Plan, shall be exempt from a financial contribution under Item 6 in Table FC2.4.1.
- d) Where building consent is required following a subdivision consent, and where the financial contribution required under Table 1 has either been reduced or was exempt, the same reductions and exemptions that applied at subdivision stage shall apply equally at building consent stage, providing the position with regard to the supply of services to the site has remained the same.
- e) Network utility structures (as defined in FC2.1) shall be exempt.

## **FC2.5 Trade wastes and water supply**

---

**FC2.5.i** A financial contribution in money shall be paid to the Council of the amounts set out in Table FC2.5.1 (and adjusted in terms of FC2.9) for every industrial or commercial activity that requires a new or increased capacity for connection to the Council's reticulated water supply system. This financial contribution is a condition on any permitted activity and on any resource consent.

**FC2.5.ii** The purposes of the financial contribution shall be for the Council's reticulated water supply and sewerage systems and shall be levied according to the diameter of the water connection serving the activity.

**Table FC2.5.1 - financial contribution - trade waste and water connection**

Item	Diameter of water connection	Contribution for trade waste	Contribution for water supply
1	30 mm	\$18,038	\$18,038
2	40 mm	\$24,050	\$24,050
3	50 mm	\$36,075	\$36,075
4	100 mm and greater	\$150,520	\$150,520

**Note:** *Financial contributions calculated under this Table exclude goods and services tax, which will be payable in addition.*

**FC2.5.iii** No contribution under Table FC2.5.1 is required for a water connection required solely for a fire fighting system.

## **FC2.6 Parking spaces**

---

*FC2.6 has been deleted to give effect to Policy 11 of the National Policy Statement on Urban Development 2020.*

**FC2.7.i** A financial contribution may be required as a condition on a resource consent to provide money, land or a combination of both; and a condition may be imposed to undertake works (other than as a financial contribution), for one or more of the following purposes:

- a) to avoid, remedy, or mitigate an adverse effect of the activity on the environment
- b) to ensure a positive effect on the environment to offset any adverse effect
- c) to implement the objectives and policies of the Plan
- d) to extend, widen or upgrade roads, (including intersections, footpaths, berms, and kerb and channel) on land or roads in the vicinity
- e) to extend or upgrade the stormwater, water supply, and sewer systems and any other necessary services to the boundary of each allotment of any land being subdivided
- f) to provide on site parking, access, loading and manoeuvring areas
- g) to create esplanade reserves or esplanade strips, other than on subdivision
- h) to provide for erosion and sediment control
- i) to plant trees, shrubs and ground cover and provide landscaping, to revegetate land that has been cleared, or to enhance amenity values
- j) to recover costs associated with additional works paid for under FC2.7.vi

**FC2.7.ii** Any financial contribution will be the full amount required to achieve the purpose of the financial contribution.

**FC2.7.iii** Any financial contribution or condition, under FC2.7.i (d) in the case of roads will be one or more of the following:

- a) the necessary land and works to construct, widen or upgrade any new or existing road, where:
  - i. roads are not available, or
  - ii. existing roads are of inadequate width or construction to cater for increase usage caused by the subdivision or development, or
  - iii. alterations or works to existing roads are required for traffic safety or efficiency as a consequence of the subdivision or development.
- b) the necessary land and works to access any other land in the vicinity of the land being subdivided or developed, or adjacent to the road being constructed, widened or upgraded, to provide for the effective future development of the other land. (Additional land or works beyond that required as a direct consequence of the subdivision or development may be required under this paragraph. See FC2.7.vi.
- c) payment by the consent holder to the Council of the full cost of (a) or (b) or both, where the Council will do some or all of the work or provide land.

**FC2.7.iv** The requirement under FC2.7.i (e) in the case of stormwater, water supply, and sewer reticulation shall be one or more of the following:

- a) the works and land to install all necessary reticulation within the subdivision or development for each lot, or building; and of connections from lots or buildings to the existing Council services.
- b) the works to make any upgrades or modifications to the existing Council services that are required to provide for the expected effects of the subdivision or development on those services.
- c) the land or works necessary to make services available to any other land in the vicinity of the land being subdivided or developed, or adjacent to the services being upgraded or modified, to provide for the effective future development of the other land. (Additional works beyond that required as a direct consequence of the subdivision or development may be required under this paragraph. See FC2.7.vi.
- d) payment by the consent holder to the Council of the full cost of (a), (b), (c) or all, where the Council will do some or all of the work to provide land.

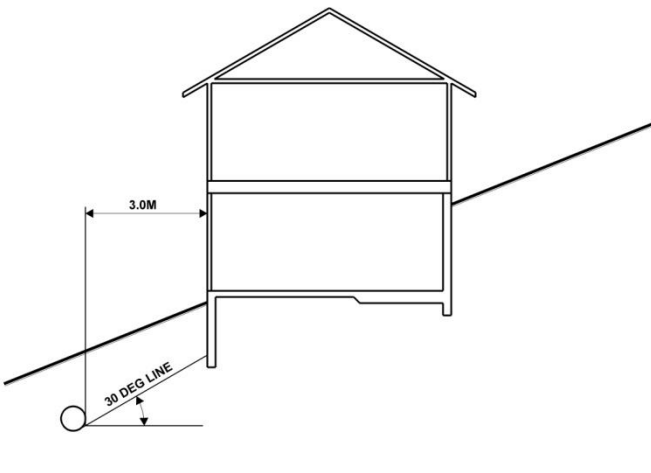
Assessment Criteria	Explanation
<p>REr.21.4</p> <ul style="list-style-type: none"> <li>a) the extent to which the residential character and appearance of the property is maintained, and any adverse effects of the activity are avoided, mitigated, or reduced.</li> <li>b) the extent to which any adverse 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>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.</p> <p>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.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: Refer to rules REr.29 corner sites, REr.40 Access and Chapter 4, section 4.10 of the Nelson Tasman Land Development Manual 2019, and REr.92 Heritage Precincts Front fences for other rules relating to fence heights or locations. 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 (piped or open) and water mains</b></p>	<p>REr.34.1 Structures 3metres or greater from a drain (piped or open) are a permitted activity. Structures closer than 3metres to a piped drain or watermain are permitted provided that: For drains or watermains less than or equal to 300mm diameter: a) any structure must be located no closer than 1metre measured horizontally from the near side of any public unsleeved water main or common private or public sewer or stormwater drain, or For drains or watermains greater than 300mm in diameter b) any structure must be located no closer than 1.5metre measured horizontally from the near side of any public water main, or common private or public sewer or stormwater drain, or For drains 150mm or less in diameter c) any structure may be located within 1metre or directly over a common private or public drain if the diameter of the pipe is 150mm or less; providing that: i) The length of pipe or drain built over is no more than 6 meters in length; and ii) There are no changes in direction or junctions in the portion of the drain built over; and iii) The length of drain built over is relaid using a continuous length of pipe without joints, sleeved inside a 225mm diameter class 4 concrete pipe; and iv) There is a minimum 6metre clear length and 3metre clear width and 1.8metre clear height at one end of the sleeve to allow replacement of the pipe; and v) The pipes are not water mains or pressurised pipelines; and in all cases d) any structure 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 1.8metres where the required pipe or drain is greater than 150mm in diameter or width; and e) any structure located within 3metres, 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 degrees from the horizontal from the invert (bottom) of the pipe or drain (or between 30 degrees and 45 degrees if the design has been certified by a suitably qualified engineer)(see diagram).</p>	<p>REr.34.2 Structures: That contravene c) ii) to vi) only are controlled activities The matters of control are; a) Physical accessibility to the pipe, and b) The ground/floor type and design used to provide quick and easy removal to provide the ability to access the pipes for maintenance and repair, and c) The depth of concrete/permanent surface floor over the pipe, and d) Alternative locations for the pipe and methods of emplacement.</p>	<p>REr.34.3 Buildings, swimming pools or fences within 3m of the top of bank of an open drain is a discretionary activity. All other activities are discretionary.</p>
<p><b>REr.35</b> <b>Daylight admission</b></p>	<p>REr.35.1 Buildings are permitted if: a) they comply with the requirements in Appendix 15.</p>	<p>REr.35.2 not applicable</p>	<p>REr.35.3 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.</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>This rule applies to piped and open drains.</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 rains where off-site facilities are likely to be affected.</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>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>The diagram illustrates a building footprint on a sloped site. A horizontal dimension line indicates a distance of 3.0M from the left edge of the building to a vertical line. Below this, a 30-degree line is shown, representing a slope or a specific orientation. The building footprint is a simple rectangle with a gabled roof.</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).	Rule REr.38.2 has been deleted to give effect to Policy 11 of the National Policy Statement on Urban Development 2020	REr.38.3 Activities that contravene a permitted condition are discretionary.
<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 the mandatory matters in Chapter 4, section 4.10 of the Nelson Tasman Land Development Manual 2019. Where vehicle access is not required under this rule but voluntarily provided, all such access must be provided in accordance with Appendix 11 and mandatory matters in the Nelson Tasman Land Development Manual 2019 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
REr.38.4 Refer to Appendix 10	REr.38.5 Refer to Appendix 10
REr.39.4 a) the size of the site and the location in which the vehicle will be parked. b) the visual, shading, noise, and other effects of having the vehicle parked or stored on the site. c) where there is a shared vehicle access, the number of sites using the access and its width. d) the likely hours of use of the vehicle.	REr.39.5 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.
REr.40.4 Refer to Appendix 11	REr.40.5 Refer to Appendix 11 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.
REr.41.4 See Appendix 20 (signs)	REr.41.5 See Appendix 20 (signs)

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.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>

<b>Item</b>	<b>Permitted</b>	<b>Controlled</b>	<b>Discretionary/Non-complying</b>
<b>RER.56 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 mandatory matters in Chapter 4 of the Nelson Tasman Land Development Manual 2019 are complied with.	RER.56.2 not applicable	RER.56.3 Activities that contravene a permitted condition are discretionary.
<b>RER.57 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 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 Chapter 4 of the Nelson Tasman Land Development Manual 2019.</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) Chapter 5, section 5.4.5 of the Nelson Tasman Land Development Manual 2019.</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, 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) 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, metalled 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.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 Nelson Tasman Land Development Manual 2019.</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.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 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 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
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
<b>REr.107 Subdivision General</b> (except for subdivision located in the Services, Natural Hazard, Landscape or Heritage Overlays)	REr.107.1 Not a permitted activity	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: <ol 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 mandatory matters in the Nelson Tasman Land Development Manual 2019, 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:                             <ul style="list-style-type: none"> <li>Lower Density Area: 600m<sup>2</sup></li> <li>Port Effects Control Overlay: 600m<sup>2</sup></li> <li>Airport Effects Control Overlay 600m<sup>2</sup></li> <li>Lower Density Area (Stoke): 1,000m<sup>2</sup> average with a minimum of 850m<sup>2</sup></li> <li>Higher Density Area: 300m<sup>2</sup></li> <li>Remainder of Zone 400m<sup>2</sup></li> </ul>                             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> </ol> <p><i>Continued overleaf...</i></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: <ol 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> </ol> Discretion is restricted to: <ol 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 Nelson Tasman Land Development Manual 2019</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> </ol> <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> <p>a) the matters in the Nelson Tasman Land Development Manual 2019.</p> <p>b) the extent of compliance with Appendices 10 to 12.</p> <p>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.</p> <p>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).</p> <p>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.</p> <p>f) the pattern of subdivision and how it relates to the desired environmental outcomes, amenity values for the locality, and efficient use of infrastructure.</p> <p>g) effects on traffic, road network, access, parking, stormwater management, water supply wastewater reticulation, and power and telecommunication services.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>k) the assessment criteria contained in REr.61.4 (Earthworks).</p> <p>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).</p> <p>m) the extent to which the proposal has regard to Maori values, particularly in traditional, cultural, or spiritual aspect relating to the land.</p> <p>n) any consultation, including with tangata whenua as appropriate, and the outcome of that consultation.</p> <p>o) avoidance, remedy or mitigation of adverse effects of the subdivision, including temporary effects of construction.</p> <p>p) financial contributions (see Chapter 6).</p> <p>q) the extent to which the proposal includes protection and planting of biodiversity corridors as shown on the Planning Maps or Structure Plans.</p> <p>r) the ground level required to avoid the effects of flooding.</p> <p>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.</p> <p>t) effects on neighbouring properties, especially stormwater runoff.</p> <p>u) provision of adequate flow paths for surface flooding.</p> <p>v) the possibility of an overloaded public storm water system overflowing onto private property.</p>	<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 Nelson Tasman Land Development Manual 2019 through a prescriptive set of mandatory 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 good practice guidance in the Nelson Tasman Land Development Manual 2019. 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 Chapter 10 'Parks and Reserves' of the Nelson Tasman Land Development Manual 2019.</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><i>Continued overleaf...</i></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>

Item	Permitted	Controlled	Discretionary/Non-complying
		<p>REr.107.2 (<i>continued</i>)</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> <li>i) the mandatory matters in the Nelson Tasman Land Development Manual 2019, and</li> <li>ii) the effects of natural and other hazards, and</li> <li>iii) design and layout of the subdivision including any proposed public spaces and any appropriate connections/linkages, 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 intensity of residential units 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) for areas subject to a Structure Plan, the matters contained on those including: <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 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> </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 Chapter 10 Parks and Reserves of the Nelson Tasman Land Development Manual 2019.</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 Nelson Tasman Land Development Manual 2019, 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> <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 mandatory matters and good practice guidance in the Nelson Tasman Land Development Manual 2019.</li> <li>c) the assessment matters in Rule REr.107 (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 the Council (including operation and maintenance costs) of providing water and wastewater services to the development.</li> <li>g) the assessment matters in REr.107.4. Subdivision (General).</li> </ul>	<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
<b>REr.109</b> <b>Landscape Overlays</b> Subdivision	REr.109.1 Subdivision is not a permitted activity.	REr.109.2 not applicable	REr.109.3 Subdivision in the Landscape Overlay, is a restricted discretionary activity, if: <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> Discretion is restricted to: <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 Nelson Tasman Land Development Manual 2019 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> Discretionary Activity Activities that contravene a standard for the restricted discretionary activity are discretionary.
<b>REr.110</b> <b>Fault Hazard Overlay</b> Subdivision	REr.110.1 Subdivision is not a permitted activity.	REr.110.2 not applicable	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: <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>



## **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**

---

- 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**

---

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 Chapter 4 of the Nelson Tasman Land Development Manual 2019 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 Nelson Tasman Land Development Manual 2019.

## **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.

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 Chapter 4 of the Nelson Tasman Land Development Manual 2019 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**

---

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**

---

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.

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

---

*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**

---

*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**

---

*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).*

**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**~~ *Clause IC1.6.ii has been deleted to give effect to Policy 11 of the National Policy Statement on Urban Development 2020.*

#### **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~~ *Clause IC1.6.iv has been deleted to give effect to Policy 11 of the National Policy Statement on Urban Development 2020.*
- 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**

---

*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**

---

*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.

**Methods**

- IC5.3.ii Rule requiring loading and manoeuvring to be contained on site.
- ~~IC5.3.iii~~ *Clause IC5.3.iii has been deleted to give effect to Policy 11 of the National Policy Statement on Urban Development 2020.*
- 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>



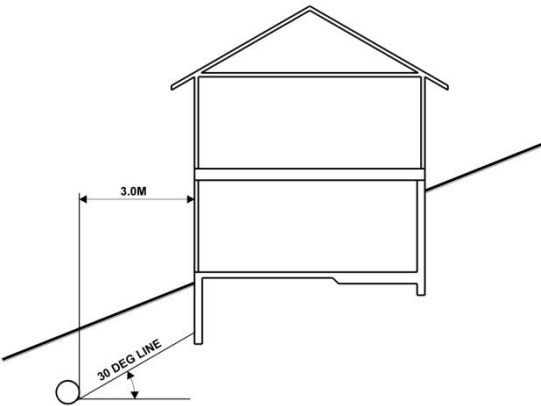
Assessment Criteria	Explanation
<p>ICr.29.4</p> <p>a) The appearance of the building.</p>	<p>ICr.29.5</p> <p>The rule aims to ensure that the majority of building frontage on the key pedestrian roads is glazed to provide pedestrian interest. This rule replaces the “retail frontage” concept of previous 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 the mandatory matters detailed at Chapter 4, section 4.10 of the Nelson Tasman Land Development Manual 2019 <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.

## 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: <ul style="list-style-type: none"> <li>a) they do not involve erection or 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> 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: <ul style="list-style-type: none"> <li>i) damage to indigenous vegetation, and damage to indigenous vegetation, and</li> <li>ii) discharge of contaminants and</li> <li>iii) discharge of contaminants, and</li> <li>iv) maintenance of access, and maintenance of access, and</li> <li>v) remedial measures.</li> </ul>	ICr.38.3 Activities that contravene a permitted condition are discretionary.
<b>ICr.39</b> <b>Building over or alongside drains (piped or open) and water mains</b>	ICr.39.1 Structures 3metres or greater from a drain (piped or open) are a permitted activity. Structures closer than 3metres to a piped drain or watermain are permitted provided that: For drains or watermains less than or equal to 300mm diameter: <ul style="list-style-type: none"> <li>a) any structure must be located no closer than 1metre measured horizontally from the near side of any public unsleeved water main or common private or public sewer or stormwater drain, or</li> </ul> For drains or watermains greater than 300mm in diameter <ul style="list-style-type: none"> <li>b) any structure must be located no closer than 1.5metre measured horizontally from the near side of any public water main, or common private or public sewer or stormwater drain, or</li> </ul> For drains 150mm or less in diameter <ul style="list-style-type: none"> <li>c) any structure may be located within 1metre or directly over a common private or public drain if the diameter of the pipe is 150mm or less; providing that:               <ul style="list-style-type: none"> <li>i) The length of pipe or drain built over is no more than 6 meters in length; and</li> <li>ii) There are no changes in direction or junctions in the portion of the drain built over; and</li> <li>iii) The length of drain built over is relaid using a continuous length of pipe without joints, sleeved inside a 225mm diameter class 4 concrete pipe; and</li> <li>iv) There is a minimum 6metre clear length and 3metre clear width and 1.8metre clear height at one end of the sleeve to allow replacement of the pipe; and</li> <li>v) The pipes are not water mains or pressurised pipelines;</li> </ul> </li> </ul> and in all cases <ul style="list-style-type: none"> <li>d) any structure 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 1.8metres where the required pipe or drain is greater than 150mm in diameter or width; and</li> <li>e) any structure located within 3metres, 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 degrees from the horizontal from the invert (bottom) of the pipe or drain (or between 30 degrees and 45 degrees if the design has been certified by a suitably qualified engineer)(see diagram).</li> </ul>	ICr.39.2 Structures: That contravene c) ii) to vi) only are controlled activities The matters of control are; <ul style="list-style-type: none"> <li>a) Physical accessibility to the pipe, and</li> <li>b) The ground/floor type and design used to provide quick and easy removal to provide the ability to access the pipes for maintenance and repair, and</li> <li>c) The depth of concrete/permanent surface floor over the pipe, and</li> <li>d) Alternative locations for the pipe and methods of emplacement.</li> </ul>	ICr.39.3 Buildings, swimming pools or fences within 3m of the top of bank of an open drain is a discretionary activity. All other activities are discretionary.

