

# **nelson resource management plan**

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## **Volume 1 General**



**Nelson City Council**  
te kaunihera o whakatū

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

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

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

**District and Regional Plan**

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

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

**Regional Coastal Plan**

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

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

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

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

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

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

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

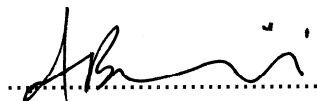
**Mayor**



*9/10/12*

Date

**Councillor**



*11/10/12*

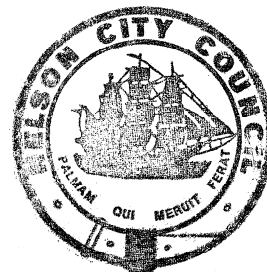
Date

**Minster of Conservation**



*8/11/12*

Date



# nelson resource management plan

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# 1

# about this document

## **AB1 Introduction**

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**AB1.1** The Nelson Resource Management Plan is the responsibility of the Nelson City Council under the Resource Management Act 1991. It has effect throughout Nelson including the Coastal Marine Area, which is the sea within 12 miles of the coast. The boundaries of Nelson are shown on Figure AB1.

**AB1.2** The Plan is in 4 volumes. Volume 1, which you are reading, contains the following material:

### **Chapters**

### **Contents**

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1 - 3 Explanatory material.

4 - 6 Issues, objectives, policies and methods of implementation applicable to all zones.

Volume 2 contains chapters dealing with particular zones stating objectives, policies, methods of implementation and rules applicable to each zone, volume 3 contains appendices referred to in other volumes, and includes designations. Volume 4 contains Planning Maps.

## **AB2 Examples of subject matter**

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**AB2.1** The Nelson Resource Management Plan sets out to achieve the integrated and sustainable management of natural and physical resources. Natural resources include land, water, soil, plants, and animals. Physical resources include buildings and structures, as well as complexes like the port and airport.

**AB2.2** Of immediate interest to many people will be the rules of the Plan that regulate the use of resources. Rules regulate land uses, for example, the location and height of houses to avoid shading neighbours, and the location and operation of activities to avoid noisy, smelly or noxious activities adversely affecting other people. Subdivision and the development of land are also regulated, especially by reference to natural hazards like floods, earthquakes and slips.

**AB2.3** Activities in the Coastal Marine Area that are regulated include reclamation, occupation of space and activities that affect water quality. Fisheries resources are not managed under the Resource Management Act or this Plan. The Ministry of Fisheries manages fisheries under separate legislation. However, this Plan does deal with some of the effects of related activities, such as fish processing, and the occupation of coastal space by aquaculture.

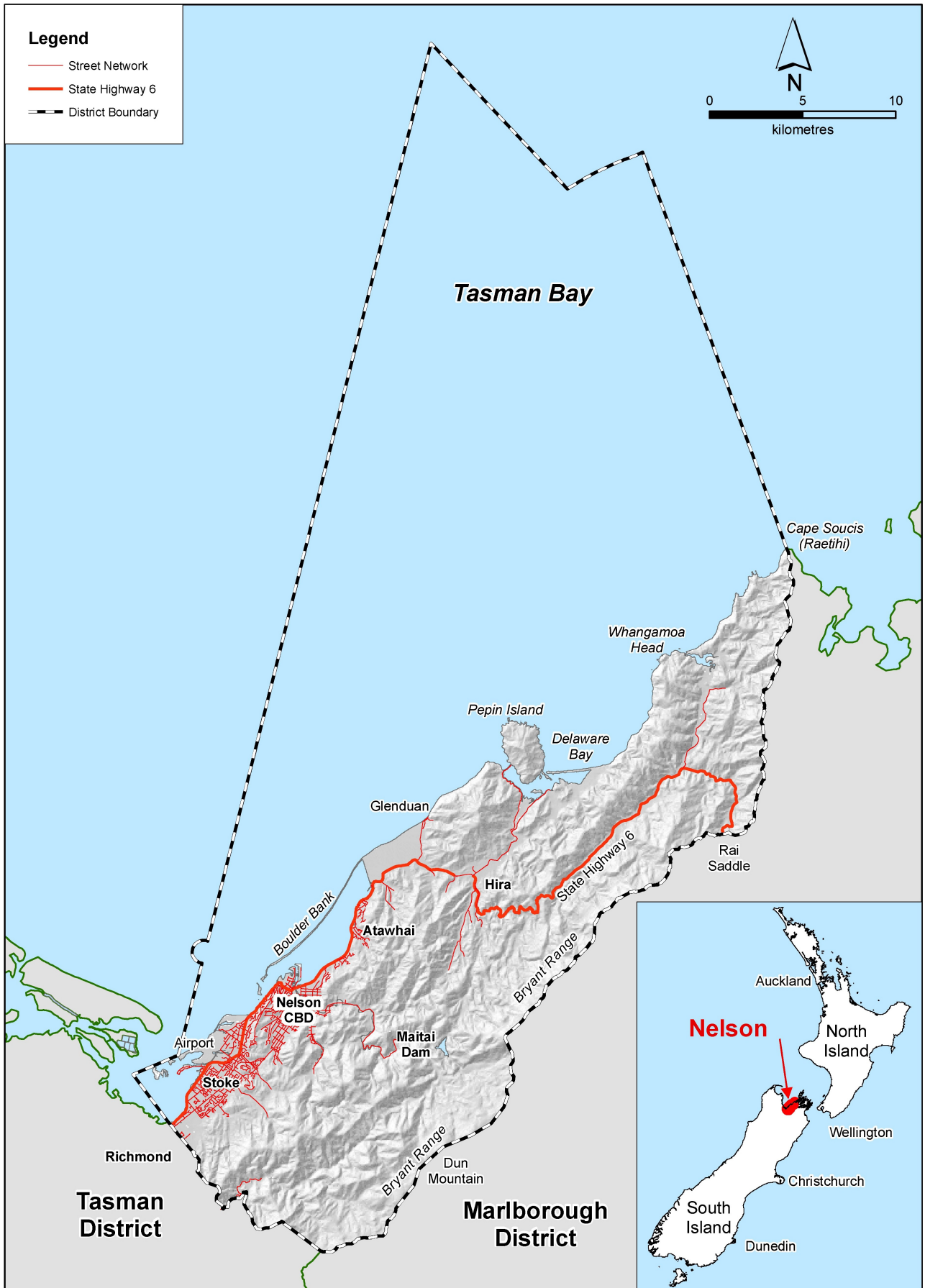


Figure AB1: Area under the responsibility of Nelson City Council

## **AB3**                      **How to use this Plan**

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You may wish to use this Plan in various ways. For example, you might ask:

- 1 How does this Plan affect what I might do on my land?
- 2 Where can I carry out a particular activity, say, open a business?
- 3 What is this Plan all about?

### **AB3.1**                      **Question 1 How does the Plan affect what I might do on my land?**

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#### *Step 1*

**AB3.1.i** Check the Planning Maps. Find your property, and identify what zone it is in. Note also any areas, overlays, schedules, or designations which affect the property.

#### *Step 2*

**AB3.1.ii** Go to the Chapter in Volume 2 dealing with the zone your property is in. You may read the entire zone, but the rules are probably the best place to start. Rules are contained in tables at the back of each zone. Check through the rules to find the permitted activities, and note the conditions. It is important to note:

In every zone except the Coastal Marine Area and Open Space and Recreation Zone, if a land use other than discharges or water takes is not regulated by a rule, then it is allowed without a resource consent.

**AB3.1.iii** Within the Coastal Marine Area, you may not carry out activities (e.g. reclamation or disturbing the foreshore or sea bed) unless there is a rule which says you may. In the Open Space and Recreation Zone, a limited range of land uses (stated in the zone rules) are permitted without a resource consent.

**AB3.1.iv** The schedule and rules applying to any overlays shown on the Planning Maps affecting your property are included in the rules in zone chapters.

#### *Step 3*

**AB3.1.v** If there are any schedules or designations noted on the Planning Maps affecting your property, check the schedules behind the Rule Table in each zone chapter, or Appendix 24 dealing with designations. Further information concerning zones, overlays, schedules, and designations is contained in Chapter 3 (Administration).

#### *Step 4*

**AB3.1.vi** If what you wish to do is permitted, and it complies with conditions set out in the permitted activity column of the rules, then you may proceed without a resource consent. (Note - you may still need to obtain permits, consents or licences under other legislation - e.g. building consent.)

**AB3.1.vii** If the activity is not permitted, then you must obtain a resource consent from the Council. The objectives and policies of the Plan are relevant to the outcome of a resource consent application. Read Chapter 3 to find out how to apply for a resource consent and what information you must supply. If you are not sure, contact the Council's Planning staff - they are there to help you.

### **AB3.2**                      **Question 2 Where can I carry out a particular activity, say, open a business?**

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#### *Step 1*

**AB3.2.i** If you have a particular site in mind for the activity you wish to carry out, follow the steps for Question 1.

**AB3.2.ii** If you are looking for a site to carry out an activity, read the introductions to the start of each zone (Chapters 7 to 14). These will give you a general idea of what is intended in each zone. The name of the zone should give you an idea where to start.

#### *Step 2*

**AB3.2.iii** Once you have identified the zone or zones within which you think your activity may fit, read the rules at the back of each section to see whether it is permitted, or whether it requires a resource consent.

### **Step 3**

**AB3.2.iv** If what you wish to do is permitted, and it complies with all conditions set out in the rules, then start looking for a site within the zone you have identified. Remember, once you have located a site which you think may be suitable, check the Planning Maps to find any site-specific requirements, such as designations or schedules. Run through the steps of Question 1 to double check.

**AB3.2.v** If you require a resource consent, read Chapter 3 to find out how to go about making an application, and what information you must supply. If you are not sure, ask Council's Planning staff.

## **AB3.3**

### **Question 3 What is this Plan all about?**

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Read on!

## **AB4**

### **Background**

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**AB4.1** The Nelson Resource Management Plan is prepared under the Resource Management Act 1991. The purpose of the Resource Management Act is to promote the sustainable management of natural and physical resources. To carry out this purpose, the Act requires regional and district councils to carry out various resource management functions, including planning. The Nelson City Council has the functions of both a regional council and a district council. In summary, its main functions are:

**AB4.2** As a regional council (section 30 of the Act):

- a) establishment of objectives, policies and methods to achieve integrated management of the natural and physical resources of the region
- b) control of land use in regard to soil conservation, water quality, natural hazards and hazardous substances
- c) control of activities (except fishing) in the Coastal Marine Area
- d) control of taking, using, damming and diversion of water
- e) control of discharges of contaminants

**AB4.3** As a district council (section 31):

- a) establishment of objectives, policies and methods to achieve integrated management of the effects of land use, development or protection
- b) control of effects of land use, development and protection, including natural hazards and hazardous substances
- c) control of land subdivision
- d) control of noise emissions
- e) control of activities on the surface of rivers and lakes

**AB4.4** The Council can carry out its functions through plans, and in other ways, such as enforcement of some provisions of the Act through the Courts. Other legislation, such as the Local Government Act, overlaps in some respects with the Resource Management Act and powers under that other legislation may be used to attain resource management outcomes.

**AB4.5** The Regional Policy Statement is the highest-level and broadest resource management document produced by the Nelson City Council. It sets the broad policy framework for all subsequent resource management plans, documents, and decisions. Please refer to the Regional Policy Statement for additional information about the Resource Management Act and Nelson City Council's responsibilities under it.

## **AB5 Combined regional and district plan**

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**AB5.1** The Nelson Resource Management Plan is a combined regional and district plan, which means that it deals with district and regional issues. The Council has decided that integrated management of the natural and physical resources of the City would be best achieved by combining the district and regional plans in one document.

**AB5.2** The Plan includes (as at the date of notification) planning material on:

- a) all district council functions
- b) some regional council functions:
  - i) the Coastal Marine Area
  - ii) soil erosion and sedimentation
  - iii) freshwaters

**AB5.3** The main advantage of a combined regional and district plan is to ensure that the management of land near the coast is integrated with management of the Coastal Marine Area. There are many activities that cross over between the two jurisdictional areas, such as construction of jetties, and consistency of treatment of the two aspects is easier if they are contained within the same plan.

**AB5.4** The land near the coast is part of the coastal environment. This Plan manages activities that have effects on both the Coastal Marine Area and on land. Objectives and policies for the coastal environment are in Chapter 5. Rules within zone chapters make special provision for activities in the coastal environment.

**AB5.5** Chapter 13 (Coastal Marine Area) of this Plan (with the exception of rules CMr.60, 61, 62 and 63) together with rule INr.70 and Schedule M as far as it applies to the Coastal Marine Area, and the Coastal Marine Area as shown on the planning maps, constitute the Regional Coastal Plan. In addition, the relevant objectives and policies of Chapter 4 (resource management issues) and Chapter 5 (district-wide objectives) should be considered in respect of any application in the Coastal Marine Area.

## **AB6 Other resource management documents**

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**AB6.1** Council has previously prepared a NCC Land Disturbance Regional Plan, which is incorporated into this Plan. The Council has also produced a Regional Policy Statement, which will continue as a separate document.

**AB6.2** District and regional plans must not be inconsistent with any national policy statement, including the New Zealand Coastal Policy Statement, any water conservation order or the Regional Policy Statement. At the date of notification of this Plan, there were no national policy statements other than the New Zealand Coastal Policy Statement and there were no water conservation orders in force in the District. The 'district' parts of the Plan must not be inconsistent with the 'regional' parts of this Plan.

**AB6.3** The Nelson Transitional District Plan (Nelson section 1982, Waimea section 1989, Marlborough section 1981) and the Nelson Transitional Regional Plan remain in force after the notification of this proposed Plan. The Regional Plan for the NCC Land Disturbance Plan, the Transitional District Plan, and the parts of the Transitional Regional Plan that have subject matter addressed in provisions of this proposed Plan, will cease to have effect when this proposed Plan becomes operative, after all submissions have been heard, decisions made and any appeals resolved. Until this proposed Plan is operative, resource consents will be required in terms of both the Transitional and Proposed Plans. The only activities permitted without a resource consent will be those that are permitted under both the Transitional and Proposed Plans.



**AB6.4** Council is also required to have regard to the 1989 Nelson Bays Regional Planning Scheme Section Two, Coastal and Marine resources, until the coastal section of the Proposed Resource Management Plan becomes operative.

## **AB7** **When the Plan takes effect**

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**AB7.1** The Resource Management Act provides that the Council with the discretion at the time of notifying a plan change to resolve that proposed rules have no effect until made operative. If the Council does not make this resolution, the plan change has effect from the day of notification.

## **AB8** **Plan contents**

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**AB8.1** The contents of this Plan are prescribed by the Resource Management Act (Sections 67 and 75). Plans have to state:

- a) Significant resource management issues of the region and district
- b) Objectives sought to be achieved
- c) Policies in regard to the issues and objectives (including an explanation of those policies)
- d) Methods used or to be used to implement the policies, including any rules
- e) Principal reasons for adopting the objectives, policies and methods
- f) Information to be submitted with an application for a resource consent
- g) Environmental results anticipated
- h) Issues which cross boundaries and methods of resolving them
- i) Review of these matters and how the effectiveness of the Plan will be monitored

**AB8.2** All of these elements are contained in this Plan. Chapter 3 describes how they are presented.

# 2

# meanings of words

## **MW.i Introduction**

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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**

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- 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**

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<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 NCC Land Development Manual 2010.
<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,

or is investigative, experimental, or commercial in nature, but excludes any scallop enhancement programme being carried out pursuant to the Fisheries Act 1996.

**Aquifer**

means any water saturated permeable body of rock, sediment or soil capable of transmitting and yielding significant quantities of water that can be drawn by wells, or flow to the ground surface to form springs and/or wetlands.

**Bed\***

in relation to any river -

- a) for the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the river cover at its annual fullest flow without overtopping its banks, and
- b) in all other cases, the space of land which the waters of the river cover at its fullest flow without overtopping its banks.

**Bedroom**

in relation to a residential unit, includes any room capable of being used as a bedroom, whether within the principal residential unit or in an accessory building, with a floor area greater than 4 m<sup>2</sup>, but excludes any:

- a) dining room, kitchen, bathroom, toilet, laundry, or internal parking space such as a garage, or
- b) lounge, family room or living room, within the principal residential unit, or
- c) conservatory or sunroom not exceeding 10 m<sup>2</sup> where the walls and roof are at least 75% glazing, and where the conservatory or sunroom is not used or converted for sleeping accommodation.

**Berthing structure**

means a structure intended for, or used for the berthing of vessels, and includes a wharf, jetty or dolphin.

**Best practicable option\***

in relation to a discharge of a contaminant or an emission of noise, means the best method of preventing or minimising the adverse effects on the environment having regard, among other things, to:

- a) the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects, and
- b) the financial implications, and the effects on the environment, of that option when compared with other options, and
- c) the current state of technical knowledge and the likelihood that the option can be successfully applied.

**Billboard sites**

means sites administered by the Nelson City Council available for the purpose of electioneering and public event advertising, including Miyazu Park (to the south of the main cemetery gates, Queen Elizabeth II Drive) and Bishopdale (west side of Waimea Road to the south of Ulster Street).

**Biodiversity Corridor**

means a vegetated corridor of a minimum width of 20m that allows for the flow of indigenous organisms and biological resources along the corridor, for biological processes within the corridor, and connectivity between areas of ecological value.

<b>Bore or well</b>	any structure advanced into the ground for the purpose of taking groundwater. Investigative drill holes are excluded from this definition.
<b>Boundary</b>	<p>means any boundary of a site and includes any road boundary. Site boundary has the same meaning as boundary.</p> <p>Road boundary means any boundary of a site abutting a legal road, including a common vehicle access serving more than four actual or potential residential units. Where a designation is shown on the Planning Maps, the road boundary, for the purposes of this Plan, is the proposed new road boundary as set out in Appendix 24 (designations).</p> <p>In the case of:</p> <ol style="list-style-type: none"> <li>a) land subdivided under the cross lease or company lease system or the Unit Titles Act 1972 (other than strata titles), the boundaries are the boundaries of the areas or units held in the exclusive possession of any person, and</li> <li>b) strata titles under the Unit Titles Act 1972, the boundaries are the boundaries of the underlying certificate of title of the entire land containing the strata titles, immediately prior to subdivision, and</li> <li>c) multiple residential units built on one certificate of title without subdivision, e.g. rental units, the boundaries are to be nominated boundaries shown on the site plan submitted with the resource or building consent. The boundaries must define a site sufficient to comply with the requirements of the Plan or a resource consent.</li> </ol>
<b>Building</b>	<p>any structure, whether temporary or permanent, moveable or immovable, except for:</p> <ol style="list-style-type: none"> <li>a) any scaffolding or falsework erected temporarily for maintenance or construction purposes, or</li> <li>b) uncovered swimming pools not higher than 1m above natural ground level, or</li> <li>c) fences and walls up to 2m in height, or</li> <li>d) masts, poles, clotheslines, and chimneys less than 1m wide and less than 3m in height above the point of attachment.</li> </ol>
<b>Building coverage</b>	<p>means the percentage of the net area of a site which is covered by buildings, including overhanging or cantilevered parts of buildings. For a site in the Residential Zone it includes any area for required off-street car parking spaces which is not covered by buildings. The following are not included in building coverage:</p> <ol style="list-style-type: none"> <li>a) pergolas and similar unroofed structures</li> <li>b) underground buildings where the rooftop is landscaped to be part of the section, including being developed into a courtyard or terrace area, or</li> <li>c) that part of eaves or bay or box windows projecting 600mm or less horizontally from any exterior wall, or</li> <li>d) outdoor swimming pools, decks or terraces which are not roofed over, or</li> <li>e) fences, walls and retaining walls, or</li> <li>f) for any residential activity any parking spaces after the second parking space (refer Appendix 10, Table 10.3.1 - carparking and queuing space requirements).</li> </ol>
<b>Building work</b>	means work for or in connection with the construction, alteration or demolition of a building, and includes site work.

<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 section 4 'Transport' of the NCC Land Development Manual 2010.
<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> <ul 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> </ul> <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> <ul 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 - <ul 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> </ul> </li> </ul>
<b>Coastal water*</b>	<p>means seawater within the outer limits of the territorial sea and includes:</p> <ul 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> </ul>
<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

Acoustics - rating of sound insulation in buildings and building elements - Part 1: Airborne sound insulation).

<b>Dam</b>	means any structure which impounds water, including weirs.
<b>dBA</b>	means the A-frequency-weighted sound pressure level in decibels relative to a reference sound pressure of 20 micropascals. See NZS 6801:1991 clause 2.1 definition of frequency, sound pressure, reference sound pressure, sound pressure level, decibel, weighting, and sound level.
<b>Defensible space</b>	<p>in relation to fire safety, means an area maintained as a fire break or planted in low-flammability species to protect a structure from fire in surrounding vegetation or to protect vegetation from a fire in a structure. The area shall be at least the following dimensions:</p> <ul style="list-style-type: none"><li>a) on flat land and slopes up to 10° - 25m from the structure, or</li><li>b) on slopes greater than 10° - 10m up hill, 15m each side, 30m down hill, from the structure, or</li><li>c) an area less than those described in a) or b) above if approved in writing by the Principal Rural Fire Officer.</li></ul> <p>Low flammability species include some broad leaf, evergreen native species including but not limited to the following:-</p> <ul style="list-style-type: none"><li>a) <i>Fuchsia excorticata</i> (Kotukutuka)</li><li>b) <i>Pseudopanax crassifolius</i> (Horeke/Lancewood)</li><li>c) <i>Pseudopanax arboreus</i> (Five finger)</li><li>d) <i>Coprosma robusta</i> (Karamu)</li><li>e) <i>Coprosma grandifolia</i> (Raurekau/Kanono)</li><li>f) <i>Geniostoma ligustrifolium</i> (Hangehange)</li><li>g) <i>Coprosma australis</i> (Raurekau)</li><li>h) <i>Coprosma repens</i> (Taupata)</li></ul> <p>along with fuel reduced conditions where fine fuel such as grasses, gorse, bracken, dead or fallen material, twigs and branches are maintained below a maximum height of 100mm.</p>
<b>Design Statement</b>	is a requirement of Appendix 14 and is a statement that explains the design principles and concepts that have informed the subdivision or development design, and how urban design and sustainability issues have been dealt with.
<b>Discharge*</b>	includes emit, deposit, and allow to escape.
<b>District</b>	means the Nelson District and Region as defined under the Local Government Act, including the Coastal Marine Area.
<b>Disturbance</b>	in relation to rules in the Coastal Marine Area, includes excavation, dredging, drilling and tunnelling. In relation to any river or lake bed means the alteration, re-distribution, or disturbance of the bed material by any means including vehicles, machinery, drilling, tunnelling, and reclamation, excavation or extraction, but does not include disturbance by hand tools.
<b>Diversion</b>	means the redirection of water from its original flow path, and returning the water back to its original flow path at a different point with no abstraction taking place.
<b>Earthworks</b>	means any modification to the shape of the land surface, including removal of soil, excavation, infilling, re-contouring and construction of any road, track, landing or drainage channel (refer definition of 'Landfill').
<b>Eco-sourced</b>	means plants which are grown from seeds or propagules collected from naturally-occurring vegetation in a locality close to where they are replanted.



<b>Ecosystem</b>	means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.
<b>Educational facility</b>	land or buildings used, or activities necessary for, the provision of regular instruction or training including the use of ancillary administrative, cultural, recreational and commercial facilities.
<b>Effect*</b>	<p>includes:</p> <ul style="list-style-type: none"> <li>a) any positive or adverse effect, and</li> <li>b) any temporary or permanent effect, and</li> <li>c) any past, present or future effect, and</li> <li>d) any cumulative effect which arises over time or in combination with other effects, regardless of the scale, intensity, duration, or frequency of the effect,</li> </ul> <p>and also includes:</p> <ul style="list-style-type: none"> <li>e) any potential effect of high probability, and any potential effect of low probability which has a high potential impact.</li> </ul>
<b>Effluent disposal field</b>	means a structure either above or below ground for disposal by infiltration, evaporation or transpiration of predominantly liquid effluent, derived from toilets, sewage and silage water, or from intensive livestock farming operations, including piggeries and cowsheds.
<b>Environment*</b>	<p>includes:</p> <ul style="list-style-type: none"> <li>a) ecosystems and their constituent parts, including people and communities, and</li> <li>b) all natural and physical resources, and</li> <li>c) amenity values, and</li> <li>d) the social, economic, aesthetic and cultural conditions which affect the matters stated in a) to c) of this definition or which are affected by those matters.</li> </ul>
<b>Estuary</b>	<p>means the wide tidal mouth of a river. The physical landward extent of each estuary is defined by the boundary</p> <p>of the Coastal Marine Area, as agreed between the Minister of Conservation and the Nelson City Council in August 1991. The seaward boundary is defined on Map No. A1.3 of the Planning Maps comprising Volume 4 of the Nelson Resource Management Plan.</p>
<b>Environmental results anticipated</b>	means the intended results or outcomes on the environment as a consequence of implementing the policy or policies and methods of implementation. The term provides a means of assessing the success of the objectives, policies and methods.
<b>Environmentally damaging substance</b>	see <i>Hazardous substance</i>
<b>Erection</b>	in the case of a building or structure, includes the relocation of a building or structure.
<b>Erosion</b>	means the process of wearing away of the land surface by natural agents and the transport of the rock debris that results.

<b>Estimated value</b>	in relation to any building work means estimated aggregate of the values, determined in accordance with Section 10 of the Goods and Services Act 1985, of all goods and services to be supplied for that building work.
<b>Exotic plants</b>	for the purpose of the Freshwater Plan Change means plants which are not indigenous to New Zealand, but excludes pest plants.
<b>Experienced</b>	in terms of this Plan means, in relation to an engineer or other professional person, a person who is acknowledged as experienced and competent in that particular field by their peers, and carries professional indemnity insurance adequate to the advice or assessment they are giving.
<b>Fence</b>	includes a hedge. (See also the definition of 'building'.)
<b>Fertiliser</b>	means any substance which is held out by its manufacturer, distributor, or vendor to be, or is in fact suitable for, sustaining or increasing the growth, productivity, or quality of plants by its application to those plants or the soil in which they grow or will grow; and includes a substance imported, manufactured, or being manufactured, with the intention that it be so held out.
<b>Firebreak</b>	means a natural or artificial physical barrier (commonly a strip of land cleared of all vegetation) against the spread of fire from or onto any area of continuous flammable material.
<b>Flow regime</b>	specified water flow levels in a river which relate to rules controlling takes from a river (as shown in Appendix 28.2).
<b>Flow variability</b>	means how much the water flow varies over a given period of time, often annually.
<b>Ford structures</b>	means an artificial, permanent and shallow place in a river or stream designed to be crossed by people, vehicles or livestock.
<b>Foreshore*</b>	any land covered and uncovered by the flow and ebb of the tide at mean spring tides and, in relation to any such land that forms part of the bed of a river, does not include any area that is not part of the coastal marine area.
<b>Forested catchment</b>	for the purposes of rule FWr.5, means 80 percent of the catchment is managed for forestry purposes.
<b>Forestry slash</b>	means branches and other woody debris associated with forest harvesting that are not removed from the site. When a tree is felled it is limbed and the branches etc comprise the slash.
<b>Fresh water*</b>	all water except coastal water and geothermal water.  Note: In the Nelson City Council area the boundary between the freshwater environment and the Coastal Marine Area has been established through a legal agreement between Nelson City Council and the Minister of Conservation. This is shown in Appendix 25 of the Nelson Resource Management Plan.
<b>Front site</b>	see <i>Site-front</i>
<b>Front yard</b>	means the area of a site within the Residential Zone which is located within 4m of a road boundary. (See also the definition for Boundary – Road Boundary.)

<b>Garage</b>	means a building used for the housing or care of vehicles, and includes a carport.
<b>Generally accord</b>	For the purpose of interpretation of any rules relating to Structure Plans, the term “generally accord” shall mean that items shown on these plans must be provided for in the general locations shown within the development area and with linkages to each other or adjoining areas as shown in the Structure Plan except for the indicative education facility in Marsden Valley Schedule I (Clause I.6). It is not intended that the positions are exact or can be identified by scaling from the Structure Plan; it is intended that any connections between points are achieved or provided for with no restrictions. The final location will depend upon detailed analysis of the physical suitability of an alignment (including the presence of existing natural features and ecologically sensitive habitats such as streams where providing for Biodiversity Corridors), other servicing implications, appropriate location in respect of final residential development layout and amenity, costing considerations, and impact on other land uses. The key proviso is that the items on the Structure Plan must be provided for, and that any connections must occur or be able to occur in the future.
<b>Geotextile fabric</b>	A woven or non-woven, impermeable or semi-impermeable material generally made of synthetic products such as polypropylene and used in a variety of engineering, stormwater management, and erosion and sedimentation control applications.
<b>Greenspace</b>	are areas of open or vegetated space which are residentially zoned, and are shown on Structure Plans. Roading, servicing, walkways and cycleway connections are permitted to cross ‘greenspace’ provided all other relevant Plan provisions are satisfied.
<b>Ground level</b>	<p>means the original ground level or finished ground level for earthworks, where:</p> <ul style="list-style-type: none"> <li>a) ‘original ground level’ means the level of the ground that existed before any excavation for new buildings or structures on the land is undertaken, and</li> <li>b) ‘finished ground level’ accords with the ground level dictated by i), ii) or iii) below, where infilling must be undertaken to the level required to deal with the hazard, but before any excavation or infilling for new buildings or structures on the land is undertaken: <ul style="list-style-type: none"> <li>i) a rule in a plan relating to low-lying sites, or</li> <li>ii) a resource consent granted in relation to flooding or inundation, or</li> <li>iii) a resource consent granted for a subdivision.</li> </ul> </li> </ul> <p>Where there is a retaining wall or other engineering structure at the boundary of the site required to achieve b) above, the finished ground level (for the purposes of defining daylight angles) will be the level of the site immediately behind the structure intended to ensure the stability of the site at the finished level.</p>

<b>Groundwater</b>	means water beneath the land surface.
<b>Gross floor area</b>	the sum of the total floor area of all floors of all buildings. It shall be measured from the exterior faces of exterior walls or from the centre line of walls separating two buildings. For the purpose of car parking, gross floor area shall exclude off-street parking and loading areas required by the Plan and contained within the building. See also <i>Site</i> .
<b>Habitable space</b>	means the interior parts of a building used for any residential activity but excluding any bathroom, laundry, water closet, pantry, walk-in-wardrobe, corridor, hallway, lobby, clothes drying room, garage, carport or other space of a specialised nature occupied neither frequently nor for extended periods.
<b>Habitat</b>	the place or type of site where an organism or population naturally occurs.
<b>Hand clearance</b>	in relation to vegetation, means removal or destruction of vegetation using only hand held tools, including chainsaws, scrubsaws, or knapsacks, or other hand held spraying equipment.
<b>Hazardous substance</b>	means any substance with <ul style="list-style-type: none"> <li>a) one or more of the following intrinsic properties: <ul style="list-style-type: none"> <li>i). Explosiveness</li> <li>ii). Flammability</li> <li>iii). A capacity to oxidise</li> <li>iv). Corrosiveness</li> <li>v). Toxicity (both acute and chronic)</li> <li>vi). Ecotoxicity, with or without bioaccumulation, or</li> </ul> </li> <li>b) which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph a) of this definition, and</li> <li>c) includes environmentally damaging substances.</li> </ul>
<b>Health facility</b>	any land or buildings (excluding hospitals) used for the provision of services by practitioners relating to the physical and mental health of people, but excludes: medical insurance brokers, medical testing laboratories, and facilities for the promotion of physical fitness or beauty such as gymnasiums, beauticians and weight control clinics.
<b>Heavy vehicle</b>	a motor vehicle exceeding 3500kg gross laden weight (refer Heavy Motor Vehicle regulations 1974).
<b>Hedge</b>	means a row of shrubs or bushes capable of developing to a height of over 1m, having branches or leaves that inter-leave so as to form a visual or physical barrier.
<b>Height</b>	in relation to a structure means either: <ul style="list-style-type: none"> <li>a) the vertical distance between any part of the structure and ground level immediately below that part of the structure, or</li> <li>b) the vertical distance between the highest part of the structure and mean ground level (which is the average level of the ground around the external foundations of the structure)</li> </ul> <p>Note:</p> <ul style="list-style-type: none"> <li>i). The options cannot be used in combination on any one structure.</li> <li>ii). This definition does not apply to buildings in the Wakefield Quay Precinct where they are subject to Rule A (building</li> </ul>

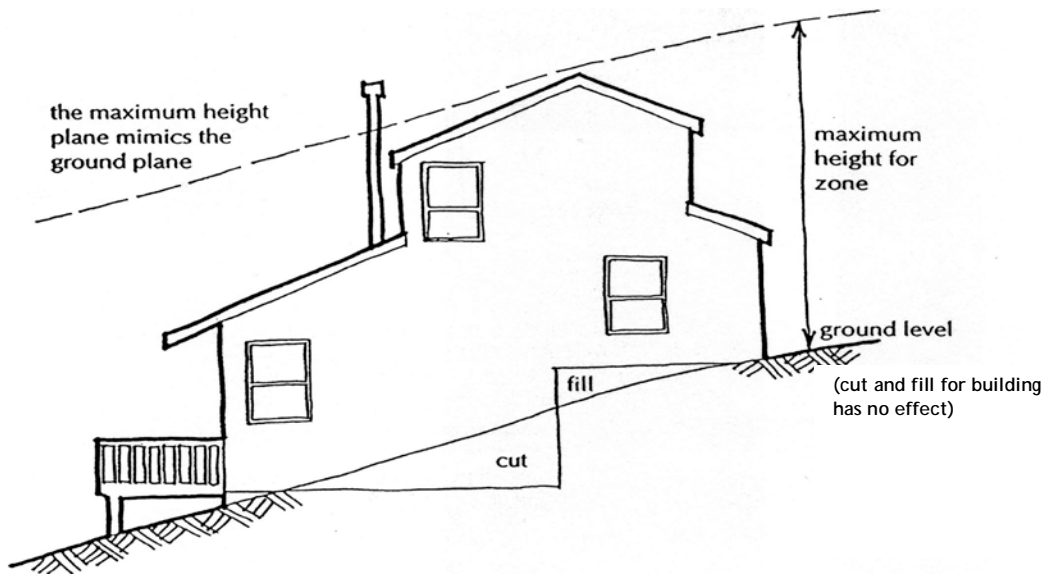
height) of Appendix 23 (design guide and rules for Wakefield Quay).

- iii). In determining the height of any building, no account shall be taken of chimneys (not exceeding 1m in width) or finials, provided these do not exceed the maximum height for the zone by more than 2m. For any chimney or other structure discharging an emission to the air, the provisions of the Nelson Air Quality Plan are specific in respect of structure height and determinant over the provisions of this Plan, except in respect of height controls in relation to the airport (as shown in Planning Maps A3.1 and A3.2) where the provisions of this Plan still apply.
- iv). in determining the height of any building, no account shall be taken of solar panels up to a total of 7m<sup>2</sup> in size and not exceeding 0.5m above the maximum permitted height for the zone.
- v). See diagrams in definition of 'Height measurement'. See also definition of 'Ground level'.

**Height measurement** Note: these definitions do not apply to buildings in the Wakefield Quay Precinct where they are subject to AP 23.4.1 (building height rule) of Appendix 23 (design guide and rules for Wakefield Quay).

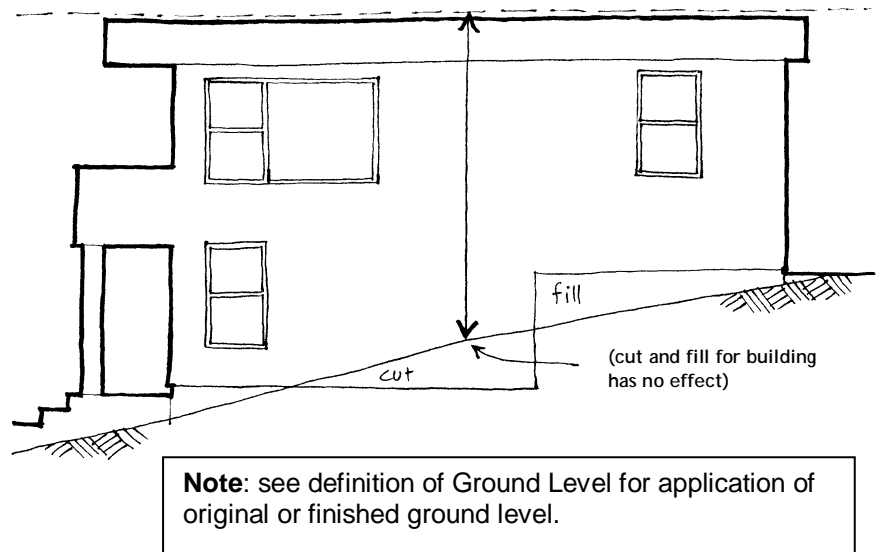
The two methods of height measurement are shown below i.e. Rolling Ground level Method and Average Ground Level Method.

a) Rolling Ground Level Method



**Note:** see definition of Ground Level for application of original or finished ground level.

b) Average Ground Level Method



Height is measured from a level which is the average original ground level determined from points around the foundations. Building plans should show in plan view the points used in calculating mean ground level.

**Heritage overlay**

means an overlay identifying heritage buildings, objects, places, heritage and landscape trees, archaeological sites and overlays, heritage precincts, and Wakefield Quay precinct.

**Heritage tree**

means a tree indicated in Appendix 2 as a heritage tree.

**Historic heritage\***

- a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:
  - i) archaeological
  - ii) architectural
  - iii) cultural
  - iv) historic
  - v) scientific
  - vi) technological; and
- b) includes -
  - i) historic sites, structures, places, and areas; and
  - ii) sites of significance to Maori, including wahi tapu; and
  - iii) surroundings associated with the natural and physical resources.

**Home occupation**

means a business or similar activity carried out on a residentially zoned site, the activity being ancillary to the residential purposes of the site.

**Indigenous forest**

means an area of naturally occurring woody vegetation that:

- a) has a canopy predominantly formed by trees over 6m high, and
- b) has more than 80% closure of the canopy, and
- c) comprises plant species indigenous to the District.

<b>Indigenous vegetation</b>	means an area of naturally occurring vegetation where the area covered by plant species indigenous to the District is the same as or greater than the area covered by other plants.
<b>Industrial activity</b>	means the processing, manufacturing, fabricating, packing or storage of goods and other ancillary activities, and for the purposes of this plan, includes servicing and repair activities.
<b>Inorganic waste</b>	means waste which is not composed of plant or animal products.
<b>Instream values</b>	means the natural values of a water body, including the ecological values, and the cultural, spiritual, amenity and recreation values of Tangata Whenua and the wider community.
<b>Integrated catchment management plan</b>	<p>in relation to a discharge from the public sewerage system to freshwater bodies, the integrated catchment management plan will detail runoff pattern for a number of storm events (eg 5 and 50 year return events). It will detail the capacity of both natural and constructed waterways to handle such events and areas of inundation arising from such events.</p> <p>It will also outline the measures taken to prevent runoff from entering the sewerage system.</p>
<b>Intensive commercial livestock farming</b>	means the keeping of livestock, either in a building or in open site conditions, where the regular feed source for the livestock is substantially provided other than from grazing the site concerned or at a density which precludes the maintenance of pasture or vegetative ground cover, and excludes areas such as loafing pads, used for a maximum period of 6 months in any calendar year.
<b>Issue</b>	means a matter of concern to a community regarding activities affecting the natural and physical resources and the environment of the district.
<b>Iwi authority*</b>	the authority which represents an iwi and which is recognised by that iwi as having authority to do so.
<b>Kaitiakitanga*</b>	the exercise of guardianship; and in relation to a resource, includes the ethic of guardianship and stewardship based on the nature of the resource itself.
<b>Kitchen</b>	means a room or area, the principal purpose of which is the preparation and cooking of food. A kitchen will generally include a sink bench, and a means of cooking food such as a stove, gas or electric cooker, or microwave (or have the facilities for the installation of these).
<b>L10</b>	means the L10 exceedance level, in A-frequency-weighted decibels, which is equalled or exceeded, ten percent of the total measurement time. See NZS 6801:1991 clause 2.2 definition of exceedance level.
<b>Land*</b>	includes land covered by water and the air space above land.
<b>Landfill</b>	a waste disposal site used for the controlled deposit of solid materials onto or into land.
<b>Landscape Tree</b>	means a tree indicated in Appendix 2 as a landscape tree.
<b>Landscaping</b>	means the provision of planted areas, which may include ancillary lawn, rocks, paved areas (with no ability for vehicle access), or amenity features. Landscaping area, landscape strip, landscaped or any variation to these terms, have the same meaning.

<b>Launching structure</b>	means any structure intended for the purposes of launching vessels.
<b>Lawfully established</b>	for the purpose of the Freshwater Plan Change means as provided for by permitted activity rules or resource consent.
<b>L<sub>dn</sub></b>	means the “Day Night Average Sound Level” as defined in NZS6801:1999.
<b>L<sub>eq</sub></b>	L <sub>eq</sub> , in decibels, is the value of the steady continuous A-weighted sound pressure level that, within the relevant measurement time interval, has the same mean square sound pressure as the sound under consideration, the level of which varies over time.
<b>LID</b>	means Low Impact Design. An alternative stormwater management system that utilises natural drainage features in the landscape such as infiltration, filtering, storing, detaining and evapotranspiration rather than piped systems.
<b>Liquor</b>	any fermented, distilled, or spirituous liquor (including spirits, wine, ale, beer, porter, honeymead, stout, cider and sherry) containing 1.15% or more alcohol by volume.
<b>Living area</b>	in relation to a residential unit, means any lounge, living room, family room, dining room or kitchen, but excludes any bedroom, study or similar room.
<b>L<sub>max</sub></b>	means the maximum A-frequency-weighted sound level (dBA L max) as described in NZS 6801:1991, clause 2.1. The L <sub>max</sub> units referred to in this Plan relate solely to night-time (10 pm to 7 am Monday to Friday, and 10 pm to 9 am Saturdays, Sundays and public holidays).
<b>Loading space</b>	an on site marked space where vehicles load or unload goods or people.
<b>Local Tree</b>	means a tree indicated in Appendix 2 (Heritage Trees) as a local tree.
<b>LTP</b>	means Long Term Plan.
<b>Maintenance</b>	<p>in relation to State Highways, roads, tracks, firebreaks and landings, means soil disturbance and vegetation clearance necessary to maintain the facility in good operational order. State Highway maintenance works include minor realignment, shape corrections and vegetation clearance with road reserves</p> <p>In relation to network utilities other than roads, means repair necessary to maintain the facility in good operational order and shall include vegetation clearance under overhead lines and minor realignment of such lines, and in respect of overhead lines may include the replacement of a conductor with a larger size conductor but does not include the replacement of towers, pylons, or insulators with larger size towers, pylons, or insulators.</p> <p>For the avoidance of doubt, the meaning of “maintenance” does not include the armouring of structures or banks with rock or other permanent material but it does include clearance of gravel in or directly below or above culverts and bridges.</p>



**Maintenance dredging** means any dredging of the bed of the sea necessary to maintain water depths to previously approved levels, for the safe and convenient navigation of vessels, in navigation channels and at berthing and mooring facilities, including marina facilities.

**Maintenance of a structure**

means activities which:

- a) are for the purpose of keeping a structure in good repair.
- b) do not result in any increase in the area of land, foreshore, or seabed occupied by the structure.
- c) do not change the character, scale and intensity of any effects of the structure on the environment (except to reduce any adverse effects or increase any positive effects).

**Mean high water springs**

(MHWS) means the average of each pair of successive high waters during that period of about 24 hours in each semi-lunation (approximately every 14 days) where the range of tides is the greatest.

**Mechanical ventilation**

means a mechanical system or mechanical ventilation systems as described in Appendix 19.2.ii.

**Median flow**

means the flow (level) at the mid point of an ordered range of flows. Median flow can be determined by ordering the range of flow levels over a period of time (generally a year). The median flow will be the flow level at the mid point of that range of flow levels.

**Method of implementation**

means a specific action, procedure, programme or technique adopted to carry out a policy.

**Minimum flow**

means a river flow below which continued takes from a river are considered to have adverse effects. Refer to Appendices 28.2 and 28.3 for more detail.

**Minor upgrading**

means an increase in the carrying capacity, efficiency or security of electricity lines utilising the existing support structure or poles, or structures of a similar scale and character, and including:

- a) The addition of conductors;
- b) The reconductoring of the line with higher capacity conductors;
- c) The resagging of conductors;
- d) The addition of longer or more efficient insulators;
- e) The addition of earthwires (which may contain telecommunication lines), earthpeaks and lightning rods.

Minor upgrading does not include a change in the voltage of a line unless the line was constructed to operate at a higher voltage but has been operating at a reduced voltage and there will be no physical change to the line. Any increase in the power carrying capacity of any line must not result in the magnetic fields generated by the transmission lines exceeding International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines for 24 hour public exposure (100 microtesla).

<b>Mooring</b>	means an anchor block on the seabed for the purpose of securing a recreational vessel by way of rope or cable.						
<b>Moving display</b>	means a display in which any parts of the sign or its message involves movement or apparent movement aimed at drawing attention to the sign.						
<b>Natural and physical resources*</b>	includes land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.						
<b>Natural hazard*</b>	means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment.						
<b>Natural hazard overlay</b>	means one or more of the following Overlays shown on the Planning Maps: Fault Hazard Overlay, Grampians Slope Risk Overlay, Tahunanui Slump Core Slope Risk Overlay, Tahunanui Slump Fringe Slope Risk Overlay, Flood Path Overlay, Flood Overlay, Inundation Overlay.						
<b>Navigation aid</b>	includes: <ul style="list-style-type: none"> <li>a) any lightship and any floating or other light exhibited for the guidance of ships and aircraft, or</li> <li>b) any type of fog signal not carried on a ship, or</li> <li>c) all marks and signs in aid of marine and aircraft navigation, or</li> <li>d) any electronic, radio, or other aid to aircraft navigation and marine navigation not carried on board any ship, and</li> <li>e) any associated building works.</li> </ul>						
<b>NCC datum</b>	means Nelson City Council Standard Datum. <table border="0" style="margin-left: 20px;"> <thead> <tr> <th style="text-align: left;">Relationship of Datums</th> <th style="text-align: left;">Mean Sea level</th> </tr> </thead> <tbody> <tr> <td>To NCC Datum</td> <td>12.055</td> </tr> <tr> <td>To DOSLI Datum</td> <td>0.000</td> </tr> </tbody> </table>	Relationship of Datums	Mean Sea level	To NCC Datum	12.055	To DOSLI Datum	0.000
Relationship of Datums	Mean Sea level						
To NCC Datum	12.055						
To DOSLI Datum	0.000						
<b>Net area</b>	means the total area of a site excluding any part that is: <ul style="list-style-type: none"> <li>a) subject to any designation (see Appendix 24), or</li> <li>b) containing a right of way serving other sites, or</li> <li>c) in relation to rear sites, part of any access to the site that is less than 6m in width.</li> </ul>						
<b>Network utility</b>	a network for any of the following activities: <ul style="list-style-type: none"> <li>a) Telecommunication and radio communication as defined in Section 2(1) of the Telecommunications Act 1987 and includes any Telecommunication Facility, Radiocommunication Facility and Telecommunication Line, or</li> <li>b) cable television, or</li> <li>c) the transformation, transmission or distribution of electricity, or</li> <li>d) the distribution of water for supply, including irrigation, or</li> </ul>						

- e) drainage or sewerage reticulation, or
- f) construction, operation and maintenance of roads and railways, including any lighting, signalling or other equipment relating to the safe use of the road or railway, or
- g) operation and maintenance of an airport as defined by the Airport Authorities Act 1966, including the provision of any approach control service within the meaning of the Civil Aviation Act 1990, or
- h) undertaking a project or work described as a "network utility operation" by regulations made under the Resource Management Act 1991, or
- i) lighthouses, meteorological facilities, navigation aids and beacons, or
- j) pipes for the distribution or transmission of petroleum, or natural or manufactured gas, or
- k) street lighting

and includes:

- l) all structures and incidental facilities such as lines support structures, pipes, pumping stations, aerials and similar structures which directly form part of the network, and
- m) the operation, maintenance and upgrading of the network utility, and
- n) private connections to the network utility.

**Network utility buildings, small, unstaffed**

means a building (which is not or does not contain a substation) which is directly part of a network utility, and it and any equipment it holds is unstaffed, and the building does not exceed 20m<sup>2</sup> in ground floor area and does not exceed 5m in height.

For the purpose of this meaning the above height limitation does not apply to aerials, masts and poles.

**Noise\***

means unwanted sound and includes vibration. The sound of warning devices being used by emergency services or in an emergency situation is not included in the definition of noise for the purpose of this Plan.

**Noise-affected property**

means a site used for residential purposes that is situated in the Residential Zone adjacent to Port Nelson and identified on the Port Noise Contour Map as receiving levels of port noise at or above 55 dBA L<sub>dn</sub> but excludes:

properties that have received acoustic treatment in accordance with rule INr.40.1 and Appendix 29.B (Noise Mitigation Plan) and are receiving port noise at or below the certified level of port noise.

**Noise-Generating Activity**

is an activity that takes place at a site or building located in the Inner City Zone, involving:

- the assembly of people within a building for a commercial activity involving the playing of amplified sound (from a sound system with greater than 100W output) between the hours of:
  - 11:00pm and 7:00am Sunday to Thursday nights, and for the nights of Friday, Saturday, Christmas Eve and New Year's Eve 1:00am and 7:00am where the activity is located within the Inner City Zone - City Centre; and
  - 10.00pm and 7:00am seven days a week where the activity is located within the Inner City Zone - City Fringe;

or:

- the assembly of people in an outdoor area (i.e. an area that is outside of the main part of the building such as garden bars, outdoor dining and smoking areas) associated with a commercial activity between the hours of:
  - 11:00pm and 7:00am Sunday to Thursday nights, and for the nights of Friday, Saturday, Christmas Eve and New Year's Eve 1:00am and 7:00am where the activity is located within the Inner City Zone - City Centre; and
  - 10:00pm and 7:00am seven days a week where the activity is located within the Inner City Zone - City Fringe.

For the avoidance of doubt, temporary events occurring no more than once per year in any one site or building are excluded from this definition.

*Note: Noise from these events is still required to take account of Section 16 and 327 of the RMA, and Appendix 13 of this Plan.*

**Non-point source discharge**

means discharge of contaminants onto or into land, air, or water from a widespread or diffuse source rather than from a specific outlet or a particular point of origin.

**Notional boundary**

means a line 20m from the façade of any rural dwelling which is most affected by the noise source, or the legal boundary where this is closer to the dwelling.

**NRMP**

means Nelson Resource Management Plan.

**Obsolete structure**

means any structure which is not required for its original use, or which has not been used as intended for a continuous period of two years or more, and for which no future use is anticipated.

**Occupy**

means to occupy land or any part of the coastal marine area necessary for the activity:

- a) to the exclusion of other persons who do not have a right of occupation to the space by a resource consent or under a rule in a regional coastal plan, and
- b) for a period of time and in a way that, but for the rule in the regional coastal plan or the holding of a resource consent under this Act, a lease or licence to occupy that part of the coastal marine area would be necessary.

and "occupation" has a corresponding meaning.

**On-site wastewater management system**

means any system that treats and then discharges wastewater within the property boundaries. Systems range from a basic septic tank system followed by dispersal in sub-service trenches or a mound. Higher quality treatment systems consist of active aeration or a multi-chamber septic tank, followed by a sand filter system.