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> <li>d) The accessibility of the pipework or drain and the ease by which it could be extracted.</li> </ul>	<p>ICr.39.5</p> <p>This rule applies to piped and open drains.</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 rains where off-site facilities are likely to be affected.</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>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 ICr.39.1e:</p> 

<b>Item</b>	<b>Permitted</b>	<b>Controlled</b>	<b>Discretionary/Non-complying</b>
<b>ICr.40 Outdoor living court - residential activity</b>	<p>ICr.40.1 Every residential unit must be provided with an outdoor living court:</p> <p>a) minimum area: 1 and 2 bedrooms 25m<sup>2</sup> 3 or more bedrooms 40m<sup>2</sup>, and</p> <p>b) minimum dimension 4m, and</p> <p>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</p> <p>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.</p>	<p>ICr.40.2 not applicable</p>	<p>ICr.40.3 Activities that contravene a permitted condition are discretionary.</p>
<b>ICr.41 Signs</b>	<p>ICr.41.1 Any sign must be designed and constructed in accordance with Appendix 20 (signs and outdoor advertising).</p>	<p>ICr.41.2 not applicable</p>	<p>ICr.41.3 See Appendix 20.</p>
<b>ICr.42 Night Time Noise Limits</b>	<p>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:</p> <p>75 dB L<sub>A</sub>F<sub>max</sub></p> <p>All measurements and assessment shall be in accordance with NZS6801:2008 and NZS6802:2008.</p>	<p>ICr.42.2 Not Applicable</p>	<p>ICr.42.3 Activities that contravene a permitted condition are discretionary.</p>
<b>ICr.42A Noise Generating Activities</b>	<p>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:</p> <p>a) results in a 10% or greater increase in permitted patrons, or</p> <p>b) any increase in operating hours or hours amplified music is played at, or</p> <p>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.</p>	<p>ICr.42A.2 Not applicable</p>	<p>ICr.42A.3 The establishment or extension of a 'noise generating activity' is a restricted discretionary activity, provided that the following condition is met:</p> <p>a) a noise management plan shall be provided in accordance with the provisions of Appendix 13.1 Noise Generating Activities.</p> <p>Discretion restricted to:</p> <p>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</p> <p>Any activity subject to this rule that does not comply with condition ICr.42A.3a) shall be a Non-Complying activity.</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 mandatory matters in Chapter 4 of the Nelson Tasman Land Development Manual 2019 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 mandatory matters in Chapter 4 of the Nelson Tasman Land Development Manual 2019.</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) Chapter 5, section 5.4.5 of the Nelson Tasman Land Development Manual 2019.</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>

## 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, i.e. when the condition is not complied with, enforcement of the condition may be actioned.</p>

<b>Item</b>	<b>Permitted</b>	<b>Controlled</b>	<b>Discretionary/Non-complying</b>
<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 <i>Rule ICr.76.2 has been deleted to give effect to Policy 11 of the National Policy Statement on Urban Development 2020</i>	ICr.76.3 Activities that contravene a permitted condition are discretionary.
<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
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><b>(except for subdivision located in the Heritage Overlay or Heritage Precinct)</b></p>	<p>ICr.81.1</p> <p>Not a permitted activity.</p>	<p>ICr.81.2</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 respects with all the relevant standards in Appendices 10 to 12, and</li> <li>b) it complies with the mandatory matters in the Nelson Tasman Land Development Manual 2019, 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 Nelson Tasman Land Development Manual 2019, 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</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) every allotment (other than an access lot) complies with mandatory matters relating to storm water and sewerage in Chapters 5 &amp; 6 of the Nelson Tasman Land Development Manual 2019, 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

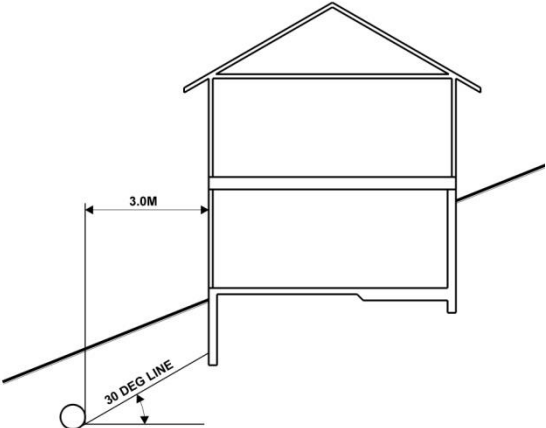
Assessment Criteria	Explanation
<p>ICr.81.4</p> <ul style="list-style-type: none"> <li>a) the matters in the Nelson Tasman Land Development Manual 2019, and</li> <li>b) the extent of compliance with Appendices 10 to 12, and</li> <li>c) The extent of compliance with any plan provisions relating to streams, 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>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 (piped or open) and water mains</b></p>	<p>SCr.28.1 Structures 3metres or greater from a drain (piped or open) are a permitted activity. Structures closer than 3metres to a piped drain or watermain are permitted provided that: For drains or watermains less than or equal to 300mm diameter: a) any structure must be located no closer than 1metre measured horizontally from the near side of any public unsleeved water main or common private or public sewer or stormwater drain, or For drains or watermains greater than 300mm in diameter b) any structure must be located no closer than 1.5metre measured horizontally from the near side of any public water main, or common private or public sewer or stormwater drain, or For drains 150mm or less in diameter c) any structure may be located within 1metre or directly over a common private or public drain if the diameter of the pipe is 150mm or less; providing that: i) The length of pipe or drain built over is no more than 6 meters in length; and ii) There are no changes in direction or junctions in the portion of the drain built over; and iii) The length of drain built over is relaid using a continuous length of pipe without joints, sleeved inside a 225mm diameter class 4 concrete pipe; and iv) There is a minimum 6metre clear length and 3metre clear width and 1.8metre clear height at one end of the sleeve to allow replacement of the pipe; and v) The pipes are not water mains or pressurised pipelines; and in all cases d) any structure 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 1.8metres where the required pipe or drain is greater than 150mm in diameter or width; and e) any structure located within 3metres, 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 degrees from the horizontal from the invert (bottom) of the pipe or drain (or between 30 degrees and 45 degrees if the design has been certified by a suitably qualified engineer)(see diagram).</p>	<p>SCr.28.2 Structures: That contravene c) ii) to vi) only are controlled activities The matters of control are; a) Physical accessibility to the pipe, and b) The ground/floor type and design used to provide quick and easy removal to provide the ability to access the pipes for maintenance and repair, and c) The depth of concrete/permanent surface floor over the pipe, and d) Alternative locations for the pipe and methods of emplacement.</p>	<p>SCr.28.3 Buildings, swimming pools or fences within 3m of the top of bank of an open drain is a discretionary activity. All other activities are discretionary.</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> <li>d) The accessibility of the pipework or drain and the ease by which it could be extracted.</li> </ul>	<p>SCr.28.5</p> <p>This rule applies to piped and open drains.</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 rains where off-site facilities are likely to be affected.</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>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 SCr.28.1e:</p>  <p>The diagram illustrates a building footprint on a sloped site. A horizontal dimension line indicates a distance of 3.0M from the left edge of the building to a vertical line. Below this, a 30-degree line is shown, representing a slope or a specific orientation. A small circle is located at the bottom left of this 30-degree line.</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>	SCr.31.1 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)	<del>SCr.31.2</del> <i>Rule SCr.31.2 has been deleted to give effect to Policy 11 of the National Policy Statement on Urban Development 2020</i>	SCr.31.3 Activities that contravene a permitted condition are discretionary.
<b>SCr.32 Access</b>	SCr.32.1 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 (access standards) and the mandatory matters detailed at Chapter 4, section 4.10 of the Nelson Tasman Land Development Manual 2019.	SCr.32.2 not applicable	SCr.32.3 Activities that contravene a permitted condition are discretionary.
<b>SCr.33 Access</b> – Main Road Stoke (Pt Sec 60 Subdn Sth Dist Blk VII Waimea, CT 32/83, Planning Map 29)	SCr.33.1 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: 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 b) there is no direct vehicle access from any site onto Main Road, Stoke, except via the road referred to in a).	SCr.33.2 not applicable	SCr.33.3 Activities that contravene a permitted condition are non-complying.

Assessment Criteria	Explanation
<p>SCr.31.4</p> <ul style="list-style-type: none"> <li>a) refer to Appendix 10.</li> <li>b) the effects of parking or loading areas in pedestrian safety, having regard to the level of foot traffic in the area.</li> <li>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.</li> </ul>	<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> <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 a providing a goods loading zone adjacent to the site 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>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
<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: <ul 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> </ul>	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: <ul 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 mandatory matters in Chapter 4 of the Nelson Tasman Land Development Manual 2019 are complied with.</li> </ul>	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: <ul style="list-style-type: none"> <li>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               <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 that 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>	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 Nelson Tasman Land Development Manual 2019.</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 Nelson Tasman Land Development Manual 2019.</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></p> <p><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> <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 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 effect 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>SCr.48.2</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 shown in the Riparian Overlay on the Planning Maps and contained in Appendix 6; or within 20 m 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>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> <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 9 (Landscape Components and Views), and</p> <p>xxi) the effects of the earthworks in relation to primary &amp; secondary flows (Water Plan) and</p> <p>xxii) control of noise, and</p> <p>xxiii) control of dust, and</p> <p>xxiv) traffic and access issues.</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 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
<b>SCr.61</b> <b>Heritage Precincts</b> Erection of new buildings	SCr.61.1 Erection of new buildings is not a permitted activity.	SCr.61.2 not applicable	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 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.
<b>SCr.62</b> <b>Heritage Precincts</b> Removal or demolition of listed Heritage Buildings	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.	SCr.62.2 not applicable	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.



Assessment Criteria	Explanation
<p>SCr.69.4</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>SCr.69.5</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 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>SCr.69A.4 not applicable</p>	<p>SCr.69A.5</p> <p>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.</p> <p>In order to ensure that the standard is met, certification of a suitably qualified and experienced acoustic engineer is considered appropriate.</p>
<p>SCr.69B.4 Schedule Sch. I (Residential Zone) applies.</p>	<p>SCr.69B.5</p> <p>Schedule Sch. I applies. Schedule I follows after the Residential Zone rule table (Chapter 7).</p>
<p>SCr.70.4 See Schedule Sch.L.</p>	<p>SCr.70.5</p> <p>See Schedule Sch.L which follows this rule table.</p>

**subdivision rules**

**Rules regarding subdivision (including within overlays)**

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>SCr.71 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 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 mandatory matters in the Nelson Tasman Land Development Manual 2019 , 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 Nelson Tasman Land Development Manual 2019, 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 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 mandatory matters relating to stormwater and wastewater in Chapters 5 &amp; 6 of the Nelson Tasman Land Development Manual 2019.</li> </ul>

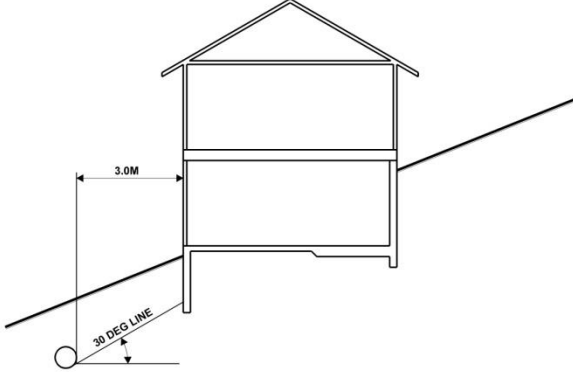
**suburban commercial zone**

Assessment Criteria	Explanation
<p>SCr.71.4</p> <ul style="list-style-type: none"> <li>a) the matters in the Nelson Tasman Land Development Manual 2019.</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 data-bbox="172 145 247 168">INr.30.4</p> <ul style="list-style-type: none"> <li data-bbox="172 174 829 224">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="172 230 829 280">b) alternative methods proposed to ensure the amenity values of adjacent sites are protected.</li> <li data-bbox="172 286 829 313">c) any cumulative effects on the surrounding environment.</li> </ul>	<p data-bbox="853 145 933 168">INr.30.5</p> <p data-bbox="853 174 1445 369">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="853 403 1445 526">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
<p><b>INr.32</b> <b>Building over or alongside drains and water mains</b></p>	<p>INr.32.1 Structures 3metres or greater from a drain (piped or open) are a permitted activity. Structures closer than 3metres to a piped drain or watermain are permitted provided that:</p> <p>For drains or watermains less than or equal to 300mm diameter:</p> <p>a) any structure must be located no closer than 1metre measured horizontally from the near side of any public unsleeved water main or common private or public sewer or stormwater drain, or</p> <p>For drains or watermains greater than 300mm in diameter</p> <p>b) any structure must be located no closer than 1.5metre measured horizontally from the near side of any public water main, or common private or public sewer or stormwater drain, or</p> <p>For drains 150mm or less in diameter</p> <p>c) any structure may be located within 1metre or directly over a common private or public drain if the diameter of the pipe is 150mm or less; providing that:</p> <p>i) The length of pipe or drain built over is no more than 6 meters in length; and</p> <p>ii) There are no changes in direction or junctions in the portion of the drain built over; and</p> <p>iii) The length of drain built over is relaid using a continuous length of pipe without joints, sleeved inside a 225mm diameter class 4 concrete pipe; and</p> <p>iv) There is a minimum 6metre clear length and 3metre clear width and 1.8metre clear height at one end of the sleeve to allow replacement of the pipe; and</p> <p>v) The pipes are not water mains or pressurised pipelines;</p> <p>and in all cases</p> <p>d) any structure 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 1.8metres where the required pipe or drain is greater than 150mm in diameter or width; and</p> <p>e) any structure located within 3metres, 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 degrees from the horizontal from the invert (bottom) of the pipe or drain (or between 30 degrees and 45 degrees if the design has been certified by a suitably qualified engineer)(see diagram).</p>	<p>INr.32.2 Structures: That contravene c) ii) to vi) only are controlled activities The matters of control are;</p> <p>a) Physical accessibility to the pipe, and</p> <p>b) The ground/floor type and design used to provide quick and easy removal to provide the ability to access the pipes for maintenance and repair, and</p> <p>c) The depth of concrete/permanent surface floor over the pipe, and</p> <p>d) Alternative locations for the pipe and methods of emplacement.</p>	<p>INr.32.3 Buildings, swimming pools or fences within 3m of the top of bank of an open drain is a discretionary activity. All other activities are discretionary.</p>

Assessment Criteria	Explanation
<p>INr.32.4</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>INr.32.5</p> <p>This rule applies to piped and open drains.</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 rains where off-site facilities are likely to be affected. 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>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 INr.32.1e:</p>
	

<b>Item</b>	<b>Permitted</b>	<b>Controlled</b>	<b>Discretionary/Non-complying</b>
<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).	<del>INr.35.2</del> <i>Rule INr.35.2 has been deleted to give effect to Policy 11 of the National Policy Statement on Urban Development 2020</i>	INr.35.3 Activities that contravene a permitted condition are discretionary.
<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 the mandatory matters at Chapter 4, section 4.10 of the Nelson Tasman Land Development Manual 2019.	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 Refer to Appendix 10.	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="172 141 244 163">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="172 282 799 304">c) the location of the site, and any potential for shielding from exposures.</li> <li data-bbox="172 311 727 360">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 807 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 799 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 632 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: <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>	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: <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>	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: <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 mandatory measures in Chapter 4 of the Nelson Tasman Land Development Manual 2019 are complied with.</li> </ol>	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 Chapter 4 of the Nelson Tasman Land Development Manual 2019.</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:</li> <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> <p>b) the minimum finished floor level of the building is:</p> <ul style="list-style-type: none"> <li>i) concrete floor: 15.50m</li> <li>ii) timber floor: 15.65m</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 5.3.5 of the Nelson Tasman Land Development Manual (2019).</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</b> <b>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>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 mandatory matters and good design guidance contained in the Nelson Tasman Land Development Manual 2019.</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>INr.65.4 - INr.69.4 Refer to Assessment Criteria on preceding page</p>	<p>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.</p> <p>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.</p>
<p>INr.70.4 See Schedule Sch.M.</p>	<p>INr.70.5 See Schedule Sch.M. The schedules for this Zone follow after the Rule Table.</p>
<p>INr.71.4</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>INr.71.5</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 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>INr.71A.4 not applicable</p>	<p>INr.71A.5</p> <p>The rule is based on the predicted exposure of the site are 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.</p> <p>In order to ensure that the standard is met, certification of a suitably qualified and experiences acoustic engineer is considered appropriate.</p>
<p>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.</p>	<p>INr.72.5</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>

## 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 mandatory matters in the Nelson Tasman Land Development Manual 2019, 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 Nelson Tasman Land Development Manual 2019, 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 mandatory matters relating to stormwater and wastewater in Chapters.5 &amp; 6 of the Nelson Tasman Land Development Manual 2019.</li> </ul>

## industrial zone

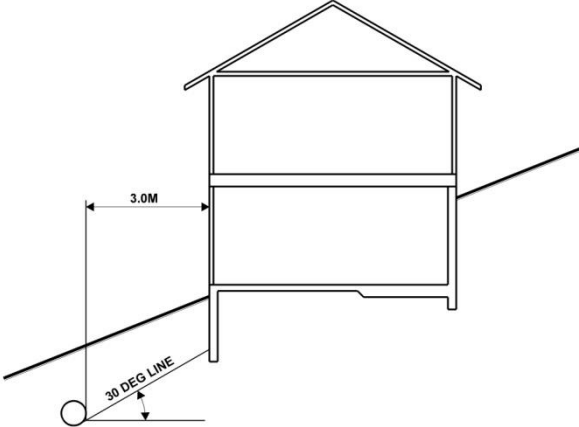
Assessment Criteria	Explanation
<p>INr.73.4</p> <ul style="list-style-type: none"> <li>a) the matters in the Nelson Tasman Land Development Manual 2019.</li> <li>b) the extent of compliance with Appendices 10 to 12.</li> <li>c) the extent of compliance with plan provisions relating to streams, drains 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 mandatory matters relating to stormwater and wastewater in Chapters 5 &amp; 6 of the Nelson Tasman Land Development Manual 2019, 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>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 5.3.5 in Chapter 5 of the Nelson Tasman Land Development Manual 2019.</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>

Item	Permitted	Controlled	Discretionary/Non-complying
<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 (piped or open) and water mains</b>	OSr.28.1 Structures 3metres or greater from a drain (piped or open) are a permitted activity. Structures closer than 3metres to a piped drain or watermain are permitted provided that: For drains or watermains less than or equal to 300mm diameter: a) any structure must be located no closer than 1metre measured horizontally from the near side of any public unsleeved water main or common private or public sewer or stormwater drain, or For drains or watermains greater than 300mm in diameter b) any structure must be located no closer than 1.5metre measured horizontally from the near side of any public water main, or common private or public sewer or stormwater drain, or For drains 150mm or less in diameter c) any structure may be located within 1metre or directly over a common private or public drain if the diameter of the pipe is 150mm or less; providing that: i) The length of pipe or drain built over is no more than 6 meters in length; and ii) There are no changes in direction or junctions in the portion of the drain built over; and iii) The length of drain built over is relaid using a continuous length of pipe without joints, sleeved inside a 225mm diameter class 4 concrete pipe; and iv) There is a minimum 6metre clear length and 3metre clear width and 1.8metre clear height at one end of the sleeve to allow replacement of the pipe; and v) The pipes are not water mains or pressurised pipelines; and in all cases d) any structure 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 1.8metres where the required pipe or drain is greater than 150mm in diameter or width; and e) any structure located within 3metres, 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 degrees from the horizontal from the invert (bottom) of the pipe or drain (or between 30 degrees and 45 degrees if the design has been certified by a suitably qualified engineer)(see diagram).	OSr.28.2 Structures: That contravene c) ii) to vi) only are controlled activities The matters of control are; a) Physical accessibility to the pipe, and b) The ground/floor type and design used to provide quick and easy removal to provide the ability to access the pipes for maintenance and repair, and c) The depth of concrete/permanent surface floor over the pipe, and d) Alternative locations for the pipe and methods of emplacement.	OSr.28.3 Buildings, swimming pools or fences within 3m of the top of bank of an open drain is a discretionary activity. All other activities are discretionary.



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>d) The accessibility of the pipework or drain and the ease by which it could be extracted.</p>	<p>OSr.28.5</p> <p>This rule applies to piped and open drains.</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 rains where off-site facilities are likely to be affected.</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>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 OSr.28.1e:</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>

<b>Item</b>	<b>Permitted</b>	<b>Controlled</b>	<b>Discretionary/Non-complying</b>
<b>OSr.33 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 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 Rule OSr.34.2 has been deleted to give effect to Policy 11 of the National Policy Statement on Urban Development 2020.	OSr.34.3 Activities that contravene a permitted condition are discretionary,
<b>OSr.35 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 the mandatory matters at Chapter 4, section 4.10 of the Nelson Tasman Land Development Manual 2019.	OSr.35.2 not applicable	OSr.35.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>OSr.33.4</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>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><i>Rule OSr.34.4 has been deleted to give effect to Policy 11 of the National Policy Statement on Urban Development 2020.</i></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.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.) 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>

<b>Item</b>	<b>Permitted</b>	<b>Controlled</b>	<b>Discretionary/Non-complying</b>
<b>OSr.43 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 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 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 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 mandatory matters in Chapter 4 of the Nelson Tasman Land Development Manual 2019 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 Chapter 4 of the Nelson Tasman Land Development Manual 2019.</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.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> <ul style="list-style-type: none"> <li>a) effects on visual amenity.</li> <li>b) the matters contained in Appendix 7 (guide for subdivision and structures in the landscape overlays).</li> <li>c) the matters contained in Appendix 9 (landscape components and views).</li> <li>d) methods to avoid, remedy or mitigate adverse effects.</li> <li>e) land stability, soil erosion and sedimentation effects.</li> <li>f) vegetation clearance and planting - extent, method and timing.</li> </ul>	<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> <ul style="list-style-type: none"> <li>a) the mandatory matters and good practice guidance contained in the Nelson Tasman Land Development Manual 2019.</li> <li>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.</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 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> <li>e) the strategic planning programme for servicing sites within the district.</li> </ul>	<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</b> Activities on land identified with riparian values	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.