**Original size**

for the purpose of a rule authorising maintenance means, in the case of a structure that is authorised by a coastal permit (including a coastal permit under Section 384), the maximum dimensions specified in that coastal permit. Where no maximum dimensions are specified in that coastal permit, the original size will be that supplied with the consent application.

**Organic waste**

means waste which is composed of plant or animal products.

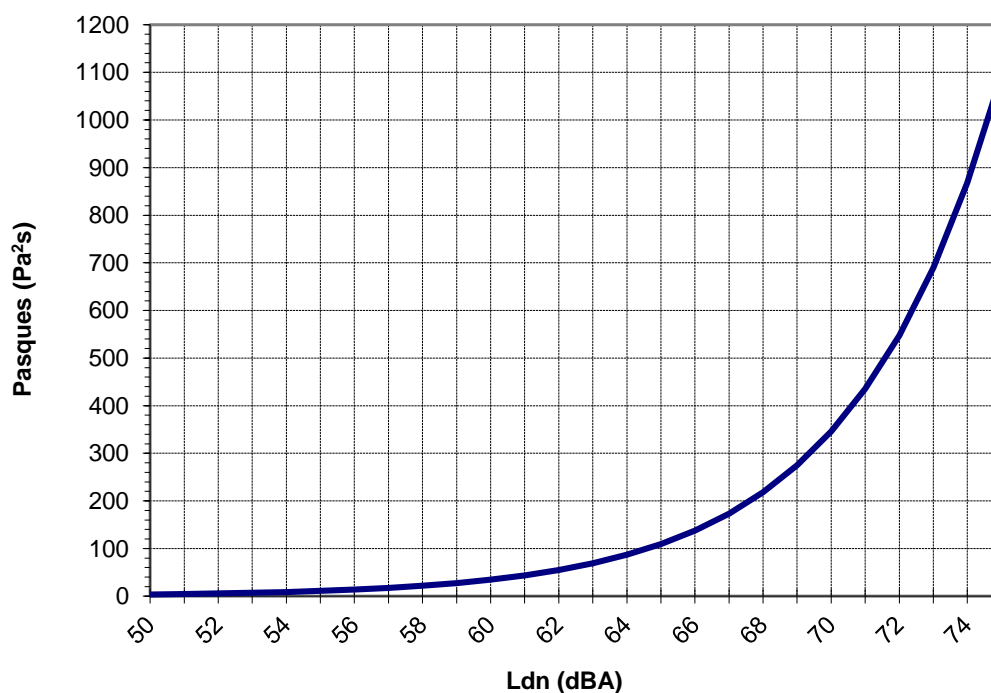
**Outdoor Living Court**

an area of open space for the exclusive use of the occupants of a residential unit. No outdoor living court may be occupied by any building which is enclosed, or has an overhead clearance of less than 2m, other than an accessory building of less than 8m<sup>2</sup>.

<b>Outfall structure</b>	where referred to in a regional rule, excludes any culvert other than culverts on streams that are piped as part of an urban stormwater system and which have no significant diadromous fish populations.
<b>Overlay</b>	an area of land or sea shown on the Planning Maps, where special resource management considerations apply, described in this Plan.
<b>Papakāinga</b>	means the use and occupancy of multiple-owned land involving the development of the land for residential units and other buildings and uses necessary to enable the owners to live on their land.
<b>Parking space</b>	an on site marked space where vehicles can park.
<b>Pasques</b>	Unit of measurement of environmental noise exposure in A-frequency weighted pascal squared seconds, as defined in NZS 6805:1992 Airport Noise Management & Land Use Planning. Sound exposure shall be night weighted in accordance with NZS 6805:1992. Environmental noise exposure measured as Ldn (dBA units) shall be converted to pasques using the equation.

$$\text{Pasques} = [3.456 \times 10^{-5}] \times [10^{\text{Ldn}/10}]$$

This equation provides the following relationship between Pasques and Ldn:



<b>Pest plants</b>	plants listed in the Tasman-Nelson Regional Pest Management Strategy.
<b>Pipeline</b>	means a pipeline constructed or used to convey any matter or substance; and includes all machinery, tanks and fittings connected to the pipeline.
<b>Plantation forestry</b>	means a forest deliberately established for commercial purposes, being - <ul style="list-style-type: none"> <li>(a) At least 1 ha of continuous forest cover of forest species that has been planted and has or will be harvested or replanted; and</li> <li>(b) Includes all associated forestry infrastructure; but</li> <li>(c) Does not include - <ul style="list-style-type: none"> <li>(i) A shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30m; or</li> <li>(ii) Forest species in urban areas; or</li> <li>(iii) Nurseries and seed orchards; or</li> <li>(iv) Trees grown for fruit or nuts; or</li> <li>(v) Long-term ecological restoration planting of forest species; or</li> <li>(vi) Willows and poplars space planted for soil conservation purposes</li> </ul> </li> </ul>

<b>Point source discharge</b>	means a discharge of contaminants onto or into land, air, or water from a specific and identifiable outlet or location e.g. a drain or pipe.
<b>Polytechnic</b>	means Nelson Polytechnic or any similar successor education organisation, whether of the same or different name.
<b>Pond</b>	for the purpose of the Freshwater Plan Change means a small body of still water constructed by hollowing or embanking. It does not include wetlands (separately defined) or naturally formed ponds.
<b>Port Industrial Area</b>	means the land and water space zoned industrial and delineated in pink on Maps 6R, 9R and 10R of Volume 4 of the Nelson Resource Management Plan.
<b>Port Noise</b>	means noise generated within the Port Industrial Area and includes: <ul style="list-style-type: none"> <li>i) Noise emanating from ships and boats at berth; and</li> <li>ii) Noise associated with the handling of cargo; and</li> <li>iii) Noise from trucks and machinery; and</li> <li>iv) Noise from administrative, repair, storage and maintenance activities</li> </ul> but excludes: <ul style="list-style-type: none"> <li>i) Noise from ships and boats not at berth;</li> <li>ii) Noise associated with construction of permanent Port Industrial Area facilities;</li> <li>iii) Noise from an emergency situation;</li> <li>iv) Noise from vehicles on public roads.</li> </ul>
<b>Port noise contour map</b>	means the noise contour map referred to in Appendix 29.A.1.i) and contained in the Port Noise Management plan showing port noise $L_{dn}$ levels based on a busy 5 day operating scenario to provide for the identification of noise affected properties.
<b>Port Operational Area</b>	the operational area under the day-to-day control of the entity which manages the Port of Nelson. This operational area is limited to land used for activities, essential to the functioning of the port, and includes land used for the loading and offloading of goods, and the temporary storage of goods to be loaded or which have been unloaded, together with parking, office, staff, and maintenance facilities necessary for the foregoing activities. It also includes that part of the coastal marine area included in Port Nelson Ltd's (or its successors) coastal permit. For the avoidance of doubt, this definition excludes areas leased by Port Nelson Ltd to other entities.
<b>Port Operator</b>	means Port Nelson Limited or its successors.
<b>Predominant slope</b>	means the slope which is most common over the area. Slope can be calculated as a ratio of "rise over run" in which run is the horizontal distance and rise is the vertical distance. For the purpose of the soil disturbance rule in this Plan, the calculation of predominant slope should be applied to the slope area where the soil disturbance and any erosion control is to occur.
<b>Primary contact recreation</b>	means swimming, water skiing, and other direct water-contact activities.
<b>Private car parking area</b>	this means any privately provided area where car parking is available to be used on a casual, rental or leased basis; with or without a fee, by members of

	the public or provided as staff or visitor parking for a particular business or activity.
<b>Property plan</b>	<p>means a document prepared jointly by a landowner and the Council which provides for integrated management of the particular property specified in the rural area, and contains the following elements:-</p> <ul style="list-style-type: none"> <li>a) adequate resource information, and</li> <li>b) adequate description of the activities proposed, and</li> <li>c) an assessment of the likely impact of the proposed activities on the natural and cultural values contained within the property, and</li> <li>d) specifies resource consents for undertaking particular activities, and</li> <li>e) specifies any conditions to be observed when exercising any part of the resource consents, and</li> <li>f) specifies the period of the consents, and</li> <li>g) specifies under what circumstances or where additional conditions or consents will be required.</li> </ul> <p>Other matters which a property plan might contain include:</p> <ul style="list-style-type: none"> <li>a) a commitment to active management and/or protection of significant features. This could include fencing of sites, pest control, covenants to be created, public access provisions, and</li> <li>b) a cost sharing commitment for any active management, for example a contribution to fencing costs or giving rates relief, and</li> <li>c) a statement of any additional development rights which are conferred on the property in return for active protection of significant features. In the example of the fencing and protection of a bush remnant, this may include consent to an additional subdivision lot or to the construction of an additional dwelling/house.</li> </ul>
<b>Public safety</b>	means any risk to life, limb, or property such that without remedial action there is a high probability of loss of life, injury, or serious damage to property.
<b>Radiocommunication facility</b>	means any transmitting/receiving devices such as an aerial, dish, antenna, cable, line, wire, and associated equipment/ apparatus, as well as support structures such as towers, masts and poles, and ancillary buildings.
<b>Raft*</b>	means any moored floating platform which is not self-propelled; and includes platforms that provide buoyancy support for the surfaces on which fish or marine vegetation are cultivated or for any cage or other device used to contain or restrain fish or marine vegetation.
<b>Rear site</b>	see <i>Site - rear</i>
<b>Reasonable domestic water use</b>	means the water usage of an individual home or household including the needs of domesticated animals and of a household garden. Once trigger flow is reached (as shown in Appendix 28.2), reasonable domestic use includes water for watering a household vegetable garden where the production of the garden is for that household's domestic consumption but does not include water for flower gardens or lawns.
<b>Reasonable mixing</b>	see Appendix 28.7 (reasonable mixing zone)

<b>Replacement</b>	means replacement of a structure of the same scale, character and same or similar dimensions and located in the same or similar position.
<b>Residential activity</b>	<p>means the use of land and buildings by people for living accommodation where the occupiers intend to live at the site for a period of one month or more, and will generally refer to the site as their home and permanent address; and includes accessory buildings and leisure activities.</p> <p>For the purpose of this definition, residential activity (irrespective of the length of stay) shall include:</p> <ul style="list-style-type: none"> <li>a) accommodation offered to not more than four travellers for a daily tariff in association with a permanent resident as described above, or</li> <li>b) emergency and refuge accommodation, or</li> <li>c) accommodation for supervision staff and residents, where residents are subject to care or supervision (e.g. homes for persons with disabilities, and homes for the elderly), but not places where residents are subject to detention.</li> </ul>
<b>Residential unit</b>	means a single self-contained household unit, used principally for residential activities, whether by one or more persons, including accessory buildings. Where more than one kitchen facility is provided on the site, there shall be deemed to be more than one residential unit.
<b>Restaurant</b>	includes cafes, tearooms, and any other premises which sells food and beverages to be consumed on the premises.
<b>Restoration</b>	in relation to a heritage item, means returning a place as nearly as possible to a known earlier state by reassembly, reinstatement and/or the removal of additions unsympathetic to the style of the building. As it applies in the freshwater rule FWr.1 restoration means returning a river or lake to a more natural state, for example restoring a piped section of a water body to natural river bed.
<b>Retail activities</b>	any land, building or part of building on or in which goods are displayed, sold, or offered for sale or hire direct to the public.
<b>Retail services</b>	any land, building or part of building on or in which personal or household services, or private business or professional services are offered to the public.
<b>Revegetation</b>	means the establishment of trees, plants or grasses to achieve coverage of soil surfaces.
<b>Ring road</b>	that portion of Collingwood, Halifax, and Rutherford Streets, and Selwyn Place, which more or less forms a square around the City Centre on the planning maps.



- Riparian margin** means the area of land adjacent to any wetland, river, lake or coastal marine area where direct interaction occurs between land and water systems. The riparian margin contributes to the natural functioning, character and quality of the water body or area, and the land margin, and associated ecosystems.
- Riparian overlay** means an overlay identifying river and coastal margins with conservation, access, or natural hazard values, and where esplanade reserves or strips may be required by Council at the time of subdivision.
- River\*** means a continually or intermittently flowing body of fresh water; and includes a stream and modified water course; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal). For the purpose of this definition, 'intermittently' means a river or stream that is dry at certain times and has one or more of the following characteristics:
- it is mapped as riparian overlay in the Nelson Resource Management Plan maps or listed as conservation priority 1 or 2 in Table 6.1; or
  - has natural stable pools having a depth at their deepest point of not less than 150mm and a surface area of not less than 2m<sup>2</sup> present throughout the period commencing 1 February and ending 30 April of any year.
- 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 Roding Powers Act 1989.
- Road boundary** see *Boundary*
- Root protection zone** means the minimum area required to ensure a tree's health and stability is safeguarded, as calculated using the following table:

Tree age	Tree vigour	Root protection zone radius (m)
Young trees (where the age of tree is less than 20% of life expectancy)	Good vigour	6 x DBH*
	Poor vigour	9 x DBH
Mature trees (where the age of tree is between 20% and 80% of life expectancy)	Good vigour	9 x DBH
	Poor vigour	12 x DBH
Over mature trees (where the age of tree is greater than 80% of life expectancy )	Good vigour	12 x DBH
	Poor vigour	15 x DBH

\*DBH means Diameter at Breast Height which in NZ is diameter at 1.4m high (the diameter of the stem 1.4m above ground level).

- Secondary contact recreation** means water-based recreation where there is high likelihood of unintended body contact with water e.g. boating, fishing and kayaking.
- Sedimentation** means the deposition of soil, silt or vegetation debris on the surface of land, or on the bed of any river, water body or Coastal Marine Area.
- Services** means network utilities.

<b>Service station</b>	means any undertaking where the dominant activity is retail sales or motor vehicle fuels dispensed at pumps or other vehicle control points (including petrol, LPG, CNG and Diesel) and may also include any one or more of the following: <ul style="list-style-type: none"> <li>a) retail sales of kerosene, alcohol based fuels, lubricating oils, tyres and batteries, vehicle spare parts and other accessories normally associated with motor vehicles (including motorcycles, caravans, boats and trailers) and domestic equipment, and</li> <li>b) the repair and servicing of motor vehicles (including warrant of fitness testing) and domestic garden equipment, and</li> <li>c) car wash facilities or other drive through vehicle service or inspection facility, and</li> <li>d) the ancillary sale of other good for the convenience and comfort of persons called at the service station for the services described in this definition but excludes panel beating, chassis straightening, body building, spray painting, and heavy engineering such as engine reboring and crankshaft grinding.</li> </ul>
<b>Set back</b>	means the distance between a structure and the boundary of its site, or other feature specified in the Plan.
<b>Sewage</b>	means the wastewater which flows through the sewerage pipes - and has the same meaning as wastewater.
<b>Sewerage</b>	means the pipes and system pumps that transport sewage.
<b>Short term living accommodation</b>	means land and buildings for transient residential accommodation for a person, family or group of persons under a single tariff where the occupiers will not generally refer to it as their home or permanent address. It may include some centralised services or facilities such as food preparation, dining and sanitary facilities, conference and recreation facilities for the use of only those living on the site. It includes hotels, motels, camping grounds and tourist cabins, studios and apartments. Accommodation offered to not more than four travellers for a daily tariff in association with a permanent resident is excluded (see definition of Residential Activity).
<b>Sign</b>	has the meaning given in Appendix 20 (signs and outdoor advertising).
<b>Sign area</b>	in relation to a multiple-sided sign, sign area is the area when viewed from any one direction, providing that the total area of all faces of a sign shall not exceed twice that permitted in the relevant rules.
<b>Sign height</b>	means that measurement from the ground surface to the topmost point of the sign.
<b>Site</b>	means: <ul style="list-style-type: none"> <li>a) an area of land which is: <ul style="list-style-type: none"> <li>i). comprised in a single allotment, or other legally defined parcel of land and held in a single certificate of title, or</li> <li>ii). comprised in a single allotment or legally defined parcel of land for which a separate certificate of title could be issued without further consent of the Council</li> </ul> <p>Being in any case the smaller of land area i) or ii), or</p> </li> <li>b) an area of land which is comprised of two or more adjoining legally defined parcels of land held together in one certificate of title in such a way that the lots cannot be dealt with separately without prior consent of the Council, or</li> </ul>

- c) an area of land which is comprised of two or more adjoining certificates of title where such titles are:
  - i). subject to a condition imposed under section 75 of the Building Act 2004 or section 643 of the Local Government Act 1974, or
  - ii). held together in such a way that they cannot be dealt with separately without the prior consent of the Council, and
- d) In the case of land subdivided under the cross lease or company lease systems (other than strata titles), site shall mean an area of land containing:
  - i). a building or buildings for residential or business purposes with any accessory building, plus any land exclusively restricted to the users of that building, or
  - ii). a remaining share or shares in the fee simple creating a vacant part of the whole for future cross lease or company lease purposes, and
- e) in the case of land subdivided under the Unit Titles Act 1972 (other than strata titles), site shall mean an area of land containing a principal unit or proposed unit on a unit plan together with its accessory units, and
- f) in the case of strata titles, site shall mean the underlying certificate of titles, immediately prior to subdivision, and
- g) in the case of an activity (e.g. Polytechnic, Port Nelson) that occupies more than one adjoining allotment, whether held in single legal title or multiple titles, site for the purpose of compliance with parking, noise and other rules shall be the total area of land occupied exclusively by that activity.

**Site coverage**

means the same as building coverage.

**Site - front**

a site having one or more frontages to a road, or to a common vehicle access serving more than four actual or potential residential units.

**Site - net area**

see *Net area*

**Site - rear**

a site which is situated generally to the rear of another site, both sites having access to the same road or vehicle access.

**Site work**

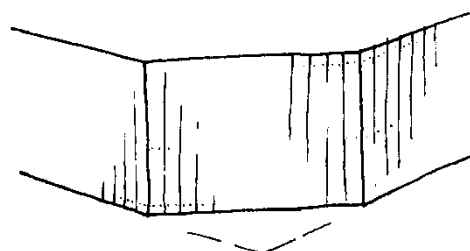
means work on a building site, including earthworks, preparatory to or associated with the construction, alteration, demolition or removal of a building.

**Small unstaffed network utility building**

See Network Utility building, small, unstaffed.

**Snipe**

means a corner set back at a road intersection, within which no structures are permitted, in order to improve traffic visibility.



<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 section 4 'Transport' of the NCC Land Development Manual 2010.

<b>Upgrade</b>	as it applies in freshwater rule FWr.4 it means an increase in the carrying capacity, efficiency or security of existing structures, or structures of a similar scale and character.
<b>Urban activity</b>	means any activity undertaken on land within: <ul style="list-style-type: none"> <li>a) the Residential, Inner City, Suburban Commercial, Open Space and Recreation, or Industrial Zones, and:</li> <li>b) the foreshore of the Coastal Marine Area and any structure attached to the land and extending into or over the Coastal Marine Area, and</li> <li>c) any area subject to a notified variation or plan change to the Nelson Resource Management Plan (NRMP) that re-zones the land as Residential, Inner City, Suburban Commercial, Open Space and Recreation, or Industrial Zone, and</li> <li>d) any rural land which is being or has been subdivided since the notification of the Plan for any residential purpose where the area of the site is less than 0.5 hectares.</li> </ul>
<b>Urban design</b>	means the design of buildings, places and networks that make up our towns and cities, and the ways people use them. It ranges in scale from a metropolitan region, city or town down to a street, public space or even a single building. Urban design is concerned not just with appearances and built form but with the environmental, economic, social and cultural consequences of design. It is an approach that draws together many different sectors and professions, and it includes both the process of decision-making and the outcomes of design.
<b>Urban streams</b>	means the parts of a stream within the urban area (excludes Rural and Conservation zoned land). These include: Orphanage Creek, Orchard Creek, Poormans Valley Stream, Arapiki Stream, Jenkins Creek, York Stream, Maitai River, The Brook, Oldham Creek and Todd Valley Stream.
<b>Urban zone</b>	means one or more of the Residential Zone, Inner City Zone, Suburban Commercial Zone, Industrial Zone or any part of the Open Space and Recreation Zone that is surrounded by one of these zones.
<b>Use</b>	in relation to hazardous substances, means the manufacturing, processing or handling of a substance or mixture of substances for a particular activity without necessarily changing the physical state or chemical structure of the substance. Use includes mixing, blending and packaging operations, but does not include the filling or drawing of substances from bulk storage tanks unless the processing is permanently connected to the bulk storage, and does not include loading out and dispensing of petroleum products (including diesel, CNG and LPG).
<b>Utility service line</b>	any pipe, cable, overhead wire, telecommunication line, drain or channel for the purposes of a network utility.
<b>Vegetation</b>	includes trees, shrubs, plants or grasses.
<b>Vegetation clearance</b>	means any activity which results in the removal or reduction in vegetation cover from an area of land other than that caused by grazing animals or domestic gardening, except for the purpose of controlling or eradicating pest plants or trimming of vegetation (other than indigenous vegetation).

<b>Vehicle</b>	a self-propelled vehicle, or a caravan, trailer or boat.
<b>Vehicle access</b>	see <i>Access</i>
<b>Vehicle load out facility</b>	means a site where petrol, diesel or oil is stored and vehicles are refuelled.
<b>Vehicle oriented commercial activities</b>	includes service stations, truckstops, supermarkets, shopping malls and drive-in or drive-through retail outlets.
<b>Vessel</b>	includes any ship, boat or other floating craft, or drilling rig or exploration platform (whether self-propelled or towed) for the purpose of exploration for, and extraction of, natural and physical resources from the seabed.
<b>Waahi tapu</b>	places or things which are sacred or spiritually endowed.
<b>Waste</b>	means materials which are unwanted or surplus to process requirements that the holder discards, or intends to, or is required to discard.
<b>Wastewater</b>	means the waste material in liquid form that enters the wastewater network including domestic sources, industrial sources and infiltration and inflow. Wastewater has the same meaning as sewage and excludes stormwater.
<b>Wastewater network</b>	means the network of pipes, system pumps and treatment plant associated with wastewater- and has the same meaning as sewerage in relation to pipes and system pumps.
<b>Wastewater network environmental management plan</b>	In relation to a discharge from the public sewerage system to freshwater bodies, the wastewater network environmental management plan will detail the capacity of the sewerage system and its ability to handle flows without overflow. It will detail the storage available at pumping stations for emergencies and where overflows are likely to occur. It will detail the programme of work to be undertaken to prevent overflows in the future.
<b>Water*</b>	<p>water in all its physical forms whether flowing or not and whether over or under the ground</p> <p>a) includes fresh water, coastal water, and geothermal water</p> <p>b) does not include water in any form while in any pipe, tank, or cistern.</p> <p>The Freshwater Plan Change relates to all freshwater resources including groundwater.</p>
<b>Water body*</b>	freshwater or geothermal water in a river, lake, stream, pond, wetland, or aquifer or any part thereof, that is not located within the coastal marine area.
<b>Water conservation plan</b>	means a plan prepared by Council, a water users' group or an individual which has been approved by Council, and which specifies what water conservation measures will be undertaken, and how they will be administered in the event of Council giving notice in writing to water users' groups that river flows have fallen to or below trigger levels.

<b>Water craft</b>	means any vessel, vehicle, or craft designed to operate in, on, or under water. Motorised water craft means any watercraft powered by an internal combustion engine or electric motor.
<b>Water supply</b>	<p>There are two categories:</p> <ol style="list-style-type: none"> <li>1. urban water supply - means a water supply managed by Nelson City Council and delivered to residents and industry through a reticulated system.</li> <li>2. private supply - means a water supply directly managed by those residents using it.</li> </ol>
<b>Weir</b>	means a dam built across a river to raise the level of water upstream or regulate and/or monitor water flow.
<b>Wetland*</b>	<p>includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.</p> <p>It does not include:</p> <ul style="list-style-type: none"> <li>- artificial wetlands constructed for wastewater management purposes; or</li> <li>- lawfully constructed ponds; or</li> <li>- plantation forest with a pasture understorey; or</li> <li>- exotic rush/pasture communities.</li> </ul> <p>Note: artificial wetlands are referred to as 'constructed wetlands' for the purpose of the Plan.</p>



# administration

## AD1 Introduction

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**AD1.1** This chapter sets out the manner in which the provisions are presented. It also describes how this Plan will be administered and the procedures which should be followed to obtain a resource consent.

**AD1.2** The implementation of these provisions is at all times subject to the requirements of the Resource Management Act 1991, and its subsequent amendments, and to any other relevant legislation.

## AD2 Plan changes and review

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**AD2.1** This Plan may be changed from time to time. Plan changes may be proposed by the Council, either on its own initiative, or at the request of any person or organisation. A request for a plan change must explain the purpose, reasons, and environmental effects of the change. The Council can refuse to consider a request for a change if the matter has been considered in the last two years, if the Plan has been operative for less than two years, and for other reasons set out in the Act (First Schedule).

**AD2.2** Any proposed change, whether initiated by the Council or an individual, will be open for submission by the public in a similar way as the original plan. The Act should be consulted for full details of the plan change procedures.

**AD2.3** The Council is required to commence a review of any provision in this Plan, if a provision has not been subject to a review or change during the previous 10 years. After review, Council must publicly notify either any proposed changes or a proposal to retain the current provision, which will once again become the subject of public scrutiny and submission.

**AD2.4** The Council has embarked on a process of 'rolling review' of the Plan. The introduction of the urban design issue, and District Wide objectives and policies is an example of such a process. While these have been implemented through changes in the Residential Zone policies and rules, pragmatically the District Wide urban design objectives and policies cannot be implemented through all Zones at once. They will therefore be implemented through subsequent plan changes for all other Zones.

## AD3 Issues, objectives, and policies

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**AD3.1** Issues, objectives, policies and methods of implementation are required by the Resource Management Act to be stated in plans. This section and the next describe how they are presented in this Plan.

**AD3.2** Issues are set out in Chapter 4 (resource management issues). Objectives, policies, and methods of implementation are set out in Chapter 5 (district wide objectives and policies) and in the individual zone chapters. Chapter 5 applies throughout the District, while the objectives and policies in the zone chapters relate mainly to the zone dealt with in each chapter. The Plan should always be considered as a whole and there are occasions where the objectives and policies stated for one zone

are relevant to activities in another zone. This might arise where the effects of a proposed activity will extend to more than one zone, or where space has been set aside in one zone for a particular activity and the question arises as to whether the activity should locate there or elsewhere.

**AD3.3** Issues, objectives, policies and methods of implementation are presented in common formats and numbering styles, to assist readers to identify the status of any particular part of the document. The following material illustrates the format in which they appear in the document and incorporates a definition in place of an actual objective, policy or method.

**AD3.4** Example shown below:

## Objective

### EG1

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*An "objective" is the desired result the community is seeking.*

#### Reasons

**EG1.i** Reasons for objectives follow the statement of the objective. Further explanation is contained in the discussion of the relevant issues in Chapter 4.

#### **policy**

##### **EG1.1**

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*A "policy" is what needs to be done to attain an objective. Several policies may be related to one objective. Policies generally:*

- a) focus on the effect to be managed in order to attain the objective*
- b) state how the effect is to be managed*
- c) provide guidance for deciding resource consent applications*

#### Explanation and Reasons

**EG1.1.i** Explanation and reasons for policies follow the statement of each policy. Further explanation may be found in the reasons for the relevant objectives.

## AD4 Methods

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### **AD4.1 Statements of methods**

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For each policy this Plan indicates the particular methods of implementation that will be used to implement the policy. There are many methods available to implement the policies. Methods are stated after the policies they refer to.

#### Methods

**AD4.1.i** A "method" is the action to be taken to implement the policy.

**AD4.1.ii** Methods are of various types as described below.

### **AD4.2 Regulatory methods**

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**AD4.2.i** Rules may prohibit, regulate or allow activities. The format and content of rules are discussed in sections AD6 (activities dealt with in rules) and AD7 (presentation of rules).

**AD4.2.ii** Designations are inserted in the Plan to provide for future or existing public works (See AD11.5 - designations).

AD4.2.iii Heritage Orders can be used to protect places of heritage significance and surrounding areas of land.

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### **AD4.3 Tax and subsidy methods**

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AD4.3.i The Council has very limited powers to impose taxes (rates) and slightly greater powers to make grants and subsidies to encourage resource management outcomes. Rates relief may be available for land on which historic or cultural features are voluntarily enhanced or preserved (such as by protective covenants), in accordance with the Council's policy under the Rating Powers Act 1998 from time to time.

AD4.3.ii Heritage Protection Fund money may also be available to protect heritage items.

AD4.3.iii Having regard to the net environmental benefit and the size of the property involved, Council may also offer assistance in the preparation of property plans (to be negotiated and agreed upon between the Council and the landowner), the implementation of which may provide a means of compliance with the Plan provisions for activities in the Archaeological Overlay and the Conservation Overlay.

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### **AD4.4 Economic instruments**

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AD4.4.i The Council might promote a market in transferable rights and permits.

AD4.4.ii Financial contributions have a role in internalising the costs of activities to improve resource decision making.

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### **AD4.5 Service delivery methods**

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AD4.5.i The Council directly achieving a required outcome by commissioning works or services.

AD4.5.ii Purchasing a resource or site in order to have management control.

AD4.5.iii Transferring the responsibility for certain actions and decisions to another organisation by way of a transfer of powers or delegation of functions.

AD4.5.iv The Major Projects Team is a group of inter departmental staff within Nelson City Council who provide pre-application advice to applicants on proposed major development projects.

AD4.5.v The Urban Design Panel is an independent group of urban design experts who provide advice on proposals (at pre- and post-application stage) which potentially have significant urban design issues.

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### **AD4.6 Information and education methods**

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AD4.6.i Advocating changes to central government policy and services.

AD4.6.ii Promoting and recognising industry codes of practice.

AD4.6.iiia Promoting, recognising and supporting initiatives, such as "self regulation" through certified environmental management systems, which are designed to contribute to achieving sustainable management.

AD4.6.iii Supporting negotiated agreements between parties to environmental issues.

AD4.6.iv Providing information and helping to raise awareness in the community about environmental issues and the effects of activities.

AD4.6.v Undertaking research and monitoring to gain an understanding of natural and physical resources and the effects of activities on the environment, including the assessment of risks.

AD4.6.vi Establishing and maintaining inventories of natural and physical resources.

## **AD5 Anticipated environmental results**

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**AD5.1** Anticipated Environmental Results are stated in a table in each chapter after the statements of methods. They state the practical results that the community could expect to see or experience as the plan is implemented.

**AD5.2** Performance Indicators are key factors to be monitored in order to assess whether or how well policies and methods are achieving the desired objectives. These are stated in the table of anticipated environmental results.

## **AD6 Activities dealt with in rules**

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### **AD6.1 Rules and activities**

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**AD6.1.i** Rules are used extensively in this Plan as a method to implement policies. Rules prohibit, regulate, or allow activities. Rules determine whether a resource consent is required for a particular activity. Activities that are prohibited, regulated, or allowed by the rules fall into five classes that reflect the actual or potential effect of the activity on the environment. The five classes of activity are: permitted activities, controlled activities, discretionary activities, non-complying activities, and prohibited activities.

**AD6.1.ii** These classes of activity are described below, together with their component parts, which include conditions, standards and terms, matters of control and assessment criteria.

### **AD6.2 Permitted activity**

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**AD6.2.i** Generally, in every zone except the Coastal Marine Area and the Open Space and Recreation Zone, if a land use is not regulated by a rule, then it is allowed without a resource consent. In the majority of zones, an activity is permitted if:

- a) the activity or its aspects or effects are not mentioned in the rules, or
- b) the activity or its aspects or effects is mentioned and it complies with the conditions stated for permitted activities in the relevant rule.

However, for activities in the beds of lakes and rivers, taking, damming or diversion of water and discharges may not be undertaken unless expressly permitted by this plan.

**AD6.2.ii** In the Coastal Marine Area and in the Open Space and Recreation Zone, permitted activities are those activities specifically described in the rules as permitted, which comply with the stated conditions. In these areas or zones, if the rules do not mention an activity or effect, then a resource consent is required.

**AD6.2.iii** A permitted activity may be carried out without a resource consent. Different rules may apply to different aspects of an activity (eg. noise, signs and vehicle access are dealt with in separate rules) and all relevant rules need to be read to see whether an activity is permitted or not.

**AD6.2.iv** The fact that a resource consent is not required does not always mean the activity may be undertaken as of right. A permit or consent may be required under other laws, apart from this Plan and the Resource Management Act (see Section 23 of the Act). For example, where a building in a particular zone is a permitted activity under this Plan, it may still require a building consent under the Building Act before work can commence.

**AD6.2.v** Certain activities, that would ordinarily require a resource consent, may continue without a consent if they were in existence before the Plan came into force,

subject to limitations set out in Sections 10 and 20 of this Act. These are referred to as “existing uses” rather than permitted activities.

### **AD6.3 Controlled activity**

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**AD6.3.i** A controlled activity is allowed only if a resource consent has been obtained. The activity must comply with any standards and terms specified in the rules. If the activity does not comply with the standards and terms, it will not be dealt with as a controlled activity, but as a discretionary or non-complying activity.

**AD6.3.ii** The Council must grant a resource consent for a controlled activity on almost all applications. A consent cannot be granted in a few cases where the consent would transgress a requirement of the Resource Management Act. Under sec 106 of the Act, Council can decline consent in circumstances, e.g. where subdivision involves hazard-prone land.

### **AD6.4 Discretionary activity and restricted discretionary activity**

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**AD6.4.i** A discretionary activity is allowed only if a resource consent has been obtained. The activity must comply with any standards and terms which have been specified in the rules. If the activity does not comply with the standards and terms, it will not be dealt with as a discretionary activity, but as a non-complying activity. In any cases, no standards and terms are specified. In these cases, the activity is deemed to be a discretionary activity.

**AD6.4.ii** The Council may decide to refuse an application for a resource consent, or grant it with or without conditions. Those conditions may relate to any relevant matters in the circumstances. In some cases, the Plan restricts the Council’s discretion to the consideration of particular matters. In these cases, resource consents may be refused, or conditions imposed, only in respect of the matters to which discretion has been restricted.

### **AD6.5 Non-complying activity**

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**AD6.5.i** A non-complying activity is allowed only if a resource consent has been obtained. The Council may decide to refuse an application for a resource consent, or grant it with or without conditions. A resource consent will not be granted for a non-complying activity unless either: the adverse effects will be minor, or it will not be contrary to the objectives and policies of the Plan (see section 104 of the Act).

**AD6.5.ii** Non-complying activities are those that contravene a rule but are not prohibited. Many non-complying activities are not the subject of special rules but arise automatically when the standards and terms stated in a rule are not complied with.

### **AD6.6 Prohibited activities**

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No resource consent will be granted and no application will be accepted for an activity that the Plan describes as a prohibited activity. The only avenue open to a person wanting to carry out a prohibited activity is to request a plan change. Information on the plan change request procedure may be obtained from the Council.

## AD6.7 Assessment criteria

Assessment criteria are to be used in the consideration of whether or not to grant resource consents and the imposition of conditions. The list of assessment criteria is not exhaustive. The Council must take into account all of the matters mentioned in section 104 of the Act. Assessment criteria are “other provisions” within section 104(1)(d) and have no priority over the other matters mentioned in the section, which include the effects on the environment, objectives and policies. Assessment criteria are provided as a guide to applicants and decision makers as to what practical matters will generally be considered. They do not restrict the Council’s discretion.

## AD7 Presentation of rules

### AD7.1 Rule text and rule tables

**AD7.1.i** Rules appear in each of the Zone Chapters after the objectives, policies and methods statements. They appear in two parts: in full page text, followed by double page Rule Tables. The full page text includes important introductory material, general conditions applicable to various activities and states the prohibited activities in each zone. Rules including District-wide rules also appear in both formats in the Appendices, although most commonly as specific as full-page text. These rules are linked to the Rule Tables either by direct reference within the Rule Table, or through overlays or other notations (e.g. designations) on the maps.

**AD7.1.ii** The Rule Tables indicate permitted, controlled, discretionary and non-complying activities. Rule Tables are arranged across two facing pages, reduced in the following illustration to fit a single page width:

#### rule table

Item	Permitted	Controlled	Discretionary/ Non-complying	Assessment Criteria	Explanation
This column indicates the activity or effect dealt with in this row of the table.	This column states the conditions that must be satisfied for the activity to be permitted.	This column states standards and terms that must be satisfied for the activity to be a controlled activity and the matters over which control is reserved.	This column states standards and terms that must be satisfied for the activity to be a discretionary activity, and whether discretion is restricted.  It may also indicate non complying activities.	To guide applicants, submitters and Council as to the matters which will generally be considered.  Not exhaustive.	Principal reasons for rules and explanation of the purposes of the rule to assist readers.  This column also includes cross references to other plan provisions and legislation.

### AD7.2 Cascade of rules

**AD7.2.i** Each row of the Rule Table presents rules that regulate or allow one activity, or type of activity, or effect. Read along the row from left to right to determine whether a proposed activity is permitted, controlled, discretionary or non-complying. This progression across the Rule Table is called a “cascade”.

**AD7.2.ii** If an activity satisfies the conditions stated in the permitted activity column, then it is permitted. If not, look to the next column (controlled). If it satisfies the standards and terms in the controlled column, it is a controlled activity. If not, then look at the next column (discretionary) to see if it fits the standard and terms stated there. If the activity satisfies the standards and terms in the discretionary

column it is discretionary. An activity can be non-complying if it is identified specifically as such or it may be non-complying if it does not meet the standards and terms required of a discretionary activity.

**AD7.2.iii** The discretionary column may state no standards and terms, in which case the cascade ends there: all activities that are not permitted or controlled are discretionary, and no non-complying activities arise in that row.

**AD7.2.iv** The fact that an activity meets the standards for a controlled or discretionary activity does not necessarily mean that a resource consent will be granted: it simply means that an application for a resource consent must be lodged and that the application will be considered as a controlled or discretionary activity as the case may be. Controlled activities have to be granted, except in limited circumstances set out in the Act.

**AD7.2.v** The assessment criteria column indicates some of the effects that are likely to be considered relevant to the decision to grant or refuse consent and, if granted, what conditions to impose, if any. Assessment criteria do not limit the Council's discretion, and any additional matters that might arise in a particular case may be considered.

**AD7.2.vi** The following fictitious rule is presented to provide an example of how the Rule Table works.

**rule table (fictitious example only)**

Item	Permitted	Controlled	Discretionary	Assessment Criteria	Explanation
<b>ADr.7 Wolf Farming</b>	Wolf farming is permitted if: a) No more than 4 wolves are kept per site. b) Noise from howling does not exceed 60dBA, Lmax. c) It is not in the Sheep Protection Overlay	Activities that contravene a permitted condition are controlled if: No more than 8 wolves are kept per site. Control reserved over: Sheep protection. Noise effects.	Activities that contravene a controlled standard are discretionary if: No more than 20 wolves are kept per site.	Effects of noise. Effects on sheep.	Wolves may have adverse effects on the environment, especially in the Sheep Protection Overlay.

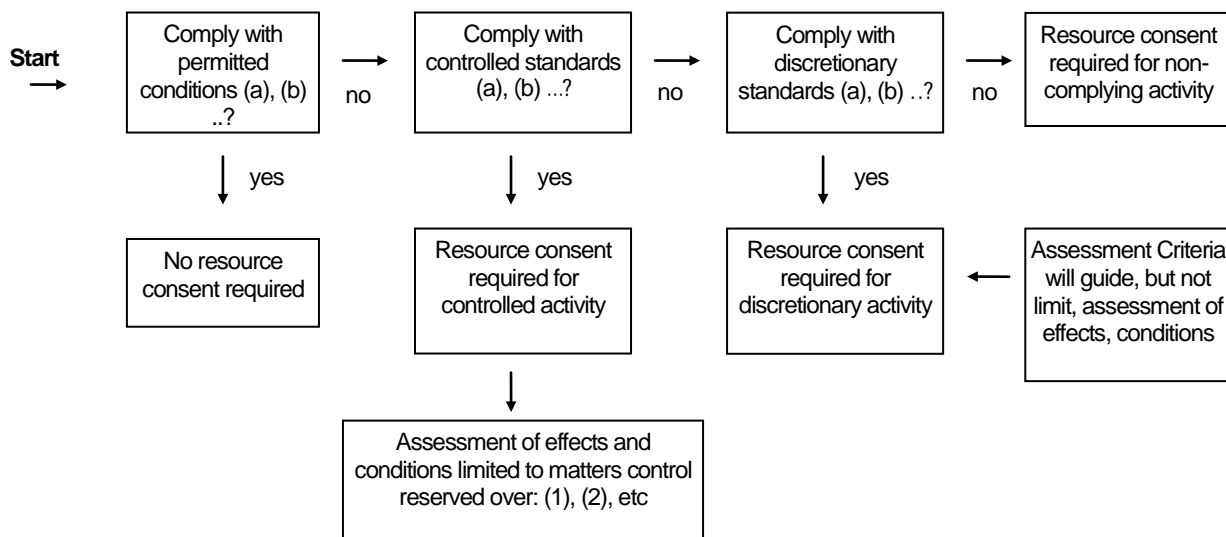
**AD7.2.vii** To illustrate the way this imaginary rule would work in practice, assume a wolf farmer wants to set up a new wolf farm with 15 wolves, of a silent breed. The farm is in the Sheep Protection Overlay shown on the Planning Maps. To determine if this proposed activity is permitted, controlled, discretionary or non-complying, the table should be read from left to right.

**AD7.2.viii** The left hand column indicates the general subject matter of the row. Moving along this row, we see that "permitted" states three conditions, (a), (b) and (c). Our proposal is within the noise limit (b), but breaches conditions (a) and (c). We therefore conclude that it is not a permitted activity and we move on to consider the controlled column.

**AD7.2.ix** In the controlled column, the only standard is (a) - no more than 8 wolves are kept per site. Our wolf farming proposal involves 15 wolves and therefore the activity is not a controlled activity. We move on to consider the discretionary column. (There is no need to consider the "control reserved over" items in the controlled column unless the activity is controlled).

**AD7.2.x** In the discretionary column, the only standard is (a) - no more than 20 wolves are kept per site. Our proposal complies with this and therefore is it a discretionary activity. The effects of the proposed farm, including effects on sheep and noise, will be taken into account by the Council when it decides whether or not to grant a resource consent, and if so, what conditions to impose. (If the proposal had been to farm more than 20 wolves, it would have been a non-complying activity).

**AD7.2.xi** The following chart illustrates the "cascade."



**AD7.2.xii** This flow chart represents the situation where the rule provides for permitted, controlled and discretionary activities. This is not always the case. Some rules in the Rule Tables have "not applicable" in one or more of the permitted, controlled or discretionary columns. This means that there is no activity of the class dealt with in that column.

**AD7.2.xiii** The cascade operates in the same way, moving from left to right across the row, even if not all activity types are used in a particular row. For example, if the permitted column contains only the words, "wolf farming is not a permitted activity," then there are no permitted activities under that rule and moving from left to right across the row, the first category to be considered is for controlled activities. Similarly, where "not applicable" is in the controlled column, that column is skipped and the activity cascades from permitted to discretionary. In this situation, activities that contravene a permitted condition are discretionary.



## AD8 Resource consents

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### AD8.1 General

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**AD8.1.i** Applications for resource consent must be made in writing to the Council and be accompanied by the application fee. Various procedural steps are required before a decision on the application can be made. These include checking the adequacy of the information supplied and the assessment of effects, deciding whether the application should be notified or not, and if required, arranging notification, receiving submissions, and arranging prehearing meetings and hearings if necessary. The Act sets time limits for the various steps and a clear structure for undertaking each step. For example, the consideration of whether to publicly notify any application for resource consent, or give limited notification is expressly controlled.

**AD8.1.ii** Resource consents are given different names depending on the type of activity they relate to. The types of resource consents are:

Consent Type	Example
Land use consent	Building, excavation and filling of land, day to day activities such as running a business, making more noise than allowed in a particular zone.
Subdivision consent	Subdivision of land, including cross leases and unit titles.
Coastal permit	Occupying space, e.g. for a wharf, dredging or reclamation.
Water permit	Taking water from a river or well.
Discharge permit	Discharging waste water into a river.

**AD8.1.iii** Land use consents lapse after five years if it has not been given effect to. An applicant may request a longer period if required. A land use, once established, may continue at the same character, scale and intensity without time restriction, unless the consent states otherwise. Other consents (apart from subdivisions) may be limited in time, with a maximum of 35 years.

### AD8.2 Information to be included with applications

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**AD8.2.i** Every application for a resource consent must provide a full description of the proposal and sufficient information to enable the Council and the general public to understand the nature of the proposal and its effects. Applications must be made in the prescribed form and manner and include an assessment of effects as prescribed by the Fourth Schedule of the Resource Management Act. Further information may be requested where the assessment of environmental effects is considered by Council to be inadequate, or the required information is not provided. Any application which replaces one already rejected by Council as being inadequate will be treated as a new application.

**AD8.2.ii** The Council has the power under Section 92 of the Act to require further information from the applicant for a resource consent in particular cases, so this list is not necessarily exhaustive.

All applications must include:

- names and addresses of all applicants and owners and occupiers of the land,
- address or location and full legal description, including a current copy of certificate of title for the land,
- reference to any other resource consent required with respect to the proposal,
- plans drawn to a metric scale (either 1:250, 1:200, 1:100 or an approved alternative) with a north point and showing at least:

- i) **Topographical Features**  
Existing landscape and natural features and showing how the site is to be modified. Information to be provided must include: the location and manner in which areas are to be planted, grassed, sealed or paved; details of screening of buildings or activities from the public view or from neighbouring properties.
- ii) **Appearance**  
Details indicating the design and appearance of all buildings on the property. The development should generally achieve a design that is consistent with the character of the area in which it is located. Design features that reflect the character of the area should be appropriately indicated.
- iii) **Site Layout**  
A plan showing the total site development indicating all relevant boundaries, areas and dimensions. In particular, it should show location of parking areas and landscaping and screening in relation to other site development and boundaries, and location of all existing and proposed buildings.
- iv) **Access**  
A plan showing the location and design of vehicular and pedestrian access to the site. The plan must show proposed and existing (if relevant) on-site developments (including signs and landscaping) and the location of neighbouring footpaths, accesses and intersections. In an urban situation, "neighbouring" means within 55m of the site; in a rural situation "neighbouring" means within 250m of the activity location or its vehicular pedestrian access to the site, whichever is the greater. Where the proposed activity is a non-residential, commercial, industrial, retail, recreation, education or health activity, then the plan, or a separate plan, shall also show how the proposal complies with the requirements of Appendix 11. Regards must be had to the location, design and safety of access in relation to vehicular and pedestrian movement and in respect of vehicular movement on adjacent roads and intersections set out in Appendix 11 of this Plan.
- v) **Car Parking**  
A plan showing the location, number and dimension of parking, loading, manoeuvring, queuing, and set down spaces and areas, and access. (See Appendices 10 - standards and terms for parking and loading, Appendix 11 - access standards, and Appendix 12 - tracking curves).
- vi) **Hazards**  
All hazards should be identified and the means of avoiding, remedying or mitigating adverse effects of the activity specified.
- vii) **Heritage and Cultural**  
Any heritage and cultural items, places, buildings and trees referred to in this Plan either in the site or on adjoining sites. (Photographs of such items, where relevant, may also be useful).

AD8.2.iii Chapter 13 (Coastal Marine Area) contains detailed requirements for information to be included with applications for coastal permits.

### **AD8.3 Information to be included with subdivision applications**

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Applications for subdivision consents must include the information required for other resource consents, set out above (where relevant), and the following additional material:

- a) The legal description and current copies of certificates of title for the land proposed to be subdivided.
- b) A location diagram showing the proposed subdivision in relation to the district.
- c) A plan at an appropriate scale (either 1:250 or 1:200 or an approved alternative) defining all allotments and balance areas and the position of all new boundaries.

- d) Areas and dimensions of all allotments must be shown on the plan, except where the subdivision is to be effected by cross lease, company lease, or unit plan.
- e) Provision for safe vehicular access.
- f) Legal descriptions of contiguous land and names of landowners.
- g) Identification of any adjoining land of the subdividing owner.
- h) Location and areas of existing and new reserves, including esplanade reserves and strips.
- i) Location and areas of land below mean high water springs or any river or lake bed to be vested in the Crown or the Council.
- j) Details of any land or structure on the land that is, or is likely to be, subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source.
- k) All existing buildings, structures and significant topographical features such as land forms, watercourses, flood channels, trees, fences, pipes or drains.
- l) A statement of yards, bulk and location of existing buildings on net allotments and a plan if requested.
- m) The location and proximity of areas, buildings, objects, sites or natural features of special value listed in the Plan and any other archaeological or heritage sites or features.
- n) Any traditional, cultural or spiritual site or feature or any other aspect having special significance to the tangata whenua.
- o) Existing and proposed services such as storm water, sewerage, water supply, electricity and telephone, to be indicated on the subdivision plan.
- p) Proposed tenure and use of access lots, rights of way and easements.
- q) Location and areas of land to be set aside as roads and access and width and grade of any road and access.
- r) Sufficient accompanying information to enable the Council to determine whether the proposed subdivision meets the requirements of the Plan.
- s) Any proposed amalgamation conditions, covenants and consent notices.
- t) The standard of the legal roads providing legal fronting and access.
- u) Provision for on site drainage.
- v) Proposed areas of cut and fill.
- w) In the case of land to be subdivided in stages, the above information presented separately in regard to each stage for which subdivision consent is not immediately sought, with an indication of the proposed timing for each stage.
- x) In the case of land in the Rural Zone, or in any Hazard Overlay or Landscape Overlay, identification of any proposed building sites.
- y) A statement on fire safety requirements in regard to proposed party walls and buildings on boundaries.
- z) Where a subdivision abuts a State Highway, a written statement from the NZ Transport Agency on the proposal.
- aa) A copy of all conditions from the Council's condition book relating to the land (if any).
- bb) Whether the land to be subdivided contains hazardous or contaminated material.
- cc) Where directed by rules and assessment criteria the residential subdivision design and information requirements under Appendix 14.
- dd) Any information required by any Structure Plan or contained in any Schedule.

## **AD8.4 Assessment of Effects**

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**AD8.4.i** Applications must include an assessment of any actual or potential effects that the activity may have on the environment and the ways in which adverse effects may be mitigated. The Assessment of Effects must be of such detail that is consistent with the scale and significance of the likely actual and potential effects of the proposal. In the case of a controlled activity, the assessment needs to cover only the matters over which control is reserved, as stated in the relevant rules.

These are stated in the controlled column of the Rule Table, and in the rules that precede the Rule Table, in each zone chapter.

**AD8.4.ii** The Fourth Schedule of the Act sets out the matters which should be addressed in an Assessment of Effects. In preparing such an assessment, consideration should be given to any positive effect as well as any adverse effect. In addition to those matters specified in the Fourth Schedule, assessments should include, where appropriate, an assessment of effects on:

- a) adjacent activities in terms of such effects as noise, traffic generation, shade, dust, smell, vibration, glare.
- b) existing and proposed infrastructure including road networks, storm water services, sewerage, water supply.
- c) disposal and storage of effluent, solid waste and hazardous substances.
- d) the social, economic and cultural well-being of the community
- e) any special localities, areas, buildings, objects, sites or natural features of special value identified in the Plan
- f) amenity values of a locality
- g) natural hazards

## **AD8.5 Notification**

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**AD8.5.i** All resource consent applications have to be publicly notified, except as provided in sections 93 and 94 of the Act. Under this Plan, applications will generally not be publicly notified in these cases:

- a) activities for a controlled activity, or
- b) where Council is satisfied that the adverse effects of the activity on the environment will be minor.