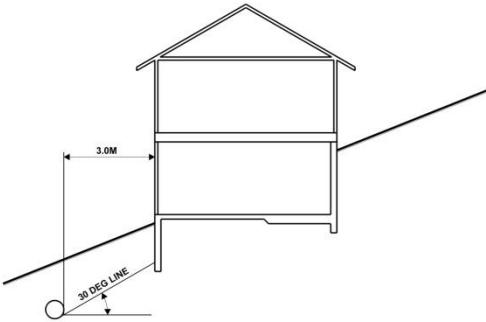
Assessment Criteria	Explanation
<p>RUr.28.4</p> <ul style="list-style-type: none"> <li>a) any proposed activity to which any additional residential units are related.</li> <li>b) the matters in the Nelson Tasman Land Development Manual 2019.</li> <li>c) the extent to which the land is subject to natural 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>	<p>RUr.29.1</p> <p>Building is permitted if:</p> <p>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</p> <p>i) in accordance with NZS4431:1989 (Code of Practice For Earthfill and Residential Development), and</p> <p>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</p> <p>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</p> <p>b) the minimum finished floor level of the building is:</p> <p>i) concrete floor: 15.50m</p> <p>ii) timber floor: 15.65m</p>	<p>RUr.29.2</p> <p>not applicable</p>	<p>RUr.29.3</p> <p>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.</p>

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 5.3.5, Chapter 5 of the Nelson Tasman Land Development Manual 2019.</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</b> <b>Building over or alongside drains (piped or open) and water mains</b>	<p>RUr.31A.1</p> <p>Structures 3metres or greater from a drain (piped or open) are a permitted activity.</p> <p>Structures closer than 3metres to a piped drain or watermain are permitted provided that:</p> <p>For drains or watermains less than or equal to 300mm diameter:</p> <p>a) any structure must be located no closer than 1metre measured horizontally from the near side of any public unsleeved water main or common private or public sewer or stormwater drain, or</p> <p>For drains or watermains greater than 300mm in diameter</p> <p>b) any structure must be located no closer than 1.5metre measured horizontally from the near side of any public water main, or common private or public sewer or stormwater drain, or</p> <p>For drains 150mm or less in diameter</p> <p>c) any structure may be located within 1metre or directly over a common private or public drain if the diameter of the pipe is 150mm or less; providing that:</p> <p>i) The length of pipe or drain built over is no more than 6meters in length; and</p> <p>ii) There are no changes in direction or junctions in the portion of the drain built over; and</p> <p>iii) The length of drain built over is relaid using a continuous length of pipe without joints, sleeved inside a 225mm diameter class 4 concrete pipe; and</p> <p>iv) There is a minimum 6metre clear length and 3metre clear width and 1.8metre clear height at one end of the sleeve to allow replacement of the pipe; and</p> <p>v) The pipes are not water mains or pressurised pipelines;</p> <p>and in all cases</p> <p>d) any structure 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 1.8metres where the required pipe or drain is greater than 150mm in diameter or width; and</p> <p>e) any structure located within 3metres, 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 degrees from the horizontal from the invert (bottom) of the pipe or drain (or between 30 degrees and 45 degrees if the design has been certified by a suitably qualified engineer)(see diagram).</p>	<p>RUr.31A.2</p> <p>Structures:</p> <p>That contravene c) ii) to vi) only are controlled activities</p> <p>The matters of control are;</p> <p>a) Physical accessibility to the pipe, and</p> <p>b) The ground/floor type and design used to provide quick and easy removal to provide the ability to access the pipes for maintenance and repair, and</p> <p>c) The depth of concrete/permanent surface floor over the pipe, and</p> <p>d) Alternative locations for the pipe and methods of emplacement.</p>	<p>RUr.31A.3</p> <p>Buildings, swimming pools or fences within 3metres of the top of bank of an open drain is a discretionary activity.</p> <p>All other activities are discretionary.</p>
<b>RUr.32</b> <b>Buildings - height</b>	<p>RUr.32.1</p> <p>Maximum height -12m.</p> <p>(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</b> <b>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><i>Rule RUr.35.2 has been deleted to give effect to Policy 11 of the National Policy Statement on Urban Development 2020.</i></p>	<p>RUr.35.3</p> <p>Activities that contravene a permitted condition are discretionary.</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> <p>Refer to Appendix 10.</p>	<p>RUr.35.5</p> <p>Refer to Appendix 10.</p>

<b>Item</b>	<b>Permitted</b>	<b>Controlled</b>	<b>Discretionary/Non-complying</b>
<b>RUr.36 Access</b>	<p>RUr.36.1 Vehicle access must be provided and maintained for each site in accordance with the standards set out in Appendix 11 and the mandatory matters at Chapter 4, section 4.10 of the Nelson Tasman Land Development Manual 2019.</p> <p>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.</p>	<p>RUr.36.2 not applicable</p>	<p>RUr.36.3 Activities that contravene a permitted condition are discretionary.</p>
<b>RUr.37 Access on State Highways</b>	<p>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.</p>	<p>RUr.37.2 not applicable</p>	<p>RUr.37.3 Any new activity or change of use which uses an existing access directly on to a State Highway is discretionary.</p>
<b>RUr.38 Signs</b>	<p>RUr.38.1 Signs are permitted if they are designed and constructed in accordance with the specifications in Appendix 20 (signs and outdoor advertising).</p>	<p>RUr.38.2 See Appendix 20.</p>	<p>RUr.38.3 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: <ul 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> </ul>	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: <ul 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> </ul>	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: <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>	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: <ul 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 mandatory matters in Chapter 4 of the Nelson Tasman Land Development Manual 2019 are complied with.</li> </ul>	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 Chapter 4 of the Nelson Tasman Land Development Manual 2019.</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
<p><b>RUr.47</b></p> <p><b>Noise</b></p> <p>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.</p>	<p>RUr.47.1</p> <p>a) Noise levels from Rural Areas when measured at or within any site in a Residential Zone must not exceed:</p> <p>Day Time 55 dBA (L10)</p> <p>Other Times 45 dBA (L10) 75 dBA (Lmax)</p> <p>Day Time means 7am-10pm Monday to Friday, and 9am-10pm Saturdays, Sundays and Public Holidays.</p> <p>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:</p> <p><b>Day Time</b> 55 dBA (L10)</p> <p><b>Other Times</b> 45 dBA (L10) 75 dBA (Lmax)</p> <p>Day Time means 6am-10pm Monday to Sundays. For Part (b) of this Rule, all noise from normal rural activities shall be excluded, including:</p> <p>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.</p> <p>c) All measurements and assessment in accordance with NZS6801:1991 and NZS6802:1991.</p>	<p>RUr.47.2</p> <p>not applicable</p>	<p>RUr.47.3</p> <p>Activities that contravene a permitted condition are discretionary.</p>
<p><b>RUr.48</b></p> <p><b>Hazardous substances - use and storage</b></p>	<p>RUr.48.1</p> <p>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).</p>	<p>RUr.48.2</p> <p>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.</p>	<p>RUr.48.3</p> <p>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.</p>
<p><b>RUr.49</b></p> <p><b>Papakāinga Development (Sch.P)</b></p>	<p>RUr.49.1</p> <p>Papakāinga development is permitted if:</p> <p>a) it complies with Schedule Sch.P.</p>	<p>RUr.49.2</p> <p>Schedule Sch.P applies.</p>	<p>RUr.49.3</p> <p>Schedule Sch.P applies.</p>
<p><b>RUr.49A</b></p> <p><b>Services Overlay Building</b></p>	<p>RUr.49A.1</p> <p>Erection or extension of buildings in the Services Overlay is permitted if:</p> <p>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.</p> <p>b) Existing Council water, stormwater and wastewater connections are available to the site and have capacity to serve the building and associated development, and</p> <p>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.</p>	<p>RUr.49A.2</p> <p>not applicable</p>	<p>RUr.49A.3</p> <p>Erection or extension of buildings that contravene a permitted condition and propose to connect to public reticulated services are restricted discretionary.</p> <p>Discretion is restricted to:</p> <p>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.</p> <p>Resource consent for restricted discretionary activities will be considered without notification.</p> <p>Discretionary Activity</p> <p>Activities that propose to connect to on site services are discretionary.</p>



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 Nelson Tasman Land Development Manual 2019.</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> <p>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</p> <p>b) it is a:</p> <p>i) fence, or</p> <p>ii) stock yard, or</p> <p>iii) non residential building with a maximum floor area of 20m<sup>2</sup> and a maximum height of 5m, or</p> <p>iv) underground service or utility, or</p> <p>c) it is set back at least 100m inland from mean high water springs, and is not within an Archaeological Overlay, or</p> <p>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</p> <p>e) It is a new overhead network utility line on an existing support structure and that new line (or bundle of lines):</p> <p>i) Is hung no lower than any other line on that structure, and</p> <p>ii) Is no greater than 25mm in diameter.</p>	<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> <p>a) it is set back at least 20m inland from mean high water springs.</p> <p>Control reserved over:</p> <p>i) appearance, design, landscaping and location, and</p> <p>ii) access of public to and along the Coastal Marine Area, and</p> <p>iii) effects of earthworks, and</p> <p>iv) effects on Maori cultural values (only within an Archaeological Overlay).</p>	<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> <p>a) the structure is not within 20m inland of mean high water springs, and</p> <p>b) any structure forms part of an extension to an existing overhead line network and that structure (with associated lines):</p> <p>i) extends the network by no more than 5 new support poles in any 5 year period; and</p> <p>ii) the structure is not a lattice tower.</p> <p>Discretion restricted to:</p> <p>i) Visual effect (especially cumulative), and</p> <p>ii) Alternative routes available; and</p> <p>iii) Mitigation measures.</p> <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
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> <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 mandatory matters in the Nelson Tasman Land Development Manual 2019, 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 Nelson Tasman Land Development Manual 2019, 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 mandatory matters in Chapter 7 Water, Chapter 5 Stormwater and Chapter 6 Wastewater in the Nelson Tasman Land Development Manual 2019, 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 Whangamoa 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 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> <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 Nelson Tasman Land Development Manual 2019.</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>xiii) 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 (<i>continued</i>)</p> <p>aa) Deleted (<i>Plan Change 13</i>)</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 Bamicoat 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 (<i>continued</i>)</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 Bamicoat 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: <ol style="list-style-type: none"> <li>a) it is undertaken to provide for an approved network utility structure, and</li> <li>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.</li> </ol> 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: <ol style="list-style-type: none"> <li>a) It complies in all respects with the relevant standards in Appendices 10 to 12, and the mandatory matters in the Nelson Tasman Land Development Manual 2019, 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</li> <li>b) The land is not part of a papakainga development as defined in Sch P; 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 net area of every allotment is at least:               <ol 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 minimum lot size in the Lower Density Small Holdings Area, or</li> <li>iii) 1ha average size with a 5000 square metre minimum size in the Higher Density Small Holdings Area, or</li> <li>iv) no minimum in the case of allotments created solely for access or for a network utility, and</li> </ol> </li> <li>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.</li> </ol> Discretion restricted to: <ol style="list-style-type: none"> <li>i) allotment size; and</li> <li>ii) location of building sites; and</li> <li>iii) the location of boundaries in relation to natural features; and</li> <li>iv) landscaping; and</li> <li>v) design and appearance of structures; and</li> <li>vi) mitigation of visual effects of the subdivision and likely development on the coastal environment; and</li> <li>vii) the increased width, extent, type and location of esplanade reserves or strips; and</li> <li>viii) cumulative visual effects; and</li> <li>ix) measures to ensure protection of coastal water quality; and</li> <li>x) the development of property plans to facilitate integration of conservation and development; and</li> <li>xi) options for restoration or enhancement of coastal environment; and</li> <li>xii) protection of significant indigenous vegetation, significant habitats of indigenous fauna, outstanding natural features and landscapes; and</li> <li>xiii) the matters listed under the heading "control reserved over" in RUr.78.2."</li> </ol> <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, and 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 mandatory matters relating to stormwater and wastewater in Chapters 5 & 6 of the Nelson Tasman Land Development Manual 2019, 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>
<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.

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 Nelson Tasman Land Development Manual 2019.</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.

**Table 1.2 heritage buildings places and objects**

Group	HPT Rank	Street No.	Street Address *= Council Owned	Date	Name	Building, Place, or Object	Interior/ Surround	Features of particular heritage significance (Inner City Zone only)
B		14	Aldinga Ave	1845	Former Stead House	Bldg		
C	II	23	Allan Street	1920	House	Bldg		
B		29	Alton Street	1920	House	Bldg		
B		31	Alton Street	1900	House	Bldg		
B		33	Alton Street	1920	House	Bldg		
B		35	Alton Street	1920	House	Bldg		
B		37	Alton Street	1900	House	Bldg		
A		35	Arapiki Road	1942	Bunker	Bldg		
A	I	272	Atawhai Drive*	1890	Garin Catholic Chapel, Nelson (Wakapuaka) Cemetery	Bldg	I	
B		128	Beatson Road	1860	House	Bldg		
C	II	26	Blick Terrace	1860	Former Blick House	Bldg		
C		1	Bridge Street	1865	Former Edwards and Co. Warehouse	Bldg		
B			Bridge Street: N & S side between Trafalgar Street and Collingwood Street*	1865	Boulder Bank kerbstones	Obj		
B		12	Bridge Street	1890	Bruce Rollo Locksmith & Outdoors Centre	Bldg		
A		15	Bridge Street	1900	Nelson Evening Mail	Bldg		Haven Road and Bridge Street facades
A	I	29	Bridge Street	1855	Shop Wills Jewellers	Bldg		Whole exterior excluding east facade
C		44	Bridge Street	1920	Bodywise Shop	Bldg		
B		63	Bridge Street	1920	Dominion TV rentals shop, accommodation over	Bldg		
C		97	Bridge Street	1920	Postie Plus, accommodation over	Bldg		
C		111	Bridge Street	1890	Brough's Greenworld, office over	Bldg		
C		118-120	Bridge Street	1875	Rhythm Records, accommodation over	Bldg		

Group	HPT Rank	Street No.	Street Address * = Council Owned	Date	Name	Building, Place, or Object	Interior/ Surround	Features of particular heritage significance (Inner City Zone only)
B		131	Bridge Street	1910	Metropolitan Hotel	Bldg		
B		145	Bridge Street	1859	Apache Street bar, accommodation over	Bldg		
A		152	Bridge Street	1866	Hotel Royal	Bldg		Collingwood and Bridge Streets facades above verandah, & verandah.
B		152	Bridge Street	1910	Hotel Royal O'Reilly's Irish Bar	Bldg		
A	II	197	Bridge Street	1896	Baptist Church	Bldg	I	
B	II Historic Area	200-206	Bridge Street Albion Square	1861	Magazine	Bldg		
B	I Historic Area	200-206	Bridge Street Albion Square	1876	Survey Chain/ surveyors centenary time capsules	Obj		
A	II	208	Bridge Street	1850	Suter Art Gallery	Bldg		
A	II	210	Bridge Street*	1910	Queens Gardens Gates	Obj		
C	II	210	Bridge Street Queens Gardens*	1850	Mill Race remains	Obj		
C	II	31	Bronte Street	1900	House	Bldg		
A	II	41B	Brook Street	1845	Cob House	Bldg		
A		43A	Brook Street	1859	Cottage	Bldg		
A		Opp 130	Brook Street*	1862	Dunn Mountain Railway Memorial	Obj		
B	I	3	Brookside	1850	Brookside House	Bldg		
A	I	26	Brougham Street*	1879	Melrose House	Bldg	I/S	
B	II	36	Brougham Street	1925	House	Bldg		
B	II	46	Brougham Street	1920	House	Bldg		
A	II	64	Brougham Street	1854	Warwick House (formerly Sunnyside)	Bldg		
A		8	Brunner St	1857	Uplands	Bldg		
A	II	1	Cable Bay Road Hira	1888	St John the Evangelist Anglican Church	Bldg	S**	
A			Cliffs*	1942	Gun Placements/Range finding pill box	Obj		

Group	HPT Rank	Street No.	Street Address * = Council Owned	Date	Name	Building, Place, or Object	Interior/ Surround	Features of particular heritage significance (Inner City Zone only)
B			Collingwood Street: E and W side between Bridge and Hardy Streets*	1865	Boulder Bank kerbstones	Obj		
B		14	Collingwood Street	1880	House	Bldg		
C		16	Collingwood Street	1900	House	Bldg		
B		18	Collingwood Street	1850	House	Bldg		
B	II	29	Collingwood Street	1893	California House	Bldg		
A		83	Collingwood Street	1866	Wakatu Hotel, Cobb & Co.	Bldg		Collingwood and Bridge Streets facades above verandah (old part defined by parapet) and verandah.
C		95	Collingwood Street	1920	Reformed Church of Nelson	Bldg		
B		112	Collingwood Street	1882	Law Offices, former Panama Hotel	Bldg		
C	II	131	Collingwood Street	1890	Victorian Villa - Nelson Marlborough Institute of Technology 'Fish House'	Bldg		
A	II	133	Collingwood Street	1885	Masonic Temple/ Lodge	Bldg		Whole street facade including north and south facades with parapet.
C		140	Collingwood Street	1930	Dave Jerram Architect	Bldg		
B		144	Collingwood Street	1875	Former vicarage	Bldg		
B	II	151	Collingwood Street	1860	Kandy Corner	Bldg		
B		190	Collingwood Street	1870	House	Bldg		
B		199	Collingwood Street	1930	St Joseph's School Main building (also listed as 18 Manuka St)	Bldg		
A	II	214	Collingwood Street	1865	Clairmont House	Bldg		
B		222	Collingwood Street	1880	House	Bldg		
A		224	Collingwood Street	1870	House	Bldg		
A	I	77	Covent Drive	1853	Woodstock House	Bldg		
B		51	Domett Street	1885	House	Bldg		
B	II	15	Dorothy Annie Way	1920	Hon. Henry Atmore's House	Bldg		

Group	HPT Rank	Street No.	Street Address * = Council Owned	Date	Name	Building, Place, or Object	Interior/ Surround	Features of particular heritage significance (Inner City Zone only)
B		1	Elliott Street	1936	House	Bldg		
B		2	Elliott Street	1914	House	Bldg		
B		3	Elliott Street	1920	House	Bldg		
B		4	Elliott Street	1914	House	Bldg		
B		6	Elliott Street	1914	House	Bldg		
B		7	Elliott Street	1914	House	Bldg		
B		8	Elliott Street	1914	House	Bldg		
B		9	Elliott Street	1920	House	Bldg		
B		10	Elliott Street	1918	House	Bldg		
B		12	Elliott Street	1918	House	Bldg		
B		14	Elliott Street	1914	House	Bldg		
C		15	Elliott Street	1920	House	Bldg		
B		16	Elliott Street	1914	House	Bldg		
B		17	Elliott Street	1920	House	Bldg		
B		18	Elliott Street	1918	House	Bldg		
B		19	Elliott Street	1920	House	Bldg		
B		20	Elliott Street	1920	House	Bldg		
B		22	Elliott Street	1920	House	Bldg		
C		23	Elliott Street	1980	House	Bldg		
B		24	Elliott Street	1921	House	Bldg		
B		25	Elliott Street	1921	House	Bldg		
B		26	Elliott Street	1921	House	Bldg		
B		27	Elliott Street	1921	House	Bldg		
B		28	Elliott Street	1918	House	Bldg		
B		29	Elliott Street	1920	House	Bldg		
A	II	9	Endeavour Street	1890	Kapanga (dwelling)	Bldg		
B	II	14	Endeavour Street	1875	Ronaki (dwelling)	Bldg		
B	II	15	Fifeshire Crescent	1900	House	Bldg		
B	II	17	Fifeshire Crescent	1900	House	Bldg		
B		10	Fountain Place	1900	House	Bldg		
C		11	Fountain Place	1900	House	Bldg		
C		12	Fountain Place	1915	House	Bldg		
B		13	Fountain Place	1870	House	Bldg		
B	II	14	Fountain Place	1870	House	Bldg		
B		15	Fountain Place	1870	House	Bldg		



Group	HPT Rank	Street No.	Street Address * = Council Owned	Date	Name	Building, Place, or Object	Interior/ Surround	Features of particular heritage significance (Inner City Zone only)
B	II	16	Fountain Place	1870	House	Bldg		
C		19	Fountain Place	1930	House	Bldg		
B	II	21	Fountain Place	1880	House	Bldg		
C		23	Fountain Place	1900	House	Bldg		
B	II	24	Grove Street	1900	House	Bldg		
B		87	Grove Street	1890	Bush Inn Tavern	Bldg		
B		5	Halifax Street	1940	Former Fire Station	Bldg		
C	II	82	Halifax Street	1925	House	Bldg		
B		95	Halifax Street	1869	Mary-Anne Cottage	Bldg		
B		80	Hardy Street	1920	Pomeroy's Coffee and Tea Company	Bldg		
B		84	Hardy Street	1920	was Bed Bargain Shop	Bldg		
C		173	Hardy Street	1936	Harte Real Estate (former Norwich Union building)	Bldg		
C	II	191	Hardy Street (Trafalgar St corner)	1940	CML Building	Bldg		
C	II	204	Hardy Street	1956	Fell and Harley Barristers and Solicitors	Bldg		
B	II	221	Hardy Street	1937	Public Trust Office	Bldg		
B	II	222	Hardy Street	1900	Newman's Building/Briscoes	Bldg		
A	II	232-244	Hardy Street	1880	Wilkins & Field (Mitre 10)	Bldg		Whole street facade including verandah
B		244	Hardy Street	1866	Building on western corner of Morrison and Hardy Streets	Bldg		
B	II	254	Hardy Street	1895	Tressons Interior Design	Bldg		
C		257 and 259	Hardy Street	1880	Green Ginger/The Kitchen Dresser	Bldg		
C		258	Hardy Street	1890	Shops, accommodation, offices over	Bldg		
B		264	Hardy Street	1930	Egyptian food, Beggs, offices over	Bldg		
B	II	274-278	Hardy Street	1930	Zippy's cafe, accommodation over	Bldg		
B		280	Hardy Street	1860	Dick Tout's Beer Essentials	Bldg		
B		286	Hardy Street	1883	House of Gifts, accommodation over	Bldg		
A	II	309	Hardy Street	1911	NZ School of Fisheries (former Library)	Bldg		Whole street facade including Hardy, Harley and west facades

Group	HPT Rank	Street No.	Street Address * = Council Owned	Date	Name	Building, Place, or Object	Interior/ Surround	Features of particular heritage significance (Inner City Zone only)
A	I Historic Area	319	Hardy Street	1860	Hardy Street Girl's School (Former)	Bldg		
A	II	320	Hardy Street	1890	St John's Methodist Church	Bldg	I/S	
B		320	Hardy Street	1899	Former Methodist Minister's house (now Nelson Marlborough Institute of Technology)	Bldg		
B	II	320	Hardy Street	1911	Church Sunday School Hall (behind St John's Church)	Bldg		
B	I Historic Area		Hardy Street	1864	Pillar Letter Box	Obj		
C		326	Hardy Street	1920	Nelson Marlborough Institute of Technology Building (by St John's Methodist Ministers house)	Bldg		
B	I Historic Area	327	Hardy Street Albion Square	1866	Former Provincial Building's Fire Engine House	Bldg	I	
A	I Historic Area	331	Hardy Street	1867	Trout Hatchery	Bldg	I	
A		333	Hardy Street	1904	NMIT Technical School Building	Bldg		
B	II	380	Hardy Street East	1900	House	Bldg		
C		10	Hastings Street	1930	House	Bldg		
B		1/16	Hastings Street	1860	House	Bldg		
B		18	Hastings Street	1860	House	Bldg		
C		20	Hastings Street	1920	House	Bldg		
C		24	Hastings Street	1920	House	Bldg		
B		26	Hastings Street	1920	House	Bldg		
B		28	Hastings Street	1920	House	Bldg		
B		32	Hastings Street	1920	House	Bldg		
C		34	Hastings Street	1920	House	Bldg		
C		36	Hastings Street	1920	House	Bldg		
B		38	Hastings Street	1870	House	Bldg		