**AD8.5.ii** For those activities qualifying under clause 8.5.i above, Sec 94(1) of the Act still requires Council to serve limited notification of the application on all persons who may be adversely affected by the activity, even if some of these persons may have already given their written approval. However, this limited notification is not required if all persons who may be adversely affected have given their written approval.

**AD8.5.iii** Notwithstanding clauses 8.5.i and 8.5.ii above, Council:

- a) will notify a controlled activity where the Plan expressly provides it must be notified;
- b) is not required to notify a restricted discretionary activity if a rule in the Plan expressly provides it does not need to be notified; and
- c) does not need to serve notice for a controlled or restricted discretionary activity if a rule expressly provides that notice is not required.

**AD8.5.iv** Where Council considers that a proposal (which is not a controlled activity) may have more than a minor adverse effect on the environment, the application is required to be publicly notified.

**AD8.5.v** Applications that include sufficient information will be notified within 10 working days of being lodged with the Council. Notice will be served on every person required by the regulations to the Act. Notice will also be advertised in an appropriate newspaper and displayed on the site. Submissions on an application may be made by any person, who must lodge them with the Council within 20 working days and serve them on the applicant.

**AD8.5.vi** Council is required to publicly notify an application in accordance with the Act if requested to by an applicant. Council may also notify an application if it considers special circumstances exist.

## **AD8.6 Hearings**

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**AD8.6.i** A hearing is a meeting where the Council (or a committee, or a commissioner, or someone to whom decision making has been lawfully delegated) hears an explanation of a proposal and the reasons for submissions. Hearings are generally held when submissions have been received in respect of a resource consent application, a plan change or a review of the Plan.

**AD8.6.ii** A prehearing meeting may be held to clarify, mediate, or facilitate resolution of matters and issues before a hearing. The Council may, on its own initiative, or upon request, invite applicants and submitters to meet each other and other people as the Council thinks fit.

**AD8.6.iii** Advance notice of the date, time and place of hearing is always given. The applicant and any person who had lodged a submission or persons representing them, will be given the opportunity to express their point of view. The Resource Management Act sets out various requirements for hearings. It requires that unnecessary formality be avoided, tikanga Maori be recognised where appropriate, questioning of parties and witnesses is restricted to questions from the chairperson and members of the hearing body, and cross examination is not permitted. (See Sections 39 - 42A, 100-103). A degree of formality will often be necessary to ensure that everyone gets a fair hearing and the principles of natural justice are observed.

**AD8.6.iv** Following the hearing the Council will make a decision and indicate its reasons in writing.

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## **AD8.7 Decisions**

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In making its decision the Council is required to have regard to various matters stated in section 104 of the Act. The full section should be read. The following matters from section 104 will be relevant: Part II of the Act; the effects on the environment of allowing the activity; national policy statements; New Zealand Coastal Policy Statement, Regional Policy Statement, objectives, policies and rules of any relevant Plan, Proposed Plan, and other matters that are relevant such as regulations and designations or heritage orders. Council may disregard an adverse effect on the environment if the Plan permits an activity with that effect.

(This paragraph does not attempt to give a full description of the Council's decision making process.) Section 105 includes additional matters which require consideration with respect to certain applications.

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## **AD8.8 Conditions of consent**

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The Council, in granting a resource consent, may include one or more conditions which are considered appropriate (see Section 108 of the Resource Management Act 1991).

The conditions may include:

Any matter to avoid, remedy or mitigate adverse effects likely to arise from the activity and to assist in achieving the desired outcomes identified in the Plan.

Requirements to ensure positive effects to offset any adverse effect.

Bonds or covenants or both to ensure performance or compliance of any conditions imposed.

Financial conditions in the form of money, land, works (including planting, restoration or enhancement of the locality) or services, or a combination of these, as required. (See Chapter 6 – financial contributions).

An administrative charge in respect of processing applications, monitoring and supervision of resource consents.

Notice that some or all conditions may be reviewed at some time in the future.

Conditions requiring the consent holder to carry out certain monitoring regarding the effects of their activities.

Any other condition that the Council considers appropriate.

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## **AD8.9 Appeals**

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An appeal may be made to the Environment Court (Planning Tribunal) against the whole or any part of a decision of the Council of a resource consent application (see sections 120 and 121 of the Resource Management Act 1991). There is a limited time to appeal. If you are not sure about your rights or the procedures in relation to appeals, you are advised to seek qualified advice. A limited time period is available for those who are not a party to appeal proceedings to become a party with proper notice to the Environment Court.

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## **AD8.10 Objections**

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Applicants who are dissatisfied with a decision of the Council may in certain circumstances lodge an objection and obtain a further hearing by the Council. The full circumstances for objections are set out in section 357 of the Act. One common situation where an objection may be lodged is in respect of a condition imposed where a subdivision consent is granted.

## **AD9 Property plans**

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### **AD9.1 The concept of a property plan**

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Property plans apply in rural areas, as appropriate. There is no direct provision for Property Plans contained within the Resource Management Act, although they could be considered as an alternative method under Section 32. In their simplest form property plans are a “bundle of resource consents” applied for and considered by Council all at the same time along with their associated explanations, assessments of effects, and conditions of consent. Property plans are prepared jointly by the landowner and the Council in a co-operative manner with each party contributing as appropriate to the information contained within the plan. Property plans usually address matters related to Part II of the Act on that particular property.

In the Nelson Resource Management Plan matters related to Part II of the Act are generally addressed through the use of overlays. These include but are not limited to landscape, conservation features, riparian margins or archaeological sites. It is not essential that an individual property plan deals with all Part II matters and the plan may be restricted to one or two key issues.

### **AD9.2 Content of a property plan**

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A property plan needs to:-

- a) Contain adequate resource information.
- b) Contain adequate description of the activities proposed.
- c) Contain an assessment of the likely effects of the proposed activities on the natural and cultural values contained within the property.
- d) Specify what activities the Property Plan covers.
- e) Specify any necessary conditions to be observed when undertaking works.
- f) Specify the period of the Property Plan.
- g) Specify under what circumstances or where additional conditions or resource consents will be required.

### **AD9.3 Optional content of a property plan**

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Other matters which a Property Plan might contain include:-

- a) A commitment to active management and/or protection of significant features. This could include fencing of sites, pest control, covenants to be created, public access provisions.
- b) A cost sharing commitment for any active management, for example Council contribution to fencing or commitment to rates relief.
- c) A statement of any additional development rights which are conferred on the property in return for active protection of significant features. In the example of the fencing and protection of a bush remnant, this may include consent to an additional subdivision lot or to the construction of an additional dwelling house.

### **AD9.4 Involvement of affected parties**

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Affected parties or those representing some aspect of public interest will be consulted and their input sought. Likely groups include Iwi and Department of Conservation. Where appropriate, parts of the property plan requiring resource consents will be publicly notified.

### **AD9.5 Advantages of a property plan**

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The concept of Property Plans may have many advantages for both the Council and for the landowner. In the Council's case the Property Plan achieves:

- a) integrated land management on a property by property basis.
- b) information transfer and consultation with landowners.
- c) refinement of resource management information on a property by property basis
- d) a vehicle by which Council can apply any works or grants to achieve resource management outcomes.
- e) a reduction in the number of consents it needs to deal with for individual properties.

In the landowners case the Property Plan has the following advantages. It:-

- a) removes the need to apply for a large number of ad hoc resource consents.
- b) reduces the time and monetary cost of compliance with the District Plan.
- c) may include agreement from Council to contribute to works, grants rates relief and permit additional development in return for active protection of significant features.
- d) may provide additional information and research into resource management issues related to the property (e.g. an archaeological survey).

## **AD10 Relevant documents**

### **AD10.1 Land information memorandum**

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A Land Information Memorandum (LIM) may be obtained from the Council in respect of any property. It is a means of ascertaining information held by the Council in respect of land and development and can assist in planning the use of a site and preparing resource consent applications. A fee is payable on application for a LIM.

### **AD10.2 Documents related to this Plan**

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#### *AD10.2.i Design Guides*

Several design guides or documents setting out desired design outcomes are referred to or accompany this Plan. Three are included in the Appendices and are part of this Plan:

- a) Guide for subdivision and structures in the Landscape Overlays (Appendix 7).
- b) Comprehensive Housing Development (Appendix 22).
- c) Design guide and rules for Wakefield Quay (Appendix 23).

Additional guides not contained in the Plan:

- a) Design Guide for South Street Heritage Precinct.
- b) Design Guide for Elliott Street Heritage Precinct.
- c) Design Guide for Fountain Place Heritage Precinct.
- d) Design Guide for Russell Street Heritage Precinct.
- e) Design Guide for Alton Street Heritage Precinct.
- f) Design Guide for Seymour Avenue Heritage Precinct.
- g) Design Guide for Dear Cottages (Rutherford Street) Heritage Precinct.
- h) Design Guide for Nelson City Centre.

The guides, including those not contained in the Plan, will be used in the consideration of relevant applications and the imposition of conditions.

#### *AD10.2.ii Nelson City Council conditions register*

This contains information about conditions or constraints that apply to specific sites. It records such matters as previous slips, uncontrolled filling, inputs from geological reports, and engineering constraints such as those related to drainage and sewerage, as well as conditions that have been placed on the property as part of any building consent or resource consent. Some of this information has been included on the Planning Maps. However the Conditions Register is more site specific, and can be more up to date as information may be added or deleted as it is no longer relevant. The Conditions Register can also include matters which are outside the scope of the Plan.

The register is linked to Council's Geographic Information System database on computer, and is used to generate information for Land Information Memoranda. It should be referred to by potential purchasers or developers.



### ***AD10.2.iii Nelson City Council Land Development Manual 2010***

The Council has a Land Development Manual (LDM) which includes both design guidance and minimum standards for subdivision and development. The Manual represents quality urban design and engineering practice and includes design features and standards that are acceptable to the Council. The Manual will be regarded as an acceptable means of compliance with requirements of the Plan and any conditions of consent. It contains minimum design and construction standards as well as design guidance. Minimum standards are differentiated from design guidance for the purpose of assessing compliance with the NRMP rules, as defined in Section 1.1.1 General of the LDM. The Council recognises there may be other acceptable means of compliance, in which case proposals should be accompanied by appropriate supporting detail at the time of resource consent application. The Land Development Manual 2010 is an externally referenced document, and as such has effect as if it is part of the NRMP.

### ***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**

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### ***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.

### ***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.

### *AD10.3.ix Historic Places Trust register*

Entries were taken into account in compiling the heritage provisions of this Plan.

### *AD10.3.x Fisheries regulations*

There are freshwater fisheries regulations administered by the Fish and Game Councils which may have relevance to resource management.

These include the Wildlife Regulations 1955, Annual Game Notices, Fresh Water Fisheries Regulations 1983, and Anglers' Notices.

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## **AD11 Plan construction**

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### **AD11.1 Planning maps**

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**AD11.1** The Planning Maps in Volume 4 are an integral part of this Plan. They contain the following information:

- a) cadastral base (a map showing property boundaries).
- b) zones and areas.
- c) overlays.
- d) scheduled land (eg. hospital, quarries).
- e) designations.
- f) information to aid location and interpretation of maps.

Two maps cover each part of the District. They are presented on facing pages of the Planning Maps. The left hand page presents designations, areas and some overlays. The right hand page presents more areas and overlays, the zones, and scheduled sites. Both maps need to be read together.

The relationship of the various layers is shown as follows:

**AD11.1.ii** The area subject to this Plan is the whole District including the Coastal Marine Area. The Coastal Marine Area extends seaward from mean high water springs to the outer limits of the territorial sea ("12 mile limit"). The Planning Maps show where the boundary of the Coastal Marine Area crosses rivers, usually inland of the general line of mean high water springs.

### **AD11.2 Description of zones and areas**

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**AD11.2.i** All land and sea subject to this Plan is contained within one of eight zones or areas. The reasons for the zoning approach are stated in Chapter 5 (district wide objectives and policies). The zones are: Residential, Inner City, Suburban Commercial, Industrial, Open Space and Recreation, Rural and Conservation Zones, as well as the Coastal Marine Area.

The Coastal Marine Area is not a zone. This allows the provisions of both Chapter 13 (Coastal Marine Area) and Chapter 10 (Industrial Zone) to apply to that part of the Coastal Marine area in the port which is occupied by wharves or ships at berth, and which is zoned industrial. Where there is any conflict between the two sets of provisions, the provisions of Chapter 13 (Coastal Marine Area) shall take precedence.

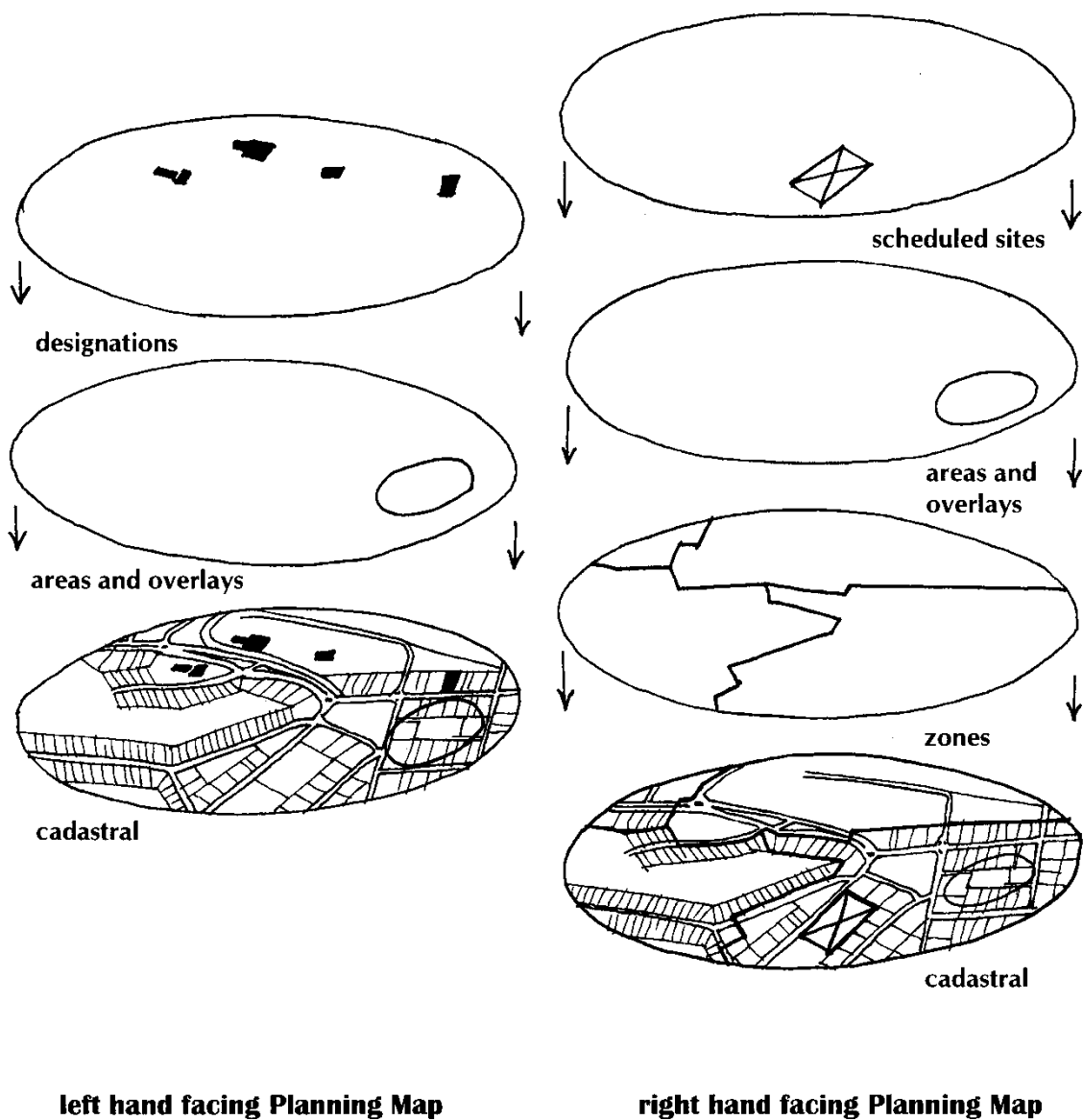
**AD11.2.ii** All rules that affect activities in any one zone or area are largely contained within the relevant zone or area chapter of this Plan, supplemented by the information in Chapters 1 to 6, and the Appendices. Where rules seek to protect values in another zone or area, the appropriate objectives and policies will be found in that other zone or area. An example of this is in the Inner City Zone, where the effects of activities on the surrounding Residential Zone are taken into account by applying more stringent performance standards to activities near the zone boundary.

**AD11.2.iii** Unless otherwise stated, all rules for the zone are applicable to all land in any one zone.

Within some zones, particular areas are identified. Areas may be subject to additional policies or rules, or policies and rules which are more specific than those applying in the remainder of the zone. Additional policies or rules apply in addition to the policies or rules for the rest of the zone. Policies and rules which are more specific than a general policy or rule apply instead of that more general provision e.g. if an Area provides for a maximum building height of 12m, while the general rule provides for 7.5m, then 12m shall prevail within the land covered by the Area.

The Areas are described below:

<b>Residential Zone</b>	Lower Density Area Higher Density Area
<b>Rural Zone</b>	Lower Density Small Holdings Area Higher Density Small Holdings Area
<b>Inner City Zone</b>	Intense Development Area City Centre City Fringe
<b>Suburban Commercial Zone</b>	Leisure Area
<b>Industrial Zone</b>	Tahunanui Area Vanguard Street/St Vincent Street Area Port Area Nayland Road South Area Saxtons Area Airport Area



AD11.2.iv Except for the Industrial Zone, these areas are identified separately on the Planning Maps. In the Industrial Zone, the Areas are the entire portion of the Zone in the locality mentioned.

**AD11.3 Description of overlays**

AD11.3.i Overlays are mapped areas of the city in which particular issues arise. The overlay boundaries do not follow zone boundaries. Not all land is contained in an overlay area. Some land is covered by two or more overlays. In an overlay, plan provisions apply that do not apply to land elsewhere in a zone. The provisions may be additional to the policies or rules that apply throughout the zone or area, or they may be more specific. The overlays are:

### *Hazard Overlays*

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Fault hazard overlay	Grampians slope risk overlay
Tahunanui slump core slope risk overlay	Tahunanui slump fringe slope risk overlay
Flood path overlay	Inundation overlay
Flood overlay	

### *Heritage Overlays*

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Heritage buildings, places and objects	Heritage precincts
Heritage and landscape trees	Archaeological sites
Wakefield quay precinct	Archaeological overlay

### *Other Overlays*

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Coastal environment overlay	Landscape overlay
Proposed road	Service overlay
Riparian overlay	Road to be stopped
Conservation overlay	View shaft overlay
Land management overlay	Potential quarry overlay
Airport effects control overlay	Marine ASCV overlay
Port effects control overlay	Schedule frontages
	Airport effects advisory overlay

## **AD11.3.1**

### **Hazard overlays**

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The Hazard Overlays are the basis for regulation of activities, but in relation to the actual hazards on a particular site, should NOT be regarded as a substitute for site specific information including that held by the Council in its conditions book, subdivision files, site files, and GIS database. In particular, the Hazard Overlays do not include areas of unconsolidated fill such as old landfill sites, contaminated sites, localised foundation problems or instability features. Where purchase or development of a site is intended, it is recommended that the most accurate and up to date information held by the Council is obtained. This can be done through Land or Project Information Memorandums requested from the Council.

#### a) Fault Hazard overlay

The Fault Hazard overlays are based on the best information available to the Council at the time the Plan was notified. The Overlay contains those known fault traces considered to be active or potentially active. It is anticipated that as development continues within Fault Hazard Overlay areas, that the precise location of fault traces will become better known. Those purchasing or contemplating development of properties located within the Fault Hazard Overlays should obtain the most up to date information held by the Council regarding the precise location of fault traces prior to proceeding. The Overlays indicate areas within which the fault traces are thought to lie. Because most fault traces have not been accurately mapped, an area wider than that which could be affected by any fault rapture has been indicated (the mapped areas are generally 150m wide). It is anticipated that as a better understanding of the risks and location of fault traces is obtained, the extent of the overlay may be reduced by plan changes in the future.

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.

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### **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**

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**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 Council's Land Development Manual. (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**

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#### **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.



#### f) Wakefield Quay Precinct

Is an area where special bulk and location, and design controls apply in order to protect the special character of the area. While it contains a number of heritage buildings, it is not a heritage precinct.

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#### **AD11.3.5 Conservation overlay**

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Covers areas of significant conservation value (“ASCVs”), outside the Conservation Zone. This is to recognise and provide for the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development, and the protection of significant indigenous vegetation and habitats of indigenous fauna.

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#### **AD11.3.6 Marine ASCV (Areas of Significant Conservation Value) overlay**

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Covers area of significant conservation value (“ASCVs”) within the Coastal Marine Area. This is to recognise and provide for the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development, and the protection of significant indigenous vegetation and habitats of indigenous fauna.

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#### **AD11.3.7 Coastal environment overlay**

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**AD11.3.7.i** The Coastal Environment Overlay identifies land in the coastal environment where the natural character is such that the elevation of any activity proposed within the overlay justifies not only the consideration of the nature of the activity, but also its effect on the natural character of the coastal environment. It should be noted that the term ‘Coastal Environment Overlay’ is quite distinct from the term ‘Coastal Environment’, while including extensive areas above the mean high water mark, is located largely within the Coastal Marine Area (definition found in Chapter 2, Meanings of Words).

**AD11.3.7.ii** The overlay is intended primarily for activities outside the Coastal Marine Area. For this reason, the seaward boundary is generally mean High Water Springs. The notable exception to this is adjacent to the Port Industrial Zone where the overlay extends over the sea to coincide with the Port industrial zone.

**AD11.3.7.iii** The inland boundary of the coastal environment overlay was adopted on the basis of a variety of criteria, which were given different weightings in different localities. In the northern rural areas of the District, the inner boundary of the coastal environment overlay has been positioned generally to follow the line of the nearest dominant ridge inland from the sea, largely on the basis of landscape and geographical considerations and the relatively high degree of remaining natural character.

**AD11.3.7.iv** In urban and industrial areas abutting the coast, the boundary has been drawn generally to exclude “built” areas from the coastal environment overlay, because while these areas still possess a level of natural character, they have been extensively modified. However, the port area was included within the overlay, because the remaining natural character was offset by the potential for land-based activities to affect the adjacent Coastal Marine Area.

**AD11.3.7.v** In the Stoke Bypass, Rocks Road, Nelson urban, and Atawhai areas, the inner boundary of the coastal environment has been located a few tens of metres inland from Mean High Water Springs because of the extent to which activities on land affect the adjacent Coastal Marine Area, access, and the extent to which an area is subject to coastal processes (or may be in the future, as a result of sea level rise). In these areas, the outer edge of the coastal highway is a convenient and readily identifiable place to position the boundary. In the Airport/Nelson Golf Course/Tahunanui Beach area the boundary has been drawn further inland in recognition of the significance of public ownership of land (conservation values are more readily preserved on publicly owned land) and coastal erosion in these areas.

AD11.3.7.vi Overall, the boundary is considered to have both landscape and ecological significance, to be readily identifiable on the ground, and to be appropriate for the purposes of giving effect to the Act and to the New Zealand Coastal Policy Statement. The location of the boundary of the Coastal Environment Overlay is shown on the Planning Maps.

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### **AD11.3.8 Land management overlay**

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Indicates land that is especially sensitive to activities that cause erosion and sedimentation, particularly vegetation clearance, soil disturbance and earthworks. The Overlay comprises mostly the land in Land Management Zone C in the NCC Land Disturbance Regional Plan, which is to be replaced by this Plan.

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### **AD11.3.9 Riparian overlay**

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AD11.3.9.i Indicates rivers and the coast whose margins have been identified as having values for esplanade purposes. These values may be conservation (water quality, aquatic habitat, natural values), public access, hazard mitigation, or a combination of these.

AD11.3.9.ii Appendix 6 Table 6.1 contains a listing of values for all rivers and the coast shown as Riparian Overlay on the Planning Maps. The values listed are matters to be taken into account when deciding resource consents (other than controlled activity subdivision consents) or plan change applications. Specific Provisions for controlled activity subdivisions consents are listed in Appendix 6 Table 6.2.

AD11.3.9.iii Appendix 6 Table 6.2 contains a listing of all parts of rivers within the Riparian Overlay on the Planning Maps for which, esplanade reserves or esplanade strips will be acquired when a subdivision takes place, or they may be required as a condition of a resource consent when there is a change of land use activity on the site. Appendix 6, Table 6.2 sets out whether an esplanade reserve or an esplanade strip is required, the side of the river it is required, the values that it is intended to protect, and its width (including from MHWS). Rules are included in each zone to protect the esplanade values in the interim, before esplanade reserves or strips are implemented.

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### **AD11.3.10 Road overlays**

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Proposed Road Overlay, and Road to be Stopped Overlay cover areas where the road network is to be extended or modified in some way. No rules apply to the Road to be Stopped Overlay. The Road to be Stopped Overlay is for information only, and will be taken into account in considering resource consent applications (e.g. when considering the roading pattern for a subdivision consent). Road alignments shown in the Proposed Road Overlay are indicative only and are considered as a standard and term under the Services Overlay - Building Rules, and matters of discretion and assessment criteria under the Subdivision Rules. Roads may also be designated in the Plan from time to time as required. See AD11.5 (designations) below.

In relation to Indicative Roads shown on a Structure Plan refer to AD11.4A for explanation.

Showing roads to be stopped in the Plan is only the beginning of a process. To be formally stopped, either the gazettal procedure under the Public Works Act, or the procedures under the Local Government Act must be used. The latter Act provides for public submissions and the resolution of disputes by the Environment Court. The gazettal process will only be used to stop roads or parts of roads where public access and usage are not materially affected. Otherwise, the Local Government Act, Tenth Schedule, process will be followed.

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### **AD11.3.11 Potential quarry overlay**

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Indicates places where a rock resource is identified in order that it is protected from inconsistent land uses that would prevent the resource being quarried in the future.

### **AD11.3.12 Scheduled frontages**

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Property frontages within the City Centre with high pedestrian use, where special account is taken of pedestrian needs, eg. verandahs are required.

### **AD11.3.13 Airport effects overlays**

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Indicate areas likely to be subject to the effects of certain predicted noise levels from the operation of Nelson Regional Airport. The lines which form the boundaries of the Airport Effects Advisory Overlay represent noise levels predicted for the year 2020 from aircraft movements to and from the airport. From a 1994 base the predictions assume 10% growth in aircraft movements per year until 1999 and then 3% per annum for 21 years.

#### **a) Airport Effects Control Overlay**

The outer limit of the Airport Effects Control Overlay represents a predicted noise level of Ldn 60 dBA (34.6 Pasques). The outer line has been slightly adjusted to take into account property boundaries. Land within this overlay is expected to be exposed to potentially high noise levels from the airport. Rules in the Plan restrict the density of housing in the Effects Control Overlay to avoid increasing the number of residential units exposed to the noise. Acoustic insulation is required for new residential units or significant alterations to existing units. Where resource consents are required (eg for activities that are not residential, as defined in the Plan), the effects of noise will be taken into account. The approximately Ldn 65 dBA (109 Pasque) contour (the Airnoise Boundary), which is within the inner edge of the Airport Effects Control Overlay, also regulates the maximum noise levels that the aircraft operations can generate at the airport. This line is based on aircraft movement growth to 2020, at the rates stated above.

#### **b) Airport Effects Advisory Overlay**

This is the area between the Ldn 60 dBA (34.6 Pasque) and the Ldn 55 dBA (10.9 Pasque) predicted noise level boundaries. The lines bounding the overlay have been adjusted to take account of property boundaries. There are no rules that apply to the Airport Effects Advisory Overlay. It is for information - to advise people of the levels of noise that the area is likely to be subject to in the future. The presence of the Effects Advisory Overlay may be taken into account when resource consent applications are being considered.

### **AD11.3.14 Port effects control overlays**

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Indicates an area likely to be subject to the effects of noise levels from the Port Industrial Area.

The outer limit of the Port Effects Control Overlay represents a predicted noise level of 55 dBA L<sub>dn</sub>. The line has been slightly adjusted to take in property boundaries. Land within this overlay is expected to be exposed to varying degrees of noise levels from port operations depending on the location of the land with respect to the Port. Rules in this Plan place some restrictions on housing in this area to avoid increasing the number of residential units exposed to the noise.

Acoustic insulation is required for new residential units or alterations to existing units. Where resource consents are required (eg for activities that are not residential, as defined in the Plan), effects of noise will be taken into account.

### **AD11.4 Scheduled sites**

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**AD11.4.i** Some activities are located in zones where they do not comply with the ordinary zone standards. An example is a service station in the Residential Zone. Confinement to commercial areas would not allow the necessary distribution of such services across all areas of the city. These activities are provided for by scheduling and

regulating them especially on their identified site. The intention of this is to ensure the continuation of a service to the community and protect the investment committed to buildings and site development. Opportunity to expand on site may be provided for such activities, which is a more liberal regime than existing use rights provided for under section 10 of the Act.

**AD11.4.ii** Schedules are also used in the Open Space and Recreation Zone to indicate permitted activities in different classes of land within that zone.

**AD11.4.iii** The rules that apply to the activity and site are stated in the relevant schedule. The schedules are located after the rule table in the relevant zone. The relationship between the schedule and the rule table is set out within each schedule.

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## **AD11.4A Structure Plans**

**AD11.4A.i** Structure Plans are used to achieve the integrated management of the effects of developing larger areas of land, often held in multiple ownership, particularly in an urban or urban fringe context. A Structure Plan provides an overall plan to guide integration of those elements that will achieve a quality urban environment (ie streets, walkway/cycleway connections, open space and natural values, character and activities). These elements may also exist in areas of Rural zoning where they link more urban neighbourhoods or are adjacent to urban areas. Requiring that development proceed in general accordance with the Structure Plan will ensure that individual landowners incrementally work in a co-ordinated and orderly way towards a planned and sustainable urban environment.

**AD11.4A.ii** The Structure Plans are located either within Scheduled Sites for various locations and zones throughout the district, for example in the Residential and Rural Zone rules (Chapters 7 and 12), and/or in the planning maps contained in Volume 4 of the Plan. Structure Plans incorporated in the Nelson Resource Management Plan have the effect of a rule and must be complied with to the extent specified in the relevant rule.

**AD11.4A.iii** A number of the specific resource management issues that may affect any future development area are covered by overlays on the planning maps, and to avoid duplication of spatial information these are not shown on the Structure Plans. Rules relevant to those overlays are located in the rule table in the relevant zone. The zone and area maps, overlays, zone rules and Structure Plans, and schedules if relevant, need to be read together in determining the status of activities and issues that may impact on the pattern and intensity of development.

**AD11.4A.iv** The Structure Plans may include zones where the pattern and intensity of development that exists or is anticipated for an area and/or adjoining areas may assist in explaining the location, linkage and scale of transportation, service and other linkages across parcels of land within the Structure Plan area.

**AD11.4A.v** Other information that may be shown on the Structure Plans includes the items below. Sections AD11.4A.v - AD11.4A.ix provide the definition and intent of these items:

- a) **Indicative Roads:** The purpose of indicative roads on Structure Plans is to achieve good integration between land use and transport outcomes, having regard to the intensity of development and providing a choice in transport routes where appropriate. They are also used to ensure road linkage between different physical areas or catchments (e.g. valleys) which will enhance transportation outcomes, contact between communities, access to key commercial services, amenities and community facilities, and improve the quality of the urban environment. They do not show the full roading network required to service any future development of the area. The indicative roads may potentially arise in a wider context than merely the Structure Plan area.

- b) Walkways: The purpose of the walkways on Structure Plans (these can also be cycleways where the terrain is suitable) is to promote recreational opportunity through off-road linkages within and surrounding the urban area, to provide for choice in transport modes, and to promote the safe and efficient movement of people and vehicles by resolving potential tensions between pedestrians, cyclists and motor vehicles.
- c) Biodiversity Corridors: The purpose of Biodiversity Corridors is to contribute to natural values within, through, and beyond the urban environment, and assist where appropriate in meeting the open space, recreational, riparian, low impact storm water management, landscape setting and amenity objectives of quality urban design. In addition Biodiversity Corridors recognise and help preserve the cultural significance of water, native vegetation and native aquatic flora and fauna to Maori. Where these objectives can be met in proximity to a water way identified in the Plan, the Biodiversity Corridor will wherever practicable include any existing Riparian Overlay. "Biodiversity Corridor" is defined in Chapter 2 of the Plan.
- d) Greenspace: The purpose of 'greenspace' is to offset the surrounding residential development and ensure an open space, or vegetated network is created which is integral to the community in the area. 'Greenspace' and Biodiversity Corridors can exist together as they will often achieve compatible goals. In private ownership the ongoing maintenance is the responsibility of the developer and/or final owner, and the methodology for future management of these areas will need to form part of any subdivision proposal under which they are created. Council may purchase some, or all, of this land for reserves purposes. "Greenspace" is defined in Chapter 2 of the Plan.

**AD11.4A.vi** Subdivision applications are to show how they provide for items on a Structure Plan including those listed in AD11.4A.v a)-d). In relation to location these items are generally shown "indicatively" on the Structure Plan as they show an intent rather than precise location for those features. This may be shown by way of an indicative line or through the use of text. These then form a matter of control which the Council will exercise as part of any subdivision consent process. It is intended that this provides an element of design flexibility to meet both the objectives of the Council and the developer, but while still achieving the overall objective of integrated and sustainable urban resource management and development.

**AD11.4A.vii** The Council acknowledges that the indicative connections may not directly serve or enhance a particular subdivision, for example where shown, or described, within a balance area. This, along with the formation and management of public use of certain connections, may also be at odds with farming, rural industry (including quarrying) or other legitimate rural land use practice activities on adjoining land. The Council will in those cases work with the land owners and any other landowners that may be affected in determining the appropriate time and method to provide the items described in AD11.4A.v or to set aside land upon subdivision for those purposes. In the interim, the objective will be to avoid activities and structures on the land which would compromise the future attainment of those connections or corridors. Any walkways/cycleways through the Rural Zone shown, or described, on a Structure Plan will only be opened by the Council for public use when network connection has been secured to other walkways, cycleways or roads, or when otherwise agreed by the adjacent landowners. The Council must at that time, where requested and in consultation with adjacent land owners, set in place a management regime to minimise any adverse effects on adjoining land.

**AD11.4A.viii** For the purpose of interpretation of any rules relating to Structure Plans, the term “generally accord” shall mean that items on these plans must be provided for in the general locations shown, or described, within the development area and linking to adjoining areas as shown in the Structure Plan except for the indicative education facility in Marsden Valley Schedule I (Clause I.6). It is not intended that the positions are exact or can be identified by scaling from the Structure Plan. It is intended that connections between points are achieved or provided for with no restrictions. The final location will depend upon detailed analysis of the physical suitability of an alignment (including the presence of existing natural features and ecologically sensitive habitats such as streams where providing for Biodiversity Corridors), other servicing implications, appropriate location in respect of final residential development layout and amenity, costing considerations, and impact on other land uses. The key proviso is that the items on the Structure Plan must be provided for, and that any connections must occur or be able to occur in the future.

**AD11.4A.ix** The primary objective of indicative roads, walkways/cycleways or Biodiversity Corridors is connectivity. Compliance with the rules requires that connection is planned for, or provided, within each stage of development, and to adjoining property boundaries at the appropriate stage, and is not restricted or prevented through the use of “isolation strips” or other methods which could lead to adjoining land becoming landlocked or connectivity being compromised.

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## **AD11.5 Designations**

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A Minister of the Crown or a local authority with financial responsibility for a public work, or a network utility operator which has been approved as a requiring authority under section 167 of the Act may require land to be designated within the Plan. The designations are contained in Appendix 24 and indicated on the Planning Maps.

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## **AD11.6 Roads – zoning**

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**AD11.6.i** Roads have the same zoning as the land that surrounds them. Where a road runs along the boundary between two zones, the zone boundary is the centre line of the road. Where a road runs beside the coast (for example Rocks Road), the boundary of the Coastal Marine Area is mean high water springs, not the centre of the road, and therefore the entire road is in a land zone. A bridge has the zoning of the river bed or other land beneath it.

**AD11.6.ii** Note that a road in the context of this Plan means the entire road reserve between the boundaries of adjoining parcels of land, not just the formed carriageway. Roads are generally represented without zone colouring on the Planning Maps. They are left white to provide orientation to map users and to provide a ready reference point to find properties.

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## **AD11.7 Water bodies – zoning**

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**AD11.7.i** Land forming part of a water body, where not otherwise zoned, takes the zoning of the land that surrounds it. Where a water body occurs on the boundary between two zones, the zone boundary is the centre of the water body. Note: a river bed is normally wider than the channel where the water usually flows.

**AD11.7.ii** Water bodies owned by the Crown or the Council are often represented without zone colouring on the Planning Maps. They are left white to provide orientation for map users.

## **AD12      Boundaries that cross sites**

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Boundaries of zones, areas and overlays are shown on the Planning Maps and generally following cadastral (property) boundaries. Where a boundary crosses a site, and the Planning Maps have insufficient detail to indicate the exact location of the boundary, it will be taken as following any land contours or other physical features relevant to the policies and objectives of the zone, area, or overlay as the case may be. Unless shown otherwise, the boundary between any zone or overlay and the Coastal Marine Area will be mean high water springs.

## **AD13      Numbering system of the plan**

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A paragraph numbering system has been included, combining letters and numbers. The intention is to assist with the submission process, so that each objective, policy, paragraph or rule (or part of a rule) have a unique identifier associated with it. The letters are used to help identify the chapter and type of provisions, eg. "ICr" is InnCity Rule.

# 4

# resource management issues

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## **R11 Introduction**

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This chapter states the significant resource management issues affecting Nelson City. It identifies the nature and cause of issues. These issues are addressed in the objectives, policies and methods in the chapters that follow.

## **R12 Issues that cross territorial boundaries**

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**R12.i** Nelson City shares territorial boundaries with the Tasman and Marlborough Districts.

**R12.ii** The Council recognises that although divided by local authority boundaries, the Nelson province is a socially and economically integrated unit. It functions as one effective community and it is geographically isolated from other communities.

### **R12.1 The issues**

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**R12.1.i** With Tasman District:

- a) Urban space requirements, including residential, industrial and commercial expansion.
- b) Integrated management of the effects of the use, development, or protection of natural and physical resources
- c) Integrated management of the effects arising from, and effects on, urban services such as Bell's Island Oxidation Ponds and the Roding river urban water supply
- d) Management of coastal water quality and coastal space
- e) Protection of natural values and features in the Waimea Estuary
- f) Solid waste and hazardous waste management
- g) Recognition of iwi issues
- h) Management of the effects arising from the use of the road network and management of the effects of transportation of hazardous substances
- i) The protection of marine areas
- j) Management of the Roding River, which transects both the Nelson and Tasman districts.

**R12.ii** With Marlborough District:

- k) Management of the effects arising from the use of the road network and the effects on the road network and management of the effects arising from transportation of hazardous substances
- l) Management of coastal water quality and coastal space
- m) The protection of marine areas

## **R13 Population characteristics**

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**R13.i** People and communities are a part of the District's environment. Change in the number and characteristics of the local population (both resident and visitor) influences the means by which the well-being, health, or safety of that population is provided, and places additional demands on the District's natural and physical resources.

**R13.ii** Population growth rates have fluctuated in the past, for reasons which have little to do with district or regional plans. Nevertheless, it is important that assumptions are made, for the purposes of the Plan, as to likely rates of future growth. The Council regularly monitors changes in population, household and visitor numbers, along with other indicators.

**R13.iii** Many of the District's resources, particularly infrastructural resources, are approaching capacity in terms of the population they can serve. Substantial reinvestment is likely to be required if growth is to continue at present levels.

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**RI3.1            The issue**

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RI3.1i           Sustainable management of natural and physical resources, including financial sustainability, in the face of change in the number and characteristics of the District's population.

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**RI4                Tangata whenua**

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RI4.i            Issues relating to the tangata whenua are discussed fully in the Regional Policy Statement (Section 5 and Appendix 2) and that discussion is also relevant to this Plan. An underlying issue is the recognition of Maori communities as distinct entities. See also "Competing Demands or Values" and "Heritage and Cultural Values" below.

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**RI4.1            The issues**

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RI4.1.i          Adequately recognising the needs and aspirations of tangata whenua in resource management processes.

RI4.1.ii        Adverse effects of resource use on cultural values and sites of significance to tangata whenua.

RI4.1.iii       Access to culturally important resources such as pingao, flax, and kiekie.

RI4.1.iv        Identification and setting aside as waahi tapu reserves of any sites of significant traditional value.

RI4.1.v         Avoidance of damage to waahi tapu sites as a result of earthworks or activities.

RI4.vi          The recognition of Maori communities for resource management purposes.

RI4.1.vii       How to provide for kaitiakitanga and self management of tribal resources.

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**RI5                Landscape, seascape and open space values**

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RI5.i            The landscape and topographic setting of Nelson City is integral to its identity, influencing past and future patterns and forms of development.

RI5.ii          Nelson is a coastal city occupying the river valleys, low hills and plains inland of Nelson Haven and Waimea Estuary. The city is framed by a series of largely undeveloped ridgelines running back to indigenous forest on much of the remote skyline with forestry and farming occupying much of the land in between.

RI5.iii         Within the existing urban boundary, the landscape is largely modified. However, important visual perspectives of the city's remote backdrop, coastal environment and riparian areas may be attained from within the urban area, from traffic corridors, pedestrian precincts, public open space and private property.

RI5.iv          The coastal landscape outside the urban area consists of an open coast line fringed largely by pastoral farming and forestry, and containing valued land form and seascape features such as the Boulder Bank, bluffs, and estuaries.

RI5.v            Development (structures, plantings, and land disturbance activities) has the potential to detract from the visual appearance of landscape and seascape components within and surrounding the District. The significance of this will depend on the degree of modification in the existing landscape or seascape and the visual obtrusiveness of specific activities within it.

RI5.vi          Pressure on landscape, seascape, and open space values is most likely in areas where topography, productive potential, and access are conducive to changes in resource use, including aquaculture.

RI5.vii         Pressure also arises as a result of the desire or need to locate utilities on ridgetop or hilltop locations due to locations and operational constraints.

## **RI5.1      The issues**

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**RI5.1.i**      Adverse visual effects on the remote backdrop to the District through structures, tracking, land clearance, and planting technique.

**RI5.1.ii**      Loss of rural and coastal open space through the encroachment of urban development and other built facilities.

**RI5.1.iii**      Adverse visual effects on key landscape and open space features within the urban area resulting from development on ridge lines, in important viewshafts or encroaching on riparian open space.

**RI5.1.iv**      Adverse visual effects on landscape and open space values by signage, particularly along traffic corridors.

**RI5.1.v**      Adverse visual effects on the seascape through structures within the Coastal Marine Area.

**RI5.1.vi**      Effects on access caused by exclusive occupation of public open space, including in the Coastal Marine Area.

## **RI6              Natural features**

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**RI6.i**              Natural features add to the bio-diversity of Nelson's environment as well as contributing to the district's landscape setting, amenity values, and heritage. These values are represented in the natural character of the coastal environment, wetlands, rivers and their margins, significant natural landscapes and land forms, areas of indigenous vegetation, and habitats of indigenous fauna.

### **RI6.1            The issues**

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**RI6.1.i**            Degradation of the integrity and extent of natural features under development pressure involving, for example, clearance of indigenous vegetation, drainage of wetlands, watercourse disturbances, human occupation and pollution.

**RI6.1.ii**           Degradation of the natural character of rivers and the coastal environment.

## **RI7              Soil**

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**RI7.i**              The soils of Nelson represent an important regional resource. Protection of the present capability and integrity of that resource to enable its continued use by present and future users is considered to be a significant resource management issue.

**RI7.ii**              Much of the Eastern Hills of Nelson has previously been farmed, but erosion problems experienced, combined with soil infertility and weed reversion problems, indicated that this was not necessarily a sustainable use in the long term. Much of this country was acquired by the former NZ Forest Service and planted in exotic forest partly as an effort to overcome the problem. As a result, a substantial part of the district is now planted in plantation forest which forms a resource of significant value to the local economy.

**RI7.iii**             A significant portion of the District is also in largely unmodified indigenous vegetation administered by the Department of Conservation, and the Council (as waterworks reserve).

**RI7.iv**             Farming is still an important activity in the Nelson area. Dairy farming is locally important on the flats at the head of the Nelson Haven, and there are a number of larger sheep and cattle grazing units located mainly on the better classes of hill country. Many existing farms are experiencing serious weed reversion problems, and many former units have been subdivided into small allotments used by part-time and hobby farmers, for wood lot forestry and for lifestyle units.

**RI7.v** Potential adverse effects on the soil resource may occur as a result of activities which are inappropriate. Such activities are likely to be those which disturb the surface of the soil or remove land area permanently from productive use, which may cause effects such as soil compaction, loss of water holding capacity, loss of soil depth available for plant roots, loss of soil structure, loss of micro-organisms, and loss of fertility as well as more obvious forms of erosion.

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**RI7.1 The issues**

**RI7.1.i** Erosion and degradation of soils and the life supporting capacity of soils as a result of inappropriate land use and development.

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**RI8 Coastal environment**

**RI8.i** While the total land area administered by Nelson City Council is comparatively small in size, the Council administers an important and varied coastal environment. This environment includes areas of high conservation, cultural, scenic, commercial, re creation, and amenity value, as well as containing the major port for the Nelson/Tasman area. Refer Chapter 2 (Meanings of Words) definition for Coastal Environment.

**RI8.ii** The Resource Management Act places special emphasis on the preservation of the natural character of the coastal environment and the special relationship of Maori with the coast. In order to guide resource management in the coastal environment, the Minister of Conservation prepared the New Zealand Coastal Policy Statement which was gazetted in 1994.

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**RI8.1 The issues**

**RI8.1.i** Areas of cultural significance being adversely affected by works and uses.

**RI8.1.ii** Natural values being adversely affected by current and future development needs of port operations.

**RI8.1.iii** Coastal discharges resulting in degradation of coastal water quality; particularly in the estuarine areas of Nelson Haven and Waimea Inlet where there are sensitive values and a high degree of usage.

**RI8.1.iv** Subdivision and development impacting on coastal landscapes, natural areas and habitats

**RI8.1.v** Lack of public access and potential future loss of public access along the coasts as a result of private land ownership and structures.

**RI8.1.vi** Navigation and safety concerns related to the use of small craft.

**RI8.1.vii** Potential degradation of the coastal environment due to increase in visitors and recreational use.

**RI8.1.viii** Natural character of the coastal environment being adversely affected by coastal structures and physical works such as reclamation and impoundment particularly outside the functional area of Port Nelson.

**RI8.1.ix** Cumulative adverse effects of activities impacting on the natural character of the coast and on natural processes associated with sand and shingle extraction and spoil disposal.

- R18.1.x Potential for development in areas subject to coastal erosion and accretion.
- R18.1.xi Potential adverse effects as a result of the development of aquaculture.
- R18.1.xii Marine reserves, taiapure, and mahinga mataitai proposals conflicting with other uses and values.
- R18.1.xiii Particular importance placed on controls over activities in the foreshore and seabed by the RMA.

## **RI9 Risk from natural hazards**

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**RI9.i** Natural hazards have the potential to place both human life and properties at considerable risk. While in many instances the probability of such events may be low, their consequences or effects on a built up urban environment may be dramatic.

**RI9.ii** Natural processes, including erosion and inundation, are not 'hazardous' in themselves - rather they become hazards when they interact with human activities. Natural hazards arise when human development is so located or designed that it interacts with natural processes. Human responses to natural hazards can worsen natural hazards elsewhere and/or can have adverse effects on natural values and the environment. Activities not related to natural hazard response can also interfere with natural processes and create new natural hazards, for example earthworks in floodways.

**RI9.iii** Works intended to protect persons or property from natural hazards may have significant adverse effects on the environment. Unless they are carefully designed with an adequate knowledge of the associated natural processes involved they may also be ineffective or even make problems worse in other locations.

**RI9.iv** In the past, development has often intensified in areas subject to natural hazards concurrent with protection of remedial work programmes.

**RI9.v** Natural phenomena which have historically or may in the future place the District's population and resources at risk include:

**a) Flooding**

A feature of the city's location within the flood plains of several river catchments (Maitai, Brook and York), with urban storm water discharges compounding natural runoff.

**b) Land Instability**

A feature of the geological setting of the district and land use practices within both the urban area (for example the Tahunanui slump) and its hinterland (clearance of vegetation causing soil erosion and sedimentation).

**c) Earthquakes**

Nelson is traversed by several active faults and lies in close proximity to parts of the Alpine Fault system. Damage in past earthquakes has largely been due to ground shaking, however, more severe localised seismic activity could induce slope failure, land rupture along faults, or liquefaction.

**d) Tsunami**

Four tsunami (seismic sea wave) events have been recorded in the Nelson area in the past 150 years, the most severe with 1.5m waves outside the Boulder Bank.

**e) Coastal Erosion**

A feature of the dynamic processes of erosion and deposition of coastal material, evident in the form of the Boulder Bank and Tahunanui Beach.

**f) Fire**

A feature of the area's dry climate and the extent of exotic forests and other flammable vegetation.

g) **Adverse Climatic Events**

Such as drought, snow and temperature extremes.

h) **Sea Level Rise**

A feature of global warming but still a widely debated phenomenon.

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**RI9.1            The issues**

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RI9.1.i        Risk to property and human life associated with community use and occupation of hazard prone areas.

RI9.1.ii        Accentuated risk of natural hazards as a result of land use practices such as slope excavation, disturbance of soil and vegetation, and structures.

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**RI10            Energy efficiency**

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RI10.i        Energy efficiency is related to the use of fossil fuels, electricity, and other forms of energy. The private motor car is the principal mode of transport for the District's population, a feature arising in the absence of a comprehensive public transport network and with population dispersal both within the urban boundaries and outlying rural areas. The increased use of motor vehicles is environmentally undesirable in terms of carbon dioxide and other emissions. Similarly there can be adverse atmospheric effects associated with the use of fossil fuels such as coal for heating.

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**RI10.1            The issues**

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RI10.1.i        Energy inefficiencies associated with urban extension and pressure on infrastructure resources, design, building design, and the high level of dependency on private vehicles (and the lack of alternatives in Nelson).

RI10.1.ii        Atmospheric pollution from consumption of fossil fuels.

RI10.1.iii        Adverse environmental effects of the production and use of alternative energy sources.

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**RI11            Efficient use of natural and physical resources**

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RI11.i        Efficiency in resource use is about minimising 'waste', and often arises in relation to changes to or intensification of resource use. It requires that regard be given to the finite characteristics and sustainable use of resources to meet not only immediate but long-term individual and community needs. One of these resources is freshwater, which needs to be efficiently allocated to avoid wastage of the resource and degradation of freshwater environments as a result of over-abstraction. To do so, resources must be seen for not only their economic but also their ecological and environmental worth.

RI11.ii        Resources available for urban development are limited with potential to conflict with other values (such as natural character and landscape). Intensification of use also presents conflicts as values such as amenity come under pressure from increasingly dense development.

RI11.iii        Efficiency of use applies to physical resources as well as natural resources, and is a major issue in relation to infrastructure. Efficient use of infrastructure has important economic effects for the community which, at the end of the day, must pay to maintain if not develop those assets.

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**RI11.1            The issues**

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RI11.1.i        Balancing the potential adverse effects of highly efficient and intensive land use on amenity and other matters against inefficient use of physical resources such as infrastructure.

RI11.1.ii        How to manage and whether to influence form of future development to avoid or minimise burdening the community with inefficiently used services.

## **RI12 Public access to margins of lakes, rivers, and the coast**

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RI12.i In addition to their ecological significance, riparian areas and the coast have important recreational, scenic, and aesthetic qualities. The maintenance and enhancement of public access is recognised as a matter of national importance under Section 6(d) of the Act. The foreshore and certain riverbeds are public domain, but are often bordered by private land. Restricted public access to such areas undermines the opportunity for people to enjoy and appreciate them. Unrestricted public access may, however, conflict with adjoining land use (safety and security considerations do conflict with public access during cargo handling at the Port) and sometimes ecological and conservation values.

### **RI12.1 The issue**

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RI12.1.i Patterns of land and coastal use that may compromise public access to and within the margins of lakes, rivers, and the coast, and conflict between access, resource use, and other values.

## **RI13 Heritage and cultural values**

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RI13.i Heritage or cultural value may be assigned to buildings, areas, sites, or vegetation (either individually or, as in a streetscape, collectively) having some notable historic, architectural, scientific, archaeological, spiritual or other special value serving to remind present and future generations of past activities and inhabitants of Nelson. These include sites and areas of special significance to the tangata whenua, such as Mahinga Kai or waahi tapu and sites of archaeological significance (eg the argillite quarry sites, the Nelson Boulder Bank, and midden sites). Heritage features and sites are typically vulnerable in a dynamic environment characterised by economic development and growth.

### **RI13.1 The issues**

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RI13.1.i Loss of important heritage features and sites for present and future generations due to their demolition, desecration, or modification for activities unsympathetic or incompatible with the inherent value of these resources.

RI13.1.ii Recognition of the cultural affiliations of tangata whenua with their ancestral lands, waters, sites, waahi tapu, and other taonga.

RI13.1.iii Recognition of the status of the protection of historic heritage from inappropriate subdivision, use and development as a matter of national importance in the Resource Management Act 1991.

## **RI14 Amenity values**

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RI14.i Amenity values are those inherent qualities or characteristics which contribute to people's appreciation or enjoyment of the local environment and therefore the community's overall perception of well being.

RI14.ii components of amenity may include privacy, sunlight admission, open space and visual streetscape, convenience and accessibility, public health and safety, the degree of acceptable nuisance elements, and recreational, natural and aesthetic values, together determining the pleasantness and coherence of the District as a whole and within its constituent environments

RI14.iii The amenity of an area is largely attributed to its dominant land or water use opportunities and built form. The factors defining acceptable standards of amenity differ between areas within the district, for example between living and working environments, or between the conservation estate and urban environment.

## **RI14.1      The issues**

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**RI14.1.i**      Loss of the environmental pleasantness and coherency (in appearance or function) of an area or streetscape such as the coastal environment, City Centre or a residential neighbourhood, through aspects of development such as signage, design and appearance, and traffic, which are insensitive or inappropriate to its existing amenity.

**RI14.1.ii**      Compromise of the use and enjoyment of individual properties as a consequence of the adverse effects of on site and neighbouring development.

**RI14.1.iii**      Loss of or inadequacy of open space. These provide both visual amenity within the cityscape and space for recreational activities which contribute to the diversity and health of the community.

## **RI14A      Urban design**

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**RI14A.i**      Urban design considers the design of the city and suburbs. It includes the design of, and relationships between, the buildings, spaces and networks (e.g. streets) and has a significant influence on people because our everyday lives are connected by the environments we share in urban areas.

**RI14A.ii**      While Nelson has many attractive buildings and spaces, there are also some poor examples, where opportunities to do something better were not realised.

### **RI14A.1      The issues**

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**RI14A.1.i**      The long lifetime of buildings and subdivision layouts, associated infrastructure and structures mean that poor urban development in our city and suburbs will have long term effects on current and future generations. These effects may include:

- a) a city form that is difficult to walk or cycle around and therefore overly dependent on motor vehicles, impacting on convenience and accessibility, and creating low resilience to increasing energy costs.
- b) neighbourhoods and communities that are disconnected and lack identity.
- c) built structures and public areas such as roads, parks and squares that are not human scaled, have a low level of amenity and do not invite multiple uses.
- d) compromise to the attractiveness, vitality and safety of the public environment in town and neighbourhood centres.
- e) lack of diversity in development form and types throughout the zones, and consequent lack of variety in the level and scale of living, working and recreational opportunities.
- f) poor quality infill development with subsequent poor amenity for residents and compromise to the amenity of neighbours.
- g) expansion of urban development into the rural land resource and subsequent effects on roading, servicing and rural landscape values.
- h) inefficient use of the residential land resource.
- i) poor quality urban design and supporting infrastructure that is difficult and inefficient for future generations to retrofit.

**RI14A.1.ii**      Treating the development of the city and suburban areas as individual activities, involving the layout of predetermined building, street and lot patterns onto the existing environment with little consideration of strategic planning, context and the inter-relationships between sites. This can lead to a poor quality urban environment and poor urban experiences for residents and visitors.

**RI14A.1.iii**      The potential for disjointed consideration of design factors, through prescriptive policy and administrative processes and reliance on minimum standards, to lead to poor urban design for both private and public developments.



## **RI14B Sustainable land transport**

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**RI14B.i** The land transport system is vital for economic and social wellbeing, but can be associated with negative environmental and social effects. Managing the demand for travel, pursuing modal shift and changing to more efficient means of transport with lower environmental impacts and greater social cohesion, is desired.

**RI14B.1.ii** Land use activities, urban design and the location of activities can also adversely affect the land transport system, particularly the way in which the land transport system addresses potential health and safety effects, sustainability and efficiency of resource use, earthworks, stormwater, construction effects and the choice of travel modes.

### **RI14B.1 The issues**

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**RI14B.1.i** Land transport networks have the potential to adversely affect air and water resources, ecological habitats and biodiversity corridors, our carbon footprint and climate change impacts, urban design and amenity values, the health and safety of different transport mode users and community cohesion.

**RI14B.1.ii** Land use activities and urban design activities that adversely affect the land transport system. These effects may include:

- a) generation of vehicular traffic and increased volumes of traffic.
- b) parking and loading effects.
- c) effects on visibility and safety.
- d) dispersal of activities which leads to social isolation, increased dependence upon the motor vehicle and reduced demand and viability for other forms of transport options, including public transport.
- e) dependence upon one form of transport.
- f) the inefficient use of resources, in terms of road construction resources and fossil fuel.
- g) inconsistencies with the sustainable transport vision of the NCC Regional Land Transport Strategy.

## **RI15 Adverse environmental effects of activities**

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**RI15.i** Adverse effects of activities become a resource management issue where they cross property or site boundaries to the detriment of activities, resources, or values on adjacent sites, or where they have impacts in time (ie limit subsequent uses of the site or resource). The significance of effects such as noise, traffic, glare, odour and contamination will vary according to the setting and adjacent uses or values. For example, a lower environmental standard may be more acceptable within industrial areas than within or adjacent to residential areas.

**RI15.ii** Other effects such as erosion produce impacts such as loss of on site ability to support life, visual impacts, and a number of off site effects, such as siltation of water courses, deposition and impacts on water quality and biota. These impacts are highly important where water courses discharge to estuarine areas in particular. Areas such as the Haven and Waimea Estuary have suffered in the past from the adverse impact of land based activity, to the detriment of the life supporting capacity of the estuaries.

### **RI15.1 The issues**

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**RI15.1.i** Degradation of the life supporting capabilities of natural resources (land, water, air and ecosystems) through the environmental outcomes of resource over-use, contamination, compromise in the integrity of ecological processes, soil compaction or erosion, or habitat destruction.

**RI15.1.ii** Reduced water quality which may limit downstream uses of the resource.

**RI15.1.iii** Loss of opportunities to use or enjoy resources and values as a result of adjacent land use or activities.

RI15.1.iv Risk to public health, safety, and amenity values associated with traffic, aircraft and vessel movement, noise, and other contaminant discharges.

RI15.1.v How to manage adverse effects of important regional resources.

## **RI16 Competing demands or values attributed to resources**

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RI16.i The District is comprised of natural and physical resources of often conflicting value to different sectors of the resident and visitor communities, for example as a living environment or recreational resource, or having inherent economic, spiritual, cultural or heritage value.

RI16.ii Competing demand is most significant for flat land which is suitable for the widest range of uses, from rural, to industrial and residential uses, given present demands of growth and the limited flat land resource capable of being serviced available in the District. Competition between activities also exists at the rural-urban fringe, and in the coastal environment for continued growth and subdivision.

RI16.iii Competing demand in the Coastal Marine Area between recreational uses, and between recreational, conservation and possibly even productive uses may create resource management conflicts eg limited opportunities to provide for all-tide access or berthage, areas for water skiing, jet skiing etc without causing nuisance.

RI16.iv Projected levels of growth for the district indicate that in future there will be significant competition for water suitable for urban supply with other uses and values. In particular, the greater importance now placed on ecological and conservation values is likely to mean that there will be greater conflict in the management of scarce water resources, where present allocation is at the expense of those values.

### **RI16.1 The issues**

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RI16.1.i Reconciliation of demands on conflicts in resource use and protection created by the need for present and future generations to provide for their health and safety and their social, economic and cultural well being.

RI16.1.ii Environmental conflicts between activities, for example, commercial development encroaching into inner city residential areas, or urban sprawl into rural areas.

RI16.1.iii Pressure for economic use of coastal resources and those traditionally valued as 'public' domain.

RI16.1.iv Land use conflicts arising from 'public' values held over private property, for example landscape values or heritage values.

RI16.1.v Conflicts arising from the imposition of private activities on public resources, such as signage adjoining traffic corridors and other public places, impacting on public values such as amenity, and traffic and pedestrian safety.

RI16.1.vi Recognition of the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga, and of the principles of the Treaty of Waitangi.

RI16.1.vii The limited opportunities to meet expectations for boating activity, and the resource management conflicts created by this.

## **RI17 Hazardous substances, contaminant discharges, and waste management**

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**RI17.i** Environment contamination is the process of physical, chemical, or biological change in the condition of land, water, and air as a result of discharges. This may compromise the life supporting capacities of these resources, and accordingly the health of ecosystems and communities. In extreme cases, contaminated sites may be declared unsafe for human use or occupation.

**RI17.ii** Waste generation and contaminant discharges may arise from a range of industrial, agricultural, and urban activities, in the form of effluent, solid waste, odour, dust, smoke, chemical leachate, or sedimentation. In the past, waste has often been disposed of into sensitive receiving environments such as water bodies or the coast.

**RI17.iii** The potential or actual environmental effects associated with the discharge of hazardous substances are likely to be more significant because of the toxicity, persistence, explosive, or flammable nature of this material.

### **RI17.1 The issue**

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**RI17.1.i.** Contamination of land, air and water and the associated impacts on cultural values and the health and safety of ecosystems and communities resulting from the generation, use, storage, transportation and disposal of hazardous substances and contaminant wastes.

## **RI18 Freshwater environments**

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**RI18.i** Nelson's freshwater resources include urban and rural rivers, springs, groundwater, some artificial lakes and reservoirs, and a few wetlands. The freshwater issues can be divided into three categories: activities and structures affecting natural character and the functioning of ecosystems; the effects on water flows of water takes for out-of-stream uses; and effects of land uses and discharges on water quality. For each of these categories there are different issues in the urban and rural areas of Nelson.

**RI18.ii** Urban activities which affect the natural character and ecosystems relate to flood protection works to protect properties, and subdivisions which result in loss of riparian vegetation, increased area of impermeable surface leading to increased stormwater flows, culverts, sedimentation during earthworks, and toxic pollutants running off roads and industries. Specific examples are the flood protection structure on Brook Stream, and the high level of toxins in Arapiki Stream which have been discharged from industrial activities. Stream health in the urban area has been classified as being from moderate to very degraded.

**RI18.iii** Rural activities which affect natural character and ecosystems relate to forestry and farming activities as well as the continuing demand for rural subdivision. Specific examples are the taking of water for irrigation, stock water and domestic supplies, the potential increase in sedimentation during forestry activities, stock access degrading the quality of water and habitats, and the effects of intensification or rural residential subdivision. River health in the rural areas ranges from very good to degraded.

**RI18.iv** The flow levels of the Maitai and Roding Rivers are affected by substantial water takes to provide the urban water supply. The water demand projections for the Nelson City urban area are 35,997 cubic metres per day in 2005, rising to 50,299 cubic metres per day in 2045.

**RI18.v** The effects of water takes on flow levels of rural freshwater (both in rivers and in groundwater) are not likely to be having a significant impact at this stage in most situations, but there are some small rivers such as the Lud and at Cable Bay which are under pressure from abstractions. There is also potential for other rivers to be affected

by water takes if subdivisions continue to occur, increasing the demand for water for domestic uses.

**RI18.vi** The quality of stormwater flowing into Nelson's urban streams reflects urban land uses. It is the key water quality issue for the urban area, affecting both the small streams it enters and the sensitive coastal receiving environments into which the streams flow (Waimea Inlet and Nelson Haven).

**RI18.vii** Rural water quality affects the health of the residents (if it is used untreated, or if it is clean enough to swim in) and their stock which are reliant on that water.

**RI18.viii** Freshwater is essential for survival, and rivers are valued by many people for aesthetic, recreational, spiritual and cultural reasons. Rivers, lakes and wetlands also have intrinsic natural values which are reduced when their health is degraded through physical modification, contamination, and low flows.

**RI18.ix** Safeguarding the life-supporting capacity of water and ecosystems is central to the purpose of the Resource Management Act. The preservation of the natural character of wetlands, lakes and rivers, and their margins is listed as a matter of national importance.

**RI18.x** Freshwater and rivers are a 'public good' owned by everyone and managed by the Council on behalf of the public. Public resources such as water and air are managed differently from privately owned resources such as land. Land use activities are generally allowed unless a rule requires otherwise. In contrast, activities involving water or water bodies can only occur if they are expressly allowed by the Act, a rule in a regional plan, or by a resource consent.

## **RI18.1**

### **The issues**

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**RI18.1.i** The potential for activities and structures in the beds of lakes and rivers and their margins to adversely affect water resources and aquatic ecosystems, natural sediment transport, and river stability, and the potential for activities to adversely affect network utilities or public structures.

**RI18.1.ii** The potential for activities to adversely affect natural character and amenity values of rivers, lakes and wetlands, and their margins. Protection of the natural character of these areas from inappropriate subdivision, use and development is a matter of national importance, while particular regard should be given to the maintenance and enhancement of amenity values.

**RI18.1.iii** The potential for activities to result in the loss or degradation of wetlands, riparian margins and habitats for indigenous fauna as well as trout.

**RI18.1.iv** The absence of detailed information on many of Nelson's freshwater resources, in particular un-named streams and groundwater.

**RI18.1.v** Provision of public access to and along water bodies (where it is safe) as a matter of national importance, and the potential for activities and structures to restrict and affect the ability of the public to gain access.

**RI18.1.vi** The potential for modified flows and levels of surface water to adversely affect instream and out of stream values.

**RI18.1.vii** The adverse effects of activities on groundwater levels and flows.

**RI18.1.viii** The potential for using and taking water to adversely affect stream values, and how to achieve equitable and efficient allocation of water.

**RI18.1.ix** The potential for activities and discharges to adversely affect water quality and natural character. How to maintain or enhance water quality to a level appropriate to maintain the recognised uses and values.

# 5

# district wide objectives and policies

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DO18	Freshwater abstraction and instream flows
DO19	Discharges to freshwater and freshwater quality
DO20	Freshwater management

**Note** Objectives and policies in this Chapter apply throughout the District. They are not presented in a hierarchical order. No one objective or policy takes precedence over any other unless specified in the Act. Objectives and policies are also included in Zone chapters and relate mainly to the zone dealt with in each chapter. The Plan should always be considered as a whole. There may be occasions where due to the rolling Plan review process inconsistencies between the District Wide objectives and policies and Zone objectives and policies arise.

## **D01 Tangata whenua**

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DO1.i The issues in regard to tangata whenua are discussed in Chapter 4 (particularly RI4 - tangata whenua and RI13 - heritage and cultural values).

### **objective**

## **D01.1 Maori and resources**

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*Management of natural and physical resources that recognises the needs of Maori communities and enables them to provide for their social, economic, and cultural well being and their health and safety.*

### **Explanation and Reasons**

DO1.1.i Section 5 of the Resource Management Act requires that the social, cultural, and economic well being of people and communities and their health and safety be addressed in the process of sustainable management of resources. The cultural values of Maori communities in relation to some resources differ from other communities and are therefore given separate consideration in this Plan. For other resource management issues, (for example, safety of the road network) this Plan draws no distinction between different communities. The Act requires special consideration of the Maori perspective on various specific matters and these are dealt with under this objective in the policies that follow.

### **policy**

#### **DO1.1.1 relationship with ancestral resources**

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*Natural and physical resources should be managed in a way that recognises and provides for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*

### **Explanation and Reasons**

DO1.1.1.i This policy reflects the requirements of the Resource Management Act in regard to matters of national importance. Those requirements are further addressed in the policies below and also in the policies of the Plan dealing with cultural heritage. The policy is consistent with the Regional Policy Statement.

### **Methods**

DO1.1.1.ii Rules dealing with papakainga and cultural heritage.

DO1.1.1.iii Consultation on issues relating to the relationship of Maori with their ancestral lands, water, sites, waahi tapu and other taonga.

DO1.1.1.iv Transfer by the Council of one or more powers under the Resource Management Act to iwi authorities.

### **policy**

#### **DO1.1.2 treaty principles and kaitiakitanga**

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*Management of natural and physical resources that takes into account the principles of the Treaty of Waitangi and has particular regard to kaitiakitanga.*

### **Explanation and Reasons**

DO1.1.2.i The Resource Management Act requires the principles of the Treaty of Waitangi to be taken into account. The principles are declared by the Courts and the Waitangi Tribunal and will continue to evolve. The principles include, among others: the partnership principle, which requires that iwi and the Council interact with reason and respect; the principle of tribal self regulation (rangatiratanga) of the resources of tangata whenua; and the principle of active protection of resources of importance to Maori, in accordance with Maori cultural and spiritual values.

DO1.1.2.ii Kaitiakitanga means the exercise of guardianship; and, in relation to a resource, includes the ethic of stewardship based on the nature of the resource itself. The policies of this Plan are intended to support the tangata whenua in exercising their role as kaitiaki or guardians of their resources.

DO1.1.2.iii The Treaty and the concept of kaitiakitanga are treated in this Plan as providing a framework for addressing resource management issues rather than prescribing specific outcomes for issues that might arise from time to time. The starting point for the resolution of resource management issues is seen as a dialogue between the Council and iwi. The Council recognises that mutually satisfactory consultation between iwi and the Council is necessary to give effect to the principles of the Treaty. Consultation particularly addresses the principle of partnership, as well as providing a means of addressing the needs of kaitiakitanga.

DO1.1.2.iv This policy is consistent with the Regional Policy Statement. Procedures for consultation agreed under the Regional Policy Statement are expected to be applicable to consultation under this Plan. Consultation under both documents is likely to take place at the same meetings or hui.

#### Methods

DO1.1.2.v Ongoing consultation between the Council and iwi, in a way that is mutually acceptable, in regard to this Plan and resource management issues generally.

DO1.1.2.vi Consideration of kaitiakitanga and the principles of the Treaty of Waitangi when resource management decisions are made.

DO1.1.2.vii Developing a partnership approach to address issues as they arise.

### **policy**

#### **DO1.1.3 management by tangata whenua**

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*Tangata whenua should have opportunities to manage their ancestral land and resources in a sustainable manner.*

#### Explanation and Reasons

DO1.1.3.i Ancestral land in this context includes Maori customary land and Maori freehold land as defined in the Maori Land Act 1993 (Te Ture Whenua Maori Act 1993). Management would be through a responsible entity such as an iwi authority, or trustees in whom the land is vested.

#### Methods

DO1.1.3.ii Papakainga provisions in the Plan allowing for special management of land vested in iwi authorities or trustees.

DO1.1.3.iii Transfer by the Council of one or more powers under the Resource Management Act to iwi authorities.

### **policy**

#### **DO1.1.4 traditional resources**

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*Access should be provided to traditional resources within public reserves, water bodies, and coastal water, consistent with preserving natural values.*

#### Explanation and Reasons

DO1.1.4.i Traditional resources that yield food and materials that have cultural uses, such as flax, kiekie and pingao, may be found in public reserves, water bodies and coastal water. Access to these places is also provided for in the Coastal Marine Area and Open Space and Recreation Zones.

#### Methods

DO1.1.4.ii Provision for access in Coastal and Open Spaces parts of this Plan.

DO1.1.4.iii Provision in reserves management plans administered by the Council for cultural harvesting.

DO1.1.4.iv Provision of esplanade reserves, esplanade strips and access strips as opportunities arise on subdivision.

## **policy**

### **DO1.1.5 cultural activities**

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*Opportunities should be given to maintain Maori cultural values within the District by enabling the Maori community to establish (in appropriate zones) a range of housing types, and educational, health, and community activities.*

#### **Explanation and Reasons**

DO1.1.5.i This Plan will accommodate, within zones, land uses for activities with a specifically Maori dimension, including kohanga reo and other educational activities, and activities such as child care and health care facilities. Papakainga development is provided for under DO1.1.1 (relationship with ancestral resources), DO1.1.2 (treaty principles and kaitiakitanga), and DO1.1.3 (management by tangata whenua).

#### **Method**

DO1.1.5.ii Rules in appropriate zones providing for cultural activities as permitted, controlled or discretionary activities, depending on the effects on the environment.

## **policy**

### **DO1.1.6 water management**

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*Make policy decisions on water management having regard to the provisions of resource management plans such as eel management and iwi environmental management plans that promote the sustainable use of water and associated resources.*

#### **Explanation and Reasons**

DO1.1.6.i An Eel Management Area Plan (May 1999) for the top of the South Island was prepared by the Eel Management Committee under the provisions of the Ministry of Agriculture and Fisheries (Restructuring) Act. The plan includes provisions relating to: wetlands, weed clearing and drainage, channelling and flood protection works, gravel and sand removal, dams and weirs, pump stations and control gates, culverts, water takes, riparian area, riparian planting and vegetation control, land use, agrichemicals and fertilisers, pollution, eel migration, and transfers of elvers and small eels.

DO1.1.6.ii The Nga Taonga Tuku Iho ki Whakatu Management Plan (Nelson Iwi Management Plan) provides an introduction to tangata whenua beliefs, values and practices associated with the natural environment. It also provides examples of nga taonga tuku iho (treasured resources), emphasises the legal and moral importance of Te Tiriti O Waitangi (The Treaty of Waitangi), and explains the duty, responsibility and accountability facing tangata whenua in the present-day management of natural resources.

DO1.1.6.iii The purpose of iwi involvement in environmental monitoring and management programmes is to reach agreement on environmental indicators for air, water, the coast and land that embrace traditional iwi knowledge and values.

DO1.1.6.iv Section 66(2A) of the Act requires the Council to take into account iwi management plans when preparing or changing regional policy statements, regional plans and district plans. Therefore the onus is on the Council to show how any iwi management plan has influenced the Freshwater Plan Change. A change to the Resource Management Act in 2003 made it clear that regard to these documents is limited to the preparation of Plans and does not apply to consent processes.



## D01e environmental results anticipated and performance indicators

The following results are expected to be achieved by the foregoing objectives, policies and methods. The means of monitoring whether this Plan achieves the necessary outcomes are also detailed below.

Anticipated environmental results	Indicators	Data source
D01e.1 Resource management decision making that includes perspectives of Maori communities	D01e.1.1 Regular consultation between Maori and the Council.	Feedback from hui
D01e.2 Increased management by iwi of their resources.	D01.e.2.1 Establishment of papakainga, taiapure or mahinga mātaimai.	Council records
D01e.3 Iwi input into the present-day management of natural resources.	D01e.3 Evidence that iwi management plans have been taken into account in the Council's resource management plans	Nelson Resource Management Plan  Section 32 reports Whakatu RMA Iwi Advisory Komiti



## **DO2 Natural hazards**

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DO2.i The issues in regard to natural hazards are discussed in Chapter 4 (particularly RI9).

### **Objective**

#### **DO2.1 natural hazards**

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*An environment within which adverse effects of natural hazards on people, property, and the environment are avoided or mitigated.*

##### **Reasons**

DO2.1.i Natural hazards that occur in all zones include fire, inundation from ponding of surface water and flooding, earthquakes, landslides, and climatic events. Other natural hazards, such as sea level rise and tsunami are more localised in their effects. All of these pose potential or actual threats to people, property, and the environment. Improved understanding of the nature of these hazards indicates that it is often preferable to avoid rather than to mitigate the effects of natural hazards. For example, it is better to avoid development in flood ways than to attempt to mitigate the effects of flooding through costly and possibly unreliable flood control measures.

Within the coastal environment, subdivision and development have often led to a demand for costly and environmentally degrading coastal protection works. New subdivision and development should be located and designed so that the need for such works is avoided (see also CM8.2 protection works).

DO2.1.ii The policies under this objective aim to ensure that activities do not occur in such a way that there is a potential for loss of life and damage to property through natural hazards when such occurrences could be avoided or mitigated through management of the activity.

##### **policy**

#### **DO2.1.1 health and safety**

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*Development, redevelopment, or intensification of activities should not occur in natural hazard prone areas where the hazard is likely to endanger human health and safety.*

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

DO2.1.1.i As it is often difficult or impossible to mitigate the effects of hazards, under this policy, the emphasis is that the hazard should be avoided rather than attempts made to mitigate effects. If the hazard is such that it may endanger health or safety, hazard mitigation can only be accepted if the risks are reduced to an acceptable level. While existing uses have the right to continue to use a site in a hazard prone area for a particular purpose, extensions to those activities do not. It is the intention of this policy that such activities be encouraged to relocate elsewhere and less susceptible activities take place on the site.

##### **policy**

#### **DO2.1.2 property and environment**

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*Development, redevelopment, or intensification of activities should not occur in natural hazard prone areas where the hazard is likely to endanger property or the environment, unless the hazard can be adequately mitigated.*

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

DO2.1.2.i Danger to property and the environment, but excluding significant risk to human life, includes less severe flooding, storm water ponding or backup and tidal flows. Many of these risks can be mitigated by a variety of means, such as site or building works.

## Methods (policies DO2.1.1 and DO2.1.2)

### DO2.1.2.ii Rules in each zone controlling:

- a) activities where hazard areas have been identified and avoidance or mitigation of effects
- b) storage of hazardous substances
- c) location of structures in relation to hazard areas
- d) provision of water supply for containment of fires in
- e) activities within a Hazard Overlay

DO2.1.2.iii Use of the Building Act to control foundation construction in areas prone to seismic amplification

DO2.1.2.iv Mapping within this Plan of known hazards as overlays which are dealt with by way of rules

DO2.1.2.v Maintenance of a database of hazards controlled through other methods such as the Building Act using GIS and/or other database and retrieval systems

DO2.1.2.vi Plotting of contour information and further investigation of methods for setting minimum floor heights with greater certainty

DO2.1.2.vii Where appropriate, requiring or commissioning further investigations to better define the hazard or ways in which to avoid, remedy or mitigate adverse effects.

DO2.1.2.viii Provision of information to the public

## policy

### **DO2.1.3 aggravation of hazard**

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*No activity should aggravate any known or potential natural hazard on its own site or any other site.*

#### Explanation and Reasons

DO2.1.3.i Activities may worsen hazardous conditions both on-site or off-site. On-site effects may include land subsidence resulting from clearance of vegetation or excavation. Off-site effects might arise with the filling of a site in a manner that directs storm water onto adjacent sites previously unaffected by such problems. Activities should be limited to the extent that such effects cannot be mitigated.

#### Methods

DO2.1.3.ii Rules regulating the location at which some activities may take place.

DO2.1.3.iii Other methods - abatement notices and enforcement orders.

## policy

### **DO2.1.4 flood mitigation**

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*Access to riparian areas should be provided, maintained, or acquired where it is necessary for maintenance and flood mitigation works.*

#### Explanation and Reasons

DO2.1.4.i Many of the areas where maintenance and mitigation works are required occur within existing built up areas. Some water bodies are highly modified. It is a high priority that access to all these areas be provided and maintained for the efficient and effective mitigation of hazards.

#### Methods

DO2.1.4.ii Where possible, obtain esplanade reserves or strips at the time of subdivision, or development, to mitigate flood effects.

DO2.1.4.iii Negotiation of access strips where necessary.

## D02e environmental results anticipated and performance indicators

The following results are expected to be achieved by the foregoing objectives, policies and methods. The means of monitoring whether this Plan achieves the necessary outcomes are also detailed below.

Anticipated environmental results	Indicators	Data source
D02e.1 Safer communities.	D02e.1.1 Low incidence of damage to property and risks to life from natural hazards.	Insurance claim, Council records.
D02e.2 Low density of development and improved design and construction standards in areas where this Plan identifies major risks from natural hazards.	D02e.2.1 Consistent refusal of development proposals or increased design requirements when resource consents are applied for.	Council records, aerial photos.

## **D03 Hazardous substances and waste**

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D03.i The issues in regard to hazardous substances and waste are covered in Chapter 4 (particularly RI17).

### **objective**

#### **D03.1 hazardous substances**

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*Management of the actual and potential effects arising from the storage, use, disposal, and transportation of hazardous substances to ensure that any potential or actual adverse environmental effects are avoided, remedied, or mitigated.*

##### **Reasons**

D03.1.i Maintenance of the quality of the environment is regarded as one of the paramount issues for Nelson. Contamination by hazardous substances and waste has the potential to impact on values and activities both within and outside the District. Examples might be where contamination of water occurs, potentially affecting the coastal area and neighbouring districts. The Resource Management Act 1991 specifically charges councils (both Regional and Territorial) with the responsibility to prevent or mitigate effects of these activities.

D03.1.ii The management of hazardous substances will also be controlled through the Hazardous Substances and New Organisms Act 1996.

##### **policy**

#### **D03.1.1 containment of hazardous substances**

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*Hazardous substances should be securely contained during storage, use or transportation, and monitoring and contingency procedures established, to minimise the risk of spillage or leakage and subsequent contamination of the environment.*

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

D03.1.1.i The greatest risk of contamination comes from accidental loss or leakage of material from containers. It is highly important for the environmentally safe use of such substances that due care is taken to ensure that material does not escape, and that in all situations where the unexpected occurs and leakage or spillage occurs, that measures such as secondary containment and procedures be put in place to ensure that environmental damage is minimised.

D03.1.1.ii This policy also seeks to make certain that hazardous substances are monitored to ensure that leakage is not occurring.

##### **Methods**

D03.1.1.iii Rules regarding containment and location of storage of hazardous substances.

D03.1.1.iv Requirements for contingency plans for management of emergency situations.

D03.1.1.v Requirement for tracking of hazardous substances from acquisition to disposal or sale.

D03.1.1.vi Abatement notices / enforcement orders where due care is not being taken in the management of hazardous substances.

## **policy**

### **DO3.1.2 creation of hazardous substances**

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*No process should create any hazardous substance that can not be safely stored, used and disposed of.*

#### **Explanation and Reasons**

DO3.1.2.i If hazardous substances are to be managed to ensure that environmental degradation does not occur, then no end-product or by-product should be created which can not be safely stored, used, or disposed of. The Council takes seriously the concept of global responsibility, and seeks to make certain that Nelson City plays its part in ensuring the continued health of the global environment. For this reason, unsafe disposal outside Nelson will be viewed in the same light as unsafe disposal in Nelson.

#### **Methods**

DO3.1.2.ii Implementation of Hazardous Substances and New Organisms Act 1996.

DO3.1.2.iii Assessment of resource consent applications.

## **policy**

### **DO3.1.3 contaminated sites**

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*Management of contaminated sites to contain effects, and to promote the rehabilitation of sites to a level where risk to the environment or health is remedied or mitigated.*

#### **Explanation and Reasons**

DO3.1.3.i The first priority with any contaminated site must be to ensure that the contamination or effects of that contamination are contained within the area or site, thus limiting the extent of environmental effects on surrounding resources. Following this, priority should be accorded to restoring the site or area to acceptable levels. While the costs may be prohibitive to return a site to something approaching a "normal" state, where any use suitable for the local environment may be undertaken with no risk, every endeavour should be made to return such resources to a state capable of reasonable use. What is reasonable will depend on the location and capability of the land. It is not expected that this would include activities which rely on a relatively pristine environment such as tourism, recreation, or residential activity.

#### **Methods**

DO3.1.3.ii In consultation with industry and affected parties, develop a system of investigation, assessment and registration of contaminated sites that determines appropriate remedial options for each site.

DO3.1.3.iii Impose conditions on consents where sought for any contaminated site.

DO3.1.3.iv Education, encouragement, and advice by the Council.

## **policy**

### **DO3.1.4 use and storage**

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*Hazardous substances should be used and stored in locations and by methods that avoid or mitigate adverse effects on the environment and health and safety.*

#### **Explanation and Reasons**

DO3.1.4.i The nature and scale of environmental effects and risks associated with hazardous facilities are influenced by their intrinsic hazard and their location: for example, their proximity to sensitive environmental areas or residential areas. Specific controls relating to the use and storage of hazardous substances will, therefore, directly address the nature of environmental effects and the level of risk.

DO3.1.4.ii Although the use of hazardous substances may provide benefits to the community by meeting community needs for products and services, any facilities or activities involving hazardous substances also represent a risk to the environment and to health and safety. In some cases, this risk may be of particular concern because of the proximity of sensitive ecological areas or residential land uses, and the community may decide that the potential cost of a facility locating in such a neighbourhood outweighs the potential benefits.

DO3.1.4.iii Site design, layout, and operational and management procedures greatly affect the risks to the environment from hazardous facilities. Although some hazardous facilities may be permitted to operate without a land use consent because the risk they pose is deemed to be low, an aggregation of such facilities may generate adverse effects if operational procedures do not conform to defined minimum conditions.

**Methods**

DO3.1.4.iv Rules regulating use and storage of hazardous substances; controlling site location and design by reference to factors including the degree of hazard presented by the substances being used or stored, the nearness of incompatible land uses, the zone the site is in, and environmental factors.

DO3.1.4.v Rules implementing the Hazardous Substances Screening Procedure, to identify the appropriate level of scrutiny to process an application for a proposed hazardous facility (See Appendix 21).

DO3.1.4.vi Increasing and promoting public awareness about the costs and benefits of hazardous substances and facilities.

DO3.1.4.vii Public participation in decision making with respect to hazardous substances and facilities.

**policy**

**DO3.1.5 transportation of hazardous substances**

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*Facilities that store or use hazardous substances should be sited so as to minimise adverse effects on the transport system.*

**Explanation and Reasons**

DO3.1.5.i The transportation of hazardous substances puts people at risk. Because of Nelson's topography it is not possible to avoid residential areas. However, vehicles should use main arterial routes as far as is practical, and avoid minor residential roads when transporting hazardous substances.

**Methods**

DO3.1.5.ii Education regarding transport, use, storage, and disposal of hazardous substances.

DO3.1.5.iii Rules that regulate use or storage by reference to zones, encouraging use of sites in zones appropriate to risks. Assess effects of resource consents.



## objective

### DO3.2 waste

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*The highest practical level of waste reduction, reuse, recovery, and recycling, and the management of the actual and potential effects arising from the disposal of waste materials, to ensure that any potential adverse environmental effects are avoided, remedied, or mitigated.*

#### Reasons

DO3.2.i The principles of integrated waste management include the reduction, reuse, recovery and recycling of waste. The implementation of these principles will ultimately result in the minimisation of residue waste that requires treatment and disposal. Disposal of solid waste uses up landfill capacity and can contaminate water resources. All waste has the potential to cause significant adverse effects where the waste contains contaminants. Waste management is dealt with extensively in Chapter 13 of the Nelson Regional Policy Statement.

## policy

### DO3.2.1 disposal of waste

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*The generation of waste should be minimised wherever possible. Residue waste, including hazardous substances, should be disposed of in an environmentally acceptable manner.*

#### Explanation and Reasons

DO3.2.1.i Waste products, including sewage, have the potential to cause significant harm to the environment. It is preferable that the generation of waste be minimised wherever possible, or that end products be reused or recycled (such as the spraying of effluent from cow sheds), and that where disposal is required, that it be carried out in a responsible manner. This may include disposal to a properly managed landfill.

#### Methods

DO3.2.1.ii Monitoring by the Council and consent holders.

DO3.2.1.iii Education, encouragement and advice by the Council.

## D03e environmental results anticipated and performance indicators

The following results are expected to be achieved by the foregoing objectives, policies and methods. The means of monitoring whether this Plan achieves the necessary outcomes are also detailed below.

Anticipated environmental results	Indicators	Data source
<p><b>D03e.1</b></p> <p>A generally low level of risk in the district from hazardous substances.</p> <p>Appropriate siting and control of hazardous facilities.</p> <p>Adoption of better site management and operational practices.</p> <p>Avoidance of contamination of the natural environment from hazardous facilities and activities.</p> <p>Improved community and industry awareness of risks posed by activities using, storing, or transporting hazardous substances.</p>	<p><b>D03e.1.1</b></p> <p>Number of incidents of escapes of hazardous substances.</p> <p>Number of injuries and incidents of damage to property and ecosystems.</p> <p>Number of accidents and adverse environmental effects due to the release of substances stored and used at hazardous facilities.</p>	<p>OSH statistics on work accidents</p> <p>Insurance claim statistics</p> <p>Council prosecution and enforcement files</p> <p>Reports from Council inspections</p>
<p><b>D03e.2</b></p> <p>Reduced volumes of waste produced by industry and the community.</p>	<p><b>D03e.2.1</b></p> <p>Volume of waste being disposed of at Council land fills and sewerage systems.</p>	<p>Land fill and sewerage system records.</p> <p>Records of recycling operators.</p>

## **DO4 Heritage**

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DO4.i The issues in regard to heritage are discussed in Chapter 4 (particularly RI13).

### **objective**

#### **DO4.1 heritage values**

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*Retention and enhancement of heritage items that contribute to the character, heritage values, or visual amenity of Nelson, in a setting that enhances such items.*

##### **Reasons**

DO4.1.i Heritage is an essential part of the District's cultural values. It serves to link successive generations, and enable the community to identify with their city through evidence of the past within the existing environment.

DO4.1.ii The Resource Management Act 1991 deems the protection of historic heritage from inappropriate subdivision, use and development to be a matter of national importance.

##### **policy**

#### **DO4.1.1 heritage identification and classification**

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*Heritage buildings, places, or objects, and important trees, should be identified in this Plan and classified according to the criteria set out in Appendices 1 and 2 in the following categories:*

##### *Buildings, Places or Objects*

*Group A - Protection and retention highly desirable*

*Group B - Protection and retention important*

*Group C - Protection and retention desirable*

##### *Trees*

*Heritage Trees - Protection and retention highly desirable*

*Landscape Trees - Protection and retention important*

*Local Trees - Protection and retention desirable*

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

DO4.1.1.i Identification of buildings, places, or objects, and important trees in this Plan serves several functions. It helps to inform and educate people about the existence of the item. It allows more people to appreciate the item and reduces the risks of it being destroyed through ignorance. It provides a framework for regulation of activities affecting the item, according to its relative importance. The criteria for evaluating the relative importance of the items are set out in Appendices 1 and 2. Sites of significance to Maori are dealt with separately, see policy DO4.1.5.

##### **Methods**

DO4.1.1.ii Indicating on the Planning Maps heritage buildings, places, and objects and protected trees.

DO4.1.1.iii Listing (in Appendices 1 and 2) groups of heritage buildings, places, and objects, and protected trees.

DO4.1.1.iv Planning Maps that show heritage precincts in respect of groups of heritage items.

DO4.1.1.v Rules that apply special regulatory provisions to the overlays.

DO4.1.1.vi At Ngawhatu Valley (ex Ngawhatu Hospital site) identification and protection of essential and significant trees beyond trees individually listed in the Plan.

## **policy**

### **DO4.1.2 demolition or removal of Group A heritage items**

*The protection of Group A heritage buildings, places, or objects (listed in Appendix 1) is highly desirable. Demolition or removal therefore shall not be consented to unless the applicant can demonstrate to the satisfaction of the Council that the listed building, place, or object:*

- i) is a serious risk to human life or is in serious state of disrepair, and the cost of remedying the risk to life or the disrepair is prohibitive, or*
- ii) can be demolished in part without significant adverse effect on the heritage values for which the item was listed in Appendix 1, or*
- iii) can be reasonably relocated on the site, or another site in the District, without having a significant adverse effect on the heritage values of the item, or of adjacent items, or*
- iv) renders the site incapable of reasonable use, and places an unfair and unreasonable burden on the owner.*

*Regard shall also be had to the effects of any replacement activity or building proposed for the site, including the standard of design and appearance of the site and any buildings.*

Note: the Resource Management Act defines 'reasonable use' to include the use or potential use of the land for any activity whose actual or potential effects on any aspect of the environment or on any person other than the applicant would be significant.

#### **Explanation and Reasons**

DO4.1.2.i Group A heritage items (listed in Appendix 1) are the premier or most significant heritage buildings, places or objects in the District. Their protection and retention is a high priority. The policy recognises that there may be special circumstances when demolition or removal of such items may be acceptable. These are tightly prescribed, recognising that demolition or removal should be the exception. The policy also recognises that it is possible to demolish or remove parts of a building without adversely affecting the heritage values for which it was recognised in the Plan.

## **policy**

### **DO4.1.3 demolition or removal of group B heritage items**

*The protection of Group B heritage buildings, places, or objects is important, and demolition or removal should be avoided where this can reasonably be achieved in terms of the assessment criteria in the Rules.*

#### **Explanation and Reasons**

DO4.1.3.i The retention of Group B heritage items (listed in Appendix 1) is important to the District, but of a lesser priority than Group A items. The assessment matters listed alongside the respective rule will guide decision making with respect to when protection can "reasonably be achieved".

## **policy**

### **DO4.1.4 demolition or removal of group C heritage items**

*The protection of Group C heritage buildings, places, or objects is desirable, and demolition or removal should proceed only after alternatives have been considered.*

#### **Explanation and Reasons**

DO4.1.4.i The retention of Group C heritage items (see Appendix 1) is desirable, but of a lesser priority than Group A or B items.

## **policy**

### **DO4.1.5 archaeological sites and overlay**

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*Archaeological sites, and places of special significance to tangata whenua, as identified as an individual site and/or falling within the Archaeological Overlay, as well as the cultural and spiritual values associated with those places, should be protected from activities which would have adverse effects on those sites, places and values.*

#### **Explanation and Reasons**

DO4.1.5.i An archaeological authority is required under the Historic Places Act 1993 prior to any modification, damage or destruction of any archaeological site. This policy extends the protection to those and all other significant, known archaeological sites.

DO4.1.5.ii Particular features of the natural and cultural landscape hold significance to tangata whenua. These include archaeological sites and other places. Sites and areas of significance are listed and/or included in the Archaeological Overlay and generally mapped within this Plan. Specific site locations will not be publicly available for all sites or areas so as to maintain their integrity and avoid wilful damage or desecration from souvenir hunters.

#### **Method**

DO4.1.5.iii Not all sites will be specifically identified in this Plan. A high density of sites of significance to Maori occurs in the Archaeological Overlay. Rules will control activities in this Overlay. Sites that are able to be individually identified, both within and outside the Archaeological Overlay, are mapped as Archaeological Sites and rules will control activities in relation to these. Unidentified places that have significance will be considered in the assessment of resource consent applications.

## **policy**

### **DO4.1.6 alterations and adjoining development**

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*The heritage significance and integrity of any feature identified by a Heritage Overlay should not be unduly compromised by any alteration, addition or adjoining development, having regard to the category of protection afforded the listed item or place and the purpose of that protection.*

*This policy recognises the need to be able to alter or extend heritage buildings to meet the needs of present and future generations, subject to those alterations being sympathetic to and not unduly detracting from the heritage values of the building.*

#### **Explanation and Reasons**

DO4.1.6.i Those items which come within a Heritage Overlay are defined in MW 80 in Chapter 2 of the Plan. Alterations and additions can detract from the character of a heritage item and need to be done with care and sensitivity. Regard must be had to the category of protection, and why the building was listed. If it were for streetscape reasons, then regard would need to be had to how visible the changes to the item were, and where they are visible, how well the changes fit with the heritage building. The value and appreciation of any heritage item can be affected by its surroundings. This might include having sufficient space around it to be able to be appreciated e.g. a statue or a building not being sited close to an item of disparate design or style. In implementing this policy, stricter standards should apply to Group A items than to Group B. For Group C, a voluntary approach is proposed. It is recognised that even major changes can successfully be made to Group A buildings, provided that changes are carefully designed and implemented. This will require care to avoid obliterating the heritage values and fabric of the building.

## **policy**

### **DO4.1.7 heritage trees**

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*The protection of Heritage Trees or groups of Heritage Trees (listed in Appendix 2) is essential. Removal therefore shall not be consented to unless the applicant can demonstrate to the satisfaction of the Council that the tree or trees present a serious risk to human life or property because of its unsafe condition caused by disease, storm or very old age, or that it renders the site incapable of reasonable use, and places an unfair and unreasonable burden on the owner.*

Note: the Resource Management Act defines 'reasonable use' to include the use or potential use of the land for any activity whose actual or potential effects on any aspect of the environment or on any person other than the applicant would not be significant.

#### **Explanation and Reasons**

DO4.1.7.i Heritage Trees (listed in Appendix 2) are the best and most significant in the district. Their protection is considered high priority. The policy recognises that there may be special circumstances when removal of such items may be acceptable. These circumstances will be extremely limited, reflecting the high status of these trees.

## **policy**

### **DO4.1.8 landscape trees**

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*The protection of Landscape Trees or groups of Landscape Trees is considered important, and removal should be avoided where this can reasonably be achieved.*

#### **Explanation and Reasons**

DO4.1.8.i The protection of Landscape Trees (listed in Appendix 2) is important to the District, but of a lesser priority than Heritage Trees. The assessment matters listed alongside the respective rule will guide decision making with respect to when protection can "reasonably be achieved".

## **policy**

### **DO4.1.9 local trees**

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*The protection of Local Trees or groups of Local Trees is desirable, and removal should proceed only after alternatives have been considered.*

#### **Explanation and Reasons**

DO4.1.9.i The protection of Local Trees (listed in Appendix 2) is desirable, but of a lesser priority than Landscape Trees.

## **policy**

### **DO4.1.10 work on trees and adjacent development – Ngawhatu**

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**Recognition of the role that existing mature trees at Ngawhatu (ex-Ngawhatu Hospital site) have on landscape and amenity character of the Valley.**

#### **Explanation and Reasons**

DO4.1.10.i The historical use of the Ngawhatu Valleys (Highland and York Valley) has created a unique environment for residential development, where new housing can be sited within a mature landscape. In implementing this Policy, subdivision applications will need to include mechanisms to maintain the landscape setting.

## **policy**

### **DO4.1.11 work on trees and adjacent development**

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*The heritage significance and integrity of any listed tree should not be unreasonably compromised by any work directly or indirectly affecting the tree, or any adjacent development, having regard to the category of protection afforded the tree, and the purpose of that protection.*

#### **Explanation and Reasons**

DO4.1.11.i Work on or near a tree can detract from its character, and needs to be done with care and sensitivity. The value and appreciation of any heritage item can be affected by development nearby.

Buildings placed nearby might affect views of the tree or constrain its future growth. In implementing this policy, stricter standards will apply to Heritage Trees than to other trees, to reflect their relative importance.

## **policy**

### **DO4.1.12 incentive for protection**

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*Flexibility in development controls should be allowed on sites identified by a Heritage Overlay, where:*

- a) the values for which the site or item was listed are not adversely affected by the development, and*
- b) any adverse effects on adjoining sites are minor, and*
- c) there is a resulting environmental benefit from protection of the item identified in the Heritage Overlay.*

#### **Explanation and Reasons**

DO4.1.12.i Those items which come within a Heritage Overlay are defined under 'Heritage Overlay' in Chapter 2 of this Plan (Meanings of Words). This policy provides an incentive to owners to protect heritage items, trees and other sites. It signals that trade offs on the remainder of the site may be possible where an item is protected. These could be in the form of being allowed to exceed building coverage, site size, parking or to depart from other rules in this Plan. Since it is the wider community that benefits from heritage protection and similar protection, the policy requires that any effects of the departure from the rules in this Plan are generally borne by the wider community. There should not be other than minor effects on neighbours. Thus, depending on the circumstances, increased coverage, or departure from the shape factor requirement for a site may have no significant effect on a neighbouring property. On the other hand, exceeding the daylight angles might have such effects. An important rider to the policy is that any incentives granted in the process should not adversely affect the values of the protected item.

## **policy**

### **DO4.1.13 heritage precincts**

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- a) Where there are groupings of heritage buildings or objects which together have particular merit, the group should be managed as a heritage precinct.*
- b) The special heritage character and streetscape value of heritage precincts shall be preserved and enhanced, having regard to the contribution existing buildings make, or new buildings would make, to the character of the precinct as a whole.*

#### **Explanation and Reasons**

DO4.1.13.i Seven heritage precincts have been identified in the Residential Zone as having special streetscape and heritage significance. These are South Street; Elliott Street; Russell Street; Dear Cottages - Rutherford Street; Fountain Place, Alton Street and Seymour Avenue. In the Inner City Zone, five heritage precincts have been defined: Upper Trafalgar Street; Lower Trafalgar Street (East side); Bridge Street (East); Hardy Street (East, South side) and Albion Square.

DO4.1.13.ii The qualities of these areas vary from specific architectural styles, the age and historical association of buildings, through to the character of a high level of building density. The focus of the precincts is on streetscape - that is, those parts of the buildings that can be seen from the public road. The policy recognises that a group of heritage buildings can be more significant and have more visual impact than each of the individual buildings separately. Within a group, individual buildings may not be outstanding in their own right, but their loss may have a significant impact on the group. The precincts also include some modern buildings. This allows a long term approach to be taken so that if any of these sites are redeveloped or altered particular regard can be had to ensuring any new design enhances the precinct overall.

Methods (policies DO4.1.2, DO4.1.3, DO4.1.4, DO4.1.6 - DO4.1.12)

DO4.1.13.iii Listing in Appendices 1, 2 and 3, and indicating on the Planning Maps heritage buildings, places, and objects, heritage precincts, protected trees, archaeological sites, and sites of significance to iwi.

DO4.1.13.iv Design guides for renovating and altering existing identified heritage buildings and for renovations, alterations, and new buildings within Heritage Precincts.

DO4.1.13.v The Council will contribute to the community funded Heritage Trust Fund. Owners of heritage items may apply to the Trust for assistance with such matters as building preservation, strengthening, or maintenance, or obtaining expert advice e.g. engineering or architectural advice.

DO4.1.13.vi Education of the location, history, and significance of Nelson's heritage features, including trees.

DO4.1.13.vii Consider using awards to recognise sympathetic new buildings or restoration, or subdivisions, or developments which take care to retain trees.

DO4.1.13.viii Provide information on restoration techniques for buildings, and on tree care.

DO4.1.13.ix Rules relating to:

a) demolition, removal, alteration, and subdivision of identified heritage items, trees, or features of significance to iwi.

b) the maintenance of the heritage significance of any buildings in relation to any proposed construction, alteration, demolition, or removal of buildings in heritage precincts.