Group	HPT Rank	Street No.	Street Address * = Council Owned	Date	Name	Building, Place, or Object	Interior/Surround	Features of particular heritage significance (Inner City Zone only)
B		50	Hastings Street	1860	House	Bldg		
B	II	89	Haven Road	1890	Johnston House	Bldg		
A		176	Haven Road	1841	Memorial plaque	Obj		
A		205	Haven Road	1843	Gibson Cottage	Bldg		
B	II	233	Haven Road	1860	House	Bldg		
B		235	Haven Road	1870	Old Church	Bldg		
A	II	252	Haven Road	1904	Customhouse Hotel	Bldg		
A		16	Hilliard Street*	1848	Isel Park	Pl		
A	II	16	Hilliard Street*	1850	Isel House	Bldg	I/S	
A		17	Hillwood Dr	1864	Hillwood House	Bldg		
C		14	Hope Street	1900	House	Bldg		
C		124	Kawai Street	1920	Community Clinic Building	Bldg		
A	II	523	Main Road Stoke	1864	St Barnabas' Anglican Church, stone chapel only	Bldg	S**	
A			Maitai Valley Rd	1886	Smith Family Grave	Obj		
A		2	Malcolm Place*	1842	Haven Cemetery	Pl		
A	II	17	Manuka Street	1861	Renwick House (Newstead)	Bldg		
B		18	Manuka Street	1930	St Joseph's School Main building (also listed as 199 Collingwood St)	Bldg		
A	II	18	Manuka Street	1882	St Mary's Catholic Church	Bldg	S**	
A	II	46	Manuka Street	1860	House	Bldg	S	
A	I	170	Milton Street	1869	Harley House	Bldg	<i>See note on last page of heritage listings</i>	
A	II	193	Milton Street	1876	Fellworth (dwelling)	Bldg		
A	I	276	Nayland Road*	1857	Broadgreen House	Bldg	I/S	
A		276	Nayland Road*	1851	Broadgreen Gardens	Pl	S	
A		278	Nayland Road	1860	Gatekeeper's Cottage	Bldg		
A	I		Nelson Haven*	1862	Lighthouse (Boulder Bank)	Bldg	I	
C		21	New Street	1880	Wises picture framers	Bldg		
B	II	16	Ngatitama Street	1900	House	Bldg		
B	II	24	Ngatitama Street	1900	House	Bldg		
A	II	32	Ngatitama Street	1930	Nelson College Rutherford House	Bldg		

Group	HPT Rank	Street No.	Street Address *= Council Owned	Date	Name	Building, Place, or Object	Interior/ Surround	Features of particular heritage significance (Inner City Zone only)
A	II	37	Ngatitama Street	1931	Nelson College Barnicoat House	Bldg		
A			Ngawhatu Road		Orphanage Cemetery	Pl		
A		10	Nile Street	1864	South Street Gallery	Bldg		Whole exterior including Nile and South Streets
A		14	Nile Street	1890	Chiropractic Clinic	Bldg		Whole street facade and verandah
C	II	28	Nile Street	1900	House	Bldg		
C	II	41	Nile Street	1923	Marsden House	Bldg		
A	I	43	Nile Street	1844	Bishop's School	Bldg		
A	I	48	Nile Street (Collingwood Street corner)	1901	Nelson School of Music	Bldg		
A	II	64	Nile Street	1891	Presbyterian Church	Bldg	I/S	
B		70	Nile Street	1930	Central School Main Block	Bldg		
B	II	75	Nile Street	1900	Polytechnic Building	Bldg		
B	II	94	Nile Street	1880	House	Bldg		
B		113	Nile Street	1900	Prince Albert Hotel	Bldg		
B		140	Nile Street	1900	House	Bldg		
B		155	Nile Street	1900	Wainui House	Bldg		
B		156	Nile Street	1865	Lamorna (formerly Sunnybank)	Bldg		
C	II	164	Nile Street	1900	House	Bldg		
C	II	176	Nile Street	1900	House	Bldg		
C	II	181	Nile Street	1920	House	Bldg		
B	II	194	Nile Street	1900	House	Bldg		
B	II	198	Nile Street	1900	House	Bldg		
B		9	Rentone St	1880	Cottage	Bldg		
A	II	24	Richardson Street	1880	House	Bldg		
C	II	2	Richmond Ave	1920	House	Bldg		
B	II	4	Richmond Ave	1920	House	Bldg		
B	II	10	Richmond Ave	1920	House	Bldg		
B	II	13	Richmond Ave	1925	House	Bldg		
B	II	19	Richmond Ave Extn	1863	Houlker House	Bldg		
A	I		Rocks Road and Wakefield Quay*	1892	Rocks Road Chain Fence	Obj		
A			Rocks Road*	1841	Wakefield Landing Stone (opposite Richardson Street)	Obj		

Group	HPT Rank	Street No.	Street Address * = Council Owned	Date	Name	Building, Place, or Object	Interior/Surround	Features of particular heritage significance (Inner City Zone only)
B		41	Seymour Ave	1920	House	Bldg		
B		43	Seymour Ave	1920	House	Bldg		
B		50	Seymour Ave	1930	House	Bldg		
B		52	Seymour Ave	1930	House	Bldg		
C		1/54	Seymour Ave	1930	House	Bldg		
B		55	Seymour Ave	1920	House	Bldg		
C		56	Seymour Ave	1920	House	Bldg		
B		57	Seymour Ave	1920	House	Bldg		
B		58	Seymour Ave	1900	House	Bldg		
B		59	Seymour Ave	1920	House	Bldg		
B		25	Shelbourne Street*	1800	Site of Old Shelbourne Street Jail (site only)	Pl		
A		25	Shelbourne Street*	1842	Hallowell Cemetery	Pl	S	
A		46	Shelbourne Street	1855	House	Bldg		
A		1	South Street	1863	House	Bldg		
B		3	South Street	1864	House	Bldg		
B		4	South Street	1865	House	Bldg		
B		5	South Street	1910	House	Bldg		
A		6	South Street	1865	House	Bldg		
B		7	South Street	1920	House	Bldg		
A		8	South Street	1865	House	Bldg		
B		9	South Street	1920	House	Bldg		
B		10	South Street	1864	House	Bldg		
A		11	South Street	1863	House	Bldg		
A		12	South Street	1863	House	Bldg		
A		13	South Street	1863	House	Bldg		
A		14	South Street	1864	House	Bldg		
B		15	South Street	1900	House	Bldg		
A		467	Suffolk Road	1841	Oaklands	Bldg		
C	II	1	Synagogue Lane	1850	Craigleen House	Bldg		
B	II	11	Tasman Street	1900	House	Bldg		

Group	HPT Rank	Street No.	Street Address * = Council Owned	Date	Name	Building, Place, or Object	Interior/Surround	Features of particular heritage significance (Inner City Zone only)
A	II	34	Tasman Street	1860	House	Bldg		
A	II	36	Tasman Street	1860	House	Bldg		
B		40	Tasman/Grove Street Corner	1880	The Green Grocer	Bldg		
A	II	135	Tasman Street	1860	House	Bldg		
C	II	151	Tasman Street	1920	House	Bldg		
A	I Historic Area		Trafalgar Square*	1912	Church Steps	Pl		
A	Historic Area		Trafalgar Square	1925	Cathedral	Bldg	S**	
B			Trafalgar Square*	1842	Tent Site (opposite Betts Carpark)	Pl		
B	II		Trafalgar Square*	1918	Statue World War 1 Anzac Memorial	Obj		
B	II Historic Area	324	Trafalgar Square	1936	Plunket and Rest Rooms	Bldg		
B	II	328	Trafalgar Square	1910	Radio Fifeshire (Harley House)	Bldg		
C		349	Trafalgar Square	1900	House	Bldg		
B			Trafalgar Street: east side between Hardy Street and Selwyn Place around gas light*	1865	Boulder Bank kerbstones	Obj	B	
B		31	Trafalgar Street	1880	Shop/accommodation	Bldg		
B		33	Trafalgar Street	1900	House	Bldg		
B		35	Trafalgar Street	1914	House	Bldg		
C		86-110	Trafalgar Street*	1938	Nelson City Council (former State Advances building)	Bldg		
B	II	89-95	Trafalgar Street	1930	State Chambers film theatre	Bldg		
B		109	Trafalgar Street	1930	Stroud House	Bldg		
B		121	Trafalgar Street	1920	Anstice building	Bldg		
B		157	Trafalgar Street	1920	The Coffee Pot	Bldg		
B		163	Trafalgar Street	1842	Pavlova Backpackers	Bldg		
C	II	194-196	Trafalgar Street	1880	Katies Fashions	Bldg		

Group	HPT Rank	Street No.	Street Address * = Council Owned	Date	Name	Building, Place, or Object	Interior/ Surround	Features of particular heritage significance (Inner City Zone only)
B		207	Trafalgar Street	1910	Nelson City Pharmacy	Bldg		
C		232	Trafalgar Street	1920	Whitcoulls Bookstore	Bldg		
B	II	240	Trafalgar Street	1929	Kitts Shoestore	Bldg		
B	II	241-245	Trafalgar Street	1930	The Ritz - Louis Kerr Ltd Building	Bldg		
A	Historic Area	276	Trafalgar Street	1900	Pomeroy's Cafe Wine Bar	Bldg		Whole street facade and verandah
A	II Historic Area	280	Trafalgar Street	1906	Development House	Bldg		Whole street facade
A	I Historic Area	281	Trafalgar Street	1889	Victorian Rose tavern	Bldg	I	Whole interior (includes walls, ceilings and fireplaces only), whole street facade
B	II Historic Area	284-286	Trafalgar Street	1930	Blackmores Booksellers	Bldg		
A	II Historic Area	296	Trafalgar Street	1900	Chez Eelco/ Nelson Womens Club	Bldg		Facade above verandah and verandah
A	II Historic Area	300	Trafalgar Street	1887	Smythe Building	Bldg		Whole Trafalgar Street and Selwyn Place facades, excluding brick building
A		422	Trafalgar Street*	1850	Old Cemetery (Fairfield Park)	Pl	S	
B			Trent Drive	1943	Air Nelson Hangar	Bldg		
A	I	48	Van Dieman Street	1875	Fairfield House	Bldg	S	
A	I	30	Vanguard Street	1868	All Saint's Anglican Church	Bldg	S**	
A	I Historic Area	223	Waimea Road Bishopdale	1877	Chapel of the Holy Evangelists (Anglican)	Bldg	S**	
B			Wakapuaka Rd SH6	1860	St Andrew's Churchyard Cemetery	Pl		

Group	HPT Rank	Street No.	Street Address * = Council Owned	Date	Name	Building, Place, or Object	Interior/ Surround	Features of particular heritage significance (Inner City Zone only)
A	II		Wakefield Quay*		Stone Wall (in front of former Rowing Club and between old Powerhouse and Launch ramp by Rescue Centre)	Pl		
B	II	258	Wakefield Quay	1928	Former Anchor Shipping Company office	Bldg		
B		300	Wakefield Quay*	1923	Power House	Bldg		
A	II	326	Wakefield Quay (opposite 333)	1880	The Boathouse (former Iron Duke Sea Scouts building)	Bldg		
C		335	Wakefield Quay	1930	House	Bldg		
B		337	Wakefield Quay	1870	House	Bldg		
B		339	Wakefield Quay	1862	House	Bldg		
C		345	Wakefield Quay	1930	House	Bldg		
A		350	Wakefield Quay (opposite 341)	1900-1940	Boatshed Cafe	Bldg		
B		367	Wakefield Quay	1870	House	Bldg		
B		369	Wakefield Quay	1870	House	Bldg		
C		375	Wakefield Quay	1900	House	Bldg		
A		383	Wakefield Quay	1900	House	Bldg		
A		385	Wakefield Quay	1900	House	Bldg		
C		411	Wakefield Quay	1900	House	Bldg		
C	II	35	Washington Road	1865	Cobb House	Bldg		
A	II	42	Weka Street	1900	Hostel Paradiso	Bldg		
A	II	5	Whitby Road	1890	Rutherglen	Bldg		

The following house was ranked but is not subject to the provisions of this Plan as it has a more stringent covenant with the Historic Places Trust.

Group	HPT Rank	Street No.	Street Address	Date	Name	Building, Place, or Object	Interior/ Surrounds
A	I	170	Milton Street	1869	Harley House	Bldg	



- h) Carriageway widths may be varied from those given in Chapter 4 of the Nelson Tasman Land Development Manual 2019, to allow the creation of open space or planted areas within legal road, provided it can be demonstrated that traffic movements will not be adversely affected. Compensatory parking bays may need to be provided in suitable areas.
- i) The need for earthworks and recontouring is recognised. However, this should result in landforms which are visually sympathetic with the existing landforms. Areas disturbed by earthworks should be restored to an appropriate shape, married to the existing topography, and revegetated to soften their appearance.
- j) Reserves and walkways should be sited with particular regard to providing public views from the development, especially toward the surrounding hills and towards the sea. Reserves and walkways should be linked with the road pattern to provide an integrated open space framework in the development. In planning subdivisions, sensitive landscapes and landforms should be incorporated within reserves.
- k) Utilities and associated structures should be considered in planning the subdivision. They should be sited, designed and installed in such a way that they do not detract from the visual quality of the development or of distant views to the development.

## **AP7.4 performance guidelines - rural zone**

---

### **AP7.4.1 subdivision planning and development**

---

**AP7.4.1.i** Subdivision planning and development within the Landscape Overlay in the Rural Zone should meet the following performance guidelines:

- a) The subdivision should be planned and designed to reflect, and be in harmony with, the forms, lines, textures, patterns and colours that exist on the site and in the landscape context. Forms and lines come mainly from the landforms and their edges. Textures, patterns and colour are derived mainly from the vegetation cover and land use.
- b) Subdivision should be planned and development carried out so that unnecessary changes to landform or landscape features are avoided.
- c) In planning the subdivision, sensitive landscapes and landforms should be placed in reserves.
- d) The number, shape, size, design and location of lots and building sites are to be appropriate to the setting.
- e) Significant natural and heritage features are to be recognised and protected or enhanced.
- g) Existing vegetation cover of value, both herbaceous and woody, should be retained and protected.
- h) The overall shape of the subdivision and allotment boundaries within it should coincide with existing natural edges in the landscape, such as ridges, valleys and streams.
- i) Allotment shapes should be related to landform shapes, avoiding arbitrary edges across landforms.
- j) Allotments should be large enough to permit groupings of structures with large areas of open unbuilt land of rural character between groups of structures.
- k) Building sites are to be designated on the subdivision plan, and are to be sized, shaped and located so that structures can be built with the apex of their rooflines below the crests of ridges, in order to avoid being silhouetted against the sky.
- l) Building sites should be located so that structures on them do not block views from roads and public reserves.
- m) Building sites are to be located so that road access can be provided to them, in an alignment which is appropriate for the landscape and generally parallel with the contours, with minimum earthworks and retaining structures and without steep zigzags.  
 Roading is to be designed with a curving alignment that reflects the dominant lines in the landscape context, and which generally parallels the existing contours. Steep zigzags across the faces of slopes are to be avoided.  
 Roading should be planned and designed so that there are minimum cuts and fills and no large retaining structures.

- n) Reserves and walkways should be linked with the road pattern to provide an integrated open space network through the subdivision.
- o) Utilities should be sited, designed and installed in such a way that they do not detract from the visual quality of the rural landscape, and should, wherever possible, be placed underground.
- p) Where utilities are placed above ground, their alignment should follow existing contours and they should not be placed in situations where they will be silhouetted against the sky.
- q) Planning, design and development is to ensure that topography is restored to a contour appropriate to the setting and which marries with adjacent slopes.
- r) Appropriate herbaceous and/or woody vegetation cover is to be re-established on all cuts, fills, backfilled trenches and other disturbed areas as part of the subdivision planning and development.
- s) Blocks of planting should be shaped to reflect existing forms on the site, avoiding the imposition of arbitrary geometric shapes on slopes. Planting should be carried out so that silhouetting of single specimens on the skyline is avoided.

#### **AP7.4.2 structures in the rural zone**

---

**AP7.4.2.i** These guidelines are for residential and farm structures within the Landscape Overlay in the Rural Zone.

Residential structures are considered to include: dwellings and associated outbuildings such as garages and sheds, and small signs.

**AP7.4.2.ii** Farm structures are considered to include: barns, sheds, silos, yards, tanks, tracks and small signs.

**AP7.4.2.iii** Structures are made visible in the landscape by their location and their form and colour. Tracks are made visible by their location, and the line which results from colour contrast with the background. Farm structures are often more noticeable in the landscape because of their reflective surfaces and simple forms.

**AP7.4.2.iv** As controlled activities, the Council may exercise control over their location, design and appearance.

**AP7.4.2.v** The purpose of these guidelines is to describe the management of the characteristics of residential and farm structures that should be applied in order to mitigate adverse visual effects in the Landscape Overlay.

- a) Larger residential and farm structures should, as much as possible, be located on the edges of landforms and vegetation patterns.
- b) All residential and farm structures should be sited so that the apex of the roofline does not project above the crest of the ridge and they should have a backdrop of landform or vegetation.
- c) In both residential and farm settings, associated structures should be clustered together, and reflect unity of design in form and colour.
- d) The forms of the structures should reflect background landforms, with moderately-steep gabled and hip roofs, and variation in the line and form of wall surfaces. Large unrelieved expanses of roofs and walls, and flat roofs should be avoided.
- e) Colours of roofs and walls should be based on the background colours in the landscape and be low in reflectivity, avoiding garish, unnatural colours. There can be small areas of accent colour which contrast with the background, such as on doors or window frames.
- f) Signs should be for identification purposes only. They should be few in number and small in size. They should be as low as possible and located so that they have a backdrop of landform or vegetation immediately behind. The message area of the sign should be in a colour derived from the landscape background.
- g) Structures, such as yards, retaining walls and bridges should be of natural materials, such as timber, in forms and lines appropriate for the landscape, and left to weather naturally or finished with low reflectivity colours.
- h) Tracks and access roads should, as much as possible, be located on the edges of landform and vegetation patterns. They should have a curving alignment and should run generally parallel with contours and on flatter areas. There should be minimum cuts and fills. Avoid steep zigzag alignments.

# appendix 10

# standards and

# terms for parking

# and loading

## AP10 introduction

---

AP10.i This appendix deals with all requirements relating to parking and loading.

## AP10.1 application of appendix 10

---

AP10.1.i Parking, loading and queuing must be provided and maintained on each site in accordance with this appendix:

- a) Where a building is constructed OR substantially reconstructed altered or added to, or
- b) Where it is proposed to construct, erect or alter one or more buildings or other works in stages and the total proposed construction, erection or alteration would if carried out other than in stages constitute a substantial reconstruction, alteration or addition. Provided that stage works that occurred two calendar years prior to the current proposal need not be counted, or
- c) Where there is a change in the use of any land or building, or
- d) When otherwise required by a rule in this Plan.

## AP10.2 definitions

---

### All weather surface

means construction of a carriageway with adequate drainage, a sound subgrade and compacted graded aggregates that results in a carriageway that is usable by vehicles in all weather conditions.

**Note:** The expression “150mm compacted AP40 basecourse (min)” shall have the same meaning as all weather surface. This expression should be used on plans and specifications for developments requiring an all weather surface under this Plan.

### Classified Road

means roads with a hierarchical classification of Arterial, Principal, and Collector. Refer to Chapter 4 ‘Transport’ of the Nelson Tasman Land Development Manual 2019.

### **Drive - Through Activities**

means an activity, other than a service station, where vehicles queue while awaiting service, or an activity in which the customer obtains, gains access to or orders goods or services from their vehicle and includes activities utilising vehicle control points such as remote ordering points or service booths.

### **Farming Activities**

means an activity for growing crops (including trees) or breeding or rearing live stock animals and includes a hobby farm.

**Clarity Note:** For the purpose of this Appendix farm housing is classed as a residential activity.

### **Loading space**

means an on-site marked space where vehicles load or unload goods or people.

### **Parking space**

means a useable, on-site, formed, marked space where vehicles can park.

### **Permanent Surface**

means construction of a carriageway with adequate drainage, a sound subgrade and compacted graded aggregates that results in a carriageway that is usable by vehicles in all weather conditions.

### **Professional Staff**

means medical practitioners, dentists, physiotherapists, practice nurses and any other specialist employed at a health facility whose patients may consult for the provision of medical advice independently. For the purpose of this definition, it includes veterinary surgeons, but excludes medical receptionists and general nursing assistants.

### **Road**

has the same meaning as in section 315 of the Local Government Act 1974 and includes a motorway as defined in section 2 (1) of the Government Roading Powers Act 1989.

### **Queuing Space**

means a useable, on-site, formed space, which complies with the relevant standards in Appendix 9 & 10, where vehicles can stand while awaiting goods or services.

### **Queuing Lane**

means an on-site vehicle access lane containing one or more queuing spaces, where vehicles can queue one behind the other, in line, while awaiting goods or services.

### **Unclassified Road**

means roads with a hierarchical classification of Sub-Collector, Local Roads and Residential Lanes. Refer to Chapter 4 'Transport' of the Nelson Tasman Land Development Manual 2019.

### **Unit**

In the case of Short Term Living Accommodation means:

- a) a room for sleeping guests let for a single tariff (for example, in a studio motel, hotel room, studio apartment, cabin), or a dormitory style room let to multiple parties generally for individual tariffs (for example, some backpacker or hostel accommodation), or
- b) a collection of rooms for sleeping guests which form an entity and which are usually let together for a single tariff (for example, a multi bedroom motel, hotel suite, or apartment).

### **Vehicle Parking Facilities**

means an activity where the service provided is parking for vehicles and includes commercial car and truck parks and also includes parking ancillary to the predominant activity, where the traffic flow or parking is controlled by means of a vehicle control point such as a service booth or automated entry control device.

## AP10.3 calculation of coach loading and queuing spaces

**AP10.3.i** Coach loading and queuing spaces must be provided as set out in 10.3.1, within the net area of every site at which the activity listed in 10.3.1 takes place.