DO4.1.13.x Favourably consider departure from plan rules on other aspects of development if trees or heritage items are protected.

DO4.1.13.xi Tree planting and landscaping, and provision of appropriate non-standard services in precincts e.g. street lights and paving appropriate to the heritage theme.

DO4.1.13.xii Provide free or reduced cost tree inspection and pruning service by the Council for Heritage Trees.

DO4.1.13.xiii Purchase trees, or require as part of a reserves contribution on subdivision.

DO4.1.13.xiv At Ngawhatu Valley (ex Ngawhatu Hospital site) identification and protection of essential and significant trees beyond trees individually listed in the Plan at the time of subdivision.

## DO4e environmental results anticipated and performance indicators

The following results are expected to be achieved by the foregoing objectives, policies and methods. The means of monitoring whether this Plan achieves the necessary outcomes are also detailed below.

Anticipated environmental results	Indicators	Data source
DO4e.1 Increased knowledge by the public and property owners of heritage values of buildings, objects, and trees.	DO4e.1.1 General level of community discussion and debate.	News media, correspondence on Council files, uptake of educational material and programmes provided by Council.
DO4e.2 Retention of heritage buildings, objects and trees.	DO4e.2.1 Adaptation of heritage buildings to new uses. New development that accommodates listed trees. Number of listed trees and heritage items remaining, removed with consent or without consent.	Council records, demolition consents granted, New Zealand Historic Places Trust register. (Inclusion on the register does not provide protection for heritage items, but informs the public of their heritage value.)



## **D05 Natural values**

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DO5.i Nelson contains a wide range of significant natural features vital to the character and diversity of the District. As well as regionally significant features such as remnant areas of indigenous forest and wetland, there are features of national and international significance including the Nelson mineral belt, Nelson Boulder Bank, and extensive coastal inlets and estuaries. (See Issues in Chapter 4, particularly RI5 - landscape, seascape and open space values and RI6 - natural features.)

### **objective**

#### **DO5.1 natural values**

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*An environment within which natural values are preserved and enhanced and comprise an integral part of the natural setting.*

##### **Reasons**

DO5.1.i In the past much development has been at the expense of natural values. This Plan seeks to move towards a situation where development is not at the expense of natural values, and where appropriate and achievable development complements natural features. In relation to the urban area this means promoting an urban form that respects and works in harmony with the natural environmental features and patterns of an area. Good urban design practice can preserve natural areas and values by appropriate ecological design, and at the same time potentially increase usable green space within and adjoining urban developments.

DO5.1.ii In the Nelson City area, indigenous communities with priority for protection are:

- Alluvial forest
- Coastal sand dune, spit and boulder communities
- Coastal forest and shrub land
- Estuarine communities
- Ultramafic communities
- Freshwater wetlands and riparian forest

##### **policy**

#### **DO5.1.1 areas with high natural values**

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*Some areas with high natural values are identified in this Plan, and will be managed in such a way as to protect and enhance those values. Other areas that have high natural values will be identified in accordance with the criteria in Table DO5.1, and managed in such a way that protects and enhances those values.*

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

DO5.1.1.i Human settlement has resulted in dramatic changes to natural values. Indigenous vegetation has been cleared or modified, exotic animals introduced, wetlands drained or filled, coastal protection works built, and the contour of the land has been changed. Where areas of high natural value are readily identifiable, these should be mapped and protected from adverse effects. In other cases the values should be taken into account when considering any resource consent application.

DO5.1.1.ii Where investigation reveals additional significant natural areas identified in accordance with the criteria contained in Table DO5.1, Council will undertake full consultation with landowners or occupiers and will consider initiation of a plan change to include the newly identified areas in the Plan.

## Methods

DO5.1.1.iii Map areas of significant conservation value as Conservation Overlay and Marine Areas of Significant Conservation Value on the Planning Maps, and regulate by rules to protect and enhance the natural values of the area.

DO5.1.1.iv Assess all resource consent applications against the criteria in Table DO5.1, and where one or more of the criteria are relevant, place conditions on any resource consents granted in order to protect natural values.

DO5.1.1.v Prepare a Regional Pest Management Strategy which will, among other things, seek to prevent pest damage to areas of high natural value.

DO5.1.1.vi Encourage landowners, including the Department of Conservation, to fence off areas of high natural value, control pests and where appropriate consider providing assistance.

DO5.1.1.vii Where appropriate in the rural area assist landowners with the preparation of Property Plans having regard to the size of the property involved and the net environmental benefit to be achieved.

DO5.1.1.viii Schedule the values of sites mapped in the Conservation Overlay

DO5.1.1.ix Take into account any active protection of significant natural areas when considering proposals for development of properties and may consent to matters such as reduced minimum lot size or additional dwellings where active protection is resulting in a net environmental benefit.

## policy

### **DO5.1.2 linkages and corridors**

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*Promotion of linkages and corridors between areas of natural vegetation.*

#### Explanation and reasons

DO5.1.2.i Areas of indigenous vegetation are often too small to support viable populations of animal and plant species. Linking pockets together, or providing new links from larger areas of habitat, can provide significant improvements to the biodiversity in any of the individual areas. This can also result in greater interaction between people and the environment and assist with the recognition of the cultural importance of native plantings. The maintenance of such connections is crucial to natural system sustainability and will enhance the Plan's ability to protect indigenous biodiversity. Rivers (and potentially wetlands) provide opportunity for continuous Biodiversity Corridors. Biodiversity Corridors can also be established through existing vegetation corridors, desired connectivity routes (currently vegetated or not), or by utilising the connectivity of publicly owned land.

DO5.1.2.ii Biodiversity Corridors are shown on various Structure Plans in association with areas identified for future urban growth or more intense development of Rural Zones. These have four primary functions:

- protection, enhancement or restoration of natural values and the capacity or natural functioning of ecosystems and their processes to support a range of life;
- protection, enhancement or restoration of the capacity for natural ecosystem processes (such as the migration of animals or dispersal of plants) to function between different parts of the environment ie connectivity between ecological areas;
- to increase the interaction between humans and the natural environment;
- recognition and assistance with preservation of the cultural significance of water, native vegetation and native aquatic flora and fauna to Maori.

By improving biodiversity features in urban design, working with the natural characteristics of a site, and enhancing or emphasising natural features such as riparian areas and mature vegetation, Biodiversity Corridors may also have a positive impact on the quality of the urban and peri-urban environment by:

- integrating built development within its landscape setting;
- encouraging people to connect with and interact with their local natural environment;
- shaping community identity or a sense of place;
- providing amenity to neighbourhoods;
- protecting water bodies from the undesirable effects of land development ie earthworks and sedimentation
- assisting in the management of stormwater discharges through retention and low-impact stormwater treatment;
- inclusion of public use and access;
- enhancing open space values.

DO5.1.2.iii Biodiversity Corridors are intended to preserve habitat that has functional connections with other existing natural communities. By showing Biodiversity Corridors on the planning maps / Structure Plans, there is potential to co-ordinate habitat preservation between properties and with regard to the wider ecosystem values. These corridors primarily recognise the presence of existing features of likely ecological value such as waterways and riparian margins, gullies, and existing trees or habitats, and the preservation, enhancement or restoration of inter-connectivity of these.

DO5.1.2.iv Biodiversity values can be integrated in urban and peri-urban environments at the three development stages of design, construction and post-construction. The Plan seeks that this is addressed as part of any application for subdivision consent, particularly for greenfield development. This requires an understanding of the site in terms of such matters as its water catchments, ecosystems type, and proximity to other existing and potential open space and conservation networks. Corridors and linkages should incorporate vulnerable areas such as waterways and reflect natural landscape connections where established, supported where possible and appropriate by human-made connections. Often streams and gullies will form natural boundaries within the landscape and therefore provide opportunity for restoration and access without unreasonably compromising development potential elsewhere. Areas must be large enough to maintain ecological processes for the health and integrity of the ecosystem and to buffer conflicting uses. The width of corridors will vary for this reason; a minimum width of 20m is required. Biodiversity Corridors are to be planted in predominantly eco-sourced native vegetation indigenous to the area. Some non-native vegetation can be planted for purposes such as to act as a nursery crop for the establishment of the native species referred to, or as a food source for fauna that utilise the corridor provided non-natives do not dominate and otherwise comply with provisions of the relevant Biodiversity Corridor rules. The resource consent process allows for the reduction in width of a Biodiversity Corridor to be considered where the intended functions of a Biodiversity Corridor are not compromised (see Policy Explanation and Reasons DO5.1.2.ii (Chapter 5 District Wide Objectives and Policies).

DO5.1.2.v Consideration also needs to be given to a Biodiversity Corridor's long-term management. There are a variety of management methods available to achieve the Council's objectives for natural values and biodiversity within urban and peri-urban subdivision design; for example consent notices, conservation or private covenants, esplanade and other reserves under the ownership and maintenance of the Council or other statutory body, or alternative design initiatives such as cluster development accompanied by preservation of natural open space or extension of tree planting into private property or the street network.

## Methods

DO5.1.2.vi Education on the benefits of corridors.

DO5.1.2.vii Promotion of linkages and corridors in "Property Plans".

DO5.1.2.viii Promoting ways to protect any existing indigenous vegetation such as covenants.

DO5.1.2.ix Encouraging regeneration and revegetation projects.

DO5.1.2.x Revegetation and pest control, assistance with costs of covenants.

DO5.1.2.xi Active involvement in the negotiation of covenants.

DO5.1.2.xii Council's own acquisition of riparian reserves along margins of streams and rivers.

DO5.1.2.xiii Council's own plantings of indigenous trees and shrubs.

DO5.1.2.xiv Provision of Biodiversity Corridors on Structure Plans or within the Planning maps, as a matter for assessment and response through subdivision applications.

DO5.1.2.xv Flexibility in development outcomes or design initiatives for land where accompanied by the protection, restoration or enhancement of Biodiversity Corridors or natural open space linkages.

## policy

### **DO5.1.3 work with landowners**

*Active participation of landowners is seen as vital to the protection and enhancement of significant natural areas. Council will work with landowners, recognise their stewardship and current management practices, and will favour the use of non regulatory methods, including assistance with the establishment of protective covenants, service delivery, education, and other incentives.*

#### Explanation and Reasons

DO5.1.3.i Council recognises that the protection and enhancement of significant natural areas on private land is best achieved through working with landowners. While rules in plans can provide some protection to significant natural areas they do not deal well with issues such as equity, control of pests or weeds, or browsing by animals. Further the use of rules and resource consent processes may penalise landowners who have protected these areas and may be a disincentive to further proactive management. Often significant natural areas only remain on privately owned land because they are valued and/or have been actively managed by the landowner. It is vital to recognise and support the landowners' stewardship of these areas and implement methods which assist landowners to achieve the best conservation outcomes.

## Methods

DO5.1.3.ii Promote and where appropriate assist landowners with the establishment of protective covenants and other private protection initiatives.

DO5.1.3.iii Recognise and promote management practices undertaken by landowners to preserve and enhance significant natural areas.

DO5.1.3.iv Consider provision of rates relief, assistance with works, assistance with pest control and other incentives where active management to preserve and enhance significant natural areas is occurring.

## policy

### DO5.1.4 review provisions

*Plan provisions related to protection and enhancement of significant natural areas will be reviewed and a plan change notified not later than 5 years from those provisions becoming operative.*

#### Explanation and Reasons

DO5.1.4.i Protection and enhancement of significant natural areas under the provisions of the Resource Management Act has been the subject of considerable debate throughout the country. The debate has been wide ranging and consensus on what constitutes good practice is only now beginning to emerge. Central Government is currently preparing a National Policy Statement to provide additional guidance on matters related to protection of significant areas on privately owned land.

Council will review its Plan provisions related to significant natural areas and will initiate a Plan change to the Nelson Resource Management Plan within 5 years of provisions related to significant natural areas becoming operative. The change will include a review of all parts of the Plan related to significant natural areas and the Conservation Overlay.

The review and change will specifically address the following:

- a) Any National Policy Statement addressing implementation of section 6c of the Resource Management Act.
- b) Review the use of Planning Maps and the current information contained on the maps.
- c) Review the inclusion of the results of any subsequent detailed survey of sites into Appendix 5. This may include preparing an inventory of active protection measures undertaken by landowners and a listing of properties subject to protective covenants or management agreements.
- d) Review of the criteria contained in Table DO5.1 following independent advice and consultation with all affected parties.
- e) Review of objectives, policies and rules related to vegetation clearance, earthworks and structures within significant natural areas, following consultation with all affected parties.
- f) Review of objectives, policies and non-regulatory methods related to the protection and enhancement of significant natural areas following consultation with all affected parties.

#### Methods

DO5.1.4.ii Establish a working group comprising representatives of Central and Local Government Agencies, Iwi, and landowners to review plan provisions related to significant natural areas and to recommend amendments to the Plan.

DO5.1.4.iii Consult with individual landowners and the public at large concerning the recommendations of the working group referred to above.

DO5.1.4.iv Initiate a review of Plan provisions related to significant natural areas, specifically the Conservation Overlay, and initiate a plan change within 5 years of these Plan provisions becoming operative.

**table DO5.1**

- a) The area contains a community type rare in the ecological district, or
- b) The area contains one of the best examples of a community type in the ecological district, or
- c) The area is important for the future viability of an endangered, threatened, vulnerable, or rare species, or an endemic species or sub species, or
- d) The site is within a long standing (i.e. greater than 15 years) natural area (i.e. not modified to the extent that natural values have been lost) of greater than 10 ha in size, or
- e) The site is within a corridor comprising indigenous vegetation, not exceeding 250 m long between areas significant in the ecological district or a link within a vegetation gradient, or
- f) Absence of significant predators or herbivores from a habitable site (e.g. absence of rats on an island), or
- g) An area otherwise of conservation value and containing a protected area such as a reserve, sanctuary, park, or protective covenant (these sites may only require noting where the existing protection is adequate to protect the conservation values associated with the site), or
- h) A representative example of a regionally, nationally, or internationally outstanding land form or geologic feature.

**DO5e environmental results anticipated and performance indicators**

The following results are expected to be achieved by the foregoing objectives, policies and methods. The means of monitoring whether this Plan achieves the necessary outcomes are also detailed below.

Anticipated environmental results	Indicators	Data source
DO5e.1 Increased knowledge by public and property owners of natural values of places.	DO5e.1.1 General level of community discussion and debate.	News media, correspondence on Council files.
DO5e.2 Retention of areas of significant natural and conservation values.	DO5e2.1 New development that avoids or accommodates natural and conservation values.	Council records, resource consents granted.

## DO6

## Riparian and coastal margins

DO6.i The issues in regard to riparian margins are discussed in Chapter 4 (particularly RI12 - public access to margins of lakes, rivers, and the coast). The linkage between the land and adjacent water bodies is the riparian margin (for freshwater bodies and coastal areas). It is an area of considerable significance in terms of interaction between land and water and is accorded special significance in promoting the purpose and principles of the Resource Management Act. Riparian and coastal margins are a dynamic meeting place between land and water.

When making decisions in accordance with objectives and policies in DO6, account will also be taken of the objectives and policies in Chapter 13, particularly Objective CM7 (Public Access) and accompanying policies and methods.

Riparian margins:-

- a) have a special and distinctive landscape character
- b) may be subject to rapid erosion and accretion
- c) may be subject to inundation
- d) are the meeting point between terrestrial and aquatic species
- e) may contain specially adapted species
- f) are the point at which pollutants from land based activities enter surface water
- g) may be important for access to and along water bodies, including for the purposes of trout fishing and white baiting
- h) are often productive ecosystems
- i) may contain vegetation and structures which enhance water quality and aquatic habitats through shading by adjacent vegetation, stabilisation of river banks, creation of backwaters, and supply of insects for fish species
- j) may be important for a wide range of recreation pursuits
- k) may contain a high number of cultural sites
- l) may be important for the collection of mahinga kai
- m) are often considered desirable areas for residential and commercial development
- n) may contain economically vital coastal related activities such as ports
- o) may be important as sites for structures which facilitate public access or use e.g. bridges, wharves, or for utility services.

DO6.ii Riparian and coastal margins are in a variety of ownership, both public and private. Proposed acquisition of esplanade reserves or controls placed on the use of these areas, through esplanade strips or general land use controls, will often constrain private landowners in their use of adjoining areas and so introduce management problems.

Although the setting aside of an esplanade reserve may affect the land owner's use and enjoyment of adjoining land there are substantial benefits for the community in having a consistent long term policy on creating such reserves for protecting and enhancing many of the beneficial aspects of riparian margins, as outlined above.

## objective

### **DO6.1 riparian and coastal margins**

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*Riparian and coastal margins where natural character, public access, natural functions, landscapes, heritage values, water quality and ecological values are protected and enhanced.*

#### Reasons

DO6.1.i Riparian margins comprise the land near rivers and other water bodies. They have a number of values and serve a variety of functions. Their management is of keen interest to private landowners and the general public alike. Management of riparian margins must take into account the variety of values and functions and seek to resolve the conflict which often occurs with and between these values and functions. Not all values can be absolutely protected in every place.

DO6.1.ii Coastal margins include areas of intensive public recreation, such as Tahunanui Beach, Wakefield Quay, Rocks Road and areas of industrial, farming and other activities. All of these may have adverse effects on the values of the natural margins. As with riparian margins, not all values can be accommodated simultaneously.

#### **policy**

##### **DO6.1.1 priority margins**

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*Priority riparian and coastal margins should be identified, and acquired at the time of subdivision, development, or through negotiation.*

#### Explanation and Reasons

DO6.1.1.i While the Council can exercise some control over riparian and coastal margins irrespective of land ownership there are some values such as public access or recreation values that are dependent on ownership rights. Section 230 of the Act provides for esplanade reserves to be created at the time of subdivision. Where margins have been identified as being of high priority, public ownership or interest in the land is the most effective way of ensuring that an adequate level of protection is achieved.

In assessing the type and level of riparian protection Council will take Table DO6.1.1 into account. This table illustrates the criteria used to derive Table 6.2 from Table 6.1 in Appendix 6.

In considering any discretionary or non complying activity resource consent, or any plan change application affecting the values defined in Table 6.1, regard will be had to Table DO6.1.1 when determining the appropriate type of esplanade requirement.

Where the type or intensity of development proposed is out of character with that normally provided for by this plan within the area concerned, Council will apply the criteria which most closely matches the character of the activity proposed.

In situations where esplanade reserves or esplanade strips have previously been created and it is proposed to change the character and intensity of the activity, Council may review requirements for esplanade reserves or strips. An example of this may be where an esplanade strip exists in a rural area and a plan change makes the area residential. In this situation Council would apply a residential standard which may include requirement for an esplanade reserve of greater width than the existing strip.



**table DO6.1.1**

Esplanade values as given in Table 6.1 Appendix 6 for the riparian margin to which the application relates	Activities of a rural/residential nature	Activities of a rural nature	All applications related to the coastal environment	All activities of an urban nature (including residential, commercial, industrial etc.)
Hazards	Strip	Strip only where active protection required	Strip	Reserve
High priority public access and recreation (i.e. Priority 1 & 2, Table 6.1, Appendix 6)	Reserve	Strip	Strip	Reserve
Lesser priority public access and recreation (i.e. Priority 3, Table 6.1 Appendix 6)	Strip	Possible strip by negotiation	Strip	Reserve
High conservation (i.e. Priority 1 & 2, Table 6.1, Appendix 6)	Reserve	Strip	Strip	Reserve
Lesser conservation (i.e. Priority 3, Table 6.1 Appendix 6)	Strip	Strip, where active management required	Strip	Reserve

#### Methods

DO6.1.1.ii Show priority margins on the Planning Maps and list in Appendix 6.

DO6.1.1.iii Rules requiring the vesting of esplanade reserves and the creation of esplanade strips at the time of subdivision or on resource consent applications for land uses (refer to explanation in Appendix 6, Table 6.1).

DO6.1.1.iv Negotiating esplanade reserves, esplanade strips, or access strips on a voluntary basis where there is no mandatory requirement to acquire, or in advance of any mandatory requirement.

DO6.1.1.v Assess the appropriate width of esplanade strips and reserves during discretionary or non complying consents, or plan change applications where activities of a different scale or intensity to those normally provided for in the area are proposed.

## **policy**

### **DO6.1.2 activities in margins**

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*The values associated with riparian and coastal margins should be protected from the adverse effects of activities in order to prevent degradation or loss of esplanade values while recognising that some activities require to be located in or adjacent to water bodies.*

#### **Explanation and Reasons**

DO6.1.2.i Riparian and coastal margins are sensitive areas which can be rapidly degraded by inappropriate management. Where an area has been identified as of high priority for acquisition it is important to ensure that the values which justified this classification still exist when the Council gets the opportunity to acquire this margin. While recognising that some land use activities and services such as bridges existing roads, and existing facilities such as the port and airport must be located within riparian margins, other land use activities are avoidable.

Where activities are likely to result in adverse effects on margins and on water quality, sediment generation, or on river bank stability which can also have off site impacts, they should be identified and controlled.

#### **Methods**

DO6.1.2.ii Rules which control activities with the potential to detract from the values identified or impede the future acquisition of a esplanade reserve or strip.

DO6.1.2.iii Assessment of resource consent applications and plan change proposals guided by the priorities established for river and coastal margins in Table 6.1 of Appendix 6 and by the criteria contained within Table DO6.1.1.

## **policy**

### **DO6.1.3 existing undersize lots**

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*Where existing undersized rural lots fall within areas identified for the acquisition of esplanade reserves or strips, consideration will be given to other methods of achieving esplanade purposes including the use of access strips.*

#### **Explanation and Reasons**

DO6.1.3.i There are a number of existing lots which are smaller than 3ha in the Small Holding Area and smaller than 15ha in the Rural Zone which adjoin rivers that are identified for the acquisition of esplanade reserves or strips and for protection of values for future acquisition. In the case of these existing small sites, protection of future esplanade reserves and strips can place unreasonable constraint on the use of the site. For example: where the main value for a riparian margin was public access, the purpose for the esplanade reserve or strip might be adequately met through the landowner providing access between the road and the river, thus creating a link with the rest of the esplanade reserve or strip.

#### **Method**

DO6.1.3.ii Rules within the Rural Zone which make reconstruction or alteration of any structure or construction of small uninhabitable buildings controlled, rather than discretionary, within the esplanade area specified in Table 6.2 of Appendix 6 (riparian and coastal margin overlays).

## **policy**

### **DO6.1.4 management of margins**

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*The long term natural functioning of riparian and coastal margins should not be adversely affected by activities. In particular, natural values of margins including water quality, the habitats of plants and animals, landscape, and amenity values, including potential enhancement opportunities should be recognised and protected.*

#### **Explanation and Reasons**

DO6.1.4.i Activities such as soil disturbance, vegetation clearance, and discharge of contaminants can adversely affect the values and functioning of riparian margins or introduce contaminants in such proximity to water courses as to allow little or no reduction of the contaminant by riparian vegetation. Control of these activities is necessary to maintain and enhance the functioning of riparian margins.

#### **Method**

DO6.1.4.ii Rules regulating earthworks, soil disturbance, vegetation clearance, and discharge of contaminants on all riparian or coastal margins.

## **policy**

### **DO6.1.5 access to Coastal Marine Area**

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*Public access to the Coastal Marine Area and along the coastline above mean high water springs should be maintained and enhanced, particularly in the following areas:*

- a) the foreshore between Richmond (Tasman District) and Tahunanui Beach*
- b) adjacent to and along Rocks Road and Wakefield Quay*
- c) Cable Bay to Cape Soucis*
- d) along the lower reaches of the Maitai and Wakapuaka rivers.*

#### **Explanation and Reasons**

DO6.1.5.i Current pedestrian access around the eastern perimeter of the Waimea Inlet has been difficult due to the limited foreshore reserve and the nature of the terrain. However, Whakatu Drive has improved access and recreational opportunities in the area. It may be possible to establish a walkway from Richmond along the Stoke foreshore to Tahunanui.

DO6.1.5.ii Rocks Road is a high use recreational area. The footpath is narrow, close to the road, and access to the foreshore is limited. The Wakefield Quay Development presents an opportunity to achieve design improvements in this area.

DO6.1.5.iii The Cable Bay/Pepin Island/Delaware Bay area, Whangamoa River mouth and possibly at some points further north, has been identified as an area where there may be opportunities to improve public access to and along the coast and to generally enhance recreational opportunities. The policy gives effect to New Zealand Coastal Policy Statement 3.5.2(ii).

See also DO12.1.6

#### **Methods**

DO6.1.5.iv Rules requiring the vesting of esplanade reserves at the time of land subdivision of a sufficient width to provide public pedestrian access along the coastline.

DO6.1.5.v Council negotiating access strips, pedestrian easements and access agreements with landowners to allow access along the coastline, especially along the coast from Cable Bay to Cape Soucis.

DO6.1.5.vi Council negotiating land acquisition of priority areas for pedestrian access along the coast.

DO6.1.5.vii Promotion of the benefits to the community of providing access to the coastal environment.

## D06e environmental results anticipated and performance indicators

The following results are expected to be achieved by the foregoing objectives, policies and methods. The means of monitoring whether this Plan achieves the necessary outcomes are also detailed below.

Anticipated environmental results	Indicators	Data source
<p><b>DO6e.1</b></p> <p>Increased knowledge by the public and property owners of natural values of margins.</p>	<p><b>DO6e.1.1</b></p> <p>General level of community discussion and debate.</p>	<p>News media, correspondence on Council files.</p>
<p><b>DO6e.2</b></p> <p>Retention of margins having significant natural and conservation values.</p>	<p><b>DO6e.2.1</b></p> <p>New development that avoids, remedies or mitigates adverse effects on margins.</p>	<p>Council records, resource consents granted.</p>
<p><b>DO6e.3</b></p> <p>Increased public ownership of esplanade reserves on priority margins, and increased access via esplanade strips and access strips.</p>	<p><b>DO6e.3.1</b></p> <p>Esplanade reserves and strips consistently acquired on subdivision and other consent applications.</p>	<p>Council records, resource consents granted.</p>

## D07 Coastal environment

**D07.i** The coastal environment spans land above and some land below mean high water springs and therefore transcends both the district and regional functions of Council. For administrative convenience (related to the plan's structure and administration of resource consents) the district parts of the Nelson Resource Management Plan include the Coastal Environment Overlay. This overlay with special exceptions, deals with the land above mean high water springs that is close to, or has a special relationship with the Coastal Marine Area.

Areas below mean high water springs are within the Coastal Marine Area (Chapter 13) and comprise the Regional Coastal Plan. A detailed description of the Coastal Environment Overlay is contained in Chapter 3. (Relevant issues are discussed in Chapter 4, particularly RI5, RI6, RI7, RI8 and RI9.) Objectives and policies in Chapter 13 (Coastal Marine Area) will be relevant to activities in the Coastal Environment Overlay.

## objective

### D07.1 natural character

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*Preservation of the natural character of the coastal environment from inappropriate subdivision, use and development.*

#### Reasons

D07.1.i Council is required, by the Resource Management Act 1991, to safeguard the life-supporting capacity of water and ecosystems. The objective also reflects the requirements of section 6 of the Act and is consistent with the New Zealand Coastal Policy Statement.

### policy

#### D07.1.1 life supporting capacity

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*Activities on land (adjacent to the coast) should not have adverse effects on the life-supporting capacity of the coastal environment, either inside or outside the Coastal Marine Area on:*

- a) the quality and quantity of habitats, and*
- b) the integrity of essential ecological processes, and*
- c) the viability of species populations, and*
- d) the yield or quality of harvested populations, and*
- e) water quality, and*
- f) natural processes such as sediment transport.*

#### Explanation and Reasons

D07.1.1.i Many activities can have the effects mentioned. The effects of an activity on land near the coast need to be assessed in terms of impacts on the Coastal Marine Area as well as on the land. Reclamation and drainage are particularly damaging to the life supporting capacity of the coastal environment because they result in permanent loss of habitats and biological productivity. The margins of Waimea Inlet and Nelson Haven have been substantially modified by reclamation. All future reclamation should require firm evidence of need, careful consideration of alternatives, and full assessment of effects on natural values and physical processes.

#### Methods

D07.1.1.ii Rules which regulate activities with the potential to have significant adverse effects on the life-supporting capacity of the Coastal Marine Area.

D07.1.1.iii Assessment of resource consent applications.

## **policy**

### **DO7.1.2 adverse effects**

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*Adverse effects of subdivision, use or development in the coastal environment should, as far as practicable, be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects to the extent practicable.*

#### **Explanation and Reasons**

DO7.1.2.i This policy relates to policy 3.2.2 of the New Zealand Coastal Policy Statement. Council accepts that within the coastal environment the New Zealand Coastal Policy Statement establishes a hierarchy of avoid, or if avoidance is not possible, then remedy and mitigate adverse effects.

#### **Methods**

DO7.1.2.ii Placing conditions on resource consents requiring mitigation and remedy of adverse effects.

DO7.1.2.iii Development of property plans to facilitate integration of development and conservation.

## **policy**

### **DO7.1.3 restoration**

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*Opportunities to restore or enhance the life-supporting capacity of the coastal environment should be identified and, where practicable, acted upon.*

#### **Explanation and Reasons**

DO7.1.3.i The policy relates to policy 1.1.5 of the New Zealand Coastal Policy Statement. Council recognises that, in many instances, it may not be practical or cost effective to implement restoration projects but nevertheless the policy establishes a principle and expresses a positive intent.

#### **Methods**

DO7.1.3.ii Identifying opportunities to enhance the life supporting capacity of Nelson's coastal environment.

DO7.1.3.iii Requiring appropriate financial contributions, including works and services from resource consent holders.

DO7.1.3.iv Undertaking works, as appropriate, including revegetation. The Council will encourage the use of local sources for plants.

DO7.1.3.v Encouraging community participation in restoration projects.

## **policy**

### **DO7.1.4 Land use, development, and subdivision**

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*Subdivision, use, or development of land in the coastal environment should be located, designed and managed in a way that protects areas of significant indigenous vegetation, significant habitats of indigenous fauna, outstanding natural features and landscapes.*

#### **Explanation and Reasons**

DO7.1.4.i This general policy reflects sections 6(a) and 6(c) of the Act and policy 1.1.2 of the New Zealand Coastal Policy Statement. Council recognises that, irrespective of the degree of modification that has taken place, all of the coast has some degree of natural character and the approach required by the Act is to protect those attributes which give an area its natural character from inappropriate use and development. Council also recognises that the need to protect natural values may limit development opportunities.

## **policy**

### **DO7.1.5 residential development**

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*Within the coastal environment, sprawling or sporadic subdivision, use, or development of land shall be avoided, and any future residential development should be within a papakainga development, or the residentially zoned land at the Glen.*

#### **Explanation and Reasons**

DO7.1.5.i The policy gives effect to policy 1.1.1(a) of the New Zealand Coastal Policy Statement which relates to the encouragement of appropriate subdivision use or development in areas where the natural character has already been compromised and avoiding sprawling or sporadic subdivision, use or development. The policy preserves natural character. Papakainga will be identified from time to time under the tangata whenua policies in this Chapter.

## **policy**

### **DO7.1.6 coastal activities**

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*Activities, including structures, within the coastal environment should be located and designed to take into account:-*

- a) any existing natural hazards, and*
- b) the potential to exacerbate natural hazards, and*
- c) the implications of future climate change (including the possibility of a 0.6m sea level rise and increasingly severe storms), and*
- d) policy CM8.2 on coastal protection works (including effects on, and arising from, coastal processes), and*
- e) the visual amenity of the coastal environment.*

#### **Explanation and Reasons**

DO7.1.6.i The policy seeks to minimise future loss or damage to human life or property and to avoid the need to erect costly and potentially ineffective coastal protection works. This Plan takes a precautionary approach to sea level rise, adopting a projected sea level rise of 0.6m in the next 100 years (Ministry for the Environment, 1993). This policy is consistent with the Regional Policy Statement and the New Zealand Coastal Policy Statement policies 3.4.1, 3.4.2 and 3.4.5.

#### **Methods**

DO7.1.6.ii The Council will implement all the above policies DO7.1.1 to DO7.1.6 by way of:

- a) the rules relating to subdivision, use and development in rural, residential and industrial zones and in the Coastal Environment Overlay.
- b) identifying areas for priority action (in consultation with the Department of Conservation) and taking action where the Council is the owner.
- c) encouraging the Department of Conservation to take action where at risk areas are in Crown ownership.
- d) advocating to the Department of Conservation that it purchase high value areas for reserves.
- e) informing landowners of the values associated with particular sites or features, and the available protection options.
- f) encouraging private landowners to enter into Queen Elizabeth II covenants or similar devices to protect significant features or areas.
- g) where appropriate, offering incentives and/or compensation for entering into protective covenants or other initiatives aimed at protecting natural features e.g. fencing.
- h) acquisition of significant areas at the time of subdivision or by negotiation.

DO7.1.6.iii The Council will encourage landowners, including the Department of Conservation, to fence off areas of significant indigenous vegetation and will consider providing assistance (policy DO7.1.3).

DO7.1.6.iv The Council has prepared a Regional Pest Management Strategy which will, among other things, seek to prevent pest damage to significant natural areas or values within the coastal environment (policy DO7.1.1). (Pest management strategies are prepared under the provisions of the Biosecurity Act 1993.)

## objective

### DO7.2 coastal water quality

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*Maintenance and enhancement of the quality of Nelson's coastal water at or to a level which safeguards its life supporting capacity and is safe for contact recreation and for gathering and consumption of seafood.*

#### Reasons

DO7.2.i Maintenance of the life supporting capacity of coastal waters is fundamental to achieving the purpose of the Act. Coastal waters are valued by the community for a wide range of water quality-dependent purposes, including fisheries maintenance, water contact sports, recreational boating, passive recreational enjoyment, and cultural or spiritual values.

#### policy

##### DO7.2.1 discharges (general)

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*Discharges of contaminants to water or land within the coastal environment should not, after reasonable mixing, result in a breach of classification standards or a reduction in water quality and the discharge should not (either by itself or with other discharges) give rise to any significant adverse effects on habitats, feeding grounds, or ecosystems, either in the Coastal Marine Area or on land.*

#### Explanation and Reasons

DO7.2.1.i Contaminants include any substance which when discharged into water changes, or is likely to change, the physical, chemical, or biological condition of the water. Classification standards (contained in Chapter 13, Coastal Marine Area) provide a "baseline" below which water quality should not be degraded other than as a result of natural perturbations (e.g. storm water runoff) or in exceptional circumstances. The second part of the policy reflects the requirements of the New Zealand Coastal Policy Statement. Of particular note is the disposal of sewage in septic tanks near the coast. Particular attention under the policy will be paid to the adequacy and effects of this disposal method.

#### policy

##### DO7.2.2 stormwater discharges

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*The level of contaminants in storm water discharges to the Coastal Marine Area should be minimised to the greatest practicable extent.*

#### Explanation and Reasons

DO7.2.2.i Stormwater is generated by runoff from land or hard surfaces. In urban areas of Nelson City, stormwater is piped through stormwater drains to receiving waters such as channels, streams, rivers or coastal margins. Urban stormwater typically contains a wide variety of contaminants with the potential to adversely affect aquatic life, amenity or cultural values - including oil and other hydrocarbons, heavy metals, sediment, microbes (pathogens) and nutrients. Some industrial and trade premises discharge stormwater runoff directly to the Coastal Marine Area or to water bodies above the mean high water mark which drain into the Coastal Marine Area.



## **policy**

### **DO7.2.3 vessel waste management**

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*All vessel construction, maintenance, and servicing sites should possess facilities for the containment, collection, and treatment or disposal of wastes or contaminants arising from the activities on the site.*

#### **Explanation and Reasons**

DO7.2.3.i Boat construction, maintenance, and servicing can result in toxic antifouling paint, heavy metals and other contaminants entering the Coastal Marine Area by way of drainage from hard stand areas.

## **policy**

### **DO7.2.4 “non-point” discharges**

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*Land use management practices should minimise the contribution of diffuse (or “non-point”) source contaminants to water in the coastal environment.*

#### **Explanation and Reasons**

DO7.2.4.i Diffuse or non-point source contamination is probably a more significant cause of water quality degradation than point-source discharges in Nelson coastal waters. Rivers such as the Waimea, the Maitai and to a lesser extent the Wakapuaka and Whangamoā, deliver sediment, nutrients, agricultural chemicals (herbicides, pesticides) and stock-derived faecal coliform bacteria to the Coastal Marine Area. Such contaminants may individually or collectively, have a number of adverse effects including abrasion or smothering of aquatic life (in the case of sediment), excessive algal growth in semi-enclosed waters (nutrient enrichment), toxicity (herbicides, pesticides), public health (coliform bacteria) and aesthetic effects. Near shore waters, including estuaries, are the most susceptible to such effects.

#### **Methods (for all policies DO7.2.1 to DO7.2.4)**

DO7.2.4.ii Rules to ensure that all new residential or commercial developments within the coastal environment make adequate provision for sewage disposal

DO7.2.4.iii The Council will encourage all coastal developers to evaluate options for land-based disposal of sewage and to consult with tangata whenua and the community before submitting resource consent applications

DO7.2.4.iv Rules regulating stormwater discharges to the Coastal Marine Area.

DO7.2.4.v The Council will investigate the nature, extent and sources of contamination of stormwater discharges to the Coastal Marine Area and consider possible means of reducing contaminant levels.

DO7.2.4.vi The Council will initiate an education programme to promote awareness of the potentially adverse effects of disposing of contaminants into stormwater drains and of the available alternatives for the disposal of liquid wastes.

DO7.2.4.vii Rules aimed at minimising the runoff of sediment and other suspended substances from subdivision and other activities involving disturbance of the land, to the coastal environment.

DO7.2.4.viii The Council will ensure that future development of the Nelson Marina includes adequate rubbish collection and sewage collection and disposal facilities.

DO7.2.4.ix The Council will require the owners/operators of vessel construction and maintenance facilities to take appropriate steps to contain, collect, and dispose of contaminated run-off from hard stand areas. The discharge of runoff from these areas to the Coastal Marine Area will not be permitted.

DO7.2.4.x Rules to control vegetation and land disturbance activities, including activities near watercourses.

DO7.2.4.xi The Council will promote, by way of education and advisory services, land use practices which minimise the runoff of contaminants to coastal waters, including the proper use of agri-chemicals, stock control procedures, and the disposal of animal waste to land.

## D07e environmental results anticipated and performance indicators

The following results are expected to be achieved by the foregoing objectives, policies and methods. The means of monitoring whether this Plan achieves the necessary outcomes are also detailed below.

Anticipated environmental results	Indicators	Data source
D07e.1 Preservation of the natural character of the coastal environment.	D07e.1.1 Maintained or enhanced water quality, maintained or enhanced natural vegetation and habitats.	Council records, especially aerial photos and water sampling records.
D07e.2 Reduced building and development impacts on the coast.	D07e.2.1 Level of new building and development in the coastal environment. New building and development in sympathy with landscape character.  Consistent treatment of resource consent applications for activities in coastal environment.	Media reports, Council records.
D07e.3 Coastal water quality that supports community aspirations for use.	D07e.3.1 Trends in visual water quality. Uses continuing in terms of classification. Consistent enforcement of water standards.	Fishing catch records Inspection Council research and files

## D08 Signs

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### objective

#### D08.1 signs

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*Outdoor signs which convey necessary information, while avoiding or mitigating any adverse effects on public safety, convenience and access, or on the visual amenity of the district.*

##### Reasons

D08.1.i Signs can be useful in providing important information. However, signs if not properly controlled can be a hazard to people and to traffic, and can be visually intrusive both in the natural landscape and within the built landscape.

##### policy

#### D08.1.1 minimising signs

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*The number of signs and their adverse effects should be minimised, while recognising the need to provide information and the special character of Nelson's urban and non-urban environment.*

##### Explanation and Reasons

D08.1.1.i Nelson has an attractive natural environment which does not have a large number of signs. Similarly, the urban area is relatively uncluttered by excess signage. The policy aims to maintain this 'low sign' environment.

##### Methods

D08.1.1.ii Rules regulating the number, size and other aspects of signs.  
D08.1.1.iii Rules controlling signs on heritage items.

##### policy

#### D08.1.2 character and amenity

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*The number, size, location and nature of outdoor signs in different areas of the district should take account of the character and amenity of those areas, paying particular regard to local visual amenity, significant landscapes, and heritage values, as well as daylight amenity where appropriate.*

##### Explanation and Reasons

D08.1.2.i The policy requires that the design of signs take account of the nature of the area into which they are to go. For example, greater use of signage is expected in industrial and commercial zones, compared to residential areas. Similarly, greater care may be needed in the design and placement of signs on a heritage building, or within some other sensitive environment such as the Coastal Marine Area.

##### Methods

D08.1.2.ii Rules regulating the number, size and other aspects of signs.  
D08.1.2.iii Rules controlling signs on heritage items.

## policy

### DO8.1.3 safety

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*All signs should be constructed and placed in a manner that does not pose a danger to property or people, and the display of signs should not adversely affect traffic safety by causing confusion or distraction, or obscuring the views of motorists or pedestrians. Sky signs and airborne signs should not adversely affect aircraft safety.*

#### Explanation and Reasons

DO8.1.3.i Signs need to be designed and located so that they do not cause a hazard e.g. in terms of being too low, or not being safely attached. Traffic corridors are particularly vulnerable to clutter from activities designed to catch the attention of passing motorists. Nelson has remained largely free of an excess of advertising devices along roadsides unrelated to the area within which they are located. This is considered of high significance to the maintenance of Nelson's character, particularly in the rural area. It is critical that signs be efficient and effective at what they set out to achieve, to help avoid the need for a greater number of unnecessary signs which will compromise road safety.

#### Methods

DO8.1.3.ii Rules regulating the number, size and other aspects of signs.

DO8.1.3.iii Rules controlling signs on heritage items.

## DO9

### Landscape

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DO9.i Major threats to the landscape character of Nelson include:

- a) Residential expansion especially along prominent ridge lines in the urban area. These result in loss of natural colours and patterns, development of a saw tooth appearance on the skyline ridge, and loss of public views from the ridge line.
- b) Loss of views from within the urban area to prominent landscape features such as the coast or ridge lines. This may include the loss of prominent views from main routes in and out of the District, loss of views from within the central business district to the hills and coast, and blurring of the urban rural interface.
- c) Exotic forest establishment and harvesting along prominent foothills. This may
- d) result in removal of native vegetation, development of tracks and landings, and changes in landscape colours and patterns especially during harvesting.
- e) The intrusiveness of structures (including signs and antennas) or tracks into otherwise "natural" or rural landscapes. (See Chapter 4 Issues, particularly RI5, RI6 and RI8).

## objective

### DO9.1 landscape

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*A landscape that preserves and enhances the character and quality of the setting of the city and in which its landscape components and significant natural features are protected.*

#### Reasons

DO9.1.i The landscape setting and physical features of Nelson gives it a distinctive identity. Development needs to recognise this distinctive identity and be undertaken in a manner which avoids, remedies or mitigates adverse effects on landscape values.

## **policy**

### **DO9.1.1 significant features**

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*Significant landscape and coastal features which contribute to the setting of Nelson should be protected.*

#### **Explanation and Reasons**

DO9.1.1.ii Where a landscape feature makes an important contribution to the natural setting of Nelson and has not yet been compromised, the opportunity exists to protect this feature and avoid development which compromises it.

## **policy**

### **DO9.1.2 development**

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*Development should be undertaken in a manner which avoids, remedies, or mitigates adverse effects on the landscape, coastal features and amenity values.*

#### **Explanation and Reasons**

DO9.1.2.i In many areas development or the expectation of development makes it unrealistic to protect landscape features in their natural state. In these cases it is important to ensure that any development is undertaken in a manner which avoids adverse effects on or is complementary to the landscape feature being considered. Development includes signs, which may have an adverse effect on landscape values.

## **policy**

### **DO9.1.3 primary road routes**

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*Primary road routes that contribute to the experience of arriving in and departing Nelson, or of moving from one part of the city to another, should be protected and enhanced.*

#### **Explanation and Reasons**

DO9.1.3.i Primary road routes provide important visual transition areas when moving from one part of the city to another, or when arriving in or leaving Nelson. Primary road routes are State Highway 6 from Wakapuaka to Saxton Field, Waimea Road between Hays Corner and Bishopdale Saddle, and the main route to Nelson Airport along Quarantine Road and Trent Drive. It is important to ensure that any development avoids effects that may detract from the experience that the routes provide.

## **policy**

### **DO9.1.4 visual amenities**

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*Particular regard should be had for the protection of visual amenity values in the following areas:*

- a) ridge lines/skylines, and*
- b) seaward facing slopes of hills, and*
- c) estuaries, and*
- d) shorelines / riparian margins, and*
- e) coastal headlands, promontories, and adjacent sea, and*
- f) relatively unmodified parts of the coastal environment.*

#### **Explanation and Reasons**

DO9.1.4.i The areas identified are particularly sensitive to visual intrusion. The insensitive construction of tracks across hillsides can have a significant adverse effect on coastal landscape values. Estuaries, because of their predominantly horizontal landscape elements, are particularly sensitive to the visual effects of vertical structures such as transmission lines. Shoreline structures can affect views to and from the sea. Riparian vegetation and forest remnants are important, but rare, landscape elements. Coastal headlands and promontories, like ridges, are sensitive to the visual effects of structures. The use of such areas for the siting of structures should be avoided unless there is no practical alternative; if structures are located in these areas, their adverse effects are to be mitigated by care in their siting, design, finish, and implementation. Activities involving structures on the surface of the sea, such as

aquaculture, should be avoided adjacent to headlands, for visual, and safety or navigation reasons.

**Methods (policies DO9.1.1 to DO9.1.4)**

DO9.1.4.ii Planning maps that define Landscape Overlays and view shafts in respect of landscape values.

DO9.1.4.iii Rules that regulate activities by reference to effects on landscape and views.

DO9.1.4.iv Rules that regulate activities on Wakefield Quay (through the Wakefield Quay Precinct, and the Leisure Area).

DO9.1.4.v Rule requiring setback along Trent Drive (access to the airport terminal)

DO9.1.4.vi Conditions on resource consent relating to visual amenity where consent is required.

## **DO9e environmental results anticipated and performance indicators**

The following results are expected to be achieved by the foregoing objectives, policies and methods. The means of monitoring whether this Plan achieves the necessary outcomes are also detailed below.

<b>Anticipated environmental results</b>	<b>Indicators</b>	<b>Data source</b>
DO9e.1  Natural character of landscapes retained or enhanced.	DO9e.1.1  Unobstructed views of significant features and features listed in Policy DO9.1.4	Observation, Council records, media reports.
DO9e.2  Development that is sympathetic to landscape features.	DO9e.2.1  Buildings are unobtrusive. Consistent approach to resource consent applications.	Observation, Council records, media reports.

## **DO10 Land transport**

DO10.i The issues in regard to land transport arise from many of the issues discussed in Chapter 4 (particularly RI2, RI3, RI10, RI11, RI14, RI14A, RI15, and RI16).

### **objective**

#### **DO10.1 land transport system**

*A land transport system that is safe, efficient, integrated and context responsive, and that meets the needs of Nelson in ways that are environmentally, socially and economically sustainable.*

**Reasons**

DO10.1.i This objective is consistent with the Regional Land Transport Strategy and the Regional Policy Statement. The transport system is a resource of considerable value to the social and economic well being of people and communities. It is important to ensure that the transport system is a safe as well as an efficient network that caters for all users throughout the different parts of the transport network. Vehicle traffic may have adverse effects on amenity, health and safety as well as on the environment generally. It is important that potential conflicts between land use activities and people using the network are addressed.

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**

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*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**

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*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** NCC Land Development Manual 2010 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 NCC Land Development Manual 2010 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**

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*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**

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*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. Where there is insufficient room on-site, parking may be provided off-site but is subject to the resource consent process. For commercial and industrial activities, off-site parking will need to be subject to a legally binding covenant or agreement to lease parking elsewhere. 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

#### **DO10.1.6A on site parking – reductions in required levels**

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*Reductions in required on-site parking will be considered, having regard to:*

- a) whether the reduction will support and facilitate the use of alternative modes of transport,*
- b) the provision of on-site bicycle stands, and accompanying change and shower facilities proportional to the reduction in on-site parking,*
- c) the proximity of the site to public transport, how the activity proposes to facilitate use of public transport, and the scope to provide additional bus stops in the vicinity,*
- d) the existence of a travel management plan for the site that the Council considers is likely to result in a lower demand for commuter parking through such initiatives as car-pooling, a bus or taxi transport system provided for staff, and the encouragement of cycling or walking,*
- e) the ability to establish an enduring and binding arrangement to share parking with a nearby site if the parking demands are complementary,*
- f) the proximity, availability and ease of access to on-street and off-street public car parks, and taking account of the time of the expected parking demand,*
- g) good evidence that the parking demand generated by the activity will be less than the on-site parking required by the Plan,*
- h) whether the parking demand, particularly peak demand, is likely to be infrequent, having regard to the practicality, economic efficiency and amenity impacts of providing for occasional peak demand,*
- i) any benefits in terms of improved urban design outcomes, including streetscape, more efficient use of land and a more compact city, provided that there must be no resultant adverse effect that is more than minor on the safety or movement functions of any Classified Road<sup>1</sup>, or on the safety or residential character of any Unclassified Road<sup>1</sup> within the Residential Zone, and the safety and efficiency criteria in Policy DO10.1.6 (parking, loading and turning) are addressed.*

#### Explanation and Reasons

**DO10.1.6A.i** The parking standards for different classes of activities in Appendix 10 are necessarily generic. There may often be good reasons to depart from them. For example, evidence may be provided that the particular activity will have a lower demand for parking than the generic class of activity. Alternatively, the parking demand may be at a time when on-street parking or parking on a nearby site is available.

**DO10.1.6A.ii** Required parking can occupy a lot of land or space within a building. As such it represents a significant cost, it can have significant effects on the economic viability of projects and the required parking can sometimes work against other objectives - for example, anti drink-drive objectives, urban design and amenity outcomes, heritage, a compact city, and promoting use of public transport, walking and cycling.

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<sup>1</sup> Defined in Chapter 2 'Meanings of Words'

**DO10.1.6A.iii** There is no economic sense in having large areas of land paved for parking but largely unused, nor is there any environmental benefit in this. This policy provides guidance to reduce the required amount of parking. But doing so ought not be just for private or commercial convenience or gain, particularly if it creates a problem for someone else. Avoiding adverse effects on Classified Roads - the main vehicle movement corridors or feeders - is important. The key issue on these busier roads is to avoid effects that compromise traffic movement functions more than to a minor extent, or which create safety concerns. It is also important to avoid adverse effects on residential streets. That does not mean no effect, but the effect ought to be no more than minor. A once-a-year sports or entertainment event that results in parking on residential streets is unlikely to be an effect that is more than minor. Depending on the circumstances, an activity that has a brief parking demand once or twice a day may not have an effect that is more than minor.

In other situations, the effect may be more adverse. Providing on-site parking to fully accommodate full peak or intermittent demand in all situations is often impractical and does not necessarily meet the purpose of the Resource Management Act (section 5(2)) nor the matters relating to efficiency and amenity values in section 7 of the Act.

#### Methods

**DO10.1.6A.iv** Resource consent process to consider reductions in mandated parking requirements.

**DO10.1.6A.v** Rules providing for the consideration of a maximum 20% reduction in the required minimum level of parking as a restricted discretionary activity, if a Travel Management Plan forms part of the consent application.