**AP10.3.ii** Whenever a building is increased in floor area, or undergoes a partial or total change in activity, queuing requirements for the existing part of the building (if any) or that part remaining in the existing activity, shall remain unaltered. In this case the requirements relevant when the original activity, or part of it, shall continue to apply. Queuing requirements for the increased floor area or that area with a new or altered activity shall be calculated in accordance with Table 10.3.1.

**AP10.3.iii** Where the activity on the site involves more than one category of use listed in 10.3.1, the number of on-site spaces required on that site will be the sum of the requirements for each category.

When the assessment of the total number of queuing spaces results in a part space being involved, any fraction under one half will be disregarded. Fractions of one half or more will be counted as one parking space.

**Table 10.3.1 – coach loading and queuing space requirements**

Activity	Coach Loading or Queuing Spaces Required
<b>Drive-through Activities</b> also see AP10.2	a) on-sites gaining drive-through access off a road or roads classed as a SH, Arterial, Principal or a Proposed SH, Proposed Arterial or Proposed Principal road in Council’s Road Hierarchy: 8 queuing spaces/site b) on all sites other than those sites gaining drive-through access off a road or roads classed as a SH 6, Arterial, Principal or a Proposed SH6, Proposed Arterial or Proposed Principal road in Council’s Road Hierarchy: 4 queuing spaces/site shall be provided. Where a site gains drive-through access off more than one road and such roads fall in the Road Hierarchy category covered in both a) & b) above then 6 queuing spaces shall be provided on-site.
<b>Short Term Living Accommodation</b> (see Meaning of Words) (see definition of ‘unit’ in this appendix)	Permitted Activity: A loading zone for coaches if there are more than 30 units.
<b>Service Stations</b> (see Meaning of Words)	Queuing requirements: a) On-sites where drive through access to the pump islands are gained off a road or roads classed as a SH6, Arterial, Principal or a Proposed SH6, Proposed Arterial or Proposed Principal road in Councils Road Hierarchy: 2 queuing spaces/ entrance into the site b) On-sites where drive through access to the pump islands are gained off a road or roads other than roads classed as a SH 6, Arterial, Principal or a Proposed SH6, Proposed Arterial or Proposed Principal road in Council’s Road Hierarchy: 1 queuing spaces/ entrance into the site c) 3 queuing spaces / car wash or drive-through vehicle service or inspection facility

Activity	Coach Loading or Queuing Spaces Required	
Vehicle Parking Facilities also see AP10.2	Number of Parking Spaces provided at Facility	Number of Queuing Spaces Required
	less than 20	nil
	21 - 49	1
	49 - 99	2
	100 - 199	4
	greater than 199	4 spaces for the first 199 parking spaces plus 1 space/25 parking spaces thereafter
<p>Provided where there is more than 1 vehicle access entry on which service to customers is to be provided, queuing spaces must be provided at every such vehicle entry. The amount of queuing spaces at every such vehicle entry shall be the total amount of required queuing spaces divided by the number of such vehicle entries, with a minimum of 1 queuing space for any facility with 20 or more parking spaces.</p>		

## AP10.4 parking spaces for people with disabilities

**AP10.4.i** The Building Act 2004 includes requirements for the provision of parking for people with disabilities. The Building Act 2004 provisions must be complied with. In effect, parking spaces may have to be designed in such a way that they are suitable for disabled parking as required in the Building Act 2004.

**AP10.4.ii** These requirements apply when parking spaces are provided voluntarily for an activity in accordance with ICr.31 or SCr.31.

## AP10.5 dimensions - parking spaces and set down areas

**AP10.5.i** Every parking space must be of a useable shape and condition and must meet the following requirements:

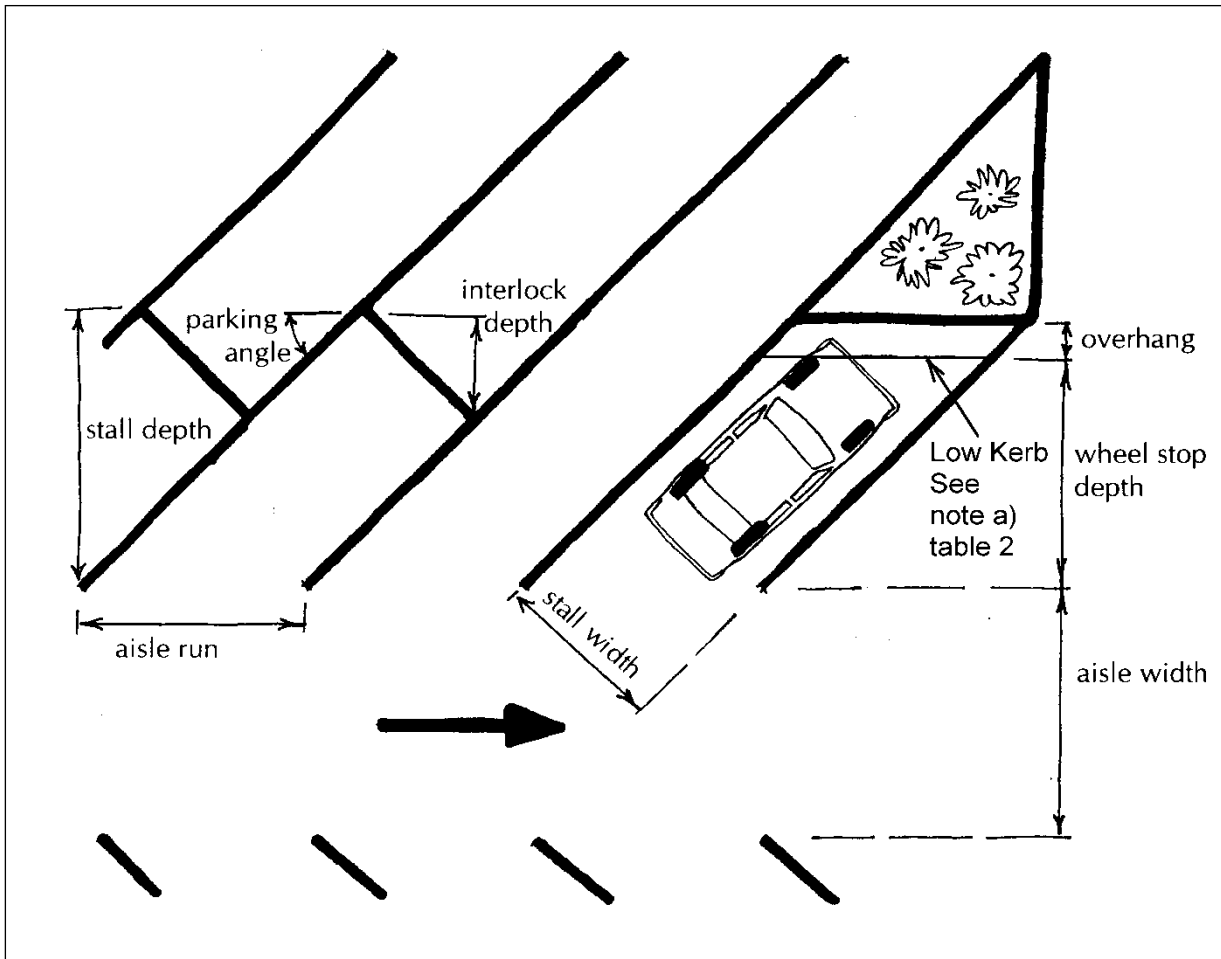
- a) An individual parking space must have the minimum dimensions of 3m wide and 5m long which provides sufficient space for the doors of a 85 percentile design car to be opened to allow a person to enter or exit the design car, and
- b) For two or more parking spaces (side by side) carparking spaces and access thereto must comply with one of the two methods described below. Applicants must state which of the two methods below has been used to achieve compliance:
  - i) Table 10.5.1 Method: Compliance with the parking layout provisions of Table 10.5.1 below, or
  - ii) 85 Percentile Car Method: Compliance with the 85 percentile car tracking curve detailed in Appendix 12 (tracking curves). Provided these minimum parking space dimensions must apply:  
Side by Side Carparks: 5m long and 2.5m wide each, or  
Parallel Carparks: 6m long and 2m wide each, and
- c) The internal minimum height for any private parking space and access thereto shall be at least 1.85m from the finished floor level and 2.3m from the finished floor level for all other parking spaces available to the public.

**Table 10.5.1 - parking layout (see figure below for example of use)**

Parking Angle		Stall Width (m)	Aisle Width (m)	Aisle Run (m)	Stall Depth (m) (See Note a)	Overhang (m)	Wheel stop Depth (m)	Interlock Depth (m)	Stall Depth (Interlock only) (m)
90°	Class of User 1	2.4	7.0	-	-	-	-	-	-
		2.5	6.6	-	5.0	0.8	4.2	-	-
		2.6	6.2	-	5.0	0.8	4.2	-	-
	Class of User 2	2.5	8.0	-	5.0	0.8	4.2	-	-
		2.6	7.0	-	5.0	0.8	4.2	-	-
		2.7	6.6	-	5.0	0.8	4.2	-	-
People with disabilities		3.6	8.0	-	5.0	0.8	4.2	-	-
60°		2.5	4.5	2.9	-	-	-	1.2	5.5
		2.7	4.0	3.1	-	-	-	1.3	5.6
		2.9	3.5	3.4	5.4	0.8	4.6	1.4	5.7
		3.0	3.5	3.5	-	-	-	1.5	5.8
45°		2.5	3.8	3.5	-	-	-	1.8	5.3
		2.7	3.5	3.8	-	-	-	1.9	5.4
		2.9	3.5	4.2	5.0	0.7	4.3	2.0	5.5
		3.0	3.5	4.2	-	-	-	2.1	5.6
30°		2.5	3.5	5.0	-	-	-	2.1	4.6
		2.7	3.5	5.4	-	-	-	2.3	4.8
		2.9	3.5	5.8	4.4	0.6	3.8	2.5	5.0
		3.0	3.5	6.0	-	-	-	2.6	5.1
Parallel parking (except on St)		Stall length = 6.0		Stall width = 2.0		Aisle Width = 3.7			

**AP10.5.ii Notes**

- a) Stall Depth: this is the distance to an obstruction or potential obstruction including a wall, a fence, required landscaping, another vehicle or a place where a vehicle could stand, but does not include a low kerb over which an 85 percentile design car could overhang without contact to the design car.
- b) Class of User 1: long term parking, including tenant and employee parking (but not visitor parking) where regular use gives the motorist a familiarity with the building or parking area.
- c) Class of User 2: short to medium term parking, including visitor parking, parking associated with travellers accommodation and general town centre parking, and where goods can be expected to be loaded into vehicles.
- d) Intermediate values may be interpolated from the values listed in the table above.
- e) Two way flow is permitted with 90° parking.
- f) Aisle run distances are approximate only.
- g) Stall widths shall be increased 300mm where they abut obstructions such as walls or columns.
- h) Minimum One way Aisle width 3.7m (this requirement does not apply to residential activities).
- i) Minimum Two way Aisle width 5.5m (this requirement does not apply to residential activities).





## AP10.6 loading spaces

**AP10.6.i** Except as exempted below, loading spaces must be provided within the net area of every site in accordance with Table 10.6.1. Whenever a building is increased in floor area, or undergoes a partial or total change in activity, loading requirements for the existing part of the building or that part remaining in the existing activity, shall remain unaltered. In this case the requirements relevant when the original activity, or part of it, was obtained shall continue to apply. Loading requirements for the increased floor area or that area with a new or altered activity shall be calculated in accordance with Table 10.6.1.

**AP10.6.ii** Loading spaces need not be provided for any of the following activities, unless otherwise required by a resource consent:

- a) Residential Activities (including Home Occupations);
- b) Farming Activities;
- c) Activities in the Coastal Marine Area or Conservation Zone
- d) Small Unstaffed Network Utility Buildings (see meaning of words)

Loading spaces need not be provided in any of these localities:-

- i) On any scheduled frontage shown on Planning Map 1,
- ii) On-sites with frontage to any public carpark at the Stoke Centre (see Meaning of Words)
- iii) On-sites with frontage to any roads, other than Main Road Stoke, at the Stoke Centre (see Meaning of Words)

**Advisory Note** - Council may control loading on roads and in public carparks by bylaws.

**AP10.6.iii** Where loading is voluntarily provided, or required by a resource consent, it must comply with the standards in this Plan.

**Table 10.6.1 - loading space, size, and design vehicle specification**

Gross Floor Area of Activity	No. of Loading Spaces Required	Minimum Loading Space Size	Design vehicle
<b>Commercial, Educational, Health Facilities and other similar non goods handling activities:</b>			
Activities with gross floor area of 30m <sup>2</sup> up to 200m <sup>2</sup>	1	6m length 3m wide 2.6m high Provided this loading space may be positioned behind an existing parking space on-site as long as it does not obstruct any other parking or loading space or required vehicle access or manoeuvring	85 percentile car tracking curve
Activities with gross floor area over 200m <sup>2</sup> up to 2500m <sup>2</sup>	1	6m length 3m wide 2.6m high	85 percentile car tracking curve
Activities with gross floor area > 2500m <sup>2</sup>	1	8m length 3.5m wide 4.4m high	85 percentile 2 axle truck tracking curve

**Retail, Retail Services, Industrial and similar goods handling Activities:**

Activities with gross floor area of 10m <sup>2</sup> up to 100m <sup>2</sup>	1	6m length 3m wide 2.6m high	85 percentile car tracking curve
Activities with a gross floor area 100m <sup>2</sup> to 2500m <sup>2</sup>	1	8m length 3.5m wide 4.4m high	85 percentile 2 axle truck tracking curve
Activities with a gross floor area >2500m <sup>2</sup>	1	20m length 3.5m wide 4.4m high	Semi Trailer tracking curve

**Freight Depots, Carrier Depots, Land Transport Terminals, Bulk Stores, Warehouses, and similar activities**

Activities with gross floor area up to 200m <sup>2</sup>	1	8m length 3.5m wide 4.4m high	85 percentile 2 axle truck tracking curve
Activities with a gross floor area >200m <sup>2</sup> to 2500m <sup>2</sup>	1	20m length 3.5m wide 4.4m high	Semi Trailer tracking curve
Activities with a gross floor area > 2500m <sup>2</sup>	1/2500m <sup>2</sup> (1 space min)	20m length 3.5m wide 4.4m high	Semi Trailer tracking curve

**AP10.6.iv Notes:**

- a) For the purpose of Table 10.6.1, where the principal activity does not take place within a building the term ‘gross floor area’ includes the ground area directly involved in that activity;
- b) Where an activity involves more than one of the above categories, the loading requirement must be determined on the principal activity of the site. Where the principal activity cannot be determined the higher loading requirement will apply;
- c) When the assessment of the number of loading spaces results in a part space being involved, any fraction under one half will be disregarded. Fractions of one half or more will be counted as one parking space.

Notwithstanding the above:

- i) where articulated trucks are used in connection with any site, sufficient space not less than 20m in length and not less than 4.4m high shall be provided.
- ii) each loading space required by the Plan shall have unobstructed vehicular access to a road or service lane.
- iii) parking spaces and loading spaces may be served in whole or in part by a common manoeuvre area which shall remain unobstructed.
- iv) where a coach parking space is required sufficient space not less than 14m in length, 3.5m in width and 4.4m high shall be provided.

## **AP10.7 loading spaces - special provisions for sites with more than one activity or tenant**

---

**AP10.7.i** Where more than one tenancy or separate use is contained on a site then each individual tenancy or activity shall be provided with direct access to the loading space on that site. When it is necessary to provide such access within a building such access shall be a useable passageway not less than 1.2m wide (including any doorways measured between the door jambs).

## **AP10.8 surfacing of parking and loading spaces**

---

**AP10.8.i** In Inner City, Suburban Commercial, Industrial, and Open Space and Recreation Zones the whole of the parking and loading spaces, vehicular entrances, access drives and aisles must be formed, surfaced and maintained to a permanent surface (see Figure 10, Appendix 11 - tracking curves).

**AP10.8.ii** In the Residential Zone the following areas shall be permanently surfaced. See definitions in Appendix 10 (standards and terms for parking and loading) and Figure 10 in Appendix 11.

- a) all vehicular access from a public road from the sealed carriageway of the road to a point at least 5m into the site measured from the road boundary, and (Note: The purpose of this clause is to ensure that material such as mud, stone chips or gravel is not carried onto any footpath, road or service lane.)
- b) all vehicular access which serves more than one household unit or site, and
- c) all vehicular access with a gradient steeper than 1 in 5.

For the purpose of this clause the grade of a curve shall be measured around the inside edge. The minimum inside radius of curves shall be 4m.

Except as provided above, all vehicular access in the Residential Zone shall be formed to an all weather surface (see definition in Appendix 10 - standards and terms for parking and loading).

**AP10.8.iii** In the Rural Zone all vehicular access from a public road shall:

- a) be permanently surfaced (see definition in Appendix 10 and Figure 10 in Appendix 11) from the sealed carriageway of the road to a point at least 5m into the site measured from the road boundary, and
- b) comply with the requirements contained in Appendix 11.

**AP10.8.iv** In general:

- a) sites sloping towards the street will require storm water to be controlled on-site by a sump or other mechanism.
- b) the site must comply with these standards before the activity commences and be maintained to this standard for as long as the activity continues.
- c) compliance with the access standards in Chapter 4, section 4.10 of the Nelson Tasman Land Development Manual 2019 is required.

## **AP10.9 location of parking and loading areas**

---

**AP10.9.i** All parking and loading spaces must be located on the site of the activity they are intended to serve.

**AP10.9.ii** Any activity involving the sale, hire, servicing, or repair of vehicles shall be carried out entirely within the site to which the activity relates. No road, or part of a road, shall be used for carrying out any activity associated with the business, including the storage, repair, grooming or washing of vehicles, or parking of vehicles other than for the purposes of delivery, relocation, drop-off, or pick-up.

**AP10.9.iii** No part of any parking or loading space or associated manoeuvring area may be located between a road widening designation as shown on the Planning Maps, and defined in Appendix 24 (designations), and the road boundary.

## **AP10.10 availability of parking and loading areas**

---

**AP10.10.i** All parking and loading spaces, manoeuvring areas, access drives and aisles must be kept clear at all times for the purpose of motor vehicle use and may not be used for any other purpose.

**AP10.10.ii** Except as exempted below a motor vehicle occupying any parking or loading space must have ready access to a road at all times without the necessity of moving any other vehicle occupying a parking or loading space.

- a) In the Residential Zone, Residential Activities (excluding Home Occupations) may have no more than 2 parking spaces located one behind the other, and may include spaces within a building.
- b) On-sites in the Inner City, Suburban Commercial and Industrial Zones which are less than 1000m<sup>2</sup> net site area, activities may have no more than 2 staff parking spaces located one behind the other provided:
  - Such parking spaces are not shared with another site, tenancy or enterprise, and
  - Such parking spaces are clearly marked in an approved manner as 'staff parking', and
  - Such parking spaces do not include accessible car parking spaces (for use by people with disabilities), and
  - As otherwise permitted under Table 10.6.1.

## **AP10.11 manoeuvring/non-reversing streets**

---

**AP10.11.i** Every off street parking, loading and queuing space must be provided with such access drives and aisles as are necessary for the access of vehicles to and from the vehicular entrance to the road and for any required manoeuvring of vehicles within the site.

**AP10.11.ii** The design of all parking spaces and loading spaces must be such that manoeuvring is provided for the design vehicle of the vehicles in Appendix 12 (tracking curves).

**AP10.11.iii** No reverse manoeuvring onto or off a road is permitted where:

- a) the site has vehicular access to a Classified Road, or
- b) where any vehicle entrance serves more than 3 car parking and/or loading spaces, or
- c) a rear site has access provided by a mutual right of way, or
- d) vehicular access to the site is from a road with a legal speed greater than 50kmh.

### **AP10.11.1 tracking curves for carparking:**

---

**AP10.11.1.i** Carpark manoeuvring must comply with the 85-percentile car tracking curve shown in AP12.1. Compliance with Table 10.5.1 (parking layout) of this appendix, will be deemed to be compliance with the 85 percentile car tracking curve. Where a Coach parking space is required manoeuvring must comply with the Tour Coach tracking curve (See AP12.6 - 85 percentile tour coach tracking curve).

### **AP10.11.2 tracking curves for loading:**

---

**AP10.11.2.i** Where loading spaces are required or voluntarily provided they must comply with the particular tracking curve identified in Ap10.8 (surfacing of parking and loading spaces), Table 10.6.1 (loading space, size, and design vehicle specification) and that tracking curve specification in Appendix 12 (tracking curves).

**AP10.11.2.ii** Where a Coach parking space is required manoeuvring must comply with the tracking curve for the Tour Coach (See Ap12.6 - 85 percentile tour coach tracking curve).

**AP10.11.2.iii** Activities or sites covered by a) - d) above must provide on-site turning complying with the appropriate tracking curve (85 percentile design car, minimum)

## **AP10.12 gradient of parking spaces**

---

**AP10.12.i** Parking spaces must have a gradient of no more than 1 in 16 in any one direction except in the Residential Zone where the maximum gradient is 1 in 8.

## **AP10.13 access design**

---

**AP10.13.i** Refer to Appendix 11 (access standards) for access design, location, gradients, and break over angles.

## **AP10.14 queuing**

---

### **AP10.14.1 application**

---

**AP10.14.1.i** Provision for queuing facilities on-site is required for 3 classes of activities: Drive-Through Activities, Service Stations and Vehicle Parking Facilities with 20 or more parking spaces.

**AP10.14.1.ii** The number of queuing spaces provided must be in accordance with Table 10.3.1 provided the number of queuing spaces may be reduced to 1 space, for service stations or drive-through facilities, if

- a) There is an adjacent vehicle moving lane which:
  - i) is served by an adjacent vehicle control point, and
  - ii) allows vehicles to move in the same direction as in the main queuing lane, and
  - iii) has a minimum width of 2.6m, and
  - iv) complies with manoeuvring, access, formation and marking standards for a queuing lane.

### **AP10.14.2 queuing space and queuing lane on-site layout**

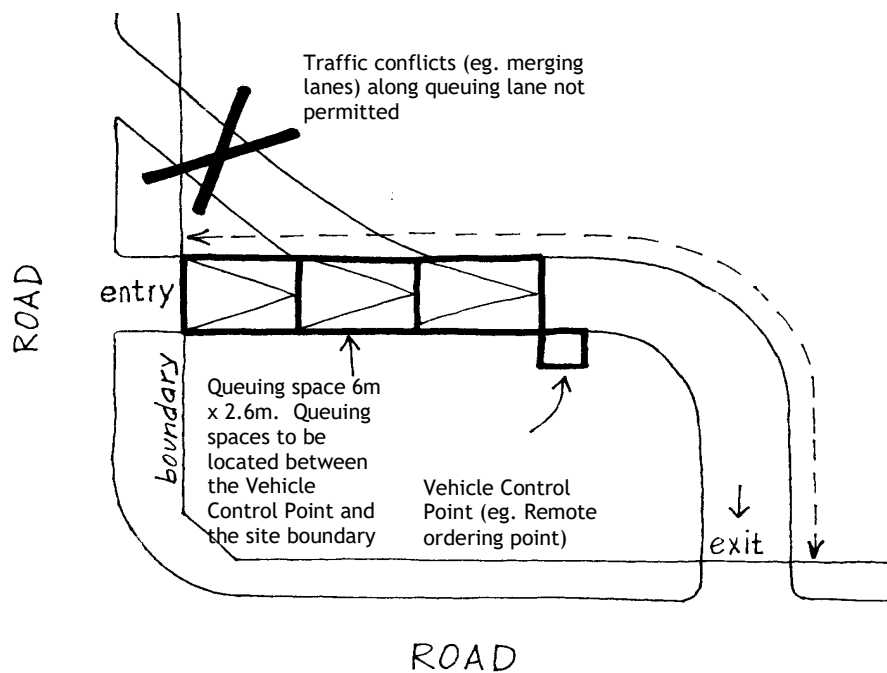
---

**AP10.14.2.i** Every queuing space must be of a useable shape and condition, be wholly contained on the site it is intended to serve, within a queuing lane and comply with the following requirements:

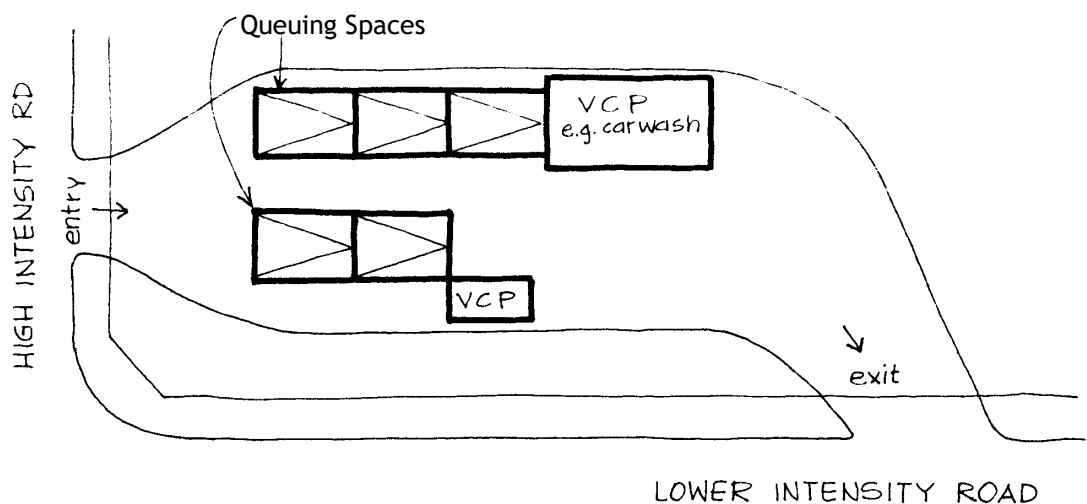
- a) A queuing space must be not less than 6m long and 2.6m wide, and
- b) All queuing spaces must be located in a nose to tail fashion in the queuing lane between the vehicle entrance on the site boundary and the nearest vehicle control point and but shall not obstruct parking, required loading or other required queuing areas and access thereto, and
- c) All queuing spaces and the queuing lane must be formed and maintained to a permanent surface, and
- d) The queuing lane is to comply with the 85 percentile car tracking curve (see AP12.1 - clearances additional to tracking curves) or any larger tracking curve which may be required under clause h) below, and
- e) The traffic direction in the queuing lane is to be one way only provided this shall not apply to fuel dispensers in service stations. However, no reverse manoeuvre on or off any road is permitted, and

- f) Traffic conflicts which may impede traffic flow to or from the vehicle control point along the queuing lane are not permitted i.e. many access lanes to one vehicle control point is not permitted (e.g. a merging lane) but one access branching to many vehicle control points will be permitted (eg: multi island fuel dispensers), and
- g) With the exception of queuing lanes associated with fuel dispensers in service stations, the queuing lane is to be permanently marked on the pavement surface together with such traffic control direction as will contribute to its safe use, and
- h) Where the drive-through activity or vehicle parking facility is intended predominantly for vehicles larger than cars then the queuing space, manoeuvring area, formation and marking must be adequate to suit the predominant vehicle to be used. In such cases the minimum standard is the 85 percentile 2 axle truck shown in Appendix 12 (tracking curves).

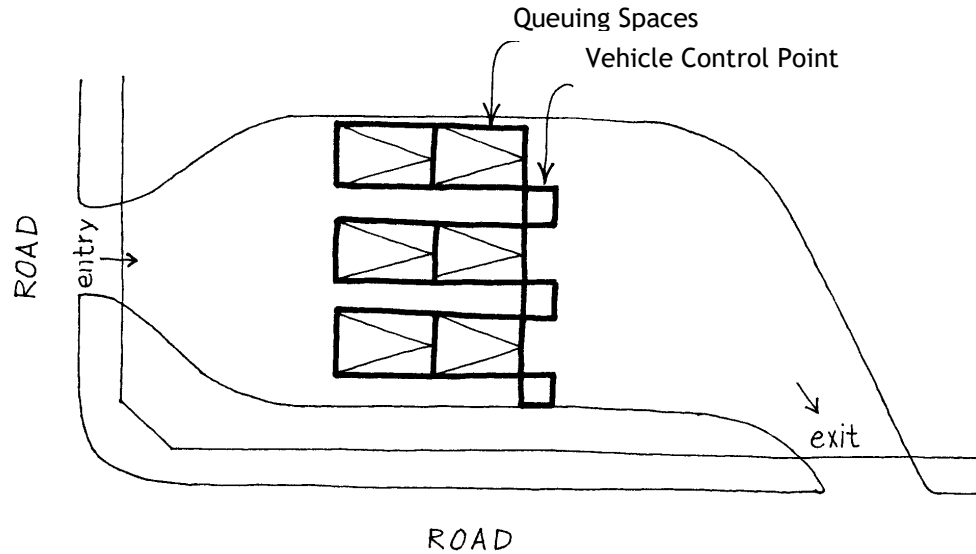
**Figure 1: queuing lane & queuing space showing required on-site arrangement**



**Figure 2 - One to Many Type Queuing Lane of the Type Permitted under App10.14 (6).**



**Figure 3: Example of Queuing Layout for a Service Station Activity**



## **AP10.15 assessment criteria for resource consents**

### **AP10.15.1 general**

**AP10.15.1.i** In considering resource consents for land use activities, in addition to the applicable provisions of the Act, the Council shall apply the relevant Assessment Criteria set out below.

### **AP10.15.2 assessment criteria**

**AP10.15.2.i** In considering whether or not to grant consent or impose conditions, the Council shall have regard to but not be limited by the following specific assessment criteria.

#### **a) Parking, queuing and loading provision**

- i) Whether it is physically practicable to provide the required manoeuvring, queuing or loading spaces on the site in terms of the existing location of buildings, access to the road, topography and utility location
- ii) Whether there is an adequate alternative supply of loading spaces in the vicinity which:
  - a) is sited within easy walking distance of the development;
  - b) does not require people to cross heavily trafficked roads to access the development thus jeopardising pedestrian safety and road function;
  - c) is clearly associated with the development through signs or other means;
  - d) has a legal agreement bonding the loading to the development;
  - e) is surrounded by appropriate land use activities with which the loading is compatible.

**Note:** Other than in the Residential Zone on lightly trafficked streets with adequate on street parking, in general, on-street queuing and/or loading spaces is not considered an alternative.

- iii) Whether there is another site in the immediate vicinity that has available loading spaces which are not required at the same time as the proposed activity. In such a situation the Council will require the associated loading spaces to be secured in some manner.
- iv) Whether a demonstrably less than normal incidence of queuing or loading will be generated by the proposal, such as due to specific business practice, type of customer, the particular characteristics of the intended residential occupants, vehicles servicing the site or vehicles servicing the occupants of the site, bus transportation

- v) Whether a significant adverse effect on the character and amenity of the surrounding area will occur as a result of not providing the required amount of manoeuvring, queuing or loading space.
- vi) The extent to which the safety of pedestrians, particularly children, will be affected by the reduction or non provision of queuing or loading spaces or by being set down on-street.
- vii) The extent to which the safety and efficiency of the surrounding roading network would be adversely affected by queued and manoeuvring vehicles on the roads.
- viii) Any cumulative effect of the lack of on-site queuing and loading spaces in conjunction with other activities in the vicinity not providing the required number of queuing or loading spaces or by reducing the required manoeuvring space
- ix) The extent to which activities proposed will generate more or less queuing and/or loading demand than is required by this Plan and the adequacy of the proposed facilities to meet the demand.
- x) Whether loading can be provided and maintained in a jointly used area where the number of loading spaces provided is equivalent to the sum of requirements for each activity.
- xi) Where the development is located in a Residential Zone or an Open Space and Recreation Zone, the effect the provision of queuing and/or loading has on the purposes of these zones and on their environmental results anticipated.
- xii) The extent to which the reduction in the amount of queuing and/or loading spaces will affect the ability of future activities on-site to meet the queuing and/or loading spaces requirements.
- xiii) The extent to which the reduction in the amount of queuing and/or loading spaces will affect the ability of people with disabilities to gain convenient access to the activity or development.

**b) Parking, queuing and loading area and entranceway design**

- i) Any adverse effects on the safety and security of people and vehicles using the facility.
- ii) The extent to which the safety of pedestrians, both on and off the site will be affected.
- iii) Any adverse effects on the amenity and character of surrounding properties and public areas.
- iv) The extent to which there could be any adverse effect on the safety and efficiency of the frontage road.
- v) The extent to which any reduction in the design characteristics could result in the parking, queuing and loading area and/or access and manoeuvring areas being impractical, inconvenient or unsafe to be used by vehicles or pedestrians.
- vi) Any cumulative effect of the reduction in the design characteristics in conjunction with the effects generated by other activities on the frontage road.



**c) Particular Assessment Criteria relating to Short Term Living Accommodation**

In considering a controlled or restricted discretionary activity and whether or not to impose conditions, the Council shall, in addition to the above, have regard to but not be limited by the following specific assessment criteria.

- i) The type of person catered for at the accommodation and the type of transport they use and the frequency of use.
- ii) The type, size and frequency of vehicles (including buses, taxis, service and staff vehicles) used to service the accommodation.
- iii) The extent to which safe loading and unloading of coach passengers is capable of being provided whether coach parking is provided on or off site.
- iv) The extent to which there is adequate and safe parking for coaches without adversely affecting traffic and pedestrian function and/or safety (including adequate sight distance to or from the site) of the surrounding road network.
- v) The extent to which the traffic and pedestrian function and/or safety of the surrounding road network will be adversely affected by extra parked and manoeuvring vehicles and coaches.

**d) Parking and loading spaces - location, method and appearance**

Conditions may be imposed to ensure that the parking and loading spaces are:

- i) Sited within easy walking distance of the development;
- ii) Suitable for the character, intensity and scale of development;
- iii) Clearly associated with the development through signage or other means.
- iv) Bonded to the development by a legal agreement.
- v) Surrounded by appropriate land use activities with which the parking or loading is compatible.
- vi) Landscaped to an appropriate standard.
- vii) Bonded to the user by a covenant or some other legal protection where parking or loading spaces are to be off-site to ensure continued availability.
- viii) Less likely to detrimentally affect the safety of the roading network or pedestrian safety;
- ix) Available at times when the parking or loading demand for the activity occurs.

**e) Queuing spaces and queuing lanes - location, method and appearance**

Conditions may be imposed to ensure that any queuing spaces and queuing lanes are:

- i) Suitable for the character, intensity and scale of development;
- ii) Less likely to detrimentally affect the safety of the roading network or pedestrian safety;
- iii) Bonded to the user or development by a covenant or some other legal protection where parking or loading spaces are to be off-site to ensure continued availability;
- iv) Available at times when the demand for the activity occurs.

## **AP10.16 reasons for rules**

---

### **AP10.16.1 parking and loading space requirements**

---

**AP10.16.1.i** The provision of off-street loading for each activity minimises the adverse effects on the safety and efficiency of the road from on-street loading and manoeuvring vehicles.

### **AP10.16.2 parking and loading area design**

---

**AP10.16.2.i** The design of the parking and loading areas are based on 85-percentile design vehicles. The dimension of these vehicles and their associated turning circle requirements are such that the majority of vehicles in New Zealand comply with their requirements. Critical manoeuvre areas have been calculated to allow 99% of vehicles to use them. These areas are bounded by immovable objects such as walls and columns and it is therefore important to provide the space to allow vehicles to manoeuvre easily.

**AP10.16.2.ii** Controls over the surfacing of parking and loading areas have been included to protect the amenity of surrounding properties and public places from noise and dust nuisance. The controls are also intended to avoid deterioration of road and footpath surfaces or vehicle and pedestrian safety through loose surfacing material being carried onto footpaths, roads or service lanes.

**AP10.16.2.iii** Controls on the gradient of parking areas have been included so that it is safe and easy for people to get into and out of their vehicles.

### **AP10.16.3 reverse manoeuvring**

---

**AP10.16.3.i** On site manoeuvring is required for all sites on Classified Roads, shared accesses, and where a large number of vehicle movements onto and off a site are expected. This helps to protect the efficiency and safety of roads that are desirable through routes by minimising the number of vehicles required to reverse onto or off a site. It is not permitted to reverse manoeuvre onto Classified Roads as their main function is as a through route accommodating a variety of mode and trip lengths with access to adjacent land having less importance than Unclassified Roads.

### **AP10.16.4 queuing spaces**

---

**AP10.16.4.i** Queuing spaces and queuing lanes are required at the entrance to vehicle based service areas for Drive-Through Activities, Service Stations and Vehicle Parking Facilities to provide an area off the street for vehicles to queue while waiting for goods or services, or for a parking space. This protects the safety and efficiency of the frontage road from the effects of vehicles requiring to queue on the street, blocking traffic lanes, or causing pedestrians to leave the footpath in order to move across queued traffic.

# appendix 11

# access standards

## **AP11 overview - application of Appendix 11**

---

**AP11.i** Accessways and vehicle crossings must be provided, (except for Small unstaffed network utility buildings) and formed and maintained on each site in accordance with this appendix:

- a) Where a building is constructed OR substantially reconstructed altered or added to; or
- b) Where it is proposed to construct, erect or alter one or more buildings or other works in stages and the total proposed construction, erection or alteration would, if carried out other than in stages, constitute a substantial reconstruction, alteration or addition. Provided that stage works that occurred two calendar years prior to the current proposal need not be counted; or
- c) Where there is a change in the use of any land or building; or
- d) When otherwise required by a rule in this Plan.
- e) Any access or accessway must comply with the relevant mandatory matters specified in Chapter 4 'Transport' of the Nelson Tasman Land Development Manual 2019.

**AP11.ii** For subdivisions creating sites that are steeper than 1 in 8 for residential and 1 in 16 for non residential, the subdivision consent application plans shall show indicative access to a parking space within each lot and the extent of works (including cut/fill batters and retaining) that would be needed. Any retaining structures must be located on private land and not legal road. Final details of the access construction will be required to be shown on engineering plans submitted in accordance with the Nelson Tasman Land Development Manual 2019.

## **AP11.1 minimum distance of vehicle crossing from intersections**

---

**AP11.1.i** Vehicle crossing spacing from intersections shall be in accordance with Section 4.10 Private Access and Crossings Nelson Tasman Land Development Manual 2019.

## **AP11.2 maximum number and minimum spacing of vehicle crossings**

---

The maximum number of vehicle crossings permitted for each site shall be in accordance with Section 4.10 Private Access and crossings of the Nelson Tasman Land Development Manual 2019.

## **AP11.3 design of vehicle access**

---

**AP11.3.1** Any access must comply with the relevant design and construction standards specified in Chapter 4, Section 4.10 Private Access and Crossings of the Nelson Tasman Land Development Manual 2019.

## **AP11.4 vehicle oriented commercial activities**

---

**AP11.4.1** Vehicle oriented commercial activities include service stations, truck stops, supermarkets, shopping centres and drive-in or drive-through retail outlets.

**AP11.4.2** Notwithstanding the above rules, all vehicle oriented commercial activities must comply with the following rules:

- a) Any canopy must be set back 2m from the road boundary.
- b) Vehicle crossings into vehicle oriented commercial activities must comply with the minimum distance of vehicle crossing from intersections contained in Section 4.9.2 Private Access of the Nelson Tasman Land Development Manual 2019.
- c) Vehicle crossings into vehicle oriented commercial activities must comply with the following minimum separation distances from other access ways.
  - i) Between vehicle crossings for residential activities - 7m.
  - ii) Between vehicle crossings for other activities - 15m.
- d) The width of any driveway into a vehicle oriented commercial activity shall comply with the following:
  - i) One way - 4.5m min and 6m max.
  - ii) Two way - 6m min and 9m max.
  - iii) Any driveway with a width greater than 9m will be discretionary
  - iv) Any one way entrance or exit must be signposted as such and may also have road marking on-site.
- e) The site layout shall be such that all vehicles can enter and leave the site in a forward direction without any need for additional on-site manoeuvring or manoeuvring on the frontage road.
- f) For all driveways from State highways, arterial or principal roads to be used by heavy vehicles, the first 20m of the driveway shall be generally at the same level as the frontage road itself. All accesses on to limited access roads are to comply with NZ Transport Agency standards and will require NZ Transport Agency approval.
- g) For queuing provisions refer to Appendix 10 (standards and terms for parking and loading).
- h) Site size shall be sufficient to ensure that no vehicles being serviced, entering a carpark, awaiting service, or servicing the establishment require to be parked on the road or in such a location that impedes entry, exit, and visibility to or from the entranceway.
- i) On-site car parking and vehicle manoeuvring shall be designed and constructed in accordance with the requirements of the activity but should not impact on the adjacent road network.
- j) The road boundary of the site shall be bordered by a nib wall or other device to control traffic flows and to clearly define entrance and exit points.
- k) The design of the vehicle access and the minimum sight distances from accesses shall be provided in compliance with the rules and figure 1 in this Appendix.
- l) Adequate on-site provision shall be made for service vehicles and for goods loading and unloading in accordance with standards set out in Appendix 10 (standards and

terms for parking and loading) and 11 (access standards). The areas set aside shall be sufficiently dimensioned for the largest expected vehicles, plus manoeuvring space about those vehicles and the numbers of those vehicles expected to be at the site at any one time.

- m) The design and site layout of vehicle oriented commercial activities shall make provision for the safe movement of pedestrians about the site, at the vehicle crossings associated with the site and for their safe movement across roads in the vicinity of the site without an adverse effect on the operation of the frontage road.

## **AP11.5 gates**

---

**AP11.5.1** Gates, garage doors and other like openings must be hung so that they swing into the site and not over any road or adjoining site. Tilting garage doors and similar openings must not, at any time, overhang any road or adjoining site.

**AP11.5.2** Building doors or windows when opened must not overhang any required vehicle access.

## **AP11.6 assessment criteria for resource consents**

### **AP11.6.1 access**

---

- a) Whether adequate sight lines are available from alternative access points.
- b) The extent to which the safety and efficiency of the adjoining road would be compromised by an access point located closer to an intersection or with lesser unobstructed sight distances, than is permitted by the Plan.
- c) The extent to which conflicts between vehicles would be created by vehicles queuing across the vehicle crossing. Confusion between vehicles could be created by vehicles queuing across the vehicle crossing, or between vehicles turning at the crossing or the intersection, or by an inadequate rate of driver assimilation of data, thereby adversely affecting the safety of the road.
- d) Whether the hours of operation of activities on the site coincide with the peak flows and vehicle queues on the road.
- e) Whether the speed and volume of vehicles on the road could increase the adverse effects of the access on the safety of road users. Whether the geometry of the road could mitigate the adverse effects of the access.
- f) The ability to provide access to allotments without the need for extensive retaining walls, and in particular, without the need for any retaining walls located on legal road.
- g) The ability of the proposed vehicle crossing(s) to minimise conflict points with people walking and cycling on shared paths/footpaths and to maximise the berm and on street parking area so as to contribute to a high amenity road environment.
- h) The extent of compliance with the Nelson Residential Street Frontage Guideline.