### **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 NCC Land Development Manual 2010 Transport Section.

**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.

## D010e environmental results anticipated and performance indicators

The following results are expected to be achieved by the foregoing objectives, policies and methods. The means of monitoring whether this Plan achieves the necessary outcomes are also detailed below.

Anticipated environmental results	Indicators	Data source
D010e.1 Lower growth in the use of private cars, leading to less noise, pollution and other adverse effects.	D010e.1.1 Vehicle counts Journey to work records Vehicle occupancy	Council records Census
D010e.2 Improved safety for motorists, pedestrians and cyclists.	D010e.2.1 Casualty statistics	New Zealand Transport Agency.
D010e.3 Better access to and within the Inner City, for pedestrians and vehicles.	D010e.3.1 Vehicle and pedestrian counts. Public car park use.	Council records, car park statistics.

## D011 Air transport

D011.i The issues in regard to air transport arise from many of the issues discussed in Chapter 4, but are concentrated in the area close to the airport. This Plan includes various regulatory and other methods to manage the effects of airport related noise including designation, rules, and methods such as environmental and noise management plans.

### objective

#### D011.1 air transport

*The long term continuation of Nelson Airport at its present location, with provision for controlled growth in aircraft movements, whilst managing the effects of noise and other potential adverse effects on the community.*

##### Reasons

D011.1.i Nelson Airport is a significant physical resource, and contributes to the well being of the people and community of Nelson and the adjacent regions, as well as to the New Zealand community as part of a national network of airports. Flight is an increasingly important method of transport, for both passengers and freight and it is projected that Nelson Airport will experience steady growth in the number of aircraft movements over the foreseeable future. The airport's present location, close to the urban area, has both positive and adverse effects. An important positive effect is the short travelling time from the airport to the urban area. The main potential adverse effect of airport activities is noise, although safety and traffic effects may also arise. If the effects of noise become excessive, the long term viability of the airport at its present location may be called into question.

The potential adverse effects need to be avoided, mitigated or remedied through a range of provisions and processes that involve the airport owners, operators and users, and the affected community.

## **policy**

### **DO11.1.1 recognition of airport resource**

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*The operational area of the airport should be recognised and considered as an important community resource of a predominantly industrial character.*

#### **Explanation and Reasons**

DO11.1.1.i The airport is a large land area on which activities ranging from industrial to commercial take place as ancillary activities to the primary (and very important) transport use. The Nelson Airport is located partly in the coastal environment, and can provide a form of protection for some of the values of the coastal area. The zoning of the land recognises the primary industrial character of the operational airport, and the buffer afforded by open space and recreational zoning in the surrounding area.

DO11.1.1.ii The operational area of the airport is also covered by a designation for aerodrome purposes and any additional land required for the safe and efficient operation of the airport shall be provided for through the requirement process.

#### **Methods**

DO11.1.1.iii Zoning of land, including rules, and assessment criteria that give priority to airport related activities within the operational airport area.

DO11.1.1.iv Use of designation powers by the Airport Authority, as a network utility operator.

## **policy**

### **DO11.1.2 noise effects of aircraft**

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*Noise effects of aircraft should be reasonable, in the context of the neighbourhoods surrounding Nelson Airport, and in any case should not exceed levels projected for the year 2020.*

#### **Explanation and Reasons**

DO11.1.2.i There is no one technique for managing the effects of airport noise. Nelson airport is located in close proximity to established residential areas which are expected to experience increased noise levels from aircraft movements. The average noise produced by the airport is to be regulated, and other means of mitigation used, to address effects on and off site.

DO11.1.2.ii Nelson Airport Ltd has produced projected noise contours for the year 2020. These allow for expected growth levels to that date. These noise levels form the basis for managing the effects of airport noise on the surrounding community, taking a precautionary approach. Noise from the airport will be regulated at the Airnoise Boundary, 65 dBA (109 Pasque) on the basis of projected noise level growth to the year 2020, with special control of night time noise exposure.

DO11.1.2.iii A special approach to the measurement of airport noise is required because of the intermittent nature of the effects. The relatively standardised approach which is being applied to meet the needs of communities throughout New Zealand has been adapted to provide for managed growth of Nelson Airport over the life of the Plan. Particular attention has been given to managing land use in the vicinity of the Airport and to controlling noise levels, including night time noise.

#### **Methods**

DO11.1.2.iv Rules regulating the generation of noise from the airport, by reference to noise contours on the Planning Maps.

DO11.1.2.v Measurement of airport noise, and the processes for determining affected areas will be as set out in New Zealand Standard 6805 "Airport Noise Management and Land Use Planning" 1992.

## **policy**

### **DO11.1.3 management of receiving environment**

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*The potential exposure of communities to airport noise should be managed to ensure that a reasonable balance is achieved between the operational needs of the airport over time, and the amenities and well being of the community.*

#### **Explanation and Reasons**

DO11.1.3.i As stated under the previous policy, two broad approaches to address the effects of noise are available. The first is to control the activities producing the noise, under the previous policy. The second is to control the potential for people to be exposed to the noise, by limiting the numbers of houses in the most affected areas and requiring sound insulation of houses.

DO11.1.3.ii It is appropriate to limit the number or type of people likely to be exposed to aircraft noise in order to avoid, remedy or mitigate health and amenity effects. This can be done through rules which regulate activities in noise affected areas. Residential activity is regulated because it is very sensitive to noise. Tourist accommodation, because it is less sensitive to noise, may be acceptable. Similarly, noise sensitive activities such as hospitals or schools may be less appropriate. Within the Airport Effects Control Overlay area, new residential, schools, hospitals or other noise sensitive uses will only be allowed where adequate protection from aircraft noise is provided through construction or other provision. Alterations or additions to existing residences or other noise sensitive uses will be allowed only if the construction provides adequate sound insulation from aircraft noise. Such provisions are necessary to provide a reasonable living environment as the noise from the airport grows towards the projected 2020 levels.

DO11.1.3.iii Apart from health and amenity considerations, the long term retention of the airport as a physical resource of general importance to the communities of Nelson and Tasman depends upon it not being "crowded out" by housing. Housing that is of relatively low density and is insulated has greater compatibility than unregulated housing.

DO11.1.3.iv Experience indicates that, in the absence of a "best" technique for managing airport noise and the effects of airport noise, a range of approaches is needed which is specific to the circumstances of the area. The range of possible responses, and the allocation of responsibilities can best be handled through an ongoing consultative process between the airport operator, the Council and the community.

#### **Methods**

DO11.1.3.v Rules limiting density of residential units in areas specially affected by noise from Nelson Airport.

DO11.1.3.vi Rules requiring additional insulation in new residential units and extensions to existing dwellings in areas specially affected by noise from Nelson Airport.

DO11.1.3.vii These areas are shown on the Planning Maps as the Airport Effects Control Overlay and reflect the projected 2020 noise contours.

DO11.1.3.viii The establishment of a consultative committee (Nelson Airport Noise Environment Advisory Committee) as described as a standing "Airport Noise Abatement Committee" in New Zealand Standard 6805:1992, will be promoted.

## **policy**

### **DO11.1.4 management, monitoring, and review**

*The Airport Authority will be encouraged to pursue its commitment to environmental management and self monitoring of environmental effects of airport operations through the preparation, adoption, implementation and review of a Nelson Regional Airport Environmental Management Plan. In particular, the Airport Authority will be encouraged to consult with appropriate organisations and nearby residents in preparing, and reviewing the Plan, and adopt and implement the Nelson Regional Airport Environmental Management Plan no later than six months after this Resource Management Plan becomes operative.*

#### **Explanation and Reasons**

DO11.1.4.i The Airport Authority is to adopt an Environmental Management Plan which addresses all environmental issues of relevance to Nelson Regional Airport. It will identify issues, objectives, policies, rules, and management systems which the Airport Authority will have regard to, or put into place, as the case may be, in future land use and operations management. These measures will deal with visual amenity, natural hazard and hazardous substances management, monitoring of air emissions, traffic management and review of flight paths. The Environmental Management Plan approach includes a commitment by the Airport Authority to consult with the Council over traffic, stormwater management, flood control and coastal planting, and with the Council and the community in terms of noise as in Policy DO11.1.5 (noise management and mitigation). The Nelson Regional Airport Environmental Management Plan will be a non-statutory document which will not form a part of this Plan.

#### **Methods**

DO.11.1.4.ii Encouragement of adoption of an environmental management system (EMS) for the Airport, to meet ISO14000 series accreditation standards, taking into account relevant national and international standards and best practical options.

DO11.1.4.iii Requiring the Airport Authority to demonstrate compliance with legislation and/or Council requirements (wherever appropriate) for hazardous substance management, seismic risk design, control of stormwater contamination and natural hazard management.

DO11.1.4.iv Ongoing liaison with the Airport Authority over preparation, maintenance and review of the Environmental Management Plan.

DO11.1.4.v Encouragement of consultative processes and other techniques which can result in integrated management of any adverse effects arising from the airport location and operation.

## **policy**

### **DO11.1.5 noise management and mitigation**

*The Airport Authority, in association with the "Nelson Airport Noise Environment Advisory Committee" will establish a noise management plan for airport activities, including a regular noise monitoring programme and regular review. In particular, the Airport Authority will adopt the noise management plan no later than six months after this Resource Management Plan becomes operative, and review it at two yearly intervals or more frequently.*

#### **Explanation and Reasons**

DO11.1.5.i To promote sustainable management, airport noise management requires management by a range of people including airport owners, operators, occupiers and users, the Council and other statutory agencies, and the affected and wider community. Formalised commitment and regular monitoring and review is possible through a noise management plan. The Nelson Airport Noise Environment Advisory Committee is a consultative group comprising representatives of the airport, Nelson City Council Monitoring Co-ordinator and the community affected by airport noise (see Method DO11.1.3.viii).



## Methods

- DO11.1.5.ii Establishment of standards for measurement and evaluation of effects.
- DO11.1.5.iii Regular monitoring of airport noise.
- DO11.1.5.iv Education and advocacy to minimise noise generation at the airport, and to encourage people to take voluntary steps to minimise noise effects.
- DO11.1.5.v Identification on Planning Maps of areas likely to be subject to some airport noise, but not of a level to justify regulation, as an "Airport Effects Advisory Overlay."
- DO11.1.5.vi Encouragement of consultative and other techniques which can result in integrated management of noise effects.
- DO11.1.5.vii Five yearly independent compliance audits of aircraft noise management at Nelson Regional Airport (as set out in Designation DAA2 air noise boundary controls).

## DO11e environmental results anticipated and performance indicators

The following results are expected to be achieved by the foregoing objectives, policies and methods. The means of monitoring whether this Plan achieves the necessary outcomes are also detailed below.

Anticipated environmental results	Indicators	Data source
DO11e.1 Airport remaining viable at future levels of aircraft movements.	DO11e.1.1 Level of noise complaints from residents around airport.	Council records.
DO11e.2 Low density development in vicinity of airport. Insulated residential units.	DO11e.2.1 Consistent approach to applications.	Council records, building consent information.
DO11e.3 Aircraft operations do not exceed noise limits.	DO11e.3.1 Regular noise monitoring. Level of noise complaints from residents around airport.	Audit of Airport Authority monitoring data.

## **DO12 Port Industrial Area**

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DO12.i The issues in regard to the port industrial area arise from many of the issues discussed in Chapter 4, in particular RI2, RI5, RI8, RI11, RI12, RI15, RI16

DO12.ii See also the relevant objectives and policies for the Industrial Zone and the Coastal Marine Area.

### **objective**

#### **DO12.1 the Port Industrial Area**

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*A Port Industrial Area which is enabled to function efficiently and effectively while avoiding, remedying, or mitigating adverse effects on the community and the coastal marine area*

##### **Reasons**

DO12.1.i The port industrial area is a significant regional physical resource that contributes to the social and economic wellbeing of the people of Nelson and nearby areas. It is part of the national and international community in terms of its role as a major transport node. The strategic importance of this resource is enhanced by the lack of rail transport in Nelson.

Operations at the port are constantly changing as the nature of fishing, shipping and cargo operations change. Predicted growth in cargo and changes in the way cargo is handled means that the operation of the port needs to have some flexibility.

Port activities can have adverse effects of noise and glare, as well as visual impact. Noise is the most significant adverse effect, but there are also issues such as transport, air and water quality that arise due to proximity of the city and residential activities. By its very nature the port industrial area has impacts on the coastal marine area, and will continue to do so. These effects arise from aspects such as ongoing dredging of Nelson Haven and the approaches to the port entrance, the presence and loading and unloading of vessels, and the nature and maintenance of structures and vessels within the port operational area.

(See also Nelson Regional Policy Statement policies regarding sea transport).

### **policy**

#### **DO12.1.1 recognition of port resource**

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*To recognise the Port Industrial Area as a significant regional physical resource which is part of the infrastructure of the wider Nelson/Tasman region. This is of particular importance in respect of its industrial nature and character, and location partly within the coastal marine area*

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

DO12.1.1.i The provision of port resources is a key component of the transportation network, which is necessary for the economic and social wellbeing of the people and communities of Nelson and nearby areas. The port industrial area also requires ready access to a high level of roading and other infrastructure, for itself and for associated industry.

DO12.1.1.ii Ports are, by their very nature, industrial activities which are located across the interface of the land and sea. Some of these industrial activities take place at the interface, or within the Coastal Marine Area itself, including activities on wharves such as loading and unloading, and some processing. The confines of the Port Operator's coastal permit can be considered to be the likely seaward limit of these types of activities.

DO12.1.1.iii Similarly, the character of any port, and particularly any port on a reclamation, is generally highly modified and industrialised.

##### **Methods**

DO12.1.1.iv Definition of the Port Operational Area, the Port Industrial Area and rules recognising the special needs of the port.

DO12.1.1.v Extension of industrial zone over wharf areas.

## **policy**

### **DO12.1.2 future expansion at the Port Industrial Area**

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*Port activities should generally be confined to the Port Industrial Area, those areas defined within Port Nelson Limited's Coastal Permit and Waterways Lease*  
**Explanation and Reasons**

DO12.1.2.i The Port Industrial Area is located on a reclamation and is limited in space. The Port Operator owns most of the reclaimed land, and some of this is leased to non-port activities. Should expansion at the Port Operational Area be necessary, there will need to be a rationalisation of existing tenure arrangements within the Port Industrial Area, acquisition of freehold property within that area, or consent sought for further reclamation. Major issues may arise when considering reclaiming further land for port activities or general industrial activities. These issues are dealt with primarily in the coastal marine section of this Plan, and should be read in conjunction with this section. Minor reclamations to enable better use of existing resources are generally less of an issue, although cumulative effects of a number of such reclamations could be significant.

#### **Methods**

DO12.1.2.iii Assessment criteria for resource consents.

DO12.1.2.iv Map the extent of Port Nelson Ltd's Coastal Permit dated 27 July 1994 and subsequently varied under S384A of the Resource Management Act 1991 (PNL's coastal permit)

## **policy**

### **DO12.1.3 noise effects**

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*Noise effects arising from port-related activities should be managed in a way that will provide a reasonable standard of residential amenity including an environment where reasonable sleep can occur within the neighbourhoods surrounding the Port Industrial Area.*  
**Explanation and Reasons**

DO12.1.3.i There is no one technique for managing the effects of port noise. The Port Industrial Area is located in close proximity to established residential areas which may expect to experience continued noise effects from port operations and other activities within the Port Industrial Area i.e. it is not possible to avoid these effects in this context. The noise produced by the Port Industrial Area is to be managed and mitigation used, to address effects, particularly on the indoor living environment of areas adjacent to the port.

DO12.1.3.ii Noise contours which reflect the present level of effect experienced by adjacent properties will be used to determine the level of mitigation required. They will be regularly monitored, and updated if a change in the level of port noise occurs.

#### **Methods**

DO12.1.3.iii Rules regulating the generation of noise from leased areas of the Port Industrial Area.

DO12.1.3.iv Measurement of port noise, will be generally as set out in NZS6809 "Acoustics - Port Noise Management and Land Use Planning".

DO12.1.3.v The Port Operator will be required by Council to prepare and implement a noise management plan and a noise mitigation plan which provides for:

- a) minimising port noise as far as practicable,
- b) mitigation of effects of port noise on noise-affected properties,
- c) ongoing community consultation/liason on port noise issues,
- d) monitoring of port noise.

## **policy**

### **DO12.1.4 management of noise receiving environment**

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*The potential exposure of communities to port noise should be managed to ensure that a reasonable balance is achieved between the operational needs of the Port Industrial Area, and the amenities and well being of the community.*

#### **Explanation and Reasons**

**DO12.1.4.i** It is necessary to control the potential for people to be exposed to the adverse effects of noise, or excessive noise by limiting the numbers of houses in the most affected areas and requiring acoustic insulation of houses.

**DO12.1.4.ii** It is appropriate to limit the number of people likely to be exposed to port noise in order to avoid, remedy or mitigate health and amenity effects. This can be done through rules which regulate or limit noise-sensitive activities. Residential activity is regulated because it is very sensitive to noise. Similarly, noise sensitive activities such as hospitals or schools may need protection, as does tourist accommodation. Within the Port Effects Control Overlay area, new residential, or other noise sensitive activities will only be allowed where adequate protection from port noise is provided through construction or other provision. Alterations or additions to existing residential units or other noise sensitive activities will be allowed only if the construction provides adequate sound insulation from port noise. Such provisions are necessary to provide a reasonable living environment, particularly in respect to providing for sleep.

**DO12.1.4.iii** The range of possible responses to, and the allocation of responsibilities to port noise can best be handled through an ongoing consultative process between the Port Operator, the Council and the community. See also method DO12.1.3.iv c) and DO12.1.5.ii.

#### **Methods**

**DO12.1.4.iv** Rules requiring acoustic insulation for new building work within the Port Effects Control Overlay involving the creation of new habitable spaces or spaces for other activities sensitive to noise within existing or new properties.

**DO12.1.4.v** Rules restricting subdivision and the number of new residential units in areas affected by noise from the Port Industrial Area.

**DO12.1.4.vi** These areas are shown on the Planning Maps as the Port Effects Control Overlay.

## **policy**

### **DO12.1.5 reduce disturbance arising from port operations**

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*To encourage operators within the Port Industrial Area to continue to reduce or minimise the level of adverse effects on the adjacent Residential Zone.*

#### **Explanation and Reasons**

DO12.1.5.i It is recognised that the Port Operator has expended considerable effort in attempting to address the adverse effects of its activities, in particular through noise reduction practices and technologies. The Port Operator will be encouraged to continue its commitment to environmental management through its Environmental Consultative Committee and self monitoring of environmental effects of port operations through its Port Nelson Environmental Management Plan.

#### **Methods**

DO12.1.5.ii Support and participate in Port Environmental Consultative Committee.

DO12.1.5.iii Establish and operate a Port Noise Liaison Committee.

DO12.1.5.iv Prepare and operate a Port Noise Management Plan which includes methods to reduce noise emissions.

## **policy**

### **DO12.1.6 public access in the port area**

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*Public access within the port operational area should be maintained where it does not conflict with the operational requirements of the port operational area.*

#### **Explanation and Reasons**

DO12.1.6.i The port operational area is an area that is popular for a range of recreational activities such as fishing, walking, and viewing port activities. However, these activities are not always compatible with a working port. Health and safety hazards, border requirements, and security needs are all valid reasons as to why restricted access may be necessary in this area. Because of the high demands for recreation in the port area, and the fact that reclamation and port development have the effect of limiting public access to public resources (being the coastal marine area) limitations should only be exercised where necessary. Consideration should be given to offsetting any extraordinary limitations by improving public access elsewhere. (See CM7.4)

DO12.1.6.ii The port operational area is treated differently to other activities that adjoin public resources such as rivers and the sea, as the port operational area straddles these environments rather than bordering on to them.

#### **Methods**

DO12.1.6.iii Assessment criteria for resource consents.

DO12.1.6.iv Environmental compensation where substantial areas are to be closed to the public.

## **D012e environmental results anticipated and performance indicators**

The following results are expected to be achieved by the foregoing objectives, policies and methods. The means of monitoring whether this Plan achieves the necessary outcomes are also detailed below.

<b>Anticipated environmental results</b>	<b>Indicators</b>	<b>Data source</b>
<b>D012e.1</b> An effective and efficient Port Industrial Area, where adverse environmental effects are avoided, remedied or mitigated.	<b>D012e.1.1</b> The number and significance of environmental issues arising from port activities.	Council records. Reports from Council inspections. The Port Operator's Issues Register and complaint records. Records of the Port Noise Liaison Committee.
<b>D012e.2</b> An environment where people living in noise sensitive locations are protected from port noise through appropriate levels of acoustic insulation.	<b>D012e.2.1</b> The number and proportion of residential units and other noise sensitive buildings within or adjacent to the Port Industrial Area with acoustic insulation.	Resource consents granted. Council records. The Port Operator's records, including acoustic certificate register.
<b>D012e.3</b> A managed port noise environment where noise is minimised to the greatest extent practicable.	<b>D012e.3.1</b> Level of port noise complaints from residents living near the Port Industrial Area.	Regular port noise monitoring. Audit of Port Operator's monitoring data. Council records.

## **D013 Soil erosion and sedimentation**

**D013.i** The issues in regard to soil erosion and sedimentation are set out in Chapter 4 (particularly R17 - soil and water). When this Plan becomes operative, this material will replace the Regional Plan for the NCC Land Disturbance Plan, notified in 1993. The following Objective and Policies are consistent with the Regional Policy Statement, section 10 (soils).

## objective

### DO13.1 soil erosion and sedimentation

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*An environment where the adverse effects of accelerated soil erosion are avoided, remedied or mitigated.*

#### Reasons

DO13.1.i Accelerated soil erosion can give rise to various adverse effects, particularly arising from the loss of the soil resource, effects of siltation on surrounding land and diminished water quality in water bodies and coastal water. These effects diminish the productive and life supporting capacity of the land as well as ecological and other values. The attainment of these objectives will advance all the elements of sustainable management stated in section 5 of the Act, including retaining future generations' opportunity to use the land resources to provide for their social, economic and cultural well being.

#### policy

##### DO13.1.1 soil erosion

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*Land uses should not accelerate soil erosion beyond natural levels.*

#### Explanation and Reasons

DO13.1.1.i Accelerated erosion of the land, even at relatively low rates, can impair future choices of land use. While soils do regenerate, they do so over a long period of time. Most of the soils in Nelson were formed under an indigenous forest environment, and once eroded will not regenerate to a similar level even in the long term under another regime (e.g. pastoral use).

DO13.1.1.ii Erosion of soils impacts not only on the productive and life supporting capacity of the resource, but on downstream values, such as fisheries, recreational uses, extractive uses, intrinsic values, and on landscape values.

DO13.1.1.iii Vegetation clearance, soil disturbance and earthworks are the major types of land use that cause accelerated soil erosion. The physical characteristics of the land (such as slope stability, gradient and proximity to water) provide a basis for predicting the effects of these land uses and the methods adopted apply differently to different types of land. Rules will be required to provide certainty of outcome.

DO13.1.1.iv Education, guidance and advice, are keys to establishing a greater awareness of the need for minimising soil erosion. These methods, particularly guidelines and advisory services, will assist people undertaking vegetation clearance and land disturbance activities to improve standards and reduce adverse environmental effects.

#### policy

##### DO13.1.2 sedimentation

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*The adverse effects of soil erosion, particularly sedimentation, should be avoided, remedied or mitigated.*

#### Explanation and Reasons

DO13.1.2.i Sedimentation has significant adverse effects on land, especially on vegetation cover, and on water quality in water bodies and coastal water. Reduction of erosion under the policy above is one way to limit sedimentation. However, where sedimentation arises from a land use, (especially vegetation clearance, soil disturbance and earthworks) the adverse effects need to be managed. Other adverse effects of erosion include the build up of sediment in streams, which may cause downstream bank erosion.

DO13.1.2.ii The regulation of vegetation clearance and land disturbance activities is necessary to provide certainty to land users and the community. Rules will be selective and applied to control the anticipated soil erosion and sedimentation effects of vegetation clearance and land disturbance activities. The economic implications on those who have established a plantation forest prior to 25 September 1993, (being the date of notification of the first Regional Plan for the NCC Land Disturbance Plan) will be taken into account when determining discretionary activities.

DO13.1.2.iii As in the case of erosion, education, guidance and advice are keys to establishing a greater awareness of the need for minimising sedimentation and other effects.

**Methods (policies DO13.1.1 and DO13.1.2)**

DO13.1.2.iv The Council will promote the policies relating to soil erosion and its effects including sedimentation through displays, demonstrations and the media, and provide educational material and advisory services that promote sustainable land use practices and identify methods of avoiding or minimising adverse soil erosion and sedimentation effects.

DO13.1.2.v The Council will produce guidelines in association with neighbouring local authorities, industry and interest groups, which identify techniques to minimise adverse soil erosion and its effects. Council will consider the costs of producing such guidelines against the anticipated community benefits in determining what guidelines are desirable and what cost recovery, if any, is necessary.

DO13.1.2.vi Council will advise on methods to minimise soil erosion and sedimentation associated with land use practices, including vegetation clearance and land disturbance activities

DO13.1.2.vii The Council will encourage and support the formation of Land Care Groups.

DO13.1.2.viii Rules regulating vegetation clearance, soil disturbance and earthworks according to slope stability and the characteristics of the activity and the likely effects of soil erosion and sedimentation.

DO13.1.2.ix Identification on the Planning Maps of a Land Management Overlay reflecting slope stability risks of areas of high slope instability risk. These areas were mostly identified in a report by Johnston MR; Mew G; Williams P and Thomas B (1992): Natural Hazards, Soils, Indigenous Vegetation and Animal Habitats of the Rural Parts of Nelson City (DSIR). Low lying areas subject to potential coastal erosion have been included in the Land Management Overlay. (These were identified as areas of low risk of slope instability in the DSIR report.) Resource consent applications will assess specific site characteristics that are not able to be accounted for within the scale at which the Overlay is mapped.

## **policy**

### **DO13.1.3 research**

*Identify areas where accelerated soil erosion or sedimentation associated with the existing land uses or management practices exceed the sustainable capabilities of the land, and promote alternative sustainable land uses or management practices.*

**Explanation and Reasons**

DO13.1.3.i To prevent land degradation, the Council needs to identify the sustainable capabilities of the land resources. Once these limits are known, each land owner potentially affected will be able to see what alternatives are available and the reasons why a change in existing land uses or management practices is beneficial.

**Method**

DO13.1.3.ii The Council will, every two years, review available information on the soil erosion and sedimentation limitations to land use on the region's land resources, and where necessary, update that information through literature reviews, monitoring and research. Ultimately, the Council will produce a document which identifies the sustainable capabilities of the region's land resources. The Council will then identify those areas where the existing land use or management practice exceeds the sustainable capabilities of the land and promote a change in land use or management practice. Field survey data and information supplied with Resource Consent applications, will be collated and put into the Geographic Information System. Council will aim to complete this task within five years of this plan becoming operative.



## D013e environmental results anticipated and performance indicators

The following results are expected to be achieved by the foregoing objectives, policies and methods. The means of monitoring whether this Plan achieves the necessary outcomes are also detailed below.

Anticipated environmental results	Indicators	Data source
D013e.1 Increased awareness and use of land management practices which avoid or minimise soil erosion and sedimentation.	D013e.1.1 Response to Council educational programmes. Water quality.	Council records.
D013e.2 Reduced soil erosion and sedimentation.	D013e.2.1 Appearance of landscape. Land productivity, water quality.	Council records, aerial photos.

## D013A Urban design

D013A.i Issues relevant to quality urban design are discussed in Chapter 4. Development and re-development activities in the urban area have potential to adversely affect the quality, functioning and sustainability of the urban environment. The design of and relationships between buildings, spaces and networks (e.g. streets) has a significant influence on people. Quality of everyday life is affected by the environments we share in the urban areas.

High quality urban design will help make more attractive, better places to live and more successful settings for business. It will help to make public spaces that are safer and suitable for a variety of uses; street systems that provide enhanced accessibility and choice of access mode; conveniently located service facilities; buildings and structures that serve their purpose and contribute to their setting; and an authentic sense of place that reflects the place and its people, and is both memorable and valued.

High quality urban design can also help avoid some of the problems of poorly designed developments which have resulted in adverse effects such as traffic congestion, unsustainable energy use, inefficient use of urban infrastructure, lack of distinctive identity, social and cultural isolation, opportunities for crime, reduced recreation opportunities and lack of connection with ecological systems or areas of open space.

### objective

#### D013A.1 recognising the local context

*Subdivision and development that reflects, and creates positive relationships with, our local environment, heritage and urban context.*

##### Reasons

D013A.1.i Design that makes distinctive use of space, form and materials, promotes Nelson's identity, and encourages diversity of cultural expression. It fosters local pride, civic engagement and confidence, and it stimulates innovation, creativity and economic opportunities. Subdivision and development design should place considerable emphasis on the strategic and contextual urban design objectives of the City and not just on individual site considerations. This particularly applies at the private to public space interface, such as street frontages and adjoining reserves, walkways, and coastal and riparian areas.

## policy

### DO13A.1.1 local context and environment

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*Subdivision and development should relate to local topography, climate, heritage, culture, locally distinctive materials and vegetation, and valued development patterns.*

#### Explanation and Reasons

DO13A.1.1.i Quality urban design treats buildings, places and spaces not as isolated elements but as a part of the whole city, its character and environment. Subdivision and development within the city and urban areas should define and reinforce those elements that best express Nelson's identity - its sunny and outdoor lifestyle, seaside location, topography, biodiversity and geology, the colours of the landscape, neighbourhood and architectural styles, and its long history of Maori and subsequent settlement.

Subdivision and development should not perpetuate existing patterns of design and layout that are not valued development patterns, nor representative of the urban design outcomes sought progressively through the rolling review of the Plan. For example, subdivision layout can be considered in terms of how it contributes to valued development patterns such as the connectivity of roading networks, retention of valued topographical features, landscape and streetscape values, and the sustainable use of existing infrastructure. The assessment can also include road and allotment layout that enables building development to continue any valued built development patterns in the particular locality. Site specific matters such as breach of crossing point maximums, front yard setbacks, fence heights, parking and manoeuvring area rules and standards will be considered in terms of how they contribute to enhanced urban design outcomes for the street, neighbourhood, suburb and overall City and if they continue valued development patterns. Therefore in the consent assessment process, consideration needs to be wider than just the effect on the individual site or sites, to emphasise valued development patterns.

#### Methods

- |               |  |
|---------------|--|
| DO13A.1.1.ii  | Implement the Central City Strategy.   |
| DO13A.1.1.iii | Use of heritage precincts, buildings and rules.                                |
| DO13A.1.1.iv  | Subdivision and comprehensive housing rules and assessment criteria.           |
| DO13A.1.1.v   | Appendix 14 Residential Subdivision Design and Information Requirements.       |
| DO13A.1.1.vi  | Implementation of actions in the Nelson City Council Urban Design Action Plan. |
| DO13A.1.1.vii | Implement advice and actions in the Inner City Design Guidelines.              |

## objective

### DO13A.2 improving connections

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*Subdivision and development in urban areas that creates interconnected structures and spaces to ensure that all people find urban areas easy to get around, and connected natural environment networks that support native biodiversity.*

#### Reasons

DO13A.2.i Good connections enhance biodiversity, choice, support social cohesion, make places lively and safe, and facilitate contact among people. Reduced travel times and lower environmental impacts occur in places with good connections between activities and natural environments, and the careful placement of facilities. Where physical layouts and activity patterns are easily understood, residents and visitors can navigate around the area easily.

## **policy**

### **DO13A.2.1 accessibility**

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*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 Standards and design guidance in the NCC Land Development Manual.
- 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**

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*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 NCC Land Development Manual 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 NCC Land Development Manual 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

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*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 Standards and guidance contained in the NCC Land Development Manual Reserves and Landscaping, 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**

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*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 NCC Land Development Manual 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**

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*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

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*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 design 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

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*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

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*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

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*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 Standards and design guidance in the Land Development Manual 2010.
- 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

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*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

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*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

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*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 Standards and design guidance in the NCC Land Development Manual.
- 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.

## DO13Ae environmental results anticipated and performance indicators

The following results are expected to be achieved by the foregoing objectives, policies and methods. The means of monitoring whether this Plan achieves the necessary outcomes are detailed below.

Anticipated environmental results	Indicators	Data source
<p>DO13Ae.1</p> <p>Development patterns and styles reflect local context and our environment.</p>	<p>DO13Ae.1.1</p> <p>Use of locally distinctive materials.</p> <p>Relation to the scale, location and alignments of valued existing development.</p> <p>Retention of topography and natural features.</p> <p>Retention of coastal, historical and cultural connections/features.</p>	<p>Public and Councillor comments.</p> <p>Developers.</p> <p>Professional design review.</p>
<p>DO13Ae.2</p> <p>Increased connections for all transport modes, natural linkages, and private/public space relationships.</p>	<p>DO13Ae.2.1</p> <p>Extent of roading connections/permeability, biodiversity corridors, riparian reserves, and cycle and walkway networks.</p> <p>Walking and cycling policies or plans.</p> <p>Increases in cycling, walking and passenger transport.</p>	<p>Council aerials, resource consents, public comment, asset management plans.</p> <p>Vehicle distances travelled per annum.</p>
<p>DO13Ae.3</p> <p>Public spaces that represent quality urban design and maintain and enhance Nelson's identity.</p>	<p>DO13Ae.3.1</p> <p>Creative and inspiring urban design solutions.</p> <p>Professional and Environment awards.</p> <p>Use of public space for community activities.</p> <p>Public satisfaction levels.</p> <p>Level of multi use of public spaces.</p> <p>Reduction in crime/vandalism.</p> <p>Reduction in vehicle orientated design.</p> <p>Reserves and streets overlooked by buildings.</p>	<p>Urban Design Panel.</p> <p>Public comments.</p> <p>Tourist survey.</p> <p>Residents survey.</p> <p>Resource consents.</p> <p>Aerials.</p> <p>Public and Councillor comments.</p> <p>Events register.</p> <p>Crime Statistics.</p>
<p>DO13Ae.4</p> <p>Increased diversity of housing, neighbourhood, employment and leisure/cultural opportunities.</p>	<p>DO13Ae.4</p> <p>Amount of mixed use development.</p> <p>Range of choices in housing typologies.</p> <p>Range of employment, leisure and cultural activities.</p>	<p>Public comments and residents survey.</p> <p>Census.</p>

<p><b>DO13Ae.6</b></p> <p>Increase in sustainable urban development.</p>	<p><b>DO13Ae.6</b></p> <p>Maintenance or reduction of the urban environmental footprint.</p>	<p>Air quality statistics.</p> <p>Waste minimisation and recycling levels.</p> <p>Energy and water usage levels.</p> <p>Efficiency of infrastructure.</p> <p>Stormwater discharge quality.</p> <p>Traffic and cycling and walking counts.</p>
<p><b>DO13Ae.7</b></p> <p>Improved policy and administration processes within Council.</p>	<p><b>DO13Ae.7</b></p> <p>Consistent treatment of resource consent applications. Statutory processing timeframes not exceeded. Council staff working across departments.</p>	<p>Resource consents statistics.</p> <p>Major Projects Team.</p> <p>Feedback from developers/applicants.</p>

## **DO14 Subdivision and development**

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DO14.i Issues relevant to subdivision and development are discussed in Chapter 4. An important issue is the effects of growth on natural values, quality urban design of the city and suburbs, and the provision of infrastructure in a logical and coordinated manner within the District. DO13A provides urban design objectives and policies which are also relevant to the activities of subdivision and development.

### **objective**

#### **DO14.1 city layout and design**

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*Subdivision and development that recognises and is appropriate to the natural characteristics of the City and is consistent with principles of high quality urban design and the orderly and efficient use of land.*

##### **Reasons**

DO14.1.i Subdivision and development usually lead to changes in land use and may involve modification of the topography and natural features of the land. This is particularly the case on steeper slopes, where significant earthworks have been used to maximise the number of allotments and create building sites. The main adverse effects are the loss of natural landscape forms, loss of vegetation, and modification of streams. Under this objective, subdivision or development is preferred in areas that require the least modification of the natural environment.

DO14.1.ii The changes of use that accompany subdivision and development may have adverse effects on amenity values (reflecting intensification of use) and on the efficient use of land in the long term. This objective requires these effects to be taken into account.

DO14.1.iii The layout and design of urban areas through the activity of subdivision creates the backbone structure of the city and suburbs. Given the long lifetime of subdivision and development, layout that represents poor quality urban design will have adverse effects on the quality and sustainability of the urban environment.

##### **policy**

#### **DO14.1.1 landscape features**

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*Subdivision and development should provide practicable sites while retaining existing landscape features such as landforms, mature trees, indigenous vegetation, and natural watercourses.*

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

DO14.1.1.i This policy is related to the policies of the Plan about landscape values, natural heritage, and water bodies. Efficient use of the land resource and minimising of adverse effects requires attention to be given to the size and shape of allotments.

##### **Methods**

DO14.1.1.ii Rules controlling earthworks and removal of vegetation.

DO14.1.1.iii Rules controlling allotment size and shape within the context of zones.

DO14.1.1.iv Assessment criteria and Appendix 14 Residential Subdivision Design and Information Requirements.

## **policy**

### **DO14.1.2 type and intensity of development**

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*The type and intensity of subdivision and development should reflect the natural and physical capabilities of the land and the characteristics of the zone.*

#### **Explanation and Reasons**

DO14.1.2.i In deciding whether, or to what extent, the land should be subdivided or developed, the capabilities of the land to absorb or be managed in a way that avoids, remedies or mitigates predictable adverse effects, must be taken into account.

#### **Methods**

DO14.1.2.ii Rule controlling development and subdivision, including allotment size and shape within each zone.

DO14.1.2.iii Assessment criteria for applications.

DO14.1.2.iv Comprehensive Housing Rules and provisions in Appendix 22 and requirements in Appendix 14.

## **policy**

### **DO14.1.3 orderly development**

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*Subdivision and development of land should provide for use of land in an orderly manner, in association with cost effective and efficient provision of facilities and services.*

#### **Explanation and Reasons**

DO14.1.3.i All subdivisions need to be designed having regard to the overall pattern of present and future development in the locality, and the efficient use of the land resource, and provision and use of infrastructure. The efficient subdivision and development of land will be facilitated by requiring subdividers and developers to contribute towards the costs of providing services for new developments. Infill development is one way in which the orderly and efficient use of land and existing infrastructure might be addressed, however, it needs to be tempered by consideration of the capabilities of the land and impact on amenity values caused by the resulting changes in land use, dealt with in policies above.

#### **Methods**

DO14.1.3.ii Rules controlling extent of development, subdivision, allotment size, and shape within each zone, service overlays and extension of services.

DO14.1.3.iii Assessment criteria on applications.

DO14.1.3.iv Financial contributions for subdivision and developments.

## **objective**

### **DO14.2 amenity values**

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*The amenity values of the built environment shall be maintained or enhanced through the subdivision and development processes.*

#### **Reasons**

DO14.2.i The size and shape of allotments created on subdivision is fundamentally linked to the scale, size, and type of structures that can be built, and the spaces around them. These matters combine to have a considerable impact on the amenity values of particular areas of the City, such as amenity in the Residential Zone. Inappropriate forms of subdivision and development can have adverse effects on the environment.

## policy

### DO14.2.1 allotments

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*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 City Council Land Development Manual.

## objective

### DO14.3 services

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*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

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*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** The NCC Land Development Manual 2010.

## policy

### DO14.3.2 drainage, water and utilities

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*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 Section 3 of the NCC Land Development Manual 2010 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

- DO14.3.2.iv Rules controlling the provision of services on subdivision and development in each zone and some overlays.  
DO14.3.2.v Assessment criteria for applications.  
DO14.3.2.vi NCC Land Development Manual 2010.

## policy

### **DO14.3.3 areas without services**

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*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 DO14.3.2 cannot be provided.*

## Explanation and Reasons

DO14.3.3.i Development and subdivision in unserved 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.

DO14.3.3.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

- DO14.3.3.iii Planning Maps that define the Services Overlay.  
DO14.3.3.iv Rules that regulate development and subdivision generally throughout the District and especially in the Services Overlay.  
DO14.3.3.v Assessment criteria for applications.  
DO14.3.3.vi NCC Land Development Manual 2010.  
DO14.3.3.vii Nelson Development Strategy.

## objective

### **DO14.4 network utilities**

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

## Reasons

DO14.4.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

### **DO14.4.1 efficient use of network utilities**

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

## Explanation and Reasons

DO14.4.1.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

- DO14.4.1.ii Rules in each zone enabling the efficient management of network utilities.
- DO14.4.1.iii Assessment criteria on applications.

### **policy**

#### **DO14.4.2 transmission lines**

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*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

DO14.4.2.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

- DO14.4.2.ii Rules in each zone controlling the proximity of residential development to transmission lines.
- DO14.4.2.iii Depiction of transmission lines on the Planning Maps.
- DO14.4.2.iv Assessment criteria on applications.

### **policy**

#### **DO14.4.3 effects of network utilities**

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

#### Explanation and Reasons

DO14.4.3.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

- DO14.4.3.ii Rules in each zone requiring the minimisation of the environmental effects of network utilities.
- DO14.4.3.iii Assessment criteria on applications.

## **objective**

### **DO14.5 community services and facilities**

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

#### Reasons

DO14.5.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.

## policy

### DO14.5.1 community services and facilities

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*Subdivision and development should provide for or contribute towards:*

- a) The provision of land for the reasonably foreseeable community needs of present and future generations for recreational and cultural pursuits and amenity values, and*
- b) The development of land to provide for sport, play, recreation, culture and amenity for the community, and*
- c) The protection or preservation of areas or items of natural or cultural value.*

#### Explanation and Reasons

DO14.5.1.i Subdivision and development results in growth and change in the district, with consequent growth and change in needs for community services and facilities. It is important for the well being of the people of the district and the community that provision is made at the time that the growth and change is occurring, for an appropriate range of community services and facilities. Such provision also helps sustain the potential of natural and physical resources to meet the needs of future generations. Provision may be in terms of land, or in physical resources, or in terms of financial contributions.

DO14.5.1.ii Community services and facilities, including reserves, are also addressed in Chapter 6 (Financial Contributions).

#### Methods

- |              |   |
|--------------|---|
| DO14.5.1.iii | Rules relating to financial contributions and subdivisions.       |
| DO14.5.1.iv  | Assessment criteria for applications.                             |
| DO14.5.1.v   | Other legislation (e.g. Reserves Act, Local Government Act)       |
| DO14.5.1.vi  | Other Council responsibilities (e.g. Annual and Strategic Plans). |

## DO14e environmental results anticipated and performance indicators

The following results are expected to be achieved by the foregoing objectives, policies and methods. The means of monitoring whether this Plan achieves the necessary outcomes are also detailed below.

Anticipated environmental results	Indicators	Data source
DO14e.1 Retention and enhancement of natural landform.	DO14e.1.1 Extent of land recontouring.	Council records, aerial photos
DO14e.2 Progressive development of the city in an ordered manner to ensure efficient resource use.	DO14e.2.1 Consistent treatment of resource consent applications. Infrastructure capital and maintenance costs to Council.	Council records
DO14e.3 Maintained amenity values.	DO14e.3.1 Consistent treatment of resource consent applications. Complaints to Council. Visual inspection.	Council records, media reports
DO14e.4 Cost effective provision of services.	DO14e.4.1 Infrastructure capital and maintenance costs to Council.	Council records
DO14e.5 Reduced development, especially building, in areas where services are not adequate or available.	DO14e.5.1 Consistent treatment of resource consent applications. Infrastructure capital and maintenance costs to Council.	Council records, aerial photos
DO14e.6 Better conditions for cyclists and pedestrians.	DO14e.6.1 Traffic counts. Comments to Council.	Council records
DO14e.7 Availability of resources for community services and facilities.	DO14e.7.1 Consistent treatment of resource consent applications. Annual Plan capital expenditure on community services and facilities. User statistics.	

## **DO15 Peripheral urban expansion**

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DO15.i Expansion around the periphery of the current urban area may have adverse effects on amenity values (particularly visual and recreational values), and tends to use the land resource and provide for infrastructure inefficiently. Expansion of the urban area tends to diminish the ecological and recreational values of the district (for example by reducing the habitat available for wildlife) and to increase dependency on private cars (and thus increase use of fossil fuels) for travel. Existing urban areas should generally be developed in preference to rural areas. There is considerable scope for intensification of development within existing urban zones. However, some development on the periphery of the existing urban area may be appropriate and should be provided for.

### **objective**

#### **DO15.1 urban form**

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*An urban form in which intensive development is not detached from existing urban boundaries and which avoids or mitigates adverse effects on ecological, recreational, cultural, community and amenity values.*

##### **Reasons**

DO15.1.i There is ready access to countryside from the present urban zones, for example into the Maitai Valley, and Grampians. Views of the countryside are available to commuters from State Highways and arterial roads, for example between Richmond and Stoke and at Bishopdale Saddle. Existing land allocated to the urban zones and the capacity of most existing infrastructure are sufficient to cater for significant future growth.

##### **policy**

#### **DO15.1.1 encouragement of infill**

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*To encourage infill developments provided the adverse effects on character and amenity values of existing areas are avoided, remedied or mitigated.*

##### **Explanation and Reason**

DO15.1.1.i This policy promotes a compact urban form, while as far as possible retaining existing character and amenities of localities. This is to conserve the recreational and visual amenity of the existing rural areas that surround the urban area of the District. It is also to promote the efficient use and development of infrastructure and land, and to provide a framework within which the true costs and benefits of new and existing infrastructure and reticulation are considered. Infill development may be appropriate in many parts of the city, and can involve new development, or redevelopment. It generally provides for greater intensity of use and development.

##### **policy**

#### **DO15.1.2 limiting effects of urban expansion**

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*Proposals that involve urban expansion through more intensive subdivision and development should address any actual and potential adverse effects on adjacent and nearby activities and avoid, remedy or mitigate them.*

##### **Explanation and Reason**

DO15.1.2.i Residential and commercial development near rural activities may give rise to conflicts, especially as a result of rural activities that cause smell, noise, or spray drift. The onus is on the developer to recognise and provide for these. Techniques include minimising the extent of the rural/urban interface and setting standards and conditions at the interface that protect urban amenity. This policy complements objective DO14.1 (city layout and design), and objective DO14.2 (amenity values).

**policy**

**DO15.1.3 rural greenbelt**

*Adverse effects on existing rural character and amenity values should be avoided, remedied or mitigated in the Maitai Valley, between Bishopdale Saddle and Wakatu, and between Stoke and Richmond, in order to maintain a greenbelt between existing built up areas.*

**Explanation and Reasons**

DO15.1.3.i This policy reinforces the existing clear transition from rural to urban areas. This recognises the amenity values of these areas, especially the recreational and scenic value of areas relatively close to the urban area.

Methods (policies DO15.1.1 - DO15.1.3)

DO15.1.3.ii Other objectives and policies encourage intensification of development in urban areas and limit development in the Rural, and Open Space and Recreation Zones. These policies supplement those provisions.

DO15.1.3.iii Mapping the Rural Zone to include the greenbelt areas, in conjunction with the attainment of the other Rural Zone objectives and policies.

**DO15e environmental results anticipated and performance indicators**

The following results are expected to be achieved by the foregoing objectives, policies and methods. The means of monitoring whether this Plan achieves the necessary outcomes are also detailed below.

Anticipated environmental results	Indicators	Data source
DO15e.1 Compact urban form	DO15e.1.1 Consistent treatment of resource consent applications. Infrastructure capital and maintenance costs to Council.	Council records.
DO15e.2 Increased infill development	DO15e.2.1 Consistent treatment of resource consent applications.	Council records.
DO15e.3 Maintenance of amenity values	DO15.e.3.1 Retained green belt areas, and access to country side. Complaints to Council. Visual inspection.	Council records, media reports.



## D016 Zones

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**D016.i** The pattern of land use in the District that has developed over time reflects the physical characteristics of the land and other resources, people's preferences from time to time, and planning decisions under former legislation. There are now easily identifiable areas of the District with distinctive environmental qualities. At the broadest level these can be defined in terms of landscape:

- a) the remote undeveloped backdrop to the District (the Conservation Zone)
- b) rural land, which is largely used for pastoral farming and exotic forestry
- c) the urban or built up area

**D016.ii** Within the built up area, historical patterns of development have led to areas with characteristics which are clearly residential, commercial, industrial or open space and recreational. Infrastructure, including roads, drains, water supply and other services, has been developed to reflect the needs of this existing pattern. Each distinct area, together with its infrastructure, represents a resource that is required to be sustainably managed under this Plan. Different sets of issues arise in the different areas and need to be addressed differently in the Plan.

**D016.iii** The Plan recognises that areas have distinctive environmental characteristics, and what effects of activities are acceptable may differ between areas. The Plan applies a zoning approach to define the different environmental qualities sought for different areas and to control the actual and potential adverse effects of development within them.

**D016.iv** The zones contain all of the land area of the District above mean high water springs. The Coastal Marine Area, although not called a zone, is dealt with in this Plan as a similar geographical unit. The issues affecting the Coastal Marine Area and the dry land area of the District are often related. This Plan takes an integrated approach to these, particularly by means of the Coastal Environment Overlay.

### Overlays

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**D016.v** Zones are different from overlays. Overlays are areas of the District within which particular issues arise. Chapter 3 describes how overlays are presented in the Planning Maps and outlines the relevant issues. Overlay boundaries are usually determined by the physical extent of, or constraints on, resources and therefore do not coincide with zone boundaries, which often also reflect social conditions. No objectives or policies are stated for overlays, as they are simply a method of implementing particular policies, such as those relating to servicing or natural hazards.

## objective

### D016.1 management of resources by location

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*Management of the natural and physical resources of Nelson in a way that responds to the varying resource management issues and the varying actual and potential effects of use, subdivision, development, and protection arising in different parts of the District.*

#### Reasons

**D016.1.i** Resource management issues do not arise uniformly throughout the District and provision for the varying needs of, and effects in, different parts of the District need to be addressed.

**policy**  
**DO16.1.1 zones (and areas)**

*The District should be divided into zones (and areas), for the purposes of resource management, as follows:*

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**1. Residential Zone**

A quality residential environment that provides a choice of living styles, a high level of amenity, and a minimal occurrence of nuisances.

**Explanation and Reasons**

DO16.1.1.i The primary goal of the Residential Zone is to provide the opportunity for residential accommodation. Past experience has shown that people want a range of living styles to reflect their various needs, while maintaining high levels of amenity. Nuisances have adverse effects on amenity values, and can affect health and safety in residential areas.

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**2. Inner City Zone**

A City Centre which provides a strong and vibrant focus to the city, together with a City Fringe which supports and complements the City Centre.

**Explanation and Reasons**

**DO16.1.1.ii City Centre**

The Inner City Zone is created to reinforce the City Centre as the identifiable heart of the City. The key is for the City Centre to be attractive for people to visit and spend time in, and consequently for businesses to locate in. The City Centre therefore needs to have an environment which is pleasant for people and which is pedestrian-friendly. Important views from and across the City Centre will be retained, particularly to and from the Church Steps, and to the surrounding hills and sea.

**DO16.1.1.iii City Fringe**

The City Fringe is intended to support and complement, but not weaken, the role of the City Centre as the heart of the city. The environment in the Fringe will be pleasant, but of a lower standard of amenity than the City Centre. The area should also provide a transition to residential and industrial areas. This is a preferred location for larger retailers or wholesalers, but not for smaller retailers, as this would tend to weaken the City Centre. The area will be more vehicle oriented than the City Centre. Accordingly, sites should have good vehicle access and parking.

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**3. Suburban Commercial Zone**

Suburban commercial centres which enable community needs to be met, while minimising their impacts on surrounding areas.

**Explanation and Reasons**

DO16.1.1.iv The Suburban Commercial Zone is intended to concentrate commercial activities in areas close to the Residential Zone. This Plan anticipates that the form and nature of suburban commercial centres will alter as society changes, for example, with changes in income and mobility. This may mean that some centres may go out of existence if there is no demand for them. The Plan aims to provide sufficient flexibility to enable these centres to change and adapt. At the same time it will prevent negative effects spilling over into surrounding areas. The Zone includes the Wakefield Quay centre, which is expected to develop activities which capitalise on, and at the same time enhance, its seaside location.

#### **4. Industrial Zone**

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An environment within which there are opportunities for the needs of industry to be met, where the actual and potential effects of industrial activity are contained and some large format retailing is provided for in a discrete and efficient manner within Schedule N.

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

**DO16.1.1.v** Industry has its own particular set of environmental requirements such as the need for suitable (usually flat) land, access to services such as major transport infrastructure, water, and sewerage, and proximity to labour sources.

**DO16.1.1.vi** Industrial activity has the potential to have significant adverse environmental effects on other activities. While the community expects that effects of activities should generally not affect adjacent activities and resources, there are some effects which are difficult to control such as the effects of heavy traffic movements. If a zoning approach is used, it is not necessary to create an environment where a standard suitable for any activity exists everywhere. Separate zones have thus been created for industrial activities in order to contain adverse effects to a limited number of areas, and at the same time provide areas where industrial activities can take place. It is recognised that industrial activity needs to be accommodated in order to provide for the well being of people and the community and to process the primary products of the wider region.

**DO16.1.1.vii** The special needs of industry limit where industrial activities may go; therefore it is important to protect suitable areas of land for industrial activity in case opportunities for future growth are foreclosed by the inappropriate location of incompatible activities.

**DO16.1.1.vii(a)** Notwithstanding the foregoing considerations, provision is made for Large Format Retailing activities in the Industrial Zone specifically in Schedule N at Tahunanui. This approach recognises that:

- a) the character of some commercial activities is incompatible with the function and amenity levels of the Commercial Zones
- b) the scale of and foreseeable demand for some commercial activities is such that may be impractical for them to find adequate land in the Commercial Zones
- c) the provisions will tend to reduce the trend to increasing widespread "commercialisation" of Industrial land, and its adverse economic consequences for industrial activities
- d) the provisions are compatible with the objectives and policies for the Inner City and Suburban Commercial Zones

#### **5. Open Space and Recreation Zone**

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A framework for the present and future management of open space and recreation land.

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

**DO16.1.1.viii** The Open Space and Recreation Zone is intended to recognise and protect land already used for open space and recreation purposes. The majority of the land in the Zone is reserve land vested in the Council and administered by the Council under management plans prepared under the Reserves Act 1977.

#### **6. Rural Zone**

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An environment within which soil, water and land resources are managed sustainably, and the rural character of the District, including water works catchments, and the surroundings of urban Nelson, is maintained or enhanced.

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

**DO16.1.1.ix** The Rural Zone provides space for genuine rural or rural based activities to occur. Small holdings are included where they do not compromise the long term ability of the land to be used for productive purposes, and in locations where conflict with large scale rural activities is minimised as much as possible.

DO16.1.1.x The landscape is intended to remain green, spacious and uncluttered. The Zone, stretching from the intensively developed urban environment, through the less dense but settled small holdings area, to the virtually untouched conservation areas at the eastern and mountainous boundaries of the District, helps emphasise a sense of arrival to, or departure from, the city. The Zone will maintain this character as it is a highly important component of the Nelson landscape.

DO16.1.1.xi The Zone also provides space for small holdings. The flatter rural land within the District, which is in high demand for this sort of activity, is not generally of high quality. By comparison, much of the land in demand for smallholdings in the Tasman District is of high quality, and is of high value for horticulture in particular. In line with Nelson City Council's philosophy of achieving ~~a similar or complementary~~ an appropriate policy approach, ~~a flexible approach has been taken to the rural environment in the Nelson area~~ some provision is made in the rural environment in Nelson for rural small holdings, to help ease the pressure on the quality soils which benefit both areas. However, protection of productive capability in Tasman should not be at the expense of loss of rural character and unsustainable, inefficient or inappropriate development in Nelson. To this end, a plan change was notified in 2005 to make undersize rural small holdings subdivisions in Nelson North a non-complying activity, until such time as a framework is in place to allow for more structured and coordinated rural small holdings subdivisions in Nelson North.<sup>05/01</sup> The underlying philosophy of the management of this resource remains to protect its productive capability and to meet the other objectives of the Zone.

## **7. Conservation Zone**

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An environment where natural character and landscape values are preserved and enhanced.

### **Explanation and Reasons**

DO16.1.1.xii The Conservation Zone aims to preserve a unique portion of Nelson's land and water resources. It is largely unmodified, and contains some extremely important plant communities such as around Dun Mountain, and areas of high ecological significance such as the Boulder Bank. It also contains important cultural and geological sites and features, such as argillite quarries used by Maori, plus some old mining sites.

## **8. Coastal Marine Area**

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A Coastal Marine Area where the natural character is preserved and enhanced and inappropriate subdivision, use, and development do not occur.

### **Explanation and Reasons**

DO16.1.1.xiii The Act declares the preservation of the natural character of the coastal environment and its protection from inappropriate subdivision, use and development to be a matter of national importance which the Council is to recognise and provide for. The coastal environment includes the Coastal Marine Area.

DO16.1.1.xiv The Act does not define natural character but the New Zealand Coastal Policy Statement (NZCPS) identifies various "elements" of natural character, including:

- a) the integrity, functioning and resilience of the coastal environment (NZCPS policy 1.1.4)
- b) areas of significant indigenous vegetation and significant habitats of indigenous fauna, unique and vulnerable ecosystems (NZCPS policy 1.1.2)
- c) landscapes, seascapes, land forms, characteristics of special, spiritual, historical or cultural significance to Maori; and significant places or areas of historic or cultural significance (NZCPS policy 1.1.3)
- d) water quality (NZCPS, chapter 5.0)

**DO16.1.1.xv** This Plan promotes the preservation of the natural character of Nelson’s coastal environment by identifying issues corresponding with four elements of natural character, being the preservation of:

- a) the life-supporting capacity of the coastal environment
- b) significant indigenous vegetation, habitat, land forms, and other natural features
- c) amenity values (including landscape, scenic, recreational, historical, cultural, and spiritual values)
- d) water quality

Public access to the coast and natural hazards are dealt with elsewhere in this Chapter.

**Methods (for Zones 1 - 8)**

**DO16.1.1.xvi** Methods, including rules, as stated in the zone chapters that apply different methods to the various zones.

**DO16.1.1.xvii** Planning Maps that show the zones.

## **DO16e environmental results anticipated and performance indicators**

The following results are expected to be achieved by the foregoing objectives, policies and methods. The means of monitoring whether this Plan achieves the necessary outcomes are also detailed below.

<b>Anticipated environmental results</b>	<b>Indicators</b>	<b>Data source</b>
<b>DO16e.1</b> A pattern of land use that reflects the varying needs and capabilities of the areas of the District.	<b>DO16e.1.1</b> Consistent treatment of resource consent applications.	Council records, media reports
<b>DO16e.2</b> A pattern of land use that locates activities according to their effects on the environment.	<b>DO16e.2.1</b> Consistent treatment of resource consent applications.	Council records, media reports

## **DO17 Activities in the beds of rivers and lakes, and in wetlands**

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**DO17.i** The Resource Management Act (section 13) places special restrictions on the use of river beds. Any structures on, or disturbance in, river beds must be provided for by a rule in a regional plan or by resource consent.

**DO17.ii** Activities or uses of river beds include, fords, dams, weirs, water intake structures, gravel extraction, river control works, and vegetation planting and clearance. While important to the ongoing wellbeing of Nelson's people and communities, poorly constructed or maintained structures can cause adverse effects. These include erosion of river bed, build up of sediment, poor water quality, damage to aquatic habitats and obstacles to fish passage. In addition, vegetation and slash material left in river beds can cause obstruction of structures.

**DO17.iii** While Nelson's known wetlands are currently limited to Rush Pool, Dew Lakes the Wakapuaka and Whangamoia river flats at the river mouths, and the Wakapuaka sand flats at the head of the Haven, there is potential that more exist or will be created. Section 6(a) of the Act states that preservation of the natural character of wetlands and their protection from inappropriate subdivision, use, and development is a matter of national importance.

**DO17.iv** The Nga Taonga Tuku Iho ki Whakatu Management Plan (Nelson Iwi Management Plan) explains that waahi tapu (including those located in freshwater) are places that provide tangata whenua with a physical and spiritual link to their ancestors. Activities or management approaches which lead to the contamination, damage or destruction of waahi tapu results in both spiritual and physical loss to tangata whenua.

**DO17.v** Issues relevant to activities in the beds of rivers and lakes, and in wetlands, are discussed in section R118 of the Plan.

### **objective**

#### **DO17.1 Effects of activities and structures in the beds and margins of rivers and lakes on the natural environment**

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Activities, works or structures within the beds of lakes and rivers and their margins, and in wetlands, are undertaken or constructed in a way which avoids, remedies or mitigates adverse effects on freshwater bodies and their associated uses and values.

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

**DO17.1.i** Activities within a watercourse can result in significant adverse effects, such as loss of water quality, destruction of habitats, or change the water conditions so that they are no longer suitable for aquatic ecosystems. These effects can be caused by a range of activities, structures, and works, including the introduction of plants. Many of Nelson's typical small shallow streams make them more vulnerable to changes in physical conditions than larger or swifter-flowing rivers. In accordance with the Nelson Regional Policy Statement, priority must be given to the natural functioning of the water body when managing river and lake beds.

## **policy**

### **DO17.1.1 Disturbance of river and lake beds, excluding extraction of aggregate**

*Activities which disturb the bed of a river or lake, or a wetland, including vehicles and vehicle crossings, should be avoided, unless the disturbance is necessary:*

- a) for the maintenance of lawfully established structures or network utility operations, or*
- b) for the restoration or enhancement of any in-stream or out-of-stream values, or*
- c) where no practicable alternative vehicle crossing is available, and adverse effects can be mitigated.*

#### **Explanation and Reasons**

DO17.1.1.i Activities and vehicles which disturb river and lake beds, and wetlands, can have direct adverse effects on the area in which they are undertaken, which may be important invertebrate habitat or spawning habitat for native fish or trout. In addition, they can have adverse effects downstream, such as loss of water quality, sedimentation, and potential for contamination through oil and fuel spills. As such, activities which disturb river and lake beds should be avoided.

DO17.1.1.ii There will, however, be occasions when activities do need to occur within the bed, such as routine maintenance of structures, or where there are no alternative crossing places for vehicles. It is appropriate to make some allowance for these situations, subject to certain conditions being met to avoid and mitigate adverse effects. (New structures are addressed in policies DO17.1.6 and DO17.1.7.)

#### **Methods**

DO17.1.1.iii Rules setting performance standards for crossings and controlling activities with potential to adversely affect the beds of rivers, lakes and wetlands.

DO17.1.1.iv Provide information on the values of rivers, lakes and wetlands, including monitoring results and ecological information.

DO17.1.1.v Advice on best practice.

## **policy**

### **DO17.1.2 protection of natural character**

*Protect the natural character of rivers, lakes and wetlands, and their margins, and wetlands, from inappropriate subdivision, use and development.*

#### **Explanation and Reasons**

DO17.1.2.i This policy reflects section 6(a) and 6(c) of the Act. Council recognises that, irrespective of the degree of modification that has taken place, all rivers, lakes and wetlands, and their margins, have some degree of natural character and the approach required by the Act is to protect those attributes which give an area its natural character from inappropriate subdivision, use and development. Council also recognises that the need to protect natural values may limit development opportunities.

#### **Methods**

DO17.1.2.ii Rules controlling activities which have the potential to adversely affect the natural character of rivers, lakes and wetlands, and their margins.

DO17.1.2.iii Advice on best practice to avoid adversely affecting existing natural character and rehabilitation and restoration of natural character where possible.

DO17.1.2.iv Provide information on the values of rivers, lakes and wetlands, including monitoring results and ecological information.

## policy

### DO17.1.3 flood damage

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*Structures in river beds and their margins should be constructed to allow for flood flows from significant storm events without causing or exacerbating flood damage to natural and physical resources.*

#### Explanation and Reasons

DO17.1.3.i Examples of works that could make flooding worse if not constructed properly include:

- bank protection works and in particular groynes which redirect the force of the flow towards the other side of the river, and
- bridges and culverts which alter the hydraulic characteristics of the river and cause a backwater effect, and
- fords which can trap natural sediment movement during floods and subsequently impede fish passage, and
- walk bridges or service lines (pipes and cables) which are slung over the river but get caught up in flood flow and cause turbulence or, in worse cases, trap debris and dam the river, and
- works in the river bed which obstruct or restrict flow, cause backwater and therefore raise the height of the water surface, and
- fences over a river, which can trap debris and logs.

DO17.1.3.ii The Council is responsible for controlling the use of land in order to avoid and mitigate the adverse effects of flooding on people and property. The aim is to avoid adverse risks from the peak flow arising from a rainfall event which has the possibility of occurring once every 50 years (Q50) in most cases, and every 15 years (Q15) for others.

DO17.1.3.iii Q50 flood capacity is required for major rivers and their tributaries due to the volume of water that will flow down them during a 1 in 50 year flood. Q50 flood capacity is also required for smaller ones in built up areas where the risk of flood damage to properties is high. Q15 flood capacity is usually required for smaller and intermittent rivers where risk of damage during floods is low.

DO17.1.3.iv Climate change could affect rainfall patterns and intensity in Nelson. In the longer term this may lead to a change in the frequency of flood events. In future, if the Government's advice or legislation changes, the Council may need to change its flood protection requirements.

#### Methods

DO17.1.3.v Flood hazard overlays in the Nelson Resource Management Plan.

DO17.1.3.vi Engineering design standards for structures in river beds.

DO17.1.3.vii Advice on best practice and design of structures.

## policy

### DO17.1.4 planting in the beds of rivers and lakes

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*The introduction of plants in the beds of rivers and lakes should be avoided except where such planting is necessary to control erosion.*

#### Explanation and Reasons

DO17.1.4.i Introducing plants into riverbeds has the potential to reduce the flood carrying capacity and natural functioning of the water body, by impeding water flow. Planting is a valuable way to stabilise river and stream banks. Plantings at river mouths can enhance whitebait spawning habitat, and plants naturally occur in, and enhance, wetlands. In no circumstances should the pest plants listed in the Tasman-Nelson Regional Pest Management Strategy be planted in the beds of rivers, lakes or wetlands.



DO17.1.4.ii Some plants which have shallow root structures or which are susceptible to wind throw or branch dropping, may affect flow capacity by falling into the water channel and impeding water flow, so it is preferable to use plants which do not easily detach themselves from the substrate. For example, Osier willow, commonly used to stabilise banks, is a nuisance which spreads readily. Branch drop sets up new growth which impedes water flow, especially in narrow waterways. 'Living Heritage - growing native plants in Nelson' provides guidance on the most suitable plants to use for riparian enhancement.

#### Methods

- DO17.1.4.iii Rules controlling planting in the beds of rivers and lakes.  
DO17.1.4.iv Advice on suitable plants to be used in river mouths and wetlands.  
DO17.1.4.v Clearance of unsuitable plants in beds and on river banks.

### policy

#### DO17.1.5 planting in riparian margins

*The introduction of plants in the margins of rivers should be encouraged except where such planting involves pest plants or plants which are likely to spread into the bed of a river.*

#### Explanation and Reasons

DO17.1.5.i The margin of rivers and streams is a crucial buffer between land use activities and the natural waterway. Planted waterway margins protect water quality by: filtering surface run off, taking up nutrients (through plant roots), removing nitrogen (through bacteria in wet riparian soils), and preventing stock access when they are fenced. The Council provides landowners with guidance on riparian management. In addition, the Council's publication 'Living Heritage - growing native plants in Nelson' provides guidance on the most suitable plants to use for riparian enhancement.

DO17.1.5.ii The shade created by plants is important for reducing water temperature and reducing the growth of nuisance plants in waterways. Plants also provide shelter, food and spawning areas. In most cases the planting of native species is preferred in order to enrich Nelson's natural ecosystems of plants and animals.

DO17.1.5.iii Planted margins can also provide benefits to rural landowners by stabilising banks, enhancing the rural landscape, and reducing the need to clear drains and streams.

DO17.1.5.iv Crack willow is regarded as a pest plant in riparian margins because it spreads easily and often tips into rivers, breaking the bank down and blocking the water course. Future maintenance of any willow plantings will be required to retain their effectiveness against bank erosion and to prevent them spreading to other places in the watercourse.

DO17.1.5.v The Tasman-Nelson Regional Pest Management Strategy provides Nelson's framework for pest management. It lists the weeds and animals considered to be pests in this region and details the pest management programme for each of them. Further information is available at Nelson City Council. Tasman District Council's biosecurity staff are available to help identify and control these pests.

DO17.1.5.vi Planting programmes in riparian areas need to consider the potential adverse effects on existing network utilities. For example, appropriate species should be selected for planting near transmission lines so that they do not grow into the lines.

## Methods

- DO17.1.5.vii Encourage and provide advice, and funding where appropriate, for the planting of suitable indigenous species in riparian margins.
- DO17.1.5.viii Provide information on the values of Nelson's rivers, lakes, wetlands and riparian margins, including monitoring results and ecological information.
- DO17.1.5.ix Support community planting projects.
- DO17.1.5.x Encourage the planting of locally sourced harakeke. Consider allowing for the harvesting of it, as well as any windfall trees, on Council-owned land.
- DO17.1.5.xi Provide for protection of watercress and harvesting of it where water is of sufficient quality to avoid health hazards.
- DO17.1.5.xii Advice on alternative methods of erosion control.
- DO17.1.5.xiii Develop and promote guidelines on best practice for riparian land management.

## policy

### **DO17.1.6 structures in and under the beds of rivers and lakes, and wetlands**

*Structures in, on or under the beds of rivers and lakes, or in wetlands, should only be constructed where adverse effects can be avoided, remedied or mitigated.*

#### Explanation and Reasons

- DO17.1.6.i Structures, including bridges, which are located in, on or under the beds of rivers and lakes, or in wetlands, can cause adverse effects. These range from visual intrusion on natural character and amenity values, to permanent effects on ecology and biota by restricting fish passage upstream of the structure or affecting water flow and the natural functioning of a river, including increased turbulence.
- DO17.1.6.ii Structures such as pipes and cables for network utilities, located in, on, or under the beds of rivers, can result in sewer spills and substantial bed disturbance whenever maintenance is required.
- DO17.1.6.iii Provision should be made, however, for the routine maintenance of existing structures, or the removal of obsolete structures, provided there are no significant adverse effects. On rare occasions, obsolete structures can have heritage values.
- DO17.1.6.iv Well designed bridges and culverts can reduce environmental effects on a river by avoiding vehicle and stock disturbance of the river bed, and providing shade. However, in most cases it is important that they are designed to allow a Q50 or a Q15 flow to pass through them.
- DO17.1.6.v The advantage of bridges over culverts is that a natural river bed remains. Culverts may have an artificial base which can change flow dynamics and may impede fish passage if inappropriately installed. They also require a higher level of maintenance than bridges. Generally, fords result in discharge of sediment and a change to streambed gradients.

#### Methods

- DO17.1.6.vi Rules controlling structures in and near waterbodies.
- DO17.1.6.vii Advice on appropriate design and best practice.
- DO17.1.6.viii Design requirements in section 5.6.5b) and Table 5-2, 5-6 and 5-7 in section 5 of the NCC Land Development Manual 2010.

## **policy**

### **DO17.1.7 dams and reservoirs**

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*The diversion and damming of surface water within the beds of rivers should not result in significant adverse effects.*

#### **Explanation and Reasons**

DO17.1.7.i Dams and reservoirs are specific types of structures which can have significant adverse effects. Their potential for effects depends to a large degree on whether they are placed within the natural water course, or whether they are located as out-of-stream storage reservoirs, with diversion from the natural water providing the water recharge.

DO17.1.7.ii While dams and reservoirs have the potential to improve the efficient use of water (through water harvesting), as physical structures they also have the potential to: affect fish passage, disturb water quality (during construction), affect water chemistry (such as oxygen levels), trap sediment and starve the downstream reaches of sediment, induce turbulence, and cause a safety hazard if not engineered to specific standards.

DO17.1.7.iii The environmental effects of diversion of water for out-of-stream uses such as small hydro-electric pumps depend on factors such as the proportion of the flow diverted, the timing and place of the diversion and return of the water, as well as any change in the temperature or quality of the water as a result of the diversion.

#### **Methods**

DO17.1.7.iv Rules controlling installation of dams and reservoirs

DO17.1.7.v Provide information on the values of rivers and lakes, including monitoring results and ecological information.

DO17.1.7.vi Advice on appropriate design and best practice

DO17.1.7.vii Monitoring effects of dams and reservoirs

## **policy**

### **DO17.1.8 obsolete structures in the beds of rivers and lakes**

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*Structures located in the bed of a river or lake, and which are no longer used or required, should be removed, provided that the:*

- a) recognised heritage or cultural values are not greater than the environmental values to be enhanced by its removal, and*
- b) removal of the structure will not cause greater long term adverse effects than those caused by it remaining.*

#### **Explanation and Reasons**

DO17.1.8.i Structures located in and under the beds of rivers and lakes, including dams, can cause adverse effects. These range from visual intrusion on natural character and amenity values, to permanent effects on ecology and biota by restricting fish passage upstream of the structure or affecting water flow and the natural functioning of a river.

DO17.1.8.ii A structure is considered to be obsolete if it is not required for its original use, or has not been used as intended for a continuous period of two years or more, and no future use is anticipated.

Obsolete structures should be removed to more closely restore the river or lake to its natural state, unless the structure has recognised heritage or cultural values, and removal of it will result in significant long term adverse effects. This may require an exception to be made where the scale or size of the structure is such that the long term adverse effects of removal will be greater than the effects of the structure remaining, or where protecting the heritage or cultural values is considered more important than the environmental improvements to be made from its removal. When weighing up these relative values a decision maker needs to recognise that, under the Nelson Regional Policy Statement, priority must be given to the natural functioning of the water body when managing river and lake beds. While removal may cause temporary disturbance, which may be locally significant, the long term benefits of removal will generally outweigh the short term disruption.

#### Methods

DO17.1.8.iii Permit the removal of instream obsolete structures without the need for a resource consent, subject to the general conditions for bed disturbance.

DO17.1.8.iv Require the compulsory removal of instream obsolete structures where the recognised heritage or cultural values are less than the environmental benefits arising from removal.

DO17.1.8.v Clarify that liability for removal of the structure lies with the last known person, agency, or entity with legal responsibility for the maintenance or upkeep of the structure.

DO17.1.8.vi Include a condition on resource consents for new structures requiring the removal of the structure if it becomes obsolete or the consent expires and is not renewed, provided that the general conditions of bed disturbance can be met. (This method implements Policy DO17.1.6.)

DO17.1.8.vii Advice on appropriate timing and methods of removal.

#### policy

#### **DO17.1.9 extraction of aggregate from the beds of rivers**

*Provide for the extraction of aggregate from riverbeds where it is necessary to improve flood capacity, or the repair or maintenance of lawfully established structures, where there are no significant adverse effects on the stability, ecology, or functioning of the river or riparian margin.*

#### Explanation and Reasons

DO17.1.9.i Aggregate is extracted to both source gravel and to reduce flooding and bank erosion. The benefits of extraction can be to: reduce the build up of gravel and therefore improve the flood carrying capacity of a waterway, increase water depth, and improve habitat (pools). Extraction of aggregate may also be necessary for the repair or maintenance of structures, or for their construction. However, over-extraction can destabilise the river channel and banks, or affect the functioning of the river or downstream coastal processes. The extraction process can also affect aquatic habitat if undertaken at the wrong time or in the wrong place, or in a way which damages the bed and margins. While it is recognised that some extraction may be beneficial, it is also necessary for Council to retain control of the process in order to avoid or reduce adverse effects. Aggregate extraction may sometimes be necessary to reduce bank erosion, and for the repair or maintenance of structures. Aggregate build up around structures occurs as a result of dynamic river systems. Refer to Appendix 28.1 for a list of NCC aggregate extraction sites for the purpose of maintaining flood capacity.

DO17.1.9.ii The Nga Taonga Tuku Iho ki Whakatu Management Plan (Nelson Iwi Management Plan) explains that instream gravel and sand extraction can lead to a loss of habitat, loss of culturally significant taonga (treasures) such as healing stones, water discolouration, or a drop in a river bed, which reduces habitat for aquatic species. Extraction of materials from within riverbeds can also lead to channelling and realignment of a water body, resulting in the destruction of indigenous fish habitat.

Methods (for policies DO17.1.8 and DO17.1.9)

- DO17.1.9.iii The collection of data on aggregate build up in rivers.  
DO17.1.9.iv Rules controlling aggregate extraction and conditions on resource consents.  
DO17.1.9.v Advice on appropriate timing and methods of removal from an appropriately qualified and experienced person.

**policy**

**DO17.1.10 deposition of material in the beds and on the banks of rivers and lakes**

*The deposition of material in the beds and banks of rivers and lakes, or in wetlands, should be avoided unless the material is necessary to protect the bed, banks or any structure from erosion, or where it is necessary for the repair, maintenance or construction of structures, in which case any adverse effects from depositing the material should be avoided or mitigated.*

**Explanation and Reasons**

DO17.1.10.i Materials or substances deposited in the bed of a river change the physical condition of the river bed. Biological and chemical conditions can also be affected. Adverse effects can include: visual and amenity effects particularly where deposited material is out of character with the existing environment; changes to the water channel; bank and bed destabilisation; loss of riparian margin or bank habitat; and cumulative effects in the receiving environment.

DO17.1.10.ii Rock has been used for bank protection in all of Nelson's urban rivers and streams. Placement of rockwork in a watercourse has the potential to cause adverse effects in locations where the water is deflected and impinges on the opposite bank or causes turbulence which results in adjacent or downstream bank erosion. However, rocks can also be placed in a way that enhances whitebait and other freshwater fish habitat.

DO17.1.10.iii Flooding and bank erosion are only an issue when assets are threatened. With only a few exceptions, buildings in rural Nelson have been set far enough back from the rivers not to be threatened within the life time of the buildings. By far the most effective method of mitigating bank erosion is to keep high value assets a sufficient distance back from the river bank. That is why the Nelson Resource Management Plan places controls on buildings in the Riparian Overlay.

DO17.1.10.iv Riparian planting and reducing stock access to waterways also helps to prevent bank erosion.

**Methods**

DO17.1.10.v Rules controlling deposition of material in the beds and on the banks of rivers and lakes, and in wetlands.

DO17.1.10.vi Assessment matters for resource consent applications.

DO17.1.10.vii Provide information on the values of rivers including monitoring results and ecological information.

## **policy**

### **DO17.1.11 realignment and piping**

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*Avoid, remedy or mitigate the effects of realignment and piping of the bed of any river or lake, or wetland.*

#### **Explanation and Reasons**

DO17.1.11.i Realignment and piping of the beds of rivers and lakes, or wetlands, should be discouraged wherever possible as it has significant adverse effects on the natural and human use values of rivers, lakes and wetlands, and can exacerbate flooding hazards by removing natural pools and meanders. This increases the energy of water flows and reduces habitat for invertebrates and fish. Therefore, where realignment is necessary, and where it is practicable, the realignment should mimic the natural form for a watercourse of that type.

#### **Methods**

DO17.1.11.ii Rules controlling realignment and piping of the beds of rivers and lakes, and wetlands.

DO17.1.11.iii Assessment matters for resource consent applications.

DO17.1.11.iv Provide information on the values of rivers and wetlands including monitoring results and ecological information.

## **policy**

### **DO17.1.12 stock access and crossings**

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*Stock crossings directly in the beds of rivers or lakes, and in wetlands, and unrestricted stock access to water bodies, should be avoided unless adverse effects can be adequately mitigated.*

#### **Explanation and Reasons**

DO17.1.12.i Stock with unrestricted access to water bodies will ultimately contribute to water quality degradation. Research has found that:

- faecal indicator bacteria reside in the stream sediment, rather than the water column, and
- disturbance of the sediment (by swimming, flooding, wading, recreational use and earthworks) can remobilise the sediment and recontaminate the water column, and
- excluding stock from stream channels is likely to provide major water quality benefits, in addition to improved stock health.

DO17.1.12.ii There are many examples where stock have unrestricted access to Nelson's streams and rivers, often for extensive reaches, and on both sides of the watercourse. On some rivers (Lud, Teal, Wakapuaka and Whangamoa) it is possible that water is being abstracted for domestic use below areas where stock have access to rivers.

DO17.1.12.iii Adverse effects of stock access include trampling and damage to the banks and beds of water bodies, disturbance of aquatic habitats, increased sediment and effluent inputs, and an associated decrease in water quality. The damage caused is dependent on the type of stock and density of stocking, the length of time spent in the watercourse, and the physical make up of the watercourse and banks.

DO17.1.12.iv In addition to maintaining instream values such as freshwater fish and invertebrate habitat, good water quality is necessary in rural areas for domestic and stock water, irrigation, and amenity, so it is important that land users adopt best management practices in relation to stock, and as a minimum, ensure that stock are managed in a way that does not cause significant adverse effects on watercourses. This may require the placement of temporary or permanent fencing or alternative stock watering facilities in some areas.

## Methods

- DO17.1.12.v A rule controlling stock access and crossings.
- DO17.1.12.vi Review the effectiveness of the Council's approach to stock access and crossings to ensure it is avoiding, remedying or mitigating adverse effects on water bodies.
- DO17.1.12.vii Work with landowners to address the specific environmental issues of the property, including but not limited to:  
Fencing and retirement of riparian margins  
Using alternative means, including bridges and culverts, to move stock across rivers, streams and drains  
Using appropriate methods to prevent stock access to the beds of rivers and wetlands, including but not limited to: riparian fencing and planting, and providing alternative stock water supplies so that direct access to surface water bodies is not required and  
Pest and weed control.
- DO17.1.12.viii Consider subsidising the cost of permanent fencing and replanting of riparian margins, where such fencing will avoid stock accessing rivers from existing access points, and there has not been a change in land use.
- DO17.1.12.ix Where subdivision of rural land occurs, consider requiring fencing (and planting of riparian margins) of any remaining rural land to avoid stock accessing rivers.
- DO17.1.12.x Formal agreements put in place to ensure funding achieves outcomes sought, including active weed control, and fences invested in are maintained by the owner as stock proof over time.
- DO17.1.12.xi Consider facilitating a charitable trust in liaison with Landcare Trust, to attract funding and employment subsidies.
- DO17.1.12.xii Provide advice on best practice methods of sustainable land and water management.
- DO17.1.12.xiii Consider supplying plants for, or subsidising the cost of, riparian restoration projects involving the use of suitable, locally indigenous, plants.
- DO17.1.12.xiv Encourage and promote the use of bridges or culverts as alternatives to stock crossings.
- DO17.1.12.xv Provide information on the values of rivers including monitoring results and ecological information.

## objective

### **DO17.2 Effects of activities and structures in the beds of rivers and lakes on infrastructure**

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*Activities, works or structures within the beds of lakes and rivers and their margins undertaken or constructed in a way which avoids, remedies or mitigates adverse effects on lawfully established network utility operations.*

#### Explanation and Reasons

DO17.2.i Network utility operations and their infrastructure provide essential services, such as telecommunications, power supply, transport links, or water supply. Nelson's rivers contain a range of such infrastructure. Activities and works in river and lake beds can have an adverse effect on important network utilities. For example, gravel extraction near a bridge abutment or pipeline may result in scouring around the base of the structure, potentially affecting its structural strength and integrity. Similarly, disturbance of a river bed may directly affect pipes or cables buried in the bed.

#### policy

### **DO17.2.1 Activities and structures in the beds of rivers and lakes which affect network utility operations**

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*Activities or structures in the beds of rivers and lakes should not result in significant adverse effects on network utility operations.*

#### Explanation and Reasons

DO17.2.1.i Activities and works in river and lake beds can have an adverse effect on important network utility operations. When assessing resource consents for activities in river and lake beds, consideration needs to be given to the potential effects of those activities on network utilities.

#### Methods

DO17.2.1.ii Include effects of infrastructure as a matter of assessment for activities and structures in the beds of rivers and lakes.

DO17.2.1.iii Advice on the location of network utility operations within the beds of rivers and lakes.



## **DO17e environmental results anticipated and performance indicators**

The following results are expected to be achieved by the foregoing objectives, policies and methods. The means of monitoring whether this Plan achieves the necessary outcomes are also detailed below.

<b>Anticipated environmental results</b>	<b>Indicators</b>	<b>Data source</b>
<b>DO17e.1</b> Reduced impacts of activities on the natural values of waterbodies.	<b>DO17e.1.1</b> Diversity and numbers of fish and invertebrate species. New bridges or culvert for stock/vehicle crossings. Riparian fencing.	Stream health monitoring programme (NCC) Community monitoring programmes Fish surveys and other feedback (DoC, Fish & Game) Funding application approved
<b>DO17e.2</b> Increased level of planting in river margins.	<b>DO17.e.2.1</b> New planting in riparian margins.	Observation Council records Council officer reports
<b>DO17e.3</b> Reduced number of obstacles to fish passage.	<b>DO17e.3.1</b> Removal of obsolete structures. Modification of existing structures.	Council programme for removal of obstacles Council records Fish surveys (DoC)
<b>DO17e.4</b> Reduced stock access to the beds of rivers, lakes and wetlands.	<b>DO17e.4.1</b> Proportion of landowners excluding stock from waterways.	Observation Council officer reports

## **DO18 Freshwater abstraction and instream flows**

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DO18.i Water is a limited resource in Nelson City. The erratic rainfall dictates the quantity of water in rivers and the length of periods of low flow. Low flows can result in unacceptable stress for fish and aquatic invertebrates.

DO18.ii The Maitai and Roding Rivers are used for public water supply, while many of the smaller streams are used for irrigation and private water supplies. Most rivers are also used directly or indirectly for stock drinking water. Keeping enough water in Nelson's rivers to maintain their healthy state is the reason for setting limits on how much water can be taken out of them for other uses.

DO18.iii Flow speeds and levels affect the physical quality and size of instream habitat for fish and aquatic invertebrates. All other factors (such as water quality) being equal, fish and aquatic invertebrate will, or potentially will, be most abundant where the physical habitat quality suits them best.

DO18.iv The Nga Taonga Tuku Iho ki Whakatu Management Plan explains that tangata whenua are concerned about over-allocation of water, which results in reduced flows and the inability of water bodies to sustain the indigenous communities within them.

DO18.v Issues relevant to freshwater abstraction and instream flows are discussed in section R18 of the Plan.

### **objective**

#### **DO18.1 maintaining and enhancing flows and levels**

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*Flow regimes and water levels within the region's water bodies maintained, and enhanced where necessary, to ensure a water level which:*

- a) *provides for natural, intrinsic, cultural, and spiritual values, including aquatic ecosystems, natural character, native fishery habitats, existing trout and salmon habitats, and recreational values, and*
- b) *provides for a range of uses, in particular reasonable domestic and stock water use and fire fighting, and*
- c) *provides for the adequate dilution of contaminants arising from natural sources. while preserving the life-supporting capacity (the mauri) of the water.*

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

DO18.1.i The maintenance of water flows and levels in Nelson's water bodies is necessary for a range of reasons. It is important that all of the reasons listed in this objective are recognised when making resource management decisions on water flows and levels.

DO18.1.ii All water has the potential to support life. Even small, seemingly inconsequential, streams contain values which cumulatively contribute to the life-supporting capacity of water. Over-use or over-allocation of water may degrade these in-stream values.

### **policy**

#### **DO18.1.1 flow regimes: specific rivers**

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*Manage flows and levels for specific rivers in accordance with the minimum flows and trigger flows set out in Appendix 28.2.*

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

DO18.1.1.i The values and priorities listed in objective DO18.1 were taken into account during the process of setting minimum flows. Water is taken out of all the rivers listed in Appendix 28.2 for out-of-stream uses. In order to leave enough water in the rivers and streams to protect instream values it is necessary to set a minimum flow below which no further water should be taken.

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**

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*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**

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*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 an application for a discharge, 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.

## **policy**

### **DO18.2.1 managing underground abstractions**

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*The effects of underground abstractions on aquifer levels and on surface flows and levels will be considered on a case-by-case basis, having regard to the precautionary principle.*

#### **Explanation and Reasons**

DO18.2.1.i The potential effects of groundwater abstractions need to be carefully assessed due to the lack of information on groundwater resources. The link between groundwater and surface flow, including wetlands, should be given particular consideration. Where the outcome of a proposed groundwater take is unknown or there is insufficient information to enable a reasonable assessment, abstraction should be avoided.

DO18.2.1.ii Unless there is information to the contrary, groundwater takes adjacent to rivers listed in Appendix 28.4 will be taken as having a one to one effect on river flows, for the purposes of water allocation and implementing water restrictions.

#### **Methods**

DO18.2.1.iii Rules controlling quantity of water taken for domestic uses in the rural area.

DO18.2.1.iv Rules controlling installation and decommissioning of bores and wells.

## **objective**

### **DO18.3 providing for water abstraction**

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*Provided that objectives DO18.1 and DO18.2 can be met, allocate water for abstraction in a way which:*

- *provides a reliable supply under normal flow conditions, and*
- *is equitably distributed between all water users while taking into account the priority uses of fire fighting, reasonable domestic use (including reticulated urban domestic use), and reasonable stock water use, and*
- *provides for and promotes efficiency in water use.*

#### **Explanation and Reasons**

DO18.3.i This objective recognises that abstraction of water is a value in itself. While provision needs to be made for water allocation, including permitted abstractions, this needs to be balanced against the long term life supporting capacity of water and the associated ecosystems. Efficient water use is particularly important in Nelson, where the small size of the rivers and streams means that abstraction has the potential for a proportionally greater effect on the overall river or stream values.

## **policy**

### **DO18.3.1 water permits**

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*Implement a water permit system for any water take based on the following criteria:*

- Single-class permit system for all rivers and streams.*
- All existing water permits which do not meet any new flows, levels, or allocation limits specified in the Plan will be required to meet 80% of the new flows, levels, or allocation limits within 2 years of the freshwater plan change becoming operative, and fully comply within 5 years of the freshwater plan change becoming operative.*
- All applications for water permits, including renewals of existing permits, will be treated as new applications and assessed on a case by case basis. Physical resources relating to a previous water permit are an assessment matter which can be considered as part of the application process. The RMA Amendment Act 2005 requires the efficiency of the applicant's use of the resource to be considered when determining applications from existing water permit holders.*
- Consider declining an application to take water where taking from an alternative water source on the applicant's property or through an*

*alternative available supply is likely to have less adverse effect on the water resource, or result in more equitable water allocation.*

- e) *review water permits and allocation limits where:*
  - i) *the water is surplus to the actual annual water requirements of the existing activity (at a 1 in 5 year low flow), or*
  - ii) *the activity has changed such that the full allocation is no longer required, or*
  - iii) *flow records show the water resource available for allocation is less than originally thought.*

#### Explanation and Reasons

DO18.3.1.i Under a single class water permit system all permits have equal security of water supply. Policy DO18.3.5 (allocation limits for specified rivers) specifies how existing water permits are dealt with during periods of low flow.

DO18.3.1.ii "Existing water permits" includes any permit to dam or divert water as well as takes and uses, and includes every permit which was lawfully established and in use at 9 October 2004 (the notification of these Freshwater Plan Change).

DO18.3.1.iii In order to achieve sustainable flow levels in all water bodies it is necessary to review all existing water permit allocations and to reduce the effect of those allocations where they do not meet the new standards for minimum flows.

DO18.3.1.iv This policy is inserted in accordance with sections 68(7) and 128 of the Resource Management Act which states that:

a) where a regional plan includes a rule relating to maximum or minimum levels of flows or rates of use of water, the plan may state whether the rule shall affect the exercise of existing resource consents for activities which contravene the rule and that the holders of resource consents may comply with the terms of the rule, or rules, in stages over specified periods, and

b) in order to enable minimum flow levels set in an operative regional water plan to be met, a consent authority may serve notice of its intention to review the conditions on a resource consent. However, changes made to a consent in accordance with section 128 cannot render a consent inoperable.

### **policy**

#### **DO18.3.2 monitoring water abstraction**

*Monitor new and existing water abstraction to improve knowledge of total water takes and manage the allocation of water so that the cumulative effects of water abstraction do not exceed:*

- i) *any flow regimes, or*
- ii) *any allocation limit for a water body, or*
- iii) *the sustainable yield of an aquifer.*

#### Explanation and Reasons

DO18.3.2.i In order to comply with the conditions of water allocation, water users need to know how much water they are actually taking. Monitoring water takes through water meters provides accurate information, enabling the water resource to be used sustainably.

#### Methods

DO18.3.2.ii Require water meters to be installed for all new and existing consented abstractions, and require records to be kept to enable accurate monitoring of actual water take and use.

DO18.3.2.iii Undertake annual monitoring of all water permits by 1 October each year.

## **policy**

### **DO18.3.3 expiry and duration of water permits**

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*[Note - this policy applies to new water permits only]*

*In general, apply a common expiry date for all new consents to take water, and existing water take consents without expiry dates, within the same catchment unless there are matters relating to the activity which are best dealt with by granting a shorter or longer term.*

#### **Explanation and Reasons**

DO18.3.3.i In the past the duration of water permits has ranged from five to 35 years. Where there was no time limit specified the duration was five years. However, where no expiry date has been specified, the applicant may be unaware of the date their permit expires. This system is difficult and costly to administer, and creates uncertainty for consent holders.

DO18.3.3.ii A common expiry date for each catchment will allow easier and more equitable management of water resources where there is high demand as the Council will be able to assess all renewals at the same time. It also provides a higher level of certainty for consent holders.

## **policy**

### **DO18.3.4 transfer of water permits**

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*Resource consent will be required for the transfer of a water permit for any water take as a restricted discretionary activity.*

#### **Explanation and Reasons**

DO18.3.4.i Monitoring of Nelson's water permits has highlighted that there may be a demand for the transfer of water permits. Restricting discretion in the resource consent process (and therefore simplifying the process) for transfers may provide an incentive for self-management of water allocation and improved efficiency. See rule FWr.16 for further detail.

## **policy**

### **DO18.3.5 allocation limits for specified rivers**

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*Manage the abstraction of water from any river or stream specified in Appendix 28.2 so that the total abstraction does not exceed the allocation limits listed in that Appendix.*

#### **Explanation and Reasons**

DO18.3.5.i The take, use, damming and diversion of surface water is important for social and economic reasons, but can have significant adverse effects on the instream values of water bodies. The extent of the adverse effects is dependent on the characteristics of a particular surface water body, the values associated with it, and the amount of water taken, dammed or diverted.

DO18.3.5.ii The Council has set the following allocation limits: 10% of 1 in 5 year mean low flow for water bodies where ecological values are high and abstraction does not yet occur; and 33% of 1 in 5 year mean low flow for other water bodies. The exception is the Wakapuaka, which has an allocation limit of 20% of 1 in 5 year mean flow in recognition of both its ecological and abstractive values. Adopting these figures will also ensure an integrated regional approach because it is consistent with Tasman District Council's water allocation provisions, as well as those of other regional councils around New Zealand.

## **policy**

### **DO18.3.6 Allocation limits for the Maitai and Roding rivers**

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*Avoid any water takes or uses from the Maitai and Roding Rivers which are additional to existing allocations at 9 October 2004.*

#### **Explanation and Reasons**

DO18.3.6.i Continued and reliable urban water supply allocation is Nelson City Council's priority out-of-stream use for both the Maitai and Roding rivers. The urban water supply resource consents for both the Maitai and Roding Rivers are intended to retain sufficient minimum flows in the rivers for in-stream uses. Any water taken downstream of the Maitai and Roding dams may adversely affect the ability of the reticulated water supply to provide water to urban areas, and may require water stored for town supply to be released in order to maintain minimum flows. For these reasons, and in order to conserve stored water for future use, new water takes should not be permitted.

## **policy**

### **DO18.3.7 Allocation limits for unspecified rivers**

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*Manage the abstraction of water from any river or stream not specified in Appendix 28.2 so that the total abstraction does not exceed 10% of the 1 in 5 year (7 day) mean low flow.*

#### **Explanation and Reasons**

DO18.3.7.i The take, use, damming and diversion of surface water is important for social and economic reasons, but can have significant adverse effects on the instream values of water bodies. The extent of the adverse effects is dependent on the characteristics of a particular surface water body, the values associated with it, and the amount of water taken, dammed or diverted.

DO18.3.7.ii The Council has set an allocation limit of 10% of 1 in 5 year mean low flow for unspecified water bodies. There is little or no demand for water takes from these water bodies and therefore a low allocation limit is appropriate.

## **policy**

### **DO18.3.8 over-allocated rivers**

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*Where a river is considered to be over-allocated no further water permits will be issued except that where existing water permits are relinquished the Council may consider either leaving the water as part of the instream resource or re-allocating any available water.*

#### **Explanation and Reasons**

DO18.3.8.i Water needs to be allocated in a way that allows activities dependent on water to have access to an adequate and reasonably reliable supply. This means that limits will need to be set on the amount that is allocated in order to maintain this reliability as well as to ensure adequate flow levels remain in the river. These allocation limits are listed in Appendix 28.2.

DO18.3.8.ii Where the Council considers that too much water is already allocated from a particular water body, it may take the opportunity to review and reduce allocation levels of a catchment at any time when existing water permits expire. Examples of over-allocated rivers in the Nelson area are: Lud River, Maitai River and Todds Valley Stream.



## policy

### DO18.3.9 water restrictions

*Restrict water abstraction during periods of low flow using the following criteria:*

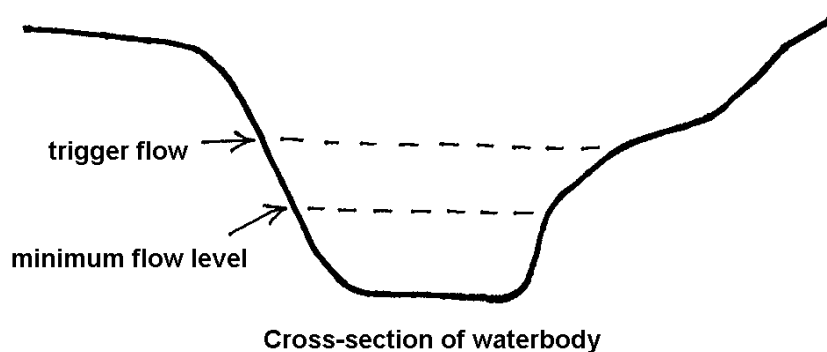
- a) *Require all water takes to cease where any trigger flows in Appendix 28.2 are reached and where:
  - i) the take is not for domestic, stock water, or fire fighting purposes, and
  - ii) a water conservation plan has not been approved by the Council.*
- b) *Require all water takes to cease when the minimum flow is reached, except for fire fighting purposes.*
- c) *Water shortage directions to safeguard instream flows will be issued as a last resort.*

#### Explanation and Reasons

DO18.3.9.i Trigger flows provide a point at which water rationing begins. Minimum flows set the level of flow that is necessary to meet the freshwater objectives of sustaining aquatic life and maintaining recognised in-stream uses and values.

DO18.3.9.ii When trigger flows are reached, a pro-rata basis of restricting water takes for those uses which are allowed to continue, is seen as the fairest and easiest water rationing method to administer. It would work in the following way: if only 75% of the flow required to meet everyone's needs was available, then all water takes would be cut back to 75% of their allowable take.

DO18.3.9.iii When trigger flow is reached, reasonable domestic use does not include watering of lawns or amenity planting. Domestic use needs to be provided by storage tanks or tankering of water once minimum flow is reached. (Refer to Appendix 28.3 for more detail.)



**Note: This diagram is for illustrative purposes only.**

Trigger flow and minimum flow are defined in Chapter 2, and the specific levels for each water body are listed in Appendix 28.2.

**For all flows greater than trigger flow no restrictions will apply.**

**For all flows less than the trigger flow and greater than the minimum flow restrictions will apply to both domestic takes and consented takes.**

**For all flows equal to or less than the minimum flow, all abstractions must cease, except for fire fighting purposes.**

## **policy**

### **DO18.3.10 Permitted abstractions**

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*Abstractions from surface water and groundwater will be permitted for:*

- a) reasonable domestic water needs in the Rural Zone, and*
- b) reasonable stock water needs for drinking water*
- c) fire fighting*

*but domestic takes should not occur in areas where reticulated supply is supplied to the site.*

#### **Explanation and Reasons**

DO18.3.10.i As water is scarce and there are existing or potential competing demands for its use, it is necessary to impose a limit on permitted domestic abstractions in order to avoid over-abstraction. One cubic metre per household per day is considered a realistic and easily monitored limit to apply to each household and will provide a more than adequate amount of water for an average household.

DO18.3.10.ii Consent for urban water use is applied for by Council's Infrastructural Assets department on behalf of all urban water users. For this reason it is not necessary to provide for urban domestic water abstraction.

DO18.3.10.iii Nelson's urban streams are very small and would be greatly impacted by water takes for irrigating gardens, particularly in the summer months. In addition, no water should be taken out of the Maitai River as this is already fully allocated.

## **policy**

### **DO18.3.11 rate of water takes**

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*The rate of water take should be as low as practicable for permitted and consented water takes. Where practicable, the take should be uniformly distributed over 24 hours.*

#### **Explanation and Reasons**

DO18.3.11.i In general it is possible to lower the stress on the ecosystems of a stream, resulting from a large abstraction over a short period, by abstracting the same volume over a longer period at a lower abstraction rate. It is of particular importance in streams or in the case of large volume takes.

## **policy**

### **DO18.3.12 monitoring fee**

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*Require all water permit holders for water takes to provide a monetary contribution or fee for the purposes of monitoring.*

#### **Explanation and Reasons**

DO18.3.12.i Monitoring can be used to ensure water is used efficiently, resource consents are complied with, and that minimum flow levels are maintained. The fee will be established through the annual fees and charges process managed by the Planning & Consents Division. This is advertised at the end of each financial year, with opportunity for public input.

DO18.3.12.ii The Infrastructure Division of the Council holds the consent for the urban water supply. A condition of that consent is monitoring, and the costs of that are already passed on to urban water users.

## policy

### DO18.3.13 water user management groups

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*Encourage and support the establishment and functioning of water user groups with representatives, as appropriate, to:*

- *assist the Council to prepare a water conservation plan, and*
- *assist the Council in managing water usage during drought periods, including assistance with rationing or rostering, and*
- *assist the Council in implementing programmes of education and advocacy for good practice methods in water use.*

#### Explanation and Reasons

DO18.3.13.i Water user groups are an opportunity for those people most affected or interested in a river or stream to take part in the management of it.

DO18.3.13.ii Conservation plans prepared by water user groups can be used to manage the rationing of water during water restrictions. Where such a plan is approved by the Council, water takes may continue after trigger flow levels have been reached (see Policy DO18.4.5 - allocation limits for specific rivers). A water conservation strategy is already in place for the Maitai River and another has been prepared for Todds Valley Stream.