### **AP11.6.2 vehicle orientated commercial activities**

---

- a) The design and layout of accesses, manoeuvring aisles, car parking and loading areas and the potential effect of these on the safety and efficiency of the frontage road.
- b) Provision for the safe movement of pedestrians about the site and on the adjacent frontage road.
- c) The safety and efficiency of the access taking into account the regulating speed limit on the frontage road, available visibility, road geometry, and vehicle volumes on the frontage road.
- d) The relative proximity of other accesses or road intersections and the potential for cumulative adverse effects on the safety and efficiency of the frontage road.
- e) Any proposed design or works, on-road or on-site to mitigate any potential adverse effect of the access on the safe and efficient functioning of the frontage road.
- f) The degree to which the location of the site in combination with the position of any proposed and existing access points will affect the safe and efficient

movement of traffic onto and off the site and along the adjoining roadway taking into account the following matters:

- i) the types of manoeuvres anticipated to be undertaken at the intersection
  - ii) the forms of control at adjacent intersections
  - iii) the functions of the frontage road and any intersecting roads
  - iv) the speed and volumes of through traffic
  - v) the physical features of the roadway, i.e. number of lanes, visibility
  - vi) whether the driveway will be on an upstream or downstream side of the intersection.
- g) The ability for vehicles to queue and be serviced on-site without affecting the safe movement of vehicles or pedestrians along the adjoining road or footpath or the movement of vehicles and pedestrians using the facilities on the site. The design and appearance of any building, its visual impact from the road, and its proximity to residential areas. The degree to which any heavy commercial vehicles and other service vehicles may enter and exit the site without excessive manoeuvring or disruption to vehicles being serviced on the site or serving the activity or the safe movement of vehicles along the adjoining road.

## **AP11.7 reasons for rules**

---

### **AP11.7.1 distances of vehicle crossings from intersections**

---

**AP11.7.1.i** In order to simplify the driving task by reducing potential conflict points and areas of distraction, there is a requirement to locate entrances at varying distances from intersections depending on the function of the road. Arterial roads typically carry the highest traffic volumes at higher operating speeds. Distances therefore need to be greater on these roads to allow for driver reaction times and also for longer queuing distances at intersections. It also reduces confusion for drivers who may not otherwise be able to tell whether an indicating vehicle is intending to turn at the driveway or the intersection. Similarly, principal and collector roads carry higher traffic volumes at higher operating speeds than local roads and distances of vehicle crossings from intersections are accordingly required to be greater on these roads.

### **AP11.7.2 maximum number, spacing and width of vehicle crossings**

---

**AP11.7.2.i** In order to simplify the driving task the number, spacing and width of vehicle crossings has been regulated. Arterial roads generally operate at higher speeds and volumes and drivers have an expectation that there will be less activity from adjoining land. Controls on the number of access per property aims to reduce conflict points between vehicles and pedestrians and cyclists on shared paths and footpaths. The controls also maximise the amount of berm for landscaping and maximise the area available for on street parking thereby improving the amenity of the road environment. The control on the width of crossings provides adequate width for the vehicles likely to be using them while defining the point where vehicles are likely to enter and exit the site.

### **AP11.7.3 design of vehicle access**

---

**AP11.7.3.i** The controls on the design of accesses onto State Highways and arterial roads recognise that the safety and efficiency of these routes should be maintained. The controls on the angle of the road access positions the driver such that they are able to see approaching vehicles in either direction. In addition, drivers have to slow to enter the access which provides an obvious signal to following drivers and improves on-site safety.

**AP11.7.3.ii** The seal widening provided for on State Highways and arterial roads where the speed limit is over 50 km/hr provides an additional sealed area. This ranges from a design where drivers can slow down out of the traffic, or move around vehicles making a turn with less effect on through traffic, to a design which provides for the manoeuvring of trucks such as milk tankers. In the latter case it provides for a vehicle

to make its manoeuvre on a sealed surface without the need to cross into the opposing traffic lane when making a left turn into an access.

**AP11.7.3.iii** The minimum visibility distances are required to maintain the safety of the roading network. The distances are related to the 85th percentile speed of approaching vehicles as stopping distances are related to traffic speed. The distances are less for residential uses which have lower traffic numbers and more regular users than other activities. The maximum gradient and restrictions on breakover angles is to provide for ease of access.

**AP11.7.3.iv** Design plans for access to individual lots are required at subdivision consent and engineering design approval stages to ensure that Council and future owners can be satisfied that practical access is able to be constructed.

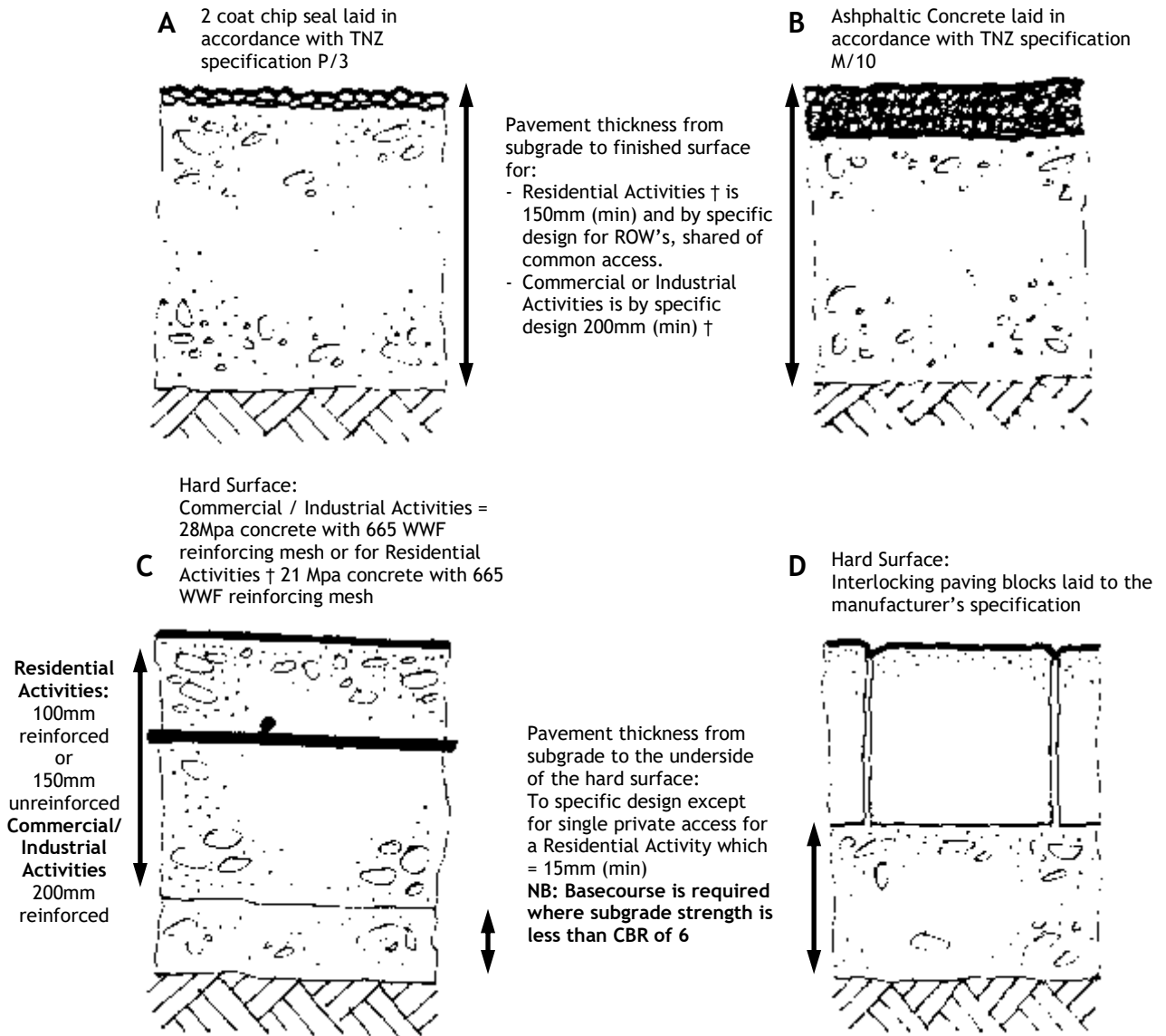
#### **AP11.7.4 vehicle orientated commercial activities**

---

**AP11.7.4.i** It is necessary that vehicles entering and exiting these activities can do so without adversely affecting the safety and efficiency of traffic along the adjoining roadway. Crossings must therefore have sufficient width to allow the safe movement of vehicles but at the same time not be so wide that vehicles are poorly channelled into the site. The vehicle manoeuvring areas should be designed such that there is sufficient space for the queuing of all vehicles wishing to access the activity for whatever reason.

## Figure 10 – typical examples of complying permanent surface.

Refer definition of Permanent Surface in APP 10.



### Notes to Figure 10:

- Residential Activities †:** For the purpose of this figure Residential Activities excludes any non residential activity. The excluded activities are deemed to be Commercial Activities for the purpose of this figure.
- Rural Access:** For the purpose of this figure the Residential Activity standards of this figure shall apply to any Low Intensity Rural Access and the Commercial or Industrial standards of this figure shall apply to any Medium or High Intensity Rural Access (see APP11 Figures 7, 8, 9)
- Pavement Thickness:** means the layers of material between the subgrade and the finished surface. The minimum standard of pavement is an all weather surface (see definition in APP 10)
- Specific Design:** means the pavement shall be designed in accordance with recognised techniques which include, but are not limited to those listed below.
  - CBR Method. (Information reference: CBR design curves are given on NCC Standard Drawing SD405 or TNZ State Highway Pavement Design and Rehabilitation Manual)
  - Scala / Dynamic Cone Penetrometer. (Information reference: design curves are given on NCC Standard Drawing SD406)
  - Design method based on Benkleman beam deflections. (Information reference: design curves are given on NCC Standard Drawing SD404)

The designer must state the method used and supply any information necessary to support the design method for any application under this part of the Plan.



# appendix 12

# tracking curves

## **AP12 introduction**

---

AP12.i This appendix specifies all requirements relating to tracking curves.

## **AP12.1 clearances additional to tracking curves**

---

AP12.1.i Tracking curves shall be in accordance with Chapter 4, Section 4.10 of the Nelson Tasman Land Development Manual 2019.

## **AP12.2 85 percentile car - tracking curves**

---

*This provision has been deleted to give effect to Plan Change 27.*

## **AP12.3 85 percentile two axle truck - tracking curves**

---

*This provision has been deleted to give effect to Plan Change 27*

## **AP12.4 85 percentile semi-trailer - tracking curves**

---

*This provision has been deleted to give effect to Plan Change 27*

## **AP12.5 85 percentile tour coach tracking curve**

---

*This provision has been deleted to give effect to Plan Change 27*

## **AP12.6 Assessment criteria for resource consents**

---

AP12.6.i General

In considering resource consents for land use activities, in addition to the applicable provisions of the Act, the Council shall apply the relevant assessment criteria listed in Appendix 10 (standards and terms for parking and loading).



# appendix 14

## residential

### subdivision

#### design &

#### information

#### requirements

## **AP14**      **introduction**

---

**AP14.i**            Appendix 14 sets out the information requirements that must accompany restricted discretionary subdivision activities under Rule REr.107. It also lists a number of indicators that can be used to assess how a design responds to the district wide Urban Design Objectives and Policies contained in Chapter 5 DO13A and the appropriate Zone Objectives and Policies in the NRMP.

**AP14.ii**           It is intended that Appendix 14 will apply, and can be adapted to, a range of development types and scenarios including small scale infill, comprehensive housing and large scale greenfield subdivision.

## **AP14.1**      **general**

---

**AP14.1.i**           Appendix 14 and the restricted discretionary activity subdivision provisions under Rule REr.107 are provided because the Council recognises that in pursuing better urban design it is difficult to achieve such a goal by imposing prescriptive rules and minimum standards. This will be particularly relevant for hillside greenfield subdivision and intensification within the existing residential area.

In recognition of this barrier, the restricted discretionary category provides an avenue for those designs that may not comply in full with the mandatory standards set out in the Nelson Tasman Land Development Manual 2019. Such developments may in fact still represent quality urban design for the particular site and therefore warrant a restricted discretionary activity status and non-notified consent process.

**AP14.1.ii** In order for the Council to provide the level of certainty associated and expected of a restricted discretionary activity, high quality information must be provided with applications. Applications need to illustrate clearly why particular design approaches are proposed, and how the whole design contributes towards the goal of better urban design within the context of the sites local environment.

**AP14.1.iii** Chapter 5 DO13A Objectives and Policies set the framework for the type of subdivision and development that is sought and the type of design process to be pursued. Appendix 14 does not describe in detail what quality urban design is considered to be for Nelson. Quality design outcomes rely on the subdivision designer and/or design team possessing a good knowledge of urban design approaches and techniques. In other words, this section does not tell applicants what to do, but rather what to show to demonstrate how the design meets the desired outcomes sought for residential neighbourhoods and the community as a whole. This process recognises that there may be many different solutions that are acceptable beyond what can be simply prescribed for with minimum standards.

**AP14.1.iv** It is expected that the Appendix 14 requirements will result in better quality urban design outcomes, better informed decision making, and more certainty for everyone. They should:

- a) make applicants think carefully about the quality of the resource consent application (this should improve the general quality of applications).
- b) give applicants the opportunity to explain and justify their proposal to Council officers, decision makers and the people they consult with.
- c) ensure that the urban design objectives and policies in the Plan are considered at the outset of the design process to guide the development of site responsive solutions.
- d) help with pre-application consultation and the understanding and negotiation of changes to designs, as they can set out ideas for discussion.
- e) provide consistent application standards for restricted discretionary subdivision activities that will enable consistent and efficient consent processing.
- f) control the way subdivision and development is constructed, and the way public spaces are used and managed.

## site analysis

---

### reference objectives

**DO13A.1: Recognising the local context**  
**DO5.1.2 Linkages and Corridors**

**AP14.2.1.iv** The site analysis plan(s) describes and analyses the conditions within the legal boundaries of the site. Overall, this analysis will bring together the character and features of the site and its setting, and identify opportunities and constraints for the subdivision or development.

**AP14.2.1.v** The site analysis plan(s) will include:

- a) contours including identification of prominent ridgelines and valleys.
- b) soils/geotechnical constraints/contamination, fault hazard lines.
- c) rivers, streams, ephemeral water courses, overland flow paths and stormwater catchments.
- d) existing vegetation and biodiversity corridors.
- e) identification of:
  - i) landscape assets to preserve (significant features).
  - ii) landscape features to re use or enhance (less significant features which can be used to achieve multiple goals as part of a subdivision such as restoration of ephemeral gullies and wetlands which can incorporate low impact stormwater approaches and adjoining walkway/cycleway networks).
- f) existing services: wastewater, water, and stormwater networks including capacity information, and transmission lines.
- g) any overlays as shown in the NRMP Planning Maps (Landscape, Hazard, Land Management, Riparian, Heritage Trees etc). These are available digitally from Council.
- h) existing buildings and structures.
- i) natural, cultural or archaeological features identified from consultation with NZ Historic Places Trust, Archaeological File Keeper at Department of Conservation or local iwi.
- j) summary of opportunities and constraints - areas identified as suitable for development, areas requiring preservation and enhancement, and areas suitable for incorporation in movement networks, low impact stormwater servicing, and open space networks. Depending upon the scale of the development, the summary of opportunities and constraints may need to be provided on a separate overlay.

**AP14.2.1.vi** Based on the above information, a summary of the opportunities and constraints present should be prepared. This should identify areas suitable for development, areas requiring preservation and enhancement, and areas suitable for incorporation in movement networks, low impact stormwater servicing, and open space networks. Depending upon the scale of the development, the summary of opportunities and constraints may need to be provided on a separate overlay.

## **AP14.2.2 Design Description: Subdivision and Development Plan**

---

**AP14.2.2.i** The subdivision and development plan must describe the following elements:

### **movement network**

---

reference objectives      **DO13A.2 Improving connections**  
                                     **DO13A.6 Sustainable places and communities**  
                                     **DO10.1 Land transport system**  
                                     **DO14.1 City layout and design**  
                                     **DO14.3 Services**

**AP14.2.2.ii** The movement network includes:

- a) existing and proposed pedestrian and cycle links and their network connections.
- b) future roads and connections to adjoining land with development potential.
- c) the street types (functions and volumes) that are proposed.
- d) the location of car parking spaces.
- e) in addition:
  - i) traffic assessment of speed environment designs will be required to accompany the application.
  - ii) preliminary infrastructure design for areas departing from the mandatory matters in the Nelson Tasman Land Development Manual 2019. Cross sections may be necessary to illustrate site specific design responses.
  - iii) large scale and greenfield subdivision must show public transport connections and future route extensions, including provision for bus stops. Applicants should consult with Council's Transport Officers to ascertain requirements.
  - iv) a 'ped-shed' walkability analysis may also be necessary for large scale subdivisions with mixed densities and zoning.

### **open space network**

---

reference objectives      **DO13A.1 Recognising the local context**  
                                     **DO13A.2 Improving connections**  
                                     **DO5.1.2 Linkages and Corridors**  
                                     **RE3 Streetscape, landscape and natural features**

**AP14.2.2.iii** The open space network includes:

- a) the location and type of open space including local parks and reserves, wetlands and riparian areas, greenways, biodiversity corridors, stormwater ponds or other devices intended to be located in reserves.
- b) connections between proposed open space networks and reserves within the development with those in the adjoining area.

### **AP14.3.1 movement network**

---

**AP14.3.i** Chapter 4 of the Nelson Tasman Land Development Manual 2019 provides advice on the road standards relative to function and speed environments, use of and standards for cul de sacs, residential lanes and rights of way. Council's Transport Officers can provide advice regarding existing traffic movements, intended connections and any upgrading plans or requirements.

**AP14.3.ii Quality subdivision will:**

1. Connect to its wider context both physically and visually.
  - a. Provide connections and convenient access to services and facilities in the surrounding neighbourhood.
  - b. Connect to existing roading networks at several points to provide convenient access and choice of routes.
  - c. Anticipate and provide for connections to existing and possible future development on adjoining sites.
2. Provide an interconnected network of streets that provides convenient access for all road users including pedestrians and cyclists.
  - a. Provide multiple choice of routes to any destination.
  - b. Where the topography requires long cul-de-sacs and precludes street interconnection, provide for regular interconnection with safe, attractive walkways.
3. Create a street structure which is clear and legible.
4. Minimise earthworks on steep sites with roads that follow original land contours

### **AP14.3.2 open space network**

---

**AP14.3.2.i** The Nelson Tasman Land Development Manual 2019 contains a chapter on parks and reserves which details the different types of Council owned reserves and their design requirements. Council staff can provide advice in respect of the need or not of particular reserves in particular locations, and should be consulted prior to proposing the selection of any site for an intended public reserve. Where significant landscapes and ecological and natural features exist on site they should be assessed for their suitability for incorporation into the subdivision design. Subdivision design has the potential to incrementally enhance biodiversity corridors in Nelson and is an important component of quality urban design and the suitability of wildlife.

**AP14.3.2.ii Quality subdivision will:**

1. Identify and maintain any recognised view connections across the site.
2. Celebrate views from streets and other public spaces to landmarks and other important features that are beyond the site boundaries.
3. Extend broader neighbourhood patterns of open space with landscape features that strengthen the identity and structure of the landscape such as street trees, landscape links with adjoining neighbourhoods, and open space and reserve networks.
  - a. Enhance and incrementally extend existing biodiversity corridors.
  - b. Retain native vegetation, mature trees and significant ecological features and use these as features within public open space.
4. Locate local parks where they:
  - a. Are of most benefit to the local community.
  - b. Will be overlooked from the street and dwelling frontages to ensure informal surveillance.
  - c. Are not more than 400 metres walking distance from most dwellings.

### **AP14.3.3 landscape**

---

#### **AP14.3.3.i Quality subdivision will:**

1. Maintain important landscape patterns
  - a. Preserve significant landscape and landform features.
  - b. Restore and extend riparian restoration treatments and biodiversity corridors
2. Use landscape features to enhance the amenity, character and recreational potential of the development.
3. Retain areas of native vegetation, mature trees or significant ecological features, and locate these in public areas where possible.
4. Provide both visual and physical access to the main landscape elements and features.

### **AP14.3.4 streetscape and open space design**

---

**AP14.3.4.i** Streetscape applies to more than just the legal road, it stretches from one building on one side of the road to the front of the building on the opposite side.

#### **AP14.3.4.ii Quality subdivision will:**

1. Consider the visual amenity, safety and comfort of the users of public space.
  - a. Include safe and comfortable facilities for pedestrians and access for cyclists.
  - b. Ensure there are good sightlines along any connecting lanes or walkways.
  - c. Include street landscaping that creates a high level of visual amenity while maintaining openness at eye level.
2. Achieve visual coherence in design, with individual spaces and elements relating to a wider neighbourhood framework and patterns and, where appropriate, developing local identity.
3. Integrate local parks that provide a flat, grassed area open area suitable for informal kick-about and trees.
4. Include streets that gain identity and amenity from intensive street tree planting.
5. Integrate multiple functions including recreation, access, biodiversity and stormwater control into streets and other open spaces.

### **AP14.3.5 stormwater management**

---

**AP14.3.5.i** Stormwater management and low impact design should be considered early in the site planning process as these will usually influence the design of the subdivision and roads. The Nelson Tasman Land Development Manual 2019 provides design objectives and standards for reticulated and low impact stormwater management in the stormwater section, and the parks and reserves section provides guidance on when a stormwater device is acceptable within a public reserve, and the level of reserves contribution offset provided. Given Nelson's hilly topography and soils it will be difficult for a design to rely solely on low impact approaches and these will likely need to be combined with a reticulated system.

#### **AP14.3.5.ii Quality subdivision will:**

1. Maintain streams and watercourses and enhance their natural character by minimising any changes to the hydrological factors by affecting flows.
2. Utilise low-impact stormwater management devices wherever possible for flood mitigation, maintenance of base flows in natural watercourses, irrigation and to create visual amenity.



3. Provide stormwater capacity to allow for upstream flows from land with development potential as well as the ability for the downstream network to accommodate off site flows.
4. Locate low impact stormwater management devices within public roads and reserves.

### **AP14.3.6 allotment layout**

---

**AP14.3.6.i** Lots are encouraged to be laid out in such a manner that future dwellings will be orientated to the adjoining public space, be it road or reserve.