#### Explanation and Reasons for all of the water allocation policies

DO18.3.13.iii The water allocation policies are intended to set out a water management process for:

- allocating water takes and uses, and
- monitoring the use of water, and
- rationing water during low flows.

DO18.3.13.iv For the water permit system to be effective, it needs to be actively managed. This requires a certain level of regulation and commitment to monitor by the Council, and also relies on the co-operation of water users, particularly in respect of monitoring use and rationing during low flows.

DO18.3.13.v The water allocation policies separate those rivers for which flow regimes and allocation limits have been specified, and all other rivers and streams for which no flows, levels or allocation have been set. Water takes are anticipated from the specified rivers.

DO18.3.13.vi The policies are intended to provide a reasonable certainty of supply for users, while still placing limits on the amount of water which can be abstracted. This is necessary in order to avoid and mitigate adverse effects on in-stream values. Balancing water takes with retention of in-stream flows is particularly important in the Nelson region, where the small size of the water bodies means that any water takes have a proportionally larger effect on the remaining flow.

DO18.3.13.vii In setting the flow regimes, the Ministry for the Environment's in-stream flow guidelines were considered, and an expert panel was set up to derive flow regimes which best achieved the balance between abstraction and in-stream flow, having regard to a range of values and the relevant objectives and policies in the Regional Policy Statement.

DO18.3.13.viii The water management process assumes active management by the Council and may require a change in thinking for some water users. It is anticipated there will be a "settling in" period during the implementation of the water management system and review of existing water permits.

#### Methods (for policies DO18.3.1 - DO18.3.13)

DO18.3.13.ix	Rules controlling water takes.
DO18.3.13.x	Resource consent conditions on water permits.
DO18.3.13.xi	Metering of water permits.
DO18.3.13.xii	A flow regime for periods of low flow.
DO18.3.13.xiii	Increase instream monitoring.
DO18.3.13.xiv	Encourage the formation of water user groups for the purpose of managing the distribution of water takes.
DO18.3.13.xv	Assessment matters for resource consent applications.
DO18.3.13.xvi	Increase awareness of water management issues in rural areas
DO18.3.13.xvii	Promote water conservation including efficient use of water, rainwater storage, and water reuse.
DO18.3.13.xviii	Monitoring fees charged to all water permit holders.

## objective

### DO18.4 diversion of water

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*The natural functioning of ecosystems is not disrupted by the diversion of surface water.*

#### Explanation and Reasons

DO18.4.i It is necessary to ensure that diversion of surface freshwater does not cause environmental stress. Stress can arise from reduced flows if the water is diverted for any length of time or not returned near to the source from which it was taken. Stress can also be caused by chemical or physical changes to the quality of the water during the period of diversion.

## policy

### DO18.4.1 diversion of water

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*Require any water that is diverted from a surface water body to be returned as near as possible to the source from which it is taken, and in the same state or better than when it was diverted.*

#### Explanation and Reasons

DO18.4.1.i Diversion can modify naturally variable flow regimes which may adversely affect natural values as well as other people using the river.

#### Methods

DO18.4.1.ii	Rules controlling diversion of freshwater.
DO18.4.1.iii	Advice on freshwater values to be protected.
DO18.4.1.iv	Advice on best methods of diversion.

## D018e environmental results anticipated and performance indicators

The following results are expected to be achieved by the foregoing objectives, policies and methods. The means of monitoring whether this Plan achieves the necessary outcomes are also detailed below.

Anticipated environmental results	Indicators	Data source
D018e.1 Sufficient flows of surface water to support the natural values of rivers and lakes.	D018e.1.1 Flow levels. Compliance with water restrictions during periods of low flow.	Flow monitoring. Metering of water use.
D018e.2 Allocation of water in a way which enables sustainable use.	D018.e.2.1 Compliance with allocation limits.	Water permits. Metering of water use.
D018e.3 Protection of groundwater resources.	D018e.3.1 Quantity of groundwater abstracted.	Metering of water use.

## **DO19 Discharges to freshwater & freshwater quality**

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**DO19.i** Water quality in rivers is strongly linked to activities in their surrounding catchments. Contaminants such as nutrients, heavy metals, fine sediments and faecal bacteria enter water bodies via direct, point source, discharges (such as urban stormwater and industrial discharge pipes) and indirect, non-point source, discharges (such as runoff from agricultural or cleared land).

**DO19.ii** These contaminants can have a variety of adverse effects on water quality. For example, high nutrient levels (nitrates and phosphates) can lead to increased growth of algal slimes. As well as being visually unappealing, prolific growth takes oxygen out of the water, further degrading the living conditions of invertebrates and fish communities.

**DO19.iii** Fish activity and spawning, and survival of pollution-sensitive aquatic invertebrates (such as mayfly larvae) can be affected by changes in water chemistry and habitat. When the invertebrates which are most sensitive to poor water quality diminish, so too do the native fish and trout that feed on them. In addition, many Nelson rivers discharge into sensitive estuaries. Rivers which discharge water of poor quality into these sensitive receiving environments will cause adverse effects.

**DO19.iv** The Nga Taonga Tuku Iho ki Whakatu Management Plan (Nelson Iwi Management Plan) explains that every water body has its own mauri (life force). Only a water body with an intact mauri can sustain healthy ecosystems. Activities which reduce water quality also reduce the mauri of the water body.

**DO19.v** Issues relevant to freshwater takes and in-stream flows are discussed in section RI18 of the Plan.

### **objective**

#### **DO19.1 highest practicable water quality**

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*All surface water bodies contain the highest practicable water quality.*

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

**DO19.1.i** Water quality is a key factor in the character and health of all ecosystems, terrestrial as well as aquatic. However, monitoring undertaken to date indicates some of Nelson's urban and rural streams are highly degraded as a result of historical and present practices.

**DO19.1.ii** Healthy water bodies are valued for ecological, recreational, cultural and spiritual reasons. The entire region benefits from having unpolluted swimming holes, good quality habitat for fish and other aquatic life and clean water for water supplies, irrigation and industrial use.

**DO19.1.iii** This objective is adopted to ensure that the uses and values of Nelson's rivers can continue. The most effective way to meet this objective is to:

- avoid further degradation, and
- identify priority rivers or streams for restoration or enhancement, and
- develop a restoration programme which involves all stakeholders (and local communities) and which includes non-regulatory methods.

## **policy**

### **DO19.1.1 classification**

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*To classify Nelson's water bodies based on water quality standards.*

#### **Explanation and Reasons**

DO19.1.1.i The water quality of Nelson's rivers has been assessed and classified into five categories from Class A (excellent) to Class E (very degraded).

DO19.1.1.ii In order to set clear management objectives for each water body it is necessary to establish the current water quality of Nelson's rivers and then set minimum standards for maintaining that level of water quality. Classification standards provide a "baseline" below which water quality should not be degraded.

DO19.1.1.iii Freshwater quality classifications have been specifically developed for Nelson's water bodies using the quantitative ANZECC guidelines (Australian and New Zealand Guidelines for Fresh and Marine Water Quality) and the narrative water quality standards in the Resource Management Act 1991. This process is also in line with the Nelson Regional Policy Statement policy WA1.3.1 regarding classification of water bodies based on their values.

## **policy**

### **DO19.1.2 Class A freshwater – natural state**

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*Preserve Class A water bodies in their current state.*

#### **Explanation and Reasons**

DO19.1.2.i Freshwater ecosystems in their natural state have excellent water quality which meet the Class A standard. Class A water is suitable for the most sensitive of uses such as primary contact recreation, drinking water, and sustaining a very high diversity of aquatic ecosystems.

DO19.1.2.ii Nelson's Class A water bodies are mostly in the Conservation Zone and occur in the upper reaches of the Roding, Maitai and Whangamoia rivers as well as the Oananga and Omokau Bay streams near Cape Soucis. As this land is largely under some form of protection, either administered by the Department of Conservation or by Nelson City Council as a waterworks reserve, it is achievable to protect the existing high quality water bodies. Only discharges which meet Class A quality standards should occur in these water bodies. (See Appendices 28.4 - 28.7 for the classification of Nelson water bodies and discharge standards.)

## **policy**

### **DO19.1.3 Class B freshwater – slightly disturbed**

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*Maintain Class B water bodies in their current state.*

#### **Explanation and Reasons**

DO19.1.3.i Class B water bodies are slightly disturbed but still healthy. They typically occur in areas which are slightly to moderately cleared of vegetation and/or have reasonably intact riparian vegetation. Maintaining the good quality of these water bodies will ensure they are still available for sensitive uses such as primary contact recreation and are able to sustain a very high diversity of aquatic ecosystems. Class B water is not considered of sufficiently high quality to be used untreated as drinking water for human consumption.

DO19.1.3.ii Class B water bodies currently occur where the Conservation Zone changes to the Rural Zone but land use is not intense, such as the upper to mid reaches of the Maitai, Wakapuaka and Whangamoia rivers.

DO19.1.3.iii These are mainly rural streams where wild animal and livestock numbers are generally low and plantation and indigenous forests are the dominant vegetative cover. There is also potential for urban streams with intact or extensive riparian planting and/or esplanade reserves to meet this classification.

DO19.1.3.iv It is important to maintain water quality in Class B water bodies to retain their high values. Reducing faecal contaminant and nutrient inputs to water are two of the main ways to maintain the quality of Class B water bodies. (See Appendices 28.4 - 28.7 for the classification of Nelson water bodies and discharge standards.)

## **policy**

### **DO19.1.4 Class C freshwater – moderately affected**

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*Upgrade Class C water bodies to Class B where practicable.*

#### **Explanation and Reasons**

DO19.1.4.i Class C water bodies still retain healthy ecosystems overall but improvement is desirable where possible. In some instances it will be unrealistic to upgrade water quality in Class C water bodies. Class C water bodies are moderately affected by human activity such as rural streams receiving some contamination from grazing or urban streams receiving runoff from paved surfaces. They are suitable for secondary contact recreation, stock drinking water, and sustaining fish species and aquatic invertebrates.

DO19.1.4.ii Class C water bodies are moderately affected by human activity, plantation forestry, pastoral farming, runoff from roads and streets and other similar effects arising from concentrated urban activities. These water bodies currently include the mid to lower reaches of the Maitai, Wakapuaka, and Whangamoā rivers as well as many of the tributaries of these rivers. The urban mid reach of Brook Stream and lower reach of Maitai River are also classified as Class C.

DO19.1.4.iii Where steps are taken, and Class C water bodies are improved to Class B quality, they will then be considered suitable for contact recreation such as swimming. Two of the factors which distinguish Class B and C water quality are the amount of faecal material and the amount of sediment entering the water body. Reducing the amount of faecal material entering water bodies is critical to ensuring compliance with both stock drinking water and contact recreation standards.

DO19.1.4.iv Rivers carrying a high sediment loading have a downstream adverse effect on estuaries as well as adversely affecting the habitat quality for native fish and trout. Reducing the amount of sediment entering water bodies through best land management practices will help to address these issues.

DO19.1.4.v Improvement of water quality in Class C water bodies will also assist with improving water quality in the coastal receiving environments of Nelson Haven, Delaware Inlet, Whangamoā Estuary and Omokau Bay. (See Appendices 28.4 - 28.7 for the classification of Nelson water bodies and discharge standards.)

## **policy**

### **DO19.1.5 minimum quality**

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*No water bodies which are of a quality less than Class C. Top priority for improvement will be those waterbodies listed as first priority in Appendix 28.4.*

#### **Explanation and Reasons**

DO19.1.5.i Class C water quality is considered to be suitable for secondary contact recreation (such as boating), stock water, irrigation, and some aquatic ecosystems. It is also aesthetically acceptable. Below this quality, values begin to be significantly affected. Water quality below 'C' is therefore undesirable.

DO19.1.5.ii Many of Nelson's urban streams are currently below this standard. All of the water bodies in the Stoke area are currently Class D and E, as are the Atawhai and Glen water bodies and the lower reaches of Brook Stream.

DO19.1.5.iii This means they have diminished aesthetic values, and are not suitable for any contact recreation, as drinking water for human consumption (if untreated), stock water or irrigation. Class D water will only support the less sensitive species of fish and a low diversity of aquatic invertebrates. Class E water does not support any fish life and very few types of aquatic invertebrates.



**DO19.1.5.iv** Class D and E waters often have high nutrient levels. This causes nuisance algal growths which can make a water body undesirable for swimming, degrade benthic invertebrate communities and impair spawning habitat for native fish.

**DO19.1.5.v** Higher contaminant levels can directly harm the health of humans, domestic animals including stock, and/or aquatic life. Contamination can occur either through the levels of contaminants in a specific discharge or through the cumulative build up of contaminants in the water and/or bed sediment from multiple sources. Organic matter can have toxic effects on aquatic life when it builds to levels that decrease available oxygen in the water. High concentrations of ammonia, heavy metals and poisons are examples of other contaminants that can have toxic effects. These rivers can also adversely affect the Haven and Waimea estuaries.

**DO19.1.5.vi** Section 5 of the Resource Management Act requires the Council to safeguard the life supporting capacity of water, and ecosystems. Improvement of Class D and E water bodies to a Class C level, which would enable them to support fish and a moderate diversity of invertebrates, is considered an appropriate objective. Three methods to improve degraded urban water bodies are to plant the margins, improve the quality of discharges entering freshwater, and to improve the fish passage in any instream structures. Council is committed to undertaking such improvements on all urban streams, but it is a long term and extensive programme and progress will be gradual.

**DO19.1.5.vii** In some cases it may not be practicable to achieve Class C water quality in a particular waterbody, due to conditions beyond the Council's control or ability to fund. Ongoing assessment of stream health will be carried out through the state of the environment monitoring and reporting programme. Where Class C is not attainable this will be reported, and explanation will be provided.

**DO19.1.5.viii** Wetlands which have been specifically constructed to improve water quality are exempt from this policy and related rules.

## **policy**

### **DO19.1.6 enhancing water quality**

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*To identify and take opportunities to enhance existing water quality.*

#### **Explanation and Reasons**

**DO19.1.6.i** Appendix 28.4 (classification of Nelson water bodies) lists the current classification of each water body from A to E (from excellent to very degraded). This classification draws on the monitoring undertaken since 2000 and the key factors which are influencing each classification are listed. The table also shows what uses and values the water body currently has. Appendix 28.4 is included in the Plan to assist applicants and decision-makers to assess the potential effects of proposed activities.

**DO19.1.6.ii** The first priority is to avoid further degradation and to maintain the qualities of mid to higher value watercourses. However, a guide of priorities for improvement is also listed. Top priority has been assigned to those water bodies where the classification is not appropriate for the uses and values of it. For example, the mid and lower reaches of the Maitai River are high priority for improvement because they have a Class C water quality but some uses and values associated with it, including swimming, require Class B quality water. The priorities for enhancement which are listed in Appendix 28.4 are a guide only, and all improvement projects will need to be considered on a case by case basis.

**DO19.1.6.iii** This table should be taken into consideration whenever someone applies for a resource consent to discharge to water bodies or land because there is an opportunity, particularly with new resource consents for existing discharges, to achieve an enhancement in water quality. This can occur when the consent holder re-examines the discharge activity and makes use of technological advances in the reduction, recycling or treatment of contaminants. There will also be opportunities outside of the resource consent process to enhance water quality.

**DO19.1.6.iv** Contaminants include any substance which, when discharged into a water body, changes or is likely to change the physical, chemical or biological condition of the water.

**DO19.1.6.v** The Council will have regard to Appendix 28.4 when considering resource consents to discharge contaminants to water bodies from either specific or diffuse sources, which include the following activities:

- i) the discharge of sediment, and
- ii) contaminant levels in stormwater runoff, including from industrial or trade processes, and
- iii) inappropriate storage, handling, spill management and application of agrichemicals, and
- iv) the excessive application of fertilisers to land, and
- v) discharges from contaminated land, and
- vi) discharges from landfills, and
- vii) contaminant levels in wash water and wastewater from industrial and trade processes.

**DO19.1.6.vi** This policy is adopted to ensure that opportunities are taken to achieve improved water quality in Nelson's rivers and streams.

#### **Methods (for policies DO19.1.1 - DO19.1.6)**

**DO19.1.6.vii** Consider the classification and priorities for improvement listed in Appendix 28.4 as an assessment matter during the resource consent process.

**DO19.1.6.viii** The priorities for improvement listed in Appendix 28.4 should be used to guide Council's consideration of its stormwater and roading asset management plans.

**DO19.1.6.ix** When considering new applications for discharges to water bodies or land, Council will require an applicant to provide information about the quality of a proposed discharge (what Class it is) based on the water quality and sediment quality standards in Appendix 28.6. When preparing environmental effects assessments, this information will provide applicants with an indication of the approach which the Council will take to assess the acceptability of a discharge to a water body or with potential to reach a water body.

**DO19.1.6.x** Have regard to the water quality classifications of Nelson's rivers and streams when assessing discharge and land use applications with the potential to impact on waterbodies.

**DO19.1.6.xi** Set consent conditions that ensure freshwater resources are being managed in accordance with agreed objectives.

**DO19.1.6.xii** Require best practicable option for mitigating and avoiding the effects of discharges.

**DO19.1.6.xiii** Assessment matters for resource consent applications and conditions on consents.

### **policy**

#### **DO19.1.7 effect of land use activities on surface water bodies**

*To control land use activities which have potential to adversely affect surface water quality and to encourage land use activities that minimise and filter contaminants entering water bodies.*

#### **Explanation and Reasons**

**DO19.1.7.i** This policy is adopted to minimise and, as far as possible, avoid the potential for contamination of surface water bodies from leaching liquid contaminants. It is important to maintain existing water quality to provide for the existing and potential uses of that water.

(Cross references: RUr.24, RUr.25, RUr.26, RUr.27, RUr.31, RUr.58, RUr.63, RUr.78)

## Methods

DO19.1.7.ii Promote establishment of riparian vegetation as a means to filter contaminants and prevent sediment and contaminants from entering water bodies.

DO19.1.7.iii Regional rules and compliance monitoring, supported by enforcement action as required.

DO19.1.7.iv Assessment matters for resource consent applications and conditions on consents, including the setting aside of esplanade reserves and strips alongside waterbodies specified in Appendix 6.

DO19.1.7.v Develop a programme of funding and support to assist landowners with management of riparian margins.

DO19.1.7.vi Provide advice on methods of agrichemical and fertiliser use that avoid effects on water bodies.

## policy

### DO19.1.8 stormwater discharges

*The level of contaminants in point source stormwater discharges to water bodies will be avoided or remedied.*

#### Explanation and Reasons

DO19.1.8.i Stormwater is generated by runoff from land or hard surfaces. In urban areas of Nelson City, stormwater is reticulated through stormwater drains to receiving waters such as channels, streams, rivers or coastal margins. Urban stormwater typically contains a wide variety of contaminants, with the potential to adversely affect aquatic life, amenity or cultural values (including oil and other hydrocarbons, heavy metals, sediment, microbes and nutrients). Stormwater may be contaminated by unauthorised discharges of water directly into stormwater pipes or channels, either accidental or deliberate. In residential areas, stormwater drains frequently receive soapy water from washing cars, residues from cleaning paint brushes and oil spilt during oil changes. Process wastes or industrial chemicals may be illegally discharged into stormwater drains servicing industrial or trade premises.

DO19.1.8.ii In Nelson, the extent and effects of stormwater discharges to urban rivers and streams is still being analysed. However it is likely, on the basis of experience elsewhere, that the "first flush" of stormwater discharged from urban areas after a rainstorm will contain large quantities of contaminants. Existing monitoring results also suggest stormwater is adversely impacting on the health of Nelson's urban water bodies.

DO19.1.8.iii This policy and corresponding rule for discharges to water bodies requires the best practicable option to be used to minimise the level of contaminants in stormwater discharges. This means using the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to:

- i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects, and
- ii) the financial implications, and the effects on the environment, of that option when compared with other options, and
- iii) the current state of technical knowledge and the likelihood that the option can be successfully applied.

## **policy**

### **DO19.1.9 improvements to stormwater discharges**

*When further work has been carried out to assess the quality of stormwater discharges, and practicable options for improvement have been identified by the Council, a plan change, requiring more specific water quality standards to be met, will be considered.*

#### **Explanation and Reasons**

**DO19.1.9.i** It is expected that the prime means of improving stormwater discharges in the long term will be through adopting best management practices and/or best practicable options to prevent contaminants entering the stormwater system.

**DO19.1.9.ii** Specific water quality standards have not been set for stormwater discharges in recognition of the complexity of diffuse and wide-ranging sources of stormwater contamination. By April 2006 the Reticulated Stormwater Quality Improvement Plan will be completed. This plan will include proposals and procedures to reduce contamination of stormwater discharges from: Council owned pipes, existing industrial and commercial activities, and from residential properties, controlled through the development of the NCC Stormwater Bylaw 2006.

**DO19.1.9.iii** Bylaws are considered an effective way to control diffuse discharges to the Council's stormwater system. By the time those diffusely collected stormwater discharges reach natural water, the opportunity to control the source of contamination is lost.

#### **Methods (for policies DO19.1.8 and DO19.1.9)**

**DO19.1.9.iv** a) Seek advice on the practicable options for changes in the Council's land use provisions in order to work towards stormwater infiltration to pre-development levels while maintaining secondary stormwater system with Q15 capacity and a tertiary stormwater overland flow with Q100 capacity.

b) Assess the costs and benefits of those options.

c) Refer to sections 5.16.1c), 5.16.4a) to b), 5.16.4d) to m), 5.16.5a), 5.16.6a), 5.17.7a) to c) and Table 5-13 in section 5 "Stormwater" of the NCC Land Development Manual 2010.

d) Consider a remissions policy for low impact design within the Council's policy on development contributions.

**DO19.1.9.v** The priorities for improvement of waterbodies listed in Appendix 28.4 should be used by the Council when considering its stormwater and roading asset management plans.

**DO19.1.9.vi** Develop and implement the Reticulated Stormwater Quality Improvement Plan and the programmes associated with it.

**DO19.1.9.vii** Control discharges to the Council's stormwater system.

**DO19.1.9.viii** Promote awareness of stormwater issues.

**DO19.1.9.ix** Place conditions on resource consents for stormwater discharges.

## **policy**

### **DO19.1.10 new development**

*Maintain existing water quality by requiring use of techniques to limit both non-point discharges and control point source stormwater discharges caused by land disturbing activities such as forestry, subdivisions and land development, increased impervious surfaces, and commercial and industrial activities.*

#### **Explanation and Reasons**

DO19.1.10.i These activities can cause sedimentation and contamination of waterways. For this reason Council has erosion and sediment control guidelines and requirements which are incorporated into section 9.3 of the NCC Land Development Manual 2010. They control land disturbing activities on areas of land greater than 0.3ha.

DO19.1.10.ii Nelson's population is predicted to increase by 24% from 2001 to 2021. The impacts of the population increase on stormwater are varied and significant. These include:

- increase in the amount of land covered in impervious surfaces which increase stormwater runoff and contamination, and
- increase in contamination and sedimentation from building activity, and commercial and industrial activity, and
- increase in urban transport resulting in increased pollution.

#### **Methods**

DO19.1.10.iii Promote and assist with establishment of riparian vegetation as a means to filter contaminants and prevent sediment and contaminants from entering water bodies.

DO19.1.10.iv Promote and assist with low impact design options for stormwater management.

DO19.1.10.v Conditions and enforcement on earthworks consents.

DO19.1.10.vi Council will work with stakeholders to establish a memorandum of understanding regarding erosion and sediment controls and compliance monitoring procedures for forestry activities, including earthworks, roading, and harvesting.

DO19.1.10.vii Review the effectiveness of the Council's approach to forestry activities to ensure it is avoiding, remedying or mitigating adverse effects on water bodies.

## **policy**

### **DO19.1.11 new and existing discharges to water**

*To review all existing discharge permits (other than stormwater) by January 2006 and apply a standard condition so that the new water quality discharge standards are fully complied with within five years of the freshwater plan change becoming operative.*

#### **Explanation and Reasons**

DO19.1.11.i "Existing discharge" is defined as a discharge which was lawfully established and in use at the date of public notification of these freshwater provisions. In order to achieve best practicable water quality it is necessary to review discharges currently entering Nelson's water bodies and to reduce the impacts of those discharges where they do not meet the standard expected of new discharges.

DO19.1.11.ii This is consistent with sections 68(7) and 128 of the Resource Management Act which state that:

- a) where a regional plan includes a rule relating to minimum standards of water quality, the plan may state whether the rule shall affect the exercise of existing resource consents for activities which contravene the rule, and that the holders of resource consents may comply with the terms of the rule, or rules, over specified periods, and
- b) in order to enable minimum water quality standards set in an operative regional water plan to be met, a consent authority may serve notice of its intention to review the conditions on a resource consent. [Note: stormwater has been excluded from this policy as it is covered in Policy DO19.1.8 (stormwater discharges) and Policy DO19.1.9 (improvements to stormwater discharges).]

#### Methods

DO19.1.11.iii Education about appropriate disposal methods and options, particularly for swimming pool water, car wash water and water used to wash buildings using detergents or chemicals. In most cases this water should be discharged to the sewerage system.

DO19.1.11.iv Include a standard condition on each new discharge permit which provides for review of the conditions of any resource consent for discharging a contaminant to water bodies or land.

### policy

#### **DO19.1.12 Water Quality (NPS – Freshwater Management 2014)**

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

- (a) the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water; and*
- (b) the extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with freshwater, resulting from the discharge would be avoided; and*
- (c) the extent to which the discharge would avoid contamination that will have an adverse effect on the health of people and communities as affected by their secondary contact with fresh water; and*
- (d) the extent to which it is feasible and dependable that any more than minor adverse effect on the health of people and communities as affected by their secondary contact with freshwater resulting from the discharge would be avoided.*

*2. This policy applies to the following discharges (including diffuse discharge by any person or animal):*

- (i) a new discharge; or*
- (ii) a new change or increase in any discharge of any contaminant into fresh water, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water.*

*3. Paragraphs (a) and (b) of this policy do not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2011 took effect on 1 July 2011.*

*4. Paragraphs (c) and (d) of this policy do not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2014 took effect on 4 July 2014.*

#### Explanation and Reasons

DO19.1.12.i This policy has been included (under section 55 RMA) as directed by the National Policy Statement for Freshwater Management 2014.

## objective

### **DO19.2 contamination of groundwater**

*Contamination of groundwater is avoided to ensure the highest practicable water quality.*

## Explanation and Reasons

DO19.2.i A range of activities have the potential to degrade groundwater including fertiliser and pesticide use, irrigation and septic tank effluent, and hazardous substances storage and use (including petrol and diesel tanks).

DO19.2.ii By the time contamination has been detected it is usually too late to carry out preventative measures. Cleaning up contaminated groundwater can be expensive and in some cases it may not be technically feasible. Contaminants remain in groundwater for a long time (years) and can affect many existing uses. Therefore, the priority for groundwater contamination should be avoidance rather than mitigation.

## policy

### DO19.2.1 Effect of land use activities on groundwater

*Ensure that land use activities are managed so that groundwater quality is not adversely affected.*

## Explanation and Reasons

DO19.2.1.i This policy is adopted to minimise and, as far as possible, avoid the potential for long term contamination of groundwater resources from leaching liquid contaminants. It is important to maintain existing groundwater quality in Nelson's aquifers to provide for the existing and potential uses of that water.

## Methods

DO19.2.1.ii Require applicants to provide information about the quality of any proposed discharge (what Class it is) based on the water quality standards in Appendices 28.5 - 28.7.

DO19.2.1.iii Best practicable option for mitigating and avoiding the effects of discharges.

DO19.2.1.iv Provide information on minimising use of pesticides, oils, and other potential contaminants to people in key recharge areas.

DO19.2.1.v Ensure that land use activities are managed so that groundwater quality is not adversely affected.

DO19.2.1.vi Increase Council knowledge of groundwater sources by compiling current information and, as a condition on consents for new bores, requiring new information to be provided to the Council.

## DO19e environmental results anticipated and performance indicators

The following results are expected to be achieved by the foregoing objectives, policies and methods. The means of monitoring whether this Plan achieves the necessary outcomes are also detailed below.

Anticipated environmental results	Indicators	Data source
DO19e.1 No decline in water quality.	DO19e.1.1 Water quality classifications.	Stream health monitoring programme
DO19e.2 New land uses with impacts on surface water bodies.	DO19.e.2.1 Monitoring of consents.	Council inspections
DO19e.3 Improvement of the quality of stormwater discharges.	DO19e.3.1 Analysis of stormwater discharges and sediment contamination.	Stormwater samples Sediment samples
DO19e.4 Groundwater maintained in its natural state.	DO19e.4.1 Monitoring of the quality of abstracted groundwater.	Groundwater samples

## **DO20 Freshwater management**

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DO20.i The issues in regard to freshwater management are discussed in Chapter 4 (particularly RI18).

### **objective**

#### **DO20.1 integrated water management**

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*A management approach that integrates the expertise of relevant statutory authorities and manawhenua iwi and other stakeholders in the community, and recognises the responsibilities they have for the protection and use of freshwater resources.*

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

DO20.1.i Water resource knowledge and information links are fundamental to the assessment of freshwater resources and subsequent management decisions. Without knowledge and information, water management decisions may be inaccurate or ineffective. Building a comprehensive knowledge base requires the development of working relationships and effective data exchange between people and agencies working in different fields of expertise and for different organisations such as Federated Farmers, New Zealand Forest Owners Association, New Zealand Farm Forestry Association and the rural land owners of the district.

Examples of collaboration include:

- Nelson City Council and Tasman District Council have combined website technology to provide the public with up to date river flow data for all catchments.
- The Department of Conservation monitors and provides the Council with information on fish species occurring in Nelson rivers.
- Iwi, Department of Conservation, Tasman District Council and Nelson City Council collectively provide 'Waimaori', a monitoring, education and action programme that encourages schools and communities to become kaitiakitanga (guardians) of their local streams.
- Currently forestry owners Weyerhaeuser and Hancock Forest Management both have environmental committees or forums which provide opportunities for sharing knowledge and experience between the forestry companies and Department of Conservation, Fish and Game Council, and territorial authorities Tasman District Council and Nelson City Council.
- Rural land owners and the Council are working together to recreate habitats along river margins.

##### **policy**

#### **DO20.1.1 other management plans**

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*Decisions on water management are made having regard to relevant management plans prepared by manawhenua iwi and statutory authorities such as the Department of Conservation, Nelson Marlborough Fish & Game Council and Nelson City Council.*

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

DO20.1.1.i The Department of Conservation and the Nelson Marlborough Fish & Game Council both have statutory responsibilities to advocate for water quality and aquatic habitats. Manawhenua iwi also have a key role as kaitiaki (guardians) of water resources. Any management plans prepared by such agencies need to be considered when making decisions affecting freshwater resources because it is important for all water management agencies and iwi to work in an integrated and co-operative way to achieve sustainable management of freshwater resources.



## policy

### DO20.1.2 liaison with neighbours

*Liaise and consult with Tasman District Council over resource management cross-boundary issues.*

#### Explanation and reasons

DO20.1.2.i There is the potential for cross boundary resource management issues to arise with neighbouring local authorities. In general, it is preferable to adopt a whole catchment approach for river management, rather than considering only isolated issues without taking into account the effects on the whole catchment. However, parts of the Roding River are currently managed separately. The present boundary on the Roding River between Nelson City Council and Tasman District Council was established in 1989 by the Local Government Commission to ensure that the Roding waterworks lay within the Nelson City Council territorial area.

## Policy

### DO20.1.3 liaison with stakeholders

*Decisions on water management are made having regard to the knowledge and experience of stakeholders actively involved in water use and water management.*

#### Explanation and reasons

DO20.1.3.i Many people and organisations, particularly in the Rural Zone, have first hand knowledge of the water issues facing their community. Building a comprehensive understanding of the effect of freshwater policies and consent decisions requires the development of working relationships and effective information exchange between the Council and the people most directly affected by water management decisions.

#### Methods (for policies DO20.1.1, DO.1.2 and DO20.1.3)

DO20.1.3.ii Consultation with water management agencies and authorities such as Tasman District Council, Department of Conservation, Nelson Marlborough Fish & Game Council and manawhenua iwi.

DO20.1.3.iii Rules requiring liaison with water management agencies and authorities where activities will disturb the beds of rivers and lakes.

DO20.1.3.iv Consultation with the affected community when making water management decisions.

## DO20e environmental results anticipated and performance indicators

*The following results are expected to be achieved by the foregoing objectives, policies and methods. The means of monitoring whether this Plan achieves the necessary outcomes are also detailed below.*

Anticipated environmental results	Indicators	Data source
DO20e.1 Activities involving freshwater resources being carried out in a manner which avoids adverse effects.	DO20e.1.1 Degree to which relevant management plans are integrated into statutory Council processes.	Council documents
DO20e.2 Freshwater management rules and resource consent conditions which avoid adverse effects on neighbours.	DO20e.2.1 Monitoring of consents.	Community feedback Council inspections

# 6

# financial contributions, works, services and other conditions

## FCi Introduction

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**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
- e) on activities required by the Plan to have parking spaces on site, but no provided, a financial contribution in money equivalent to the value of the parking spaces

**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)).

**FCi.13** The amount of the variable financial contributions is based on the cost of addressing actual and potential adverse effects, and may include cost of avoiding, remedying, or mitigating the effects.

**FCi.14** Provision is made in the Plan for automatic exemptions where specified reticulated services are not provided, and for discretionary reductions on the basis of a range of criteria set out in the Plan (see FCi.5(c)).

**FCi.15** Only in the circumstances where a clear and direct relationship exists between an effect and the payment of a financial contribution to offset the effect, will the Council accept a contribution to offset an adverse effect (see FCi.5(d)).

**FCi.16** Further details of the purposes and basis for financial contributions is set out in a Financial Contribution Guide, which will be provided and updated as appropriate to help people to understand the Financial Contributions provisions. The Guide does not form part of the Plan and is for information purposes only.

## **objective FC1**

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*To ensure that costs of avoiding, remedying, and mitigating actual and potential adverse effects of development are recognised and included in the cost to the developer.*

### Reasons

**FC1.i** The reasons are contained in the introduction above.

### **policy**

#### **FC1.1 responsibility for costs**

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*The costs of and responsibility for avoiding, remedying, and or mitigating direct effects relating to activities will remain entirely with the consent holder (which includes, for a permitted activity, the person to whom a building or other relevant consent is issued).*

### Explanation and Reasons

**FC1.1.i** The direct effects of activities on an adjacent to land where new activities are established are considered to be a cost whether in money or land, or by means of other conditions, only on the person establishing the activity.

### **policy**

#### **FC1.2 Financial contributions in money**

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*A financial contribution in the form of money will be imposed on the creation of new activities, including new allotments and new development, for the purpose of avoiding, remedying, mitigating, or offsetting actual and potential effects of such activities on the environment.*

### Explanation and Reasons

**FC1.2.i** As well as having direct effects on the immediate environment, the establishment of new activities places demands on the existing infrastructure of the city, and results in the need for the expansion or upgrading of the infrastructure. The community infrastructure (including water supply, waste water management, roads, reserves, and community facilities) provides the efficient means of avoiding, remedying, and mitigating some of the adverse effects of activities off site, which otherwise would have to be met on site. The community infrastructure thus allows the efficient and intensive use of the land resource to take place. In the past, most of the off site costs of expansion and upgrading has been borne by the wider community.

**FC1.2.ii** The Council, in accordance with the Resource Management Act, is seeking to ensure that when new activities take place, particularly subdivision and building, a fair and reasonable share of the environmental costs (including the community costs) associated with such activities, is recovered by the community at the time that the activity obtains relevant consents.

**policy**  
**FC1.3 purpose of contributions**

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*Financial contributions in money will be used to meet additional or enhanced needs for services and infrastructure within the District arising from the activity, and to avoid, mitigate or remedy any adverse effects arising from new activities. These services and infrastructure will include roads (including footpaths and cycleways), solid waste management, waste water management, water supply, stormwater management, and the provision and development of reserves and community services.*

**Explanation and Reasons**

**FC1.3i** The community provides and maintains most of the essential infrastructure services which underpin existing and new activities and which avoid, remedy, or mitigate actual and potential adverse effects. Money paid to the Council by means of financial contributions for permitted activities or activities for which consents are obtained, will be applied by the Council to capital works associated with the provision of infrastructure and services or their expansion, and/or enhancement of existing services.

**policy**  
**FC1.4 exemptions and reductions**

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*In certain limited circumstances the Council may exempt an activity from the need to make a financial contribution or may, at its own discretion, accept a reduced financial contribution, when the effect that the financial contribution relates to is not present or is remedied or mitigated in an alternative manner.*

**Explanation and Reasons**

**FC1.4i** There are certain limited circumstances when payment of the full financial contribution would be unjustified. Generally, a financial contribution towards roading and other community wide services will be justified as these address community wide effects. However, where, for example, a rural subdivision takes place without a connection possible to a Council sewerage system or water supply, and alternative on-site measures are provided, then the part of the financial contribution that relates to such services will be deducted from the total fees required, as set out in Table No 1. Situations where reductions may be available are provided in the plan by specifying two categories of activities:

- a) those activities automatically exempt from a financial contribution
- b) those activities where a reduction in a financial contribution is at the discretion of the Council. To obtain a reduction, an application will need to be made, which will be evaluated in terms of the Plan.

**policy**  
**FC1.5 offsets**

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*The Council may accept or require a financial contribution in the form of money to offset actual or potential adverse effects of an activity, when the effects cannot be addressed in terms of any of the other financial contributions policies.*

**Explanation and Reasons**

**FC1.5i** In general, the Council will take money only in terms of Policies FC1.1 to FC1.3. However, in particular circumstances, it may be appropriate to accept or require a financial contribution in order to offset an adverse effect. Such circumstances may arise where effects cannot be directly addressed on site (for example, where a development has an adverse effect on a habitat, but the effect can be offset by creation of a replacement habitat). Appropriate circumstances for such offsets may be suggested by an applicant for consents, or by the community. For such contributions to be acceptable, a clear relationship will need to be demonstrated between the effect for which the contribution is being made, and the remedy or offsetting benefit which can be achieved. Expenditure of money from such financial contributions by the Council shall

not be limited to the provision of community services or infrastructure. The money may be expended for any purpose where a direct relationship can be demonstrated between the effect which the contribution is intended to offset and the outcome arising from the expenditure.

(Note: Objective FC1 and the associated policies do not limit the Council's ability to impose a condition on any consent to address any on or off site adverse effect not directly covered by the above.)

#### Method

FC1.5.ii Rules requiring financial contributions for policies FC1.1 to FC1.5

#### **policy**

#### **FC1.6 financial contributions in land**

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*A financial contribution in the form of land may be required in areas of new subdivision, or major redevelopment, to provide for access and infrastructure in accordance with other policies and for some types of open space and reserves.*

#### Explanation and Reasons

FC1.6.i Complementary to the other policies, at the time of subdivision, land for roads and other infrastructure is vested in the Council.

FC1.6.ii Where land is not required to be vested, an easement may be used to ensure long-term availability of land for infrastructure. Other mechanisms such as covenants and consent notices may be used in some circumstance to ensure control over land to address effects of subdivision and development.

FC1.6.iii A financial contribution in money for reserves is incorporated in the provision of this Chapter. In some situations land in the development may be required for reserves and walkways, at the Council's sole discretion. In such cases the reserve is to be shown in the subdivision plan as land to vest, and the Council will pay the developer the value of this land.

FC1.6.iv Requirements for esplanade reserves under the Resource Management Act are additional and outside these financial contributions provisions.

(Note: Objective FC1 and the associated policies do not limit the Council's ability to impose a condition on any consent to address any on or off site adverse effect not directly covered by the above.)

#### Method

FC1.4.ii Rules requiring financial contributions for policies FC1.1 to FC1.6.

## FC2 Rules – general requirements

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### F2.1 Interpretation

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In this Chapter, the following apply:

- a) **Allotment, Financial Contribution and Subdivision** have the meanings assigned by the Resource Management Act.
- b) **Building** has the same meaning as in the Building Act 1991.
- c) **Building Work** means work for or in connection with the construction, alteration or demolition of a building, and includes site work.
- d) **Estimated value** or any building work means estimated aggregate of the values, determined in accordance with section 10 of the Goods and Services Tax Act 1985, (as amended in 1993), of all goods and services to be supplied for that building work (cf Building Act, section 23A).
- e) **Site work** means work on a building site, including earthworks, preparatory to or associated with the construction, alteration, demolition or removal of a building.
- f) **Network Utility Structure** means a physical construction designed to serve the supply and distribution purpose of a network utility only, and no other ancillary purpose such as offices, dwellings and/or maintenance or supply depots.
- g) **Residential Rebuilding** means the replacement of an existing residential structure that has been completely or substantially demolished or removed.
- h) **Heritage Building Maintenance** includes all those additional works necessary to ensure the continued conservation of the building while maintaining the architectural quality and character of the building.

### FC2.2 Payment

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**FC2.2.i** A condition in respect of a financial contribution in money shall be paid as required by a condition on a resource consent, or a rule, or if there is not specific requirement as to timing of the payment it shall be paid:

- a) prior to a certificate being given pursuant to section 224(c) of the Act, in the case of a subdivision
- b) prior to commencement of building work, in the case of a building activity
- c) prior to a water supply connection or trade waste connection being made to Council services, in the case of a contribution for water connection or trade waste
- d) prior to the commencement of the activity in the case of a contribution for parking
- e) at any other time specified by a condition on a consent

**FC2.2.ii** A condition in respect of a financial contribution in land, or a condition (other than as a financial contribution) requiring works, shall be completed as required by a condition on a resource consent, or a rule, or if there is no specific requirement as to timing:

- a) if the contribution is the vesting of land or provision of an easement, this shall be shown on a plan of subdivision
- b) if the condition is the completion of works, these shall be done prior to a certificate being given pursuant to section 224(c) of the Act, in the case of a subdivision; or occupation of a building in the case of a building activity; or connection in the case of a water supply or trade waste connection

**FC2.3****Subdivision consent**

FC2.3.i Except as provided in FC2.3.ii to iv, and FC2.8 the Council shall impose on every subdivision consent a condition that a financial contribution in money shall be paid to the Council for the purposes and of the amounts set out in Table No FC2.3.1:

**Table FC2.3.1 - financial contributions - subdivision**

Purpose	Contribution per allotment
Roads	25.2% of specified total
Solid Waste	0.8% of specified total
Sewerage	24% of specified total
Water Supply	27% of specified total
Stormwater and flood protection	23% of specified total
Reserves and Community Services	5.5% of allotment value (see clause FC2.3.iv)

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

The specified total referred to under Items 1 to 5 in Table FC2.3.1 is \$6,012.52. This figure is based on the estimated cost of providing additional facilities to cater for growth. (Refer to the Ten Year Financial Plan and the Guide to Financial Contributions.) The specified total is index linked to account for inflation and the required calculation is set out in FC2.9.

**FC2.3.ii** The financial contributions in Table FC2.3.1 shall be paid in respect of each allotment created by the subdivision, except no financial contribution shall be payable in respect of:

- a) the existing number of allotments comprising the land being subdivided.
- b) any allotment to be vested in the Council or the Crown.
- c) any allotment to be used exclusively as an access lot.
- d) any allotment to be used exclusively for the provision of a network utility structure as defined in FC2.1.
- e) any allotment to be used exclusively for open space purposes which is secured by way of legal instrument.

**FC2.3.iii** Reduced Services: The total financial contributions set out in Table FC2.3.1 shall be automatically reduced, for any allotment, where any of the items listed under items 3 to 5 are unavailable and alternative provision has to be made as part of the subdivision consent. The amount of reduction shall be equivalent to the value of each item, as set out in Table FC2.3.1, which has to be provided.

**FC2.3.iv** In making the assessment for Item 6 in Table FC2.3.1 the following shall apply:

- a) Each allotment shall be valued at its market value at the time of subdivision consent.
- b) The financial contribution shall be determined as a percentage of the total value of all of the allotments for which financial contributions are payable under FC2.3.i and FC2.3.ii.
- c) If payment is not made within two years of the consent a revised valuation shall be made. The cost of any valuation shall be paid by the subdivider.

Provided that

In assessing the value of any allotment, the valuation shall be based on the area of an allotment, or a notional building site on the allotment, of 2500m<sup>2</sup> in area, whichever is the lesser.

**F2.3.v** An additional contribution on Items 1 to 5 in Table FC2.3.1 shall be imposed in accordance with Rule FC2.9



**FC2.4.i** This section applies where an activity involves building work that requires a building consent under the Building Act 2004, if either the activity is a permitted activity or requires a resource consent.

**FC2.4.ii** Where this section applies, a financial contribution in money shall be paid to the Council, for the purposes and of the amounts set out in Table FC2.4.1:

**Table FC2.4.1 - financial contribution - building**

Item	Purpose	Contribution per allotment
1	Roads	25.2% of specified total
2	Solid Waste	0.8% of specified total
3	Sewerage	24% of specified total
4	Water Supply	27% of specified total
5	Stormwater and flood protection	23% of specified total
6	Reserves and Community Services	0.5% on the estimated value of building work, less allowance under para FC2.4.iii

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

The specified total referred to in Table FC2.4.1 above is 2% on the estimated value of the building work, as assessed under the provisions of FC2.4.iii and FC2.4.iv.

**FC2.4.iii** In making the assessment in Table FC2.4.2 the following shall apply:

- a) The first \$60,125 of the estimated value of the building work (subjects to adjustment under FC2.9) is exempt from the assessment.
- b) The applicant shall provide to Council, values of all goods and services to be supplied for the building work. The Council may request the applicant to provide additional information to confirm the accuracy of an estimate of value, including evidence of tender prices, quotations, quantity surveyors costings, reports from a qualified or registered public valuer, or other appropriate information.
- c) The estimated value of the building work will be assessed on the information provided and any other relevant evidence available to the Council.
- d) Where building work is, or is proposed to be, completed in stages, then the financial contribution payable in respect of the building work will be assessed by the following steps (these steps include the allowance under (a) above.)

**Step 1** Add the estimated value of the latest stage to the estimated value of the preceding stages over the previous five years

If this total is \$60,125 or less, then no financial contribution is payable on this stage.

**Step 2** If the total from Step 1 is more than \$60,125 then deduct \$60,125 from the total

**Step 3** Multiply the difference from Step 2 by the percentages given in Table FC2.4.2 to find the gross financial contributions payable on all stages to date, for each of the purposes stated in Table FC2.4.2.

**Step 4** From the gross financial contributions found at Step 3, deduct any financial contributions already paid in respect of preceding stages, to find the financial contributions payable on this stage.

**FC2.4.iv** The following exemptions shall apply:

- a) Residential rebuilding works, as defined in this section, shall be exempt from a building financial contribution on a straight replacement basis, calculated on the basis of gross floor area, and comparing previous to replacement. Where the replacement gross floor area exceeds the previous gross floor area, then a financial contribution will be payable, based on the additional floor area which

- 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**

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**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**

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**FC2.6.i** A financial contribution in money may be required by the Council whenever the full number of on site parking spaces, required for an activity in terms of the zone rules and Appendix 10 are not provided. Any such financial contributions may only be imposed as a condition of consent.

**FC2.6.ii** The purpose of the financial contribution will be for the provision by the Council of public car parking in the general vicinity of the activity that would serve the site of the activity.

**FC2.6.iii** If required, the amount of the financial contribution will be calculated by reference to the following:

- a) the area of land required under the zone rules and Appendix 10 to be allocated for parking spaces; and
- b) the need for additional parking spaces to be provided in the vicinity at the time the consent is granted.

**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.

FC2.7.v All work shall be completed to a standard that satisfies the requirements of this Plan or a relevant resource consent.

FC2.7.vi Where a subdivision or development of land involves land or works under FC2.7.iii (b) or FC2.7.iv (c), or where the provisions of S283 Local Government Act 1974 applied at the time of the original work, which will also provide for the effective future development of other land in the vicinity, the following will apply:

- a) Costs will be apportioned on a “fair and reasonable basis”, and the applicant will pay the appropriate share of costs relating to the applicant’s subdivision or development.
- b) If the necessary works are included within the Council’s ten year strategy (see FC1.11), the applicant will pay the additional cost to the Council incurred for the period until the works are programmed. These costs will include full costs of any loan raised by the Council to undertake the works ahead of time, including interest for the number of years between actual and programmed construction dates, and other loan costs.
- c) If the necessary works are not included within the Council’s ten year strategy, the applicant may propose alternative methods to address additional costs. These methods will be evaluated by the Council having regard to:
  - i. Effectiveness and practicability.
  - ii. The reasonableness of any necessary long-term community commitment to the infrastructure.
  - iii. If a Council commitment is anticipated, the implications in terms of the Council’s financial responsibility in terms of the Local Government Act and any other relevant legislation.
- d) When the other land which has received the benefit of the additional works is subdivided or developed, a financial contribution that reflects the additional benefits that the additional works have conferred on that land shall be paid to the Council. The benefit that the additional works have conferred on that land will be assessed by reference to the costs and benefits of the additional works to all parties and land owners at the time the work was done.

(Note: see Guide for further explanation of this provision.)

FC2.7.vi The contributions under section FC2.7 are site related, and are in addition to the ‘infrastructure’ related contributions under FC2.3 to FC2.5.

## **FC2.8 Applications to waive or reduce a financial contribution**

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FC2.8.i A resource consent application may be made to reduce or waive any requirement for a fixed financial contribution in respect of any activity. Applications shall be considered as a restricted discretionary activity, shall be non-notified, and the written approval of any other person shall not be required. The matter that the Council has restricted its discretion to is the amount of financial contribution payable on the activity. In making a decision on an application, the Council will have regard to the following assessment criteria:

- a) the significance of any adverse effect, and the extent to which the activity causes the effect.
- b) the extent to which the activity will benefit from district-wide community services in the long term
- c) what is a fair and reasonable contribution
- d) whether any land offered in lieu of payment for a Reserves financial contribution is appropriately located and suitable for its intended purpose
- e) the extent to which the activity is a special circumstance where the proposed facility will provide a particular benefit to the social and cultural well-being of the community

*(Note: Some exemptions are automatic and a consent application is not needed - See FC2.3.11 and FC2.4.iv.)*

FC2.8.ii Where section 357 objection procedures are used to seek a reduction to the financial contribution payable, the Council will have regard to the assessment criteria in FC2.8.i.

**FC2.9.i** Where this section applies, the figures shall be adjusted to reflect annual inflation.

**FC2.9.ii** After 31 December 2001 an allowance shall be made for annual inflation to:

- a) the specified total in Table FC2.3.1
- b) the first \$60,125 exemption set out in FC2.4.iii relating to Table FC2.4.1
- c) the figures in Table FC2.5.1

The required adjustment to the financial contributions or exemption shall be calculated in accordance with the following formula:

$$\text{AFC} = \text{FC} \times (\text{I}/\text{J})$$

Where:

AFC is the additional financial contribution or exemption;

FC is the base financial contribution or exemption under a), b) and/or c) above.

I is the Statistics New Zealand Capital Goods Price Index, Series Reference S2CB, or its replacement index for the December quarter of the year preceding the year in which the calculation is made.

J is the Statistics New Zealand Capital Goods Price Index, Series Reference S2CB, or its replacement index for the December quarter 2001

**FC2.9.iii** In the event that at any time the Statistics New Zealand Capital Goods Price Index, Series Reference S2CB, is discontinued, an equivalent index may be substituted by resolution of the Council for the purposes of this rule.

**Note:** Since the Plan has been notified adjustment has been made in accordance with FC2.9.iii to 31 December 2003.