**AP14.3.6.ii Quality subdivision will:**

1. Provide for local facilities and services at, or accessible from, the centre of the development.
2. Provide a range of lot sizes and types which will allow for diversity of living options.
3. Cluster smaller lots to:
  - a. maximise proximity to facilities.
  - b. avoid subdivision over outstanding natural features and to provide high quality public open spaces and reserves.
4. Ensure lots are shaped and dimensioned to allow a sunny outdoor living space and provide a useable private back yard.
5. Locate lots so that they overlook and front road and open spaces and back onto other lots.
6. Intensify development on sunny, north sloping lots, and reduce intensity on south facing lots.
7. Complement and not compromise both existing and likely future uses on adjacent sites.

### **AP14.3.7 reticulated services**

---

**AP14.3.7.i** The Nelson Tasman Land Development Manual 2019 provides minimum standards and information requirements necessary to accompany an application, including requirements for street lighting.

**AP14.3.7.ii Quality subdivision will:**

1. Take an integrated multi-disciplinary approach to the provision and siting of services to achieve servicing efficiency at the same time as maximising amenity benefits.
2. Locate underground services where they are properly accessible for servicing and also allow for street tree planting.



**AP22.5.ii** The development should be designed to maintain a reasonable standard of amenity for the residents of neighbouring properties, having regard to, but not being limited to the following:

- a) visual privacy of the main internal and associated external living areas of neighbouring dwellings.
- b) access of sunlight and daylight to neighbouring sites (using Rule REr.35 'Daylight Admission' and the provisions of Appendix 15 - daylight admission (residential)).
- c) maintenance of reasonable levels of outlook for neighbours outside of the subject site.
- d) minimisation of the opportunities for crime by application of Crime Prevention Through Environmental Design (CPTED) principles, including passive surveillance of streets and other public places.
- e) acoustic privacy.

## **AP22.6 access, parking and services**

---

**AP22.6.i** Comprehensive Housing Developments should provide for safe movement of pedestrians and vehicles.

e.g. well lit parking areas and pedestrian links; defined footpaths in larger developments.

e.g. minimising number of vehicle accesses to roads, traffic calming in larger developments, dust control.

**AP22.6.ii** Careful consideration should be given to:

- a) access for emergency services, including to outdoor space.
- b) positioning of services to allow for their repair and maintenance.

**AP22.6.iii** Parking, access and services should be in accordance with Appendices 10 (standards and terms for parking and loading) and 11 (access standards), and the mandatory matters in Chapter 4 of the Nelson Tasman Land Development Manual 2019.

## **AP22.7 consent applications**

---

### **AP22.7.1 consultation**

---

**AP22.7.1.i** Early consultation with Council's Major Projects Team and/or Urban Design Panel is strongly encouraged to help resolve design and other issues prior to lodging consent applications.

### **AP22.7.2 supporting information required**

---

The following information and assessment is required to be provided as part of an application for Comprehensive Housing under Rule REr.22. The amount of detail required is relative to the nature and scale of the development.

### AP22.7.2.i Sketch Plans

Applications for any Comprehensive Housing Development shall include “sketch plans or photo montages or visual simulations” to an appropriate scale which show the total design, not necessarily with construction details. The plans/photos/simulations must include:

- a) elevations. The street elevation(s) of the buildings shall be extended to show the buildings on either side (as a less favoured alternative, photographs of adjoining buildings may substitute for the adjoining elevations, if a clear scale is indicated).
- b) floor plans (which must show and name rooms and areas of storage, and show location of windows and doors, and the outline of eaves or overhanging areas in relation to foundation plans).
- c) site plans showing:
  - i) nominated legal boundaries or any proposed lease or other title arrangements
  - ii) the area of outdoor space, and the dimension and placement of living courts
  - iii) location of roads, parking and services
  - iv) location of buildings on adjoining properties (including windows facing the development)
  - v) a 3-dimensional view of the development showing a “true perspective”
  - vi) site contours (graduations as appropriate to the scale of the development and the topography of the site).
- d) any information required by Council or the Resource Management Act as part of a standard application for resource consent.
- e) information on how the subdivision is to be effected (freehold allotment, unit title, company lease). Where a Body Corporate is proposed, a description of how it will operate.
- f) a landscape plan, including location and height of any fences, which demonstrates how landscaping is used to enhance the on-site and off-site amenity of the development, and integrating roads, allotments and the streetscape. (The retention of existing vegetation is encouraged as this can help integrate a Comprehensive Housing Development into the existing streetscape, and therefore make it more acceptable. The plan should show existing vegetation, noting any mature trees or significant specimens, and should indicate which vegetation will be retained and which will be removed). The landscape plan shall be implemented before section 224 approval is granted. (Where the development does not involve a subdivision, the resource consent will include a condition on satisfactory implementation of the landscape plan).
- g) a site context plan which shows the features of the area relevant to considering the suitability of a particular location for a comprehensive housing development, or which have had a bearing on the proposed design of the development. The site context plan should focus on features within a 400m radius of the site but can include items further away if relevant. A list of features to specifically identify are:
  - i) open space (parks, rivers/streams, school playing fields, beach etc),
  - ii) transport routes (main roads, walkways, cycle ways, bus routes),
  - iii) shops, commercial areas, schools (including pre-school),
  - iv) all possible vehicle access points,
  - v) opportunities for street links to neighbouring sites with development potential,
  - vi) orientation of neighbouring buildings or developments (do they face toward or away from the subject site),
  - vii) stormwater flow paths.

This list is not exhaustive and there are likely to be other features and facilities in the area which can also be identified. The Comprehensive Housing Development site context plan can be shown in conjunction with the requirements of Appendix 14 (Residential Subdivision Design and Information Requirements) as required by a subdivision consent.

# appendix 23

# design guide

# and rules for

# Wakefield Quay

---

## **AP23 overview**

AP23.i Wakefield Quay is recognised as an area of special amenity value, and the Council therefore considers that any changes to the existing environment should continue these amenities

---

## **AP23.1 introduction**

---

### **AP23.1.1 guideline purpose**

AP23.1.1.i The purpose of this guide is to define the characteristics of the area, establish appropriate controls, and require that new projects comply.

---

### **AP23.1.2 subject area**

AP23.1.2.i The area subject to these guidelines and referred to as a “Precinct” is the area defined on Planning Maps 9 and 10 of the Nelson Resource Management Plan (the Plan), reproduced here as Figure 1. It is generally described as follows:

*That area comprising those sections fronting Wakefield Quay, commencing at No. 1 on the east side of Poynters Crescent, continuing to No. 395 on the east side of Richardson Street, inclusive of the sea edge and adjacent water.*

AP23.1.2.ii The area immediately behind and above the subject area is not considered to be under pressure for change.

---

### **AP23.1.3 reason for guidelines and rules**

AP23.1.3.i Wakefield Quay and the Port Hills have been occupied over time by low density private houses. This rate and scale of development, together with the climate and geographical features of the area, have combined to create an enviable environment and lifestyle for residents and visitors.

**AP23.1.3.ii** The trend of development of Wakefield Quay has changed to include multi unit residential projects. It is also considered that:

- a) the resident and transient population will continue to increase.
- b) the desirability of Wakefield Quay is such that the pressure for change to higher density occupation will continue and increase.
- c) the attractiveness of the area near the Marine Rescue Centre will fuel interest in the subject area, and pedestrian use of the sea edge will increase as a result.
- d) the attractiveness of Wakefield Quay is such that any detraction caused by vehicle traffic density will not dampen the demand for change, or the desire to reside in and use the area.
- e) the higher density residential occupation will increase demand for vehicle access and off street parking with a resulting impact upon road vehicle and cycle movements.

**AP23.1.3.iii** In the absence of design guidance and rules it cannot be assumed that the amenity value of the area will be retained.

**AP23.1.3.iv** These design guidelines together with appropriate rules intend to allow for developments which will be compatible with this area and reflect its existing characteristics.

## **AP23.2 aims**

---

**AP23.2.i** To maintain those established features of the area which contribute to its amenity value, such as residential building scale, intimacy, architecture, vegetation, outlook, and pedestrian use, while allowing for future higher density residential development together with any compatible uses.

**AP23.2.ii** To accommodate uses which will not impact adversely on residential occupancy of the precinct, while recognising that the occupancy of the subject area is residential, and to ensure that change does not create significant adverse impact on privacy and daylight amenity or otherwise compromise existing residential use.

**AP23.2.iii** To maintain and enhance the largely unobstructed and special relationship with the sea edge and harbour and develop or enhance interaction between the houses, road, and sea shore.

**AP23.2.iv** To discourage development which will materially reduce amenity value, dominate the precinct, significantly alter the residential scale and character of the existing built environment, or depreciate the enjoyment and availability of the sea edge and harbour environment.

**AP23.2.v** To recognise that continuance and enhancement of those characteristics that are contributing to the established amenity value of the area, is important not only to residents' enjoyment of the precinct, but also to that of all who visit, pass through, utilise or view it.

**AP23.2.vi** To maintain and enhance the existing pattern of terracing and layering of structures on elevated sites, surrounded and separated by vegetation.

**AP23.2.vii** To ensure that replacement or additional vegetation is of such extent, density, scale and richness, that it will maintain and enhance the existing environment, and ensure that the permanency and extent of vegetation along the upper part of the cliff is not materially reduced.

**AP23.2.viii** To enhance and maintain all aspects of human participation in, and use of, the area.

**AP23.2.ix** To maintain and enhance the visual amenity and character of the area as seen from the Harbour or by pedestrians on Wakefield Quay.

**AP23.2.x** To recognise the significant traffic volume on Wakefield Quay and limited availability of on street parking, and to ensure that any developments adequately address any adverse effects of extra traffic generated by the development.

### ***Explanation and Reasons***

**AP23.5.4.iv** The purpose of Rule D is to limit the “visual bulk” of any building to a degree commensurate with the aims of Appendix 22, in the context of the Wakefield Quay Precinct.

The exclusion of roofed over balconies and decks from the plot ratio calculation is to encourage the inclusion of a building element which could add to the detailing of the building. However, the covering can only be another open deck or balcony on an upper level, or a separate roof. The deck or balcony cannot be covered by an overhang of the building proper, as that would work against the terracing sought in AP23.4.2, and the detailing in AP23.5.8.

---

### **AP23.4.5 rule E - vegetation**

**AP23.4.5.i** The green band of vegetation behind the existing houses from the building height line up to the eastern boundary of the precinct shall be maintained.

---

### **AP23.4.6 rule F - parking and access**

**AP23.4.6.i** Parking requirements are as for the Residential Zone [See the Nelson Resource Management Plan, Appendix 10 (standards terms for parking and loading) and Appendix 11 (access standards)] except:

- a) where there are three or more residential units in a development, the following matters will be considered as a restricted discretionary activity - the number, location, and width of vehicle crossings, and the direction of access and egress to and from the crossing(s). Applications will be considered without notification, or obtaining the written consent of affected persons, under s94 of the Act); and

**AP23.4.6.ii** On-site turning shall be provided.

**AP22.4.6.iii** Garaging in the front yard shall be discreet, and colour and design shall match the building. No more than one level of parking is permitted to be visible from street frontage.

**Note:** On-street parking is limited and access is difficult. Particular attention shall be paid to safe access and egress from the site. This will include checking sight lines for drivers. See REr.30 (buildings and fences near vehicle accesses) and Appendix 11 (access standards).

---

### **AP23.4.7 rule G - front yard**

**AP23.4.7.i** Building coverage of the area within 4m of the road boundary shall not exceed 50%.

**AP22.4.7.ii** A minimum of 50% of the front yard area not built on shall be landscaped. This area shall not include required sight lines for exiting vehicles.

---

## **AP23.5 design guidelines**

---

### **AP23.5.1 activities**

---

**AP23.5.1.i** Note that in accordance with the Plan any activity which is not a residential activity (except a home occupation) is a discretionary activity, and requires a resource consent application.

**AP23.5.1.ii** These guidelines acknowledge the variety of activity in the Precinct. Activities which complement the existing environment and enhance the residential quality of the Precinct such as small cafes and guesthouses will add to the general streetscape if designed appropriately.

**AP23.5.1.iii** Activities unrelated to the Precinct attracting high car counts or which significantly encourage pedestrians to cross the busy road shall be discouraged e.g. fast food, general retail shops.

### **AP23.5.2 heritage buildings**

---

**AP23.5.2.i** The listed Heritage Buildings are important elements in the Precinct. Any work on Group A and B buildings must comply with the requirements of the Plan (see Residential Rule Table).

**AP23.5.2.ii** New buildings which are to be located beside “Group A” buildings should be developed in a scale and context related to the heritage building and should enhance rather than embarrass it. This does not mean a new building should replicate the heritage building.

### **AP23.5.3 the sea edge**

---

**AP23.5.3.i** No new structures will be allowed on the sea edge side of Wakefield Quay or adjacent water except as covered in AP23.5.3.iii, AP23.5.3.iv and AP23.5.3.vi.

**AP23.5.3.ii** The existing Boat Shed Cafe and Boat House have great heritage value (Group A buildings) and shall be retained.

**AP23.5.3.iii** Additions to existing buildings shall not be permitted, unless they are minor (See REr.85 - heritage buildings, places and objects: alterations to Group A and B items) and do not obstruct the view from the road or from the houses along Wakefield Quay. They shall be designed to be sympathetic to the existing building.

**AP23.5.3.iv** Replacement of an existing building because of fire or natural disaster will be allowed, but the new structure shall be within the existing building envelope and be designed to complement the existing architecture.

**AP23.5.3.v** The existing chain fence and sea wall have significant visual and historical value and shall be retained.

**AP23.5.3.vi** Development of seating and steps down to the water, landscaping and general development of “people spaces” is to be encouraged. However, the design shall be sympathetic to the sea wall and chain fence with matching materials. The general line of the sea wall must not be interrupted, particularly when viewed from the sea. The view from the road or from houses along Wakefield Quay shall not be obstructed.

### **AP23.5.4 vegetation and landscape**

---

**AP23.5.4.i** Vegetation at street level or near the front of the site is important to link in with the existing planting and to soften walls and garaging. The use of evergreen trees is encouraged.

**AP23.5.4.ii** Permanent planting on terrace areas is encouraged to break up and soften walls and garaging.



#### **DN16.5.iii Mitigation**

- a) keep construction disturbance where possible to daylight hours
- b) flood lighting focus and damping units where practicable, and landscape screening
- c) The Nelson City Council (and any subsequent owner or occupier) will, on the strip of land being part of CT 90/4 and CT 90/5 fronting the Main Road, Stoke to a depth of 10 meters (“strip of land”) establish and thereafter maintain a buffer strip of land. For the purposes of the clause “buffer strip” shall mean appropriate landscape features established for the express purpose of limiting the visibility from Saxton Field of industrial type activities being undertaken on the land across the Main Road, Stoke. Such landscape features may comprise earth mounds, tree and shrub plantings. No buildings will be erected on the strip of land except where the building drainage of storm water and sewage, electricity, telecommunications and radio communication provided that such utility building does not require permanent manning for operational purposes.

### **DN16.6 explanatory statement**

---

#### **DN16.6.i Proposed restrictions - Saxton Park extension**

- a) living quarters for a custodian will meet the normal performance requirements for residential sites in this Plan
- b) service buildings (excluding stadiums) will not, as far as practicable, exceed 50m<sup>2</sup> each, in area and exceed 18m in height
- c) playground structures will not, as far as practicable, exceed 3m in height

**DN16.6.ii** For (a) to (c) above height will be measured in accordance with this Plan.

**DN16.6.iii** Some utilities cross over the area to be designated. Further installations and relocations would require the prior written consent of the controlling authority.

**DN16.6.iv** The land to be designated is considered to be vital for strategic recreation planning for future urban growth in both Nelson City and Tasman District. As it is an addition to an existing regional park, alternative sites are limited.

**DN16.6.v** Consultation is underway with landowners. Alliance Group Limited have been consulted.

### **DN17 designation DN17**

---

**DN17.i** Recreation reserve - Isel Park extension

#### **DN17.1 requiring authority**

---

**DN17.1.i** Nelson City Council.

#### **DN17.2 reason for designation**

---

**DN17.2.i** The purpose of designating new reserve areas is to ensure Nelson City residents and visitors continue to have access to public land for passive and active recreation.

#### **DN17.3 nature of the works**

---

**DN17.3.i** Nelson City Council has first option to buy a residential property adjacent to the Park for the purpose of an extension to Isel Park. When this land is owned by the Council it will be used for informal recreation activities, festivals, displays, bazaars, fairs, galas, exhibitions, ceremonies and outdoor performances.

**DN17.4 environmental effects/mitigation measures**

---

DN17.4.i Environmental effects (Saxton Park extension, Isel Park extension) - noise and visual effects during construction and from time to time for maintenance.

DN17.4.ii Mitigation measures - these impacts are temporary and are offset by the benefit of recreational areas to the residents and visitors of the City. To reduce the impact of construction or maintenance noise to nearby properties, such works will, where practicable, only be carried out during daylight hours.

**DN17.5 explanatory statement**

---

DN17.5.i Isel Park Extension - no specific restrictions.

**DN17.6 consultation**

---

DN17.6.i Consultation has been carried out with landowners where additional reserve land has been purchased.

## **DTA2 designation DTA2**

---

DTA2.i Network Tasman Network Utility Operation- substation (106 - 302 Annesbrook Drive)

### **DTA2.1 designating authority**

---

DTA2.1.i Network Tasman Ltd

### **DTA2.2 reason for designation**

---

DTA2.2.i To accurately identify the title of the requiring authority and the purposes served by the designation.

### **DTA2.3 nature of the works**

---

DTA2.3.i A 33/11KV substation including a fenced compound and concrete block building.

### **DTA2.4 environmental effects/mitigation measures**

---

DTA2.4.i The environmental effects of this activity are minimal. Any noise is mitigated by the planting of trees.

### **DTA2.5 explanatory statement**

---

DTA2.5.i The site is used to facilitate the distribution of electricity to the community. It is an existing activity therefore no resource consents are required and no consultation has taken place as none is needed.

## **DTA3 designation DTA3**

---

DTA3.i Network Tasman Network Utility Operation - 33/11kV electricity substation (State Highway 6 Atawhai Drive).

### **DTA3.1 designating authority**

---

DTA3.1.i Network Tasman Ltd

### **DTA3.2 reason for designation**

---

DTA3.2.i To enable the requiring authority to meet its obligations under the Electricity Act and to provide a secure supply of electricity to North Nelson.

### **DTA3.3 nature of the works**

---

DTA3.3.i 33/11kV electricity substation. The substation will receive a 33kV feed and by way of transformers will step this voltage down to 11kV for local reticulation. The substation will be located within a building that will have the appearance of a residential dwelling. The designation shall lapse in 10 years on 11 August 2027 unless it is given effect to before the end of that period.

### **DTA3.4 environmental effects/mitigation measures**

---

DTA3.4.i The environmental effects of this activity are no more than minor and are mitigated by the conditions set out under DTA3.5 below. The site is bounded by the State Highway and the mudflats with a residence at the southern boundary.

### **DTA3.5 conditions**

---

DTA3.5.i The 33/11kV electricity substation and associated activities as proposed in NCC application RM175215 may be undertaken provided the following conditions are complied with:

- a) Along the coastal frontage the boundary of the designation shall follow the line of mean high water springs (MHWS).
- b) The visual effects are mitigated by housing the substation in a building with residential appearance.
- c) Construction activities shall, where practicable, be kept to daylight hours.
- d) All switching equipment, regulator equipment, unnecessary support structures and the fence shall be removed within three months of the completion and commissioning of the substation.
- e) The requiring authority shall implement the landscaping plan by Rory Langridge Architects Ltd dated 18 May 2017 in the first planting season (May to October) following the completion and commissioning of the substation. Landscaping shall be maintained in perpetuity and any dead or dying plants or trees shall be replaced at the requiring authority's cost.
- f) A new access shall be formed to Diagram C standard as per NZ Transport Agency Planning Policy Manual.
- g) The new access shall be located approximately 24m from the boundary nearest Blenheim.
- h) The existing access located at the boundary nearest Nelson shall only be utilised during the construction period.
- i) The existing access shall be permanently closed within three months of completion and commissioning of the substation.
- j) In the event that heavy vehicles need to access the site to either repair or replace a component of the substation (e.g. a transformer) then the requiring authority shall comply with the Code of Practice for Temporary Traffic Management (COPTTM), or any subsequent document that is applicable.
- k) The building housing the substation shall have a minimum finished floor level (FFL) of 15.5m above NCC Datum, or else as required by Council's Land Development Manual.

*(This page is intentionally blank)*

## **DTA4 designation DTA4**

---

DTA4.i Network Tasman Network Utility Operation - ripple transmitter (Marsden Rd).

### **DTA4.1 designating authority**

---

DTA4.1.i Network Tasman Ltd.

### **DTA4.2 reason for designations**

---

DTA4.2.i To accurately identify the title of the requiring authority and the purposes served by the designation.

### **DTA4.3 nature of the works**

---

DTA4.3.i A concrete block building containing a ripple transmitter.

### **DTA4.4 environmental effects/mitigation measures**

---

DTA4.4.i The environmental effects of this activity are minimal. There are no residences close by and any noise is contained within the building.

### **DTA4.5 explanatory statement**

---

DTA4.5.i The site is used to facilitate the distribution of electricity to the community. As the activity is existing, no consultation has occurred.

## **DTA5 designation DTA5**

---

DTA5.i Network Tasman Network Utility Operation - substation (769 Hira Road)

### **DTA5.1 designating authority**

---

DTA5.1.i Network Tasman Ltd.

### **DTA5.2 reason for designation**

---

DTA5.2.i To enable the requiring authority to meet its obligations under the Electricity Act and to provide a secure supply of electricity to North Nelson.

### **DTA5.3 nature of works**

---

DTA5.3.i A 33kV/11kV substation. The substation will receive a 33kV feed and by way of transformers will step this voltage down to 11kV for local reticulation. The substation will be located within a building that will have the appearance of a residential dwelling. All equipment will be contained entirely within the building and cabling for incoming and outgoing electricity will be underground. The designation shall lapse in 15 years on 13 May 2024 unless it is given effect to before the end of that period